

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 6 on Tuesday 19th
April, 2016 at 4.45p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of Commercial Development (copy herewith).	
4.	Town and Country Planning Act 1990 – Appeals	62
	Report of the Executive Director of Commercial Development (copy herewith).	

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

11th April, 2016

Item 3

Development Control (City Centre) Sub-Committee

19th April 2016

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Commercial Development for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 15/02557/HY4
Former Vaux Brewery Site Gill Bridge Avenue City Centre Sunderland
2. 16/00405/FU4
Land At Johnson Street Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

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.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of 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 Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows
Executive Director of Commercial Development

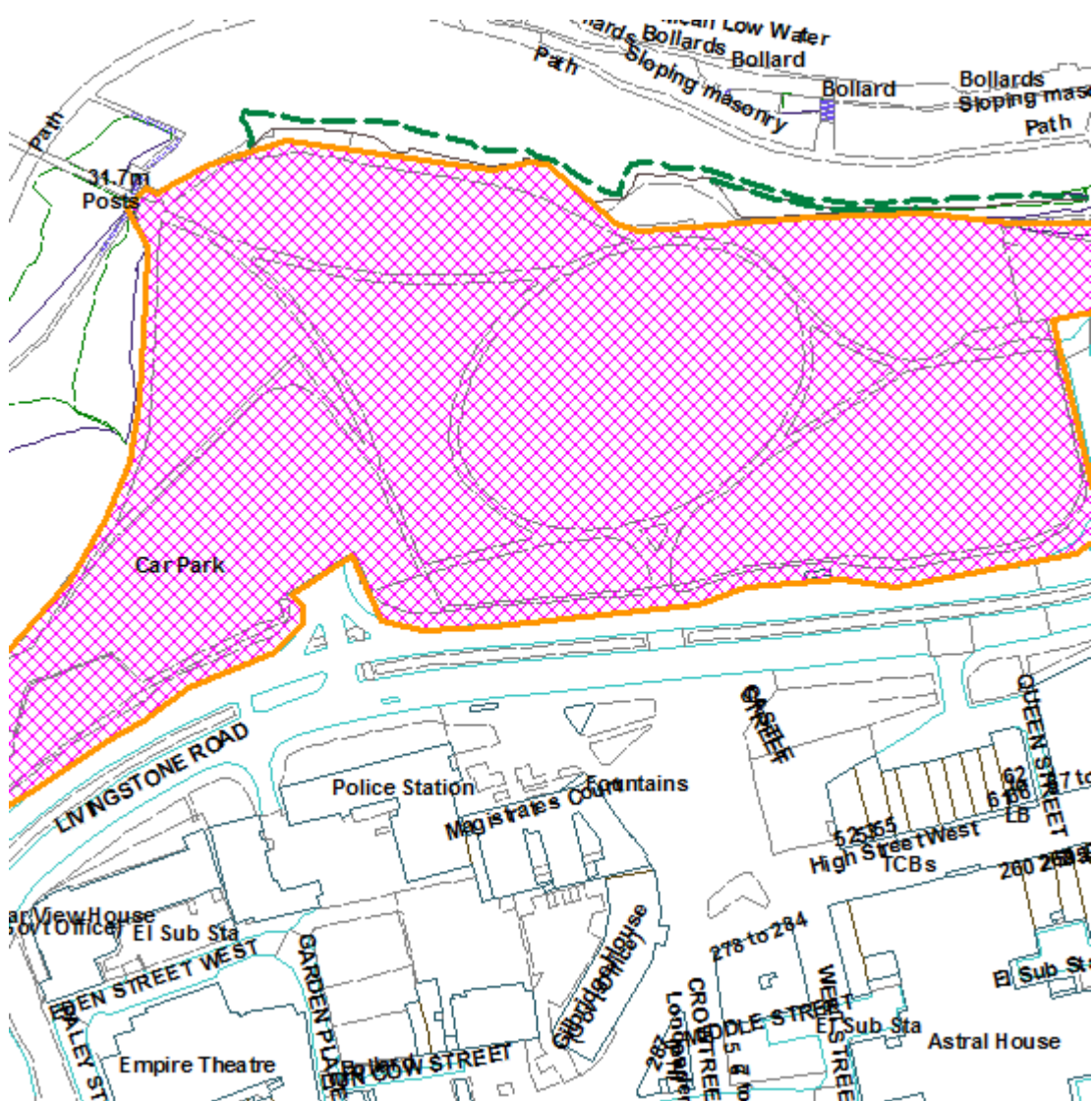
Reference No.: 15/02557/HY4 Hybrid Application Regulation 4

Proposal: **HYBRID APPLICATION:** The development will comprise a first (detailed) phase (7319 sq. m Gross External Area) to include 6319 sq. m (GEA) Office Accommodation (B1) and ground floor uses (1000 sq. m GEA) including leisure (D1, D2), food and drink (A3, A4) and retail uses (A1), stopping up of existing highways and creation of associated infrastructure including internal access roads, landscaping, public realm and the continuation of the Keel Line landscape feature. The application also seeks outline consent for up to 201 residential units, commercial uses including Offices (B1), Hotel (C1), Leisure (D1, D2), Food and Drink (A3, A4) Car Parking (Sui Generis) and Retail (A1) (maximum of 2499 sq. m for retail developments across the entire site) together with associated landscaping, car parking, public realm and creation of extended promontory to support the Keel Line beyond the upper site plateau. All matters apart from access to be reserved in relation to the outline element of the proposals. Stopping up of highway.

Location: Former Vaux Brewery Site Gill Bridge Avenue City Centre Sunderland

Ward: Millfield
Applicant: Siglion
Date Valid: 24 December 2015
Target Date: 24 March 2016

Location Plan



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PROPOSAL:

Proposed Development

This is a Hybrid planning application, in that full planning permission is being sought for a new 6,319 square metre office building (Plot 1) that also provides accommodation for a further 1,000 square metres of ancillary uses consisting of Leisure (Use Class D2), Food & Drink (Use Class A3 & A4) and/ or limited Retail (Use Class D1 & D2). The remaining 18 Plots are reserved for future reserved matters submission, should Members be minded to approve the application.

The detailed elements of the submission also seek approval for the main access into and through the site; as well as the cliff top walkway; extension of the Keel Line up to a proposed promontory (please note the promontory itself is in outline); boulevard, which is another key route through the site and the public realm/ open space to the front of Plot 1. The detailed elements of the submitted plans also highlight an area where a detention basin is to be located i.e. in the north-east corner of

the site. The detention basin is a key element of the masterplan's approach to their sustainable urban drainage strategy.

This Hybrid submission has also been supported by a Masterplanning Framework (MF) and series of Regulatory Plans. The principle behind this is that the (master)-plan is firm on siting, massing and use, but flexible in terms detailed design, materials and architecture. Given the largely outline nature of the submission the MF and Regulatory Plans set out the key commitments that will govern the final design, appearance and layout of the buildings. In the event that the Hybrid application is approved the MF and Regulatory Plans will be conditioned so that the key principles will govern the details of the remaining 18 Plots that will be approved via reserved matters submissions.

The layout of the overall site has been designed to maximise pedestrian and cyclist permeability with a continuous path along the cliff edge and an extension of the Keel Line to connect the site to Keel Square. The Regulatory Plans also designate ground floors of the proposed office buildings for active uses - retail, cafes, bars and restaurants to provide a mix of uses, attract people onto the site and to create vibrant streets.

The application is also seeking permission for the Phase 1 Building in order to set a precedent for future development on the site as well as promoting commercial interest in the site. As part of this initial phase of development the application is also seeking permission to deliver a number of infrastructure works that will include temporary hard and soft landscaping to make the site usable and attract people to it, as well as providing space for pop-up exhibitions and events.

Section 18 of the Application Form refers to Table 1 on Page 6 of the submitted Planning and Heritage Statement. Table 1 details the most likely and maximum floor spaces and it is these that the application is seeking planning permission:-

- B1 Office
Most likely 59376 square metres, which is also the proposed maximum upper limit.
- A3/ A4 Food & Drink
Most likely 3,441 square metres, with a maximum upper limit of 4,000 square metres.
- A1 Retail
Most likely 2,499 square metres, which is also the proposed maximum upper limit.
- C3 Residential
Most likely 27,013 square metres, which is also the proposed maximum upper limit.
Please note this is defined as "up to" 201 units in the application description.
- D1/ D2 Exhibition Centre/ Office
Most likely 5,260 square metres, with a maximum upper limit of 6,000 square metres.
- C1 Hotel
Most likely 2,460 square metres, with a maximum upper limit of 4,000 square metres.
- Parking
Multi-storey car park - most likely 10,142 square metres, which is also the proposed maximum upper limit.
Undercroft parking - most likely 2,077 square metres, which is also the proposed maximum upper limit.
This is intended to provide for a total of 452 spaces.

In total therefore the development areas for the 'most likely scenario' equates to 112,268 square metres, with a maximum upper limit of 115,107 square metres.

Application Site

The site is the former Vaux Brewery and encompasses 5.81 hectares of brownfield land. The site is located to the north of St. Mary's Boulevard and is bounded by the River Wear to the north, St. Mary's multi-storey car park to the east, with the Riverside Park to the west. The Bridges shopping centre is located to the south, along with the City Centre's residential tower blocks. The site is largely unoccupied following the demolition and clearance of the former Vaux Brewery buildings, although a surface car park is presently on-site and operational.

The planning submission has been supported by the following documents:-

- o Masterplanning Framework and Regulatory Plans
- o Landscaping Plans
- o Archaeological Assessment
- o Design Access and Access Statement
- o Drainage Strategy
- o Economic Benefits Statement
- o Ecological Survey
- o Flood Risk, Drainage and Utilities Report
- o Geotechnical Reports
- o Habitat Regulations Assessment and Screening Report
- o Noise Assessment
- o Plans
- o Statement of Community Involvement
- o Transport Statement
- o Travel Plan Framework

Amended Site Area

Members should note that the Applicant has reduced the size of the site in the north-eastern corner following clarification from Network Rail of the extent of their land ownership in the area. The slight reduction in the site area does not alter the proposed development and ensures that it does not enclose land that will not be ultimately controlled by the Applicant. This approach to amending the planning application is considered to be valid and it does not impact on land required for the development. The planning application fee remains unaltered by the reduction in the red line boundary and as such, the amendment is not in contravention of the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits)(England)(Amendment) Regulations 2014.

Environmental Impact Assessment

In August 2015 the development proposal was screened to determine whether the planning submission should be informed by an Environmental Impact Assessment (EIA). In assessing this Schedule 2 development due regard was given to Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (as amended) 2011. It was considered that within the context of the 2011 Regulations the proposed development did not require the submission of an EIA; please see the Screening Request and Opinion via reference 15/01301/SCR for further information in this regard.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Nexus
Network Rail
Tyne And Wear Archaeology Officer
Southern Area Command - Police
Business Investment
Network Management
Environmental Health
Environment Agency
Millfield - Ward Councillor Consultation
English Heritage
Fire Prevention Officer
NE Ambulance Service NHS Trust
Flood And Coastal Group Engineer
Director Of Childrens Services
The Highways Agency
Northumbrian Water
Natural England
Northern Electric
Marine Management Organisation

Final Date for Receipt of Representations: **01.02.2016**

REPRESENTATIONS:

Public Consultation

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order (2010 & 2015), that is, by:

- Site Notice
- Press Notice and
- Neighbour Notification Letters

In total 3 letters of representation were received following the extensive public consultation process. These representations are summarised below. Members should note that the original copies of the representations are available to view via the planning application portal on the Council's website.

o Letter 1

One letter of support was received for the scheme but which also included various observations on what the writer thinks the scheme should seek to realise. The letter welcomed the development and requested that building heights should provide a wow factor and the materials

used should be of the highest quality. The representation not only welcomed the proposed housing but also suggested that more should be introduced into the scheme. The letter discussed adjacent areas to the application site and asked why these were not being improved or others pulled down. The representation also expressed the view that the junction at Wearmouth Bridge should be converted from a roundabout to signal crossing. Lastly, noting that leisure activities are proposed on the site, comments were also made about the loss of the ice rink and leisure pool at Crowtree and requested that these be brought back.

o Letter 2

Another representation was received which provided substantive comments to the proposal. The letter noted that the layout of the Masterplan offers a potentially positive contribution to the City Centre, creating a distinctive identity with new urban streets having continuous building lines forming a grid of urban boulevards interspersed with public spaces and iconic buildings at strategic points.

The representation however also expressed concern that there did not appear to be much in terms of an evidence-based assessment of the actual demand for the development envisaged and as such, doubts were raised over the ultimate viability of the overall submission. The letter drew attention to the increase in proposed office space from that proposed by the approved ARC Masterplan (47,000 square metres) and the fact that the Council is to take the head lease on Plot 1, which was highlighted as further implying the lack of demand. It drew attention to competition presented by other Northern cities, citing York with its City Centre Enterprise Zone, as illustrating the potential difficulties faced in realising the office development at the Vaux site.

Similar demand concerns were raised in respect of the Hotel use and cited the failure of the City in attracting a 4 or 5 star hotel over the past 40 years. The letter also noted the various completed and emerging hotel proposals within the City and therefore, similar to the amount of office development proposed, the Hotel use element of the proposal appeared aspirational rather than based on any realistic assessment of potential demand. The letter raised the same issue with the Exhibition Centre/ Office Space element and considered this to be aspirational rather than realistic.

The letter asserted that although the scheme is physically attractive it is built on very poor foundations regarding its feasibility, casting doubt on the overall viability of the Masterplan. For this reason the letter considered that the site should be phased in such a way that does not prejudice the opportunity afforded by the overall site for other suitable uses, such as comparison shopping facilities. The letter considers that the loss of the Holmeside Triangle site to a college use means that the Vaux site is the only other major site available for such uses. The letter therefore concludes by asserting that a more flexible approach needs to be taken toward the phasing of the development of the site overall, particularly the location of the initial phases, so as to not prejudice the potential of the site to accommodate other uses should the need and demand arise.

Positive comments were made in respect of the Plot 1 building, although concerns were expressed about positioning the first phase centrally within the site and suggested that a location next to Keel Square or a site at the western end, near to Galley's Gill, would be more appropriate and leave the majority of the site unconstrained.

Concerns were expressed in respect of the archaeological aspect of the submission in that it considers that given previous searches/ assessments no further reports are required. However, the writer highlighted the fact that there is a part of the site that has not been subject to any

archaeological investigation. The letter therefore considers it entirely appropriate for the Council to condition the approval of archaeological investigation.

o Letter 3 - Sunderland Civic Society

The letter confirmed that there are no objections to the design of the overall layout of the site covered by the outline submission. However, similar to the contents of Letter 2, comments were made in respect of the viability of the amount of office development proposed, citing vacant office buildings nearby, that Hays Travel are the only likely conceivable candidates, whilst the Software Centre is only now approaching 50% occupancy.

Again, similar to Letter 2, comments were made in respect of the need to build flexibility into the proposals should it become evident that in the early years the attraction of offices becomes unviable. This comment is predicated on the basis that, with the loss of the Holmeside Triangle site and "the proposed under-development of the Leisure Centre Site" there would be no scope for the construction of a shopping development to meet the demand for floorspace considered likely in the Council's emerging Local Plan.

The letter also considers that the Exhibition/ Office floorspace should be more modest in scale and located in the Music, Arts and Cultural (MAC) area of influence i.e. near to the former Police Station. Questions were also raised over the demand for a Hotel and in order to avoid prejudicing the ability for the site to accommodate alternative large scale uses, the initial Phase 1 (Plot 1) office block should be moved to the west of the site, thus providing a high standard Gateway Feature. The letter also considers that any significant retail development should be located on the eastern car park to integrate with the redeveloped High Street West.

Lastly, the letter also had sight of Letter 3 and endorsed the sentiments and comments expressed, in particular the need for in-depth archaeological examination around the northernmost end of the Keel Line.

Summary of representations:-

The positive comments are noted in respect of the development proposal. The applicant has submitted a development proposal that accords with the City Council's vision for the Vaux site as a premium employment location for B1 Office use, as will be discussed in the Land-use and Policy considerations section. Moreover, the submission is a result of an extensive Masterplanning exercise that will be discussed in more detail in the design considerations section of this report. Regarding the archaeology comments have been received from the County Archaeologist requesting a suite of archaeological conditions be imposed, please see the consultation response section below. The other observations for sites outside of the site are not relevant to this planning application, whilst colleagues in Streetscene have considered the scheme in respect of the highway network; please see the highway considerations section below.

o Letter 4 - Tyne and Wear Joint Local Access Forum (JLAF)

A representation was received from the JLAF, a local forum primarily concerned with non-motorised access to the countryside and green space generally. The representation queried non-motor access down to Riverside Park, whilst also seeking clarification over whether there was a non-motor access to the north-west, as appeared to be the case on the submitted plans.

In terms of access down to Riverside Park the proposed promontory, which represents the culmination of the Keel Line, could potentially incorporate pedestrian access down to the Park, however, this will be subject to detailed designs. There are also pedestrian steps at various points from the site to the Park and the two at the west of the site will be improved and the overgrown vegetation cleared. The Applicant has offered a financial contribution in respect of these works; please see the later Section 106 considerations section of this report for further detail.

It should also be noted that there is already a footway down from the upper level of the Park, adjacent to the western boundary of the Vaux site, to the riverside and as such provides access for those who may have difficulty using the existing steps. In terms of the query over a potential non-motor access to the north-west the proposed pedestrianised cliff top walkway connects into the pedestrian Gill Bridge.

The Agent has also confirmed that an Access Audit has been commissioned by the Applicant in order to ensure an inclusive design in the detailed designs of the development. The audit will balance inclusive design with competing demands of preserving security and fire safety in a practicable and aesthetically pleasing way. Pedestrian movement, transport connections, parking, cycle routes, streetscape and landscaping are typical considerations in developing this approach. It is therefore considered that given the largely outline nature of the submission this detail can be reasonably managed via the hard and soft landscaping conditions, should Members be minded to approve the development.

Highways England (HE)

The consultation response from HE stated that having considered the supporting documentation they do not wish to offer any objection to the proposals, as it would not result in a material impact on the Strategic Road Network.

County Archaeologist (CA)

The CA response noted that the application site has been suggested as a possible location of a Roman Fort. However, the CA also drew attention to the fact that an archaeological desk based assessment, undertaken by the Tyne and Wear Museums in 1999, concluded that the evidence for the Roman Fort is mostly anecdotal. The various reports of potential Roman finds have never been substantiated.

The CA has highlighted the possibility that Early Medieval archaeology could be encountered on the site, as Bishopwearmouth is first mentioned in documentary sources in 930 AD. In the medieval period, Bishopwearmouth was a thriving village and the western part of the application site lay within the Rector's Park. Furthermore, according to local tradition the remains of a Viking boat were found in Galley Gill when Lambton Staiths were constructed in the 19th century.

A supplementary desk based assessment was produced in 2003 by CgMs Consulting and preliminary archaeological trial trenching took place on the site in December 2003 and August 2004 (Pre-Construct Archaeology). Prehistoric remains were recorded during the evaluation. The site was possibly in use from the Mesolithic period (10,000 to 4,000 BC) through to the early Iron Age (800 to 300 BC). The form and dimensions of some of the features, particularly a large ditch at least 6.80m wide with an associated bank, along with the relatively large quantity of Middle Bronze Age pottery, suggests the site may have been the location of an important long-lived settlement during the 2nd millennium BC through to the early Iron Age.

In 2014 Archaeological Services Durham University monitored the road works at St. Mary's Way. The terminus of a curved gully (0.3m wide and 0.1m deep) was recorded at the junction of

Livingstone Road and St. Mary's Way and although this feature cannot be dated, due to the fact that no material suitable for radiocarbon dating was present, the CA suggests that it could be prehistoric. Two medieval or post medieval furrows were also recorded at the east end of Livingstone Road and a shard of Roman mortarium (mixing bowl) was recovered at the west end of St Mary's Way.

Given the archaeological potential of the site the CA has noted that the application's Heritage Statement (page 41) states that 'an Archaeological Watching Brief will be prepared before the commencement of the development and the excavation of the prehistoric remains on the site will be monitored during the excavations for foundations'. However, the CA has requested that a full archaeological excavation is required and provided conditions pertaining to excavation, recording and the publication of findings of the archaeological work.

The CA has accepted that if absolutely necessary the initial detailed phase of development could be archaeologically excavated first, so long as no ground disturbance, including site preparation work and utilities) takes place in the rest of the site i.e. the outline portions of the site, until after the rest of the archaeological excavation across the wider site is finished. This is due to the CA's view that individual archaeological excavations of each plot would lead to a disjointed approach that would make it difficult to record, interpret and understand any finds.

Marine Management Organisation (MMO)

The MMO has highlighted that the works may require a Marine License under the Marine and Coastal Access Act 2009. As such the applicant will need to contact the MMO's Marine Consents team to discuss the proposals and enquire if a Marine License is required. In their consultation response the details of the Marine Consents team were provided and if Members are minded to approve this could be provided by way of an informative on the decision notice.

Northumbria Water (NW)

In making their response NW assessed the impact of the proposed development on their assets and capacity within their network to accommodate and treat the anticipated flows arising from the development. Effectively NW confirmed that they have no issues to raise provided, as stated in the submitted "Drainage Strategy", the estimated foul flows of 30litres/ second will discharge to the existing 1200mm diameter combined sewer at manhole 2203. NW further noted that the submitted Drainage Strategy states that surface water will discharge to the existing surface water sewer at manhole 53030 at a restricted discharge rate of 250 litres/ second. Consequently, should Members be minded to approve, it is recommended that conditions be placed on the decision notice requiring the development to be built in accordance with the proposed Drainage Strategy, namely the above foul and surface water discharges.

Environment Agency (EA)

In responding to the consultation request the EA highlight that in so far as it relates to land contamination, they have only considered issues relating to controlled waters. The EA have confirmed that planning permission could be granted subject to the imposition of their standard conditions requiring site investigation, remediation statement and verification. The reason for this is because the site is overlying the Magnesian Limestone Principal Aquifer, which is considered to be a sensitive receptor that could be affected by any land contamination that may be present at the site. Their suggested conditions have been recommended as the EA are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

The EA have also drawn attention to the fact that the applicant has provided copies of various geotechnical and geoenvironmental assessments. The Phase I Geotechnical & Geoenvironmental Assessment report identifies the potential for contamination to be present at the development site as a result of previous land uses including a brewery, timber yard, iron foundry and metal salvage yard, which may pose an unacceptable risk to controlled water receptors. The Phase I Geotechnical & Geoenvironmental Assessment recommends that further site investigation works are undertaken to assess and address any potential pollution risks. Consequently, the EA considers that these reports cover the preliminary risk assessment element of land contamination investigations and as such, is only requesting site investigation, remediation statement and verification.

Nexus

Nexus have no adverse comments to make about the application and are generally supportive of a scheme as it will provide an economic and social advantage to Sunderland City Centre. Nexus consider the existing bus stops and services along St Mary's Boulevard to be of a good quality. Nexus also noted that there is good access to the Metro and rail services from the development site, as well as the numerous bus stops and services at Fawcett Street and John Street.

Nexus also expressed the view that the impact on the local road network from the proposed development will not be significant with regard to the transit times of buses along St Mary's Boulevard, as the main junction into the development is already constructed and light controlled. They also considered that the plan to direct traffic from the St Mary's car park through the development to the main junction should alleviate some of the current pressure on the congested Bridge Street roundabout.

Natural England

There were no objections or comments made towards the scheme, although Natural England highlighted the requirement of the Council, as the competent authority, to consider the implications of the Habitat Regulations. This aspect of the development proposal will be considered in the ecological considerations section of this report.

Network Rail

In Network Rail's view given the size and proximity of the development to the railway they consider that there may be impacts on Sunderland railway station and have therefore suggested that a contribution be sought from the developer towards station facility improvements. In terms of the consideration of this request this will be discussed in further detail in the Section 106 section of this report.

Network Rail confirmed that they have no objection in principle to the development. However, in view of the operating Metro/ Railway line and associated infrastructure abutting the site, any potential impacts arising from the development should be satisfactorily accounted for and managed in the construction of the development. To summarise, Network Rail have asked for issues covering drainage, boundary fencing, method statements, soundproofing, lighting and landscaping to be conditioned, should Members be minded to approve the development. The conditions will, in part, ensure safety and the operational needs and integrity of the railway. Network Rail also requested that their other comments and observations i.e. in respect of access rights, cranes etc. are covered via informatives on the decision notice.

COMMENTS:

The key planning issues to consider in relation to this application are:

1. Land-use and Policy considerations
2. Highway engineering considerations
3. Habitat Regulations & Ecology considerations
4. Heritage and design considerations
5. Health Issues (Noise, Air Quality and Vibration)
6. Flood Risk considerations
7. Section 106 Planning Obligations
8. Duration of Planning Permission

1. Land-use and Policy considerations

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. In the case of Sunderland this is the Unitary Development Plan (UDP) and responding to changes in circumstance, development pressures and national policy, the Council adopted Alteration No. 2 to the UDP in 2007. Alteration No. 2 covers the Central Area of the City and is the land-use plan that covers this particular application site.

Nevertheless, since the publication of the National Planning Policy Framework (NPPF) (27 March 2012) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's UDP and its Alteration No. 2, (although the latter was adopted in 2007 it is an alteration to the UDP and is therefore rooted in this plan-making context), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that policy.

The importance of the NPPF in decision-making is highlighted by Paragraphs 214 and 215 of that document. Paragraph 214 states that for 12 months from the day of the NPPF's publication decision-takers were able to give full weight to relevant policies of their development plan where they had been adopted prior to 2004. However, Paragraph 215 confirms that following this 12-month grace period the level of weight that can then be given to these local planning policies will depend on their degree of consistency with the NPPF i.e. in essence, the closer the UDP policy is to the NPPF then the greater weight that may be given to that policy.

Consequently, given the significant weight that must be given to the NPPF it is important to note its overarching decision making context, as stated via Paragraphs 7 and 8, is that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously.

Under the heading of "...the presumption in favour of sustainable development", Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making". Paragraph 12 states that:

"...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

Paragraph 14, which sets out the presumption in favour of sustainable development in more detail, states that for decision-taking this means, unless material considerations indicate otherwise:

- o approving development proposals that accord with the development plan without delay; and
- o where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted.

Paragraphs 186 and 187 require local planning authorities to approach decision-taking in a positive way. In particular, Paragraph 187 requires that "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible" by working with applicants to "secure developments that improve the economic, social and environmental conditions of the area".

Before moving onto the detailed consideration of the proposal it is important to consider what constitutes the phrase "in accordance with the development plan". A key High Court Judgement on this matter was R v Rochdale Metropolitan Borough Council ex parte Milne. Within the context of Section 54A of the Town and Country Planning Act 1990 Mr Justice Sullivan, in his judgement of 31 July 2000, concluded as follows:-

"I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be "in accordance with the plan"

"For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein."

This established legal principle subsequently appears in the NPPF via Paragraph 6, wherein it states that "the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system".

Land-use allocation

In land-use policy terms the site is allocated in Alteration No. 2 via Policy SA55A.2. This policy allocates the former Vaux site, along with Galleys Gill and Farringdon Row, as a residential and employment-led mixed-use development site. The policy also details acceptable supporting uses, all of which are being actively sought via this planning submission, although it is noted that the D1 (Exhibition Centre) is not one of those uses stated. Nevertheless, it is also noted that Section 18 of the Application Form and Table 1 of the Planning & Heritage Statement both state that the D1 use is aligned with the D2 (Assembly and Leisure) & B1 (Office) use identified for the Plot 12 building, both of which are acceptable and required uses respectively.

In addition, the Plot 12 building is one of the two landmark buildings identified in the Regulatory Plans and the one which has been identified as a potential exemplar building that could be subject to a future design competition. This plot sits at a key gateway to the site, where the Keel Line meets St Mary's Boulevard, and as such, is a location where an Exhibition Centre could enliven the overall development and enhance its City Centre location. It is also noted that Policy SA55A.2 caveats that where schemes propose uses that are not one of the acceptable uses stated then they will be considered on their individual merit having regard to other policies in the UDP. In this regard a D1 Exhibition use is considered complementary to and compatible with the mix of uses being proposed, while there are not considered to be any UDP policies that preclude this form of development at the site.

The policy also considers the site to be a premium employment location for business development and is said to fulfil all the key criteria of a B1 business location. An office-led development has therefore been recognised by this allocating land-use policy as being one that could make a significant contribution to "building" an office market in the City Centre. The supporting commentary to Policy SA55A.2 highlights that the site provides a unique opportunity to connect the City Centre with the river and in this regard the extension to the Keel Line and promontory are key features of the Masterplan.

In terms of the next iteration of the local plan i.e. the Sunderland Local Plan: Core Strategy, the current Consultation Draft (2013) carries on this established policy principle for economic growth by identifying the Vaux site as a key opportunity for delivering a mix of office and residential spaces. Paragraph 56 of this emerging Local Plan identifies the regeneration of the City Centre as a key priority for the City. A new office quarter combined with residential development is therefore identified as being a key component of the emerging Core Strategy. This is supported by emerging Core Strategy Policies CS2 (Key Regeneration sites) and CS3.2 (Economic Prosperity).

Furthermore, the redevelopment of the Vaux site and the creation of a new Central Business District is a key component of the Council's Economic Masterplan. The Economic Masterplan notes that the City Centre has suffered both from the new employment developing almost exclusively on out-of town sites and from depressed economic activity in the City following the rundown of the city's traditional industries. Only 16.6% of the district's employment is located in the City Centre compared with 33% in Newcastle, which means less spending power 'on the doorstep'. As such, the fact that the proposed scheme could potentially add some 2,000 office jobs and 400 ancillary jobs in the City Centre is therefore welcomed.

In addition, the North East Strategic Economic Plan (2014) states that in order to maximise growth in the North East's economy, there is a need to focus appropriate enabling investment towards key employment locations including the urban core of Sunderland. More recently the Council's "3,6,9, Vision" document, which sets out the transformations that are needed for the regeneration of the City, highlights the importance of the redevelopment of the Vaux site to the long-term success of the City.

Given the above and responding to those representations received querying the quantum of office development the Applicant's Planning Agent confirmed that delivering an employment-led, mixed-use development has always been the central focus since Carillion-igloo were bidding to be the joint venture partner for the Local Asset Backed Vehicle (LABV). Subsequent to their success in the bidding process and following the formation of Siglion, this key objective has continued throughout the evolution of their development proposals. Key to their approach has been to seek advice from Knight Frank (Real Estate and Development specialists) and Creative Space Management (who operate the Toffee Factory and Core in Newcastle).

In addition to this advice on market strength, the other driver for the proposed quantum of development has been to consider the scale and massing of development that the Applicant's architects and urban designers consider appropriate. The development team has also considered the nature of the site and locations appropriate for employment, leisure, retail and residential uses, such as focusing the commercial uses closest to the City Centre and the residential at the quieter part of the site away from the road noise associated with St Mary's Boulevard. The Agent has confirmed that this approach has generated a maximum and likely floor area breakdown set out in Section 18 of the Application Form and Table 1 of the Planning & Heritage Statement.

The Agent has also asserted that whilst the development proposal incorporates greater levels of commercial floorspace than the ARC Masterplan, the inherent flexibility offered by the Masterplan is best placed to realise the potential of the site and to drive forward the economy of the City Centre. The Agent has confirmed that in this sense, the scheme is aspirational, however, given the phased nature of the site and the long-life permission sought by this consent means that the Masterplan can be developed out at a pace that meets market demand without developing space unnecessarily and significantly in advance of take-up. The fact that reserved matters applications can be submitted and dealt with within a well-structured and positive set of design coding guidance enables the site and premises to be brought to the market in a prompt manner. The Agent argues that had the applicant simply applied for consent for the first (funded) building the potential to grasp any dynamic opportunities that arise whilst also achieving a co-ordinated and integrated development would be lost.

Housing

The UDP Alteration No. 2 highlights that the site had a potential capacity to accommodate up to 1000 residential units. However it has been necessary to recalculate the potential capacity of some major brownfield sites in Central Sunderland, notably Vaux, to better reflect the changing housing market. Subsequently, the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA) indicated that the site has a potential capacity for 300 dwellings. This represents a move away from the apartment-orientated approach for the site that features in the UDP Alteration. The current application proposes some 200 dwellings. Whilst this is below the capacity suggested in the SHLAA it is not considered a significant adverse factor to this proposal.

Town Centre uses

Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test (Paragraph 24) or is likely to have significant adverse impact on the town centre, as defined Paragraph 26, it should be refused.

In light of Paragraph 27 it is noted that the development proposal incorporates Main town centre uses, as defined by Annex 2 of the NPPF. However as the application site is located within the City Centre boundary, as defined by Alteration No. 2, a sequential test is not applicable to the development proposal by virtue of Paragraph 24 of the NPPF.

Regarding whether the proposal requires an impact assessment (Paragraph 26) it is also noted that the proposed development involves retail, leisure and office development. Due regard is therefore given to the fact that the site lies outside of the Retail Core Boundary, as defined by policy S2A of Alteration No. 2 and as such, careful consideration has been given to the proposed retail element.

Nevertheless, Table 1 of the Planning and Heritage Statement clarifies that the upper limits in terms of retail floor space will be a maximum of 2,499 square metres, which is below the NPPF's default threshold of 2,500 square metres, whilst there is no adopted locally set floorspace threshold. Furthermore, the main land use associated with the site, Policy SA55A.2, states that A1 Retail is one of the accepted uses, subject to it being of an ancillary scale and function to the required uses i.e. B1 Business and C3 Housing. In this respect these two uses are by far the most dominant uses proposed by the development. Accordingly, it is not considered that an impact assessment is required in this instance.

It is therefore considered that in terms of the most up-to-date development management tests, as defined by Paragraphs 24 and 26 of the NPPF, the proposal is considered acceptable and in accordance with Paragraph 27.

Conclusion

The development proposal delivers a Comprehensive development site (Policy EC5A), one which is allocated for prescribed land uses via Policy SA55A.2. This employment and residential led mixed-use development is also supported by a range of required uses, in particular, ancillary A1 Retail, A3 Restaurants and cafes, A4 Drinking establishments, D2 Assembly and Leisure and C1 Hotels, all of which are in accordance with Policy SA55A.2. The policy also recognises the fact that the site occupies a principal gateway location immediately adjacent to the Wearmouth Bridge and strategic road network and as such has good accessibility and public transportation links.

The development proposal represents a full master plan for the whole site and establishes firm principles guiding the development of the site over the next 20 years. In terms of land-use considerations the masterplanning exercise has led to a development proposal that is considered to accord with the main land use policy associated with the site. It will help to realise the regeneration of this key brownfield site by bringing it back into active use and offering significant economic benefits to the City.

The following sections consider what are considered to be the key material considerations. Following this the report will then ultimately conclude that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed as a whole, while succinctly explaining to Members that there no specific local and national planning policies that indicate that development should be restricted.

2. Highway engineering considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists. Proposals should not cause traffic congestion or highway safety problems and they should make appropriate safe provision for access and egress. Policies T8 and T9 seek to improve facilities for pedestrians and cyclists respectively.

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movement should be supported by a Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In terms of considering this planning application, along with the principle of development, it is the means of access that the applicant has applied to be determined at this stage. All other matters of detail in the outline phases of the site are reserved for approval at a later date. A Transport Assessment has been submitted in support of the planning application.

Transport Assessment

This hybrid planning application has been supported by a Transport Statement and associated highway layout drawings to assess the highway and traffic implications associated with this mixed-use development proposal. The detailed element of the submission includes Plot 1, which is the first phase of office accommodation with ancillary retail/ leisure uses, and seeks approval of arrangements for highway access.

Traffic Impact/ Traffic Generation

The proposal has been reviewed within a Transport Statement submitted by the applicant and takes into consideration transport assessment work and vehicle trip generation predictions used for the design of St Mary's Boulevard. The junctions currently serving as access to the temporary Livingstone Road car park and Cumberland Street have been reviewed and it has been demonstrated that the highway access can readily accommodate traffic flows associated with the full redevelopment of this site.

Highway Access

The scheme for St Mary's Boulevard delivered as the first phase of the Sunderland Strategic Transport Corridor involved the realignment of Livingstone Road/ St Mary's Way. The scheme to improve traffic flow along with junction improvements also included provision of new crossing facilities and improved pedestrian/ cycling routes, and new bus stop locations. Located within the City Centre, the site is within accessible walking distance of St Peter's Metro station and Sunderland Central station.

- Livingstone Road Car Park Access (Western Access)

There are two points of highway access to the proposed development site. The first is the access serving Livingstone Road car park constructed as part of the St Mary's Boulevard scheme. This access has been designed to provide capacity for all traffic movements with outward flow controlled by traffic signals with a two-lane right turn. This highway arrangement will need to be retained and, in the event that Members are minded to approve, colleagues in Streetscene have requested that a planning condition be imposed requiring detailed drawings to be submitted showing the proposed changes to the western highway access arrangement with St Mary's Boulevard. The drawings will need to demonstrate how the proposed access changes will enable the car park to remain in use as a public pay and display car park, as well as being able to be utilised for parking for Plot 1 and initial development plots. The detailed drawings will be required to show highway treatment and road-markings at the tie-in with the new internal access road.

- Cumberland Street Access (Eastern Access)

The current junction arrangement between Cumberland Street and St Mary's Boulevard is to remain, with a left turn only exit towards the Bridge Street roundabout junction.

The proposal includes a new connection with Cumberland Street adjacent to St Mary's car park. The new road alignment facilitates a connection with Cumberland Street and provides a route through the development site. The road layout is designed to accommodate access to development plots and is intentionally not laid out as a direct route to deter potential rat-running.

Based on the phased redevelopment of the site, this connection is unlikely to be available until the delivery of plots 13 to 18, which are located to the east of the site.

This second access with Cumberland Street is designed to enable the option of a right-turn from St Mary's car park via the internal access road through the Vaux site. A yellow box junction marking is proposed at the junction with Cumberland Street to keep this location free of queuing traffic and help control space to accommodate turning movements.

Alterations to the existing highway will be subject to a Section 278 Highways agreement with the Council, as the Local Highway Authority, with any alterations to parking/ loading restrictions dealt with via a Traffic Regulation Order.

Nevertheless, in the event that Members are minded to approve, a planning condition should be imposed to ensure the connection with Cumberland Street is opened to traffic and made available as public highway. Colleagues in Streetscene have advised that this condition should be linked with the completion and occupancy of the future development of Plots 13 to 18, thereby ensuring the development will be served by an appropriate level of highway infrastructure.

Parking

The site is located within the boundary of the Sunderland City Centre Controlled Parking Zone. The enforcement of parking will need to apply to the proposed road space intended as public highway, thereby ensuring an appropriate level of management for any unauthorised parking. Later development plots are intended to be served by privately managed access roads.

The level of car parking provision required for Plot 1 equates to 114 spaces. Colleagues in Streetscene have supplied the applicant with information on the occupancy of St Mary's Multi-Storey Car Park to establish the availability of car parking to serve the development. Generally 100% occupancy is only ever achieved at St Mary's during peak demand hours on a Saturday. On this basis the use of the existing parking facilities is considered appropriate for the early redevelopment of the Vaux site. Furthermore, Livingstone Car Park is to be retained for use as a Council controlled public pay and display car park, and coach parking facility until Plots 4, 5 and 6 are brought forward. Therefore, for the early phases of the redevelopment of the site, parking will be reliant on both St Mary's MSCP and Livingstone Road.

In terms of the future phases, the planning submission has identified a Multi-storey car park (Plot 4) and under-croft parking (Plots 13-15 and 17-18). Colleagues in Streetscene have advised that the proposed Multi-Storey car park could be managed as a pay and display car park by the Council as part of the Sunderland City Centre Controlled Parking Zone.

Streetscene also observed that the proposed access road will remove coach parking spaces within Livingstone Road car park currently used for events in the City Centre and that no alternative provision has been proposed as part of this development. Responding to this observation the Agent has highlighted the fact that UDP Alteration Number 2 (Policy SA55.2) does not require the incorporation of coach parking on the site. Furthermore, and although it is not Applicant's intention to incorporate any coach parking, they do understand the role that this currently plays and are willing to work with partners to ensure that in the part-developed state, the existing surface car park can accommodate this where possible. In addition, in terms of the final-developed state, laybys are to be provided and a strategy for drop-off/ pick up of coach parties could be discussed at the appropriate time.

Internal Layout and Highway Specification

The new internal road layout includes a mix of adoptable public highway and private access only. The areas of public highway will be subject to a Section 38 Highways agreement with the Council, as the Local Highway Authority. Discussions have taken place between the applicant and colleagues in Streetscene regarding surface finish treatments, with finished construction details to be agreed through the highway adoption process. Arrangements for the future maintenance of public highway, public realm, landscaping, street lighting and street furniture will need to be agreed prior to adoption.

It is noted that the internal junctions have been designed and checked to ensure they can accommodate two-way traffic flows for emergency services and standard refuse collection vehicles.

Highway Drainage

No new road gullies are proposed as part of the scheme. The internal road layout is designed to drain to falls with highway drainage accommodated within swales located within proposed highway verge. Arrangements for adoption and future maintenance of the proposed swales will need to be agreed as a commuted sum payment as part of the Section 38 highways submission.

Pedestrian/ Cyclists

The site is located in close proximity to the City Centre with a number of pedestrian/ cycle crossing facilities incorporated with the St Mary's Boulevard scheme. This route should be provided at a width of 3m minimum to accommodate both pedestrian and cycle use and connect to the east with Cumberland Street. However, details of the hard paved space should be provided to identify edge protection provision and boundary features to ensure a clear width of 3 metres is provided.

During pre-application discussions, the applicant was advised that this site caters for high volumes of pedestrian movements during home match-days for SAFC and events held at the Stadium of Light. As well as providing public realm improvements and extending the Keel Line, the site has been designed to cater for these routes through the development along with the retention of the cliff top public footpath.

Cycle parking facilities are to be provided for plot 1 to accommodate 12 cycle spaces. Further provision to be considered and agreed on a plot by plot basis, with communal cycle storage facilities located ideally adjacent public realm space. To encourage cycling and sustainable travel a high level of secure cycle parking provision is recommended with a maximum of 10% provided for the whole site. In the event that Members are minded to approve the application this can be controlled going forward into the reserved matters stages via the imposition of a planning condition.

Public Transport

A number of City Centre bound bus services use west and eastbound stopping points provided along St Marys Boulevard. Service 700 stops at the new eastbound bus stop adjacent the Keel Line to the front of plots 13 and 14. New bus stop infrastructure has recently been provided as part of the St Mary's Boulevard scheme. It is noted that Nexus have commented on the application and are generally supportive of the proposals. The site is also accessible by rail and is within walking distance of St Peter's Metro Station and Sunderland Central.

It is also noted that Network Rail has commented on the application and has no objection to the proposals. The comments include a request for potential S106 contributions to the redevelopment of Sunderland Central station. Given that the proposed uses within the development, and that it is located approximately 600metres walking distance from both St Peters Metro and Sunderland Central increased use of rail is expected. However, any significant increase in passenger use as a direct result of the development would need to be justified to allow consideration of a request for S106 contribution. Network Rail has provided no detailed justification and it is also noted that Nexus, who manage and supervise the Tyne & Wear Metro, as well as bus services, have not requested any financial obligation in respect of public transport.

Furthermore, the Applicant's Agent has also responded to Network Rail's request by first of all questioning its necessity by asserting that while there will be additional passengers using the rail network, the majority of passengers will likely be accessing the site using the Tyne and Wear

Metro System. Again in this respect Nexus have not requested a financial obligation. Furthermore, the Applicant, via the Agent, would also contend that in general terms, increased numbers of passengers should result in an increase in received fares and therefore (indirectly) revenue for Network Rail to carry out on-going maintenance work to the station.

In terms of being directly related to the development, the Agent draws attention to the fact that the Vaux site is only one of a number of development projects that are being promoted, whilst there are other (non-development) initiatives such as the Business Improvement District that will improve the City centre, encourage more visitors etc. Consequently, it would therefore be difficult to monitor the increase in passengers that actually occurs when other initiatives are taking place. Moreover, with the likelihood of diverted and linked trips it would be contended that that the actual increase in new passenger numbers would be an insignificant percentage.

Lastly, the Applicant, via the Agent, considers that given the lack of information on proposed costs, and the lack of data on the impacts of other developments, it is not considered possible to establish whether such a request is fairly and reasonably related in scale and kind to the proposed development. Notwithstanding this, the Applicant, via the Agent, has stated that as a long term and active partner within the City they are more than willing to work with Network Rail, Nexus and the Rail Operators in any on-going review of public transport facilities to meet the aspirations of the City as a whole.

Framework Travel Plan

The submission is accompanied by a Framework Travel Plan. This should be developed in accordance with good practice guidelines to ensure measurable sustainable travel measures can be delivered within defined timescales. A travel plan co-ordinator should be based within the plot 1 development to allow for on-site management. Consequently, should Members be minded to approve, a planning condition should be imposed requiring the submission and approval of a detailed Travel Plan.

Deliveries/ Servicing

Colleagues in Streetscene have advised that a planning condition should be imposed to ensure appropriate arrangements are in place for servicing and bin storage/ collection, whilst a condition should also be imposed to ensure appropriate arrangements are in place for construction traffic, site deliveries, and site-based arrangements including contractor parking.

Stopping Up and Diversion

The proposal requires the stopping up and diversion of a section of public footpath to the north of plots 17 and 18. Timescales for the stopping up and redevelopment of this area will need to be agreed with the Applicant. The stopping up process would need to be undertaken under the powers of Section 257 of the Town & Country Planning Act. The legal procedure will need to be carried out by the Council with associated costs met by the Applicant.

There are no recorded Public Rights of Way on the site however there is the potential for strong desire lines to be claimed on the basis of historic use of paths within the site boundary. If such claims were substantiated on the basis of evidence then they would either need to be accommodated on their current course, or diverted to or otherwise replaced by alternative routes. This will be re-iterated to the Applicant by way of an informative on the decision notice, should Members be minded to approve the application.

In conclusion, it is considered that the TA has satisfactorily demonstrated that subject to the imposition of the planning conditions, as discussed above, the proposed, surrounding and wider highway network will be able to cope with the increase in pedestrians and traffic associated with the development proposal. The proposal is considered to be acceptable and in accordance with Paragraph 32 of the NPPF and UDP policies T8, T9 and T14 of the UDP.

3. Habitats Regulations Assessment and other ecological considerations

Paragraphs 109 and 118 of the NPPF state that local planning authorities should minimise impacts and provide net gains in biodiversity where possible by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments.

Paragraph 119 states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

UDP policy CN17 states that the City Council will encourage the retention of trees which make a valuable contribution to the character of the area and the retention of trees, hedges and landscape features will be required where possible. Policy CN18 requires the Council to seek opportunities for new habitat creation in development proposals. Policy CN20 summarises the protection for Sites of Special Scientific Interest (SSSI). Policy CN21 requirement for avoidance of adverse impacts on Local Sites (formerly Sites of Nature Conservation Importance). Policy CN22 highlights development that would adversely affect any animal or plant species afforded special protection will not be permitted. Policy CN23 promotes the requirement to conserve and improve the integrity of Wildlife Corridors.

Habitats Regulations Assessment (HRA)

A HRA is the means through which the Competent Authority, in this case Sunderland City Council, determines whether a plan or project would have a likely significant effect on Natura 2000 sites (European conservation sites), either alone or in-combination.

The Natura 2000 sites relative to City are Durham Coast Special Area of Conservation (SAC), as designated under the EU Habitats Directive, and Northumbria Coast Special Protection Areas (SPA), as designated under the EU Birds Directive. Furthermore, Ramsar sites are wetland sites of international importance, as designated under the 1971 Ramsar Convention on Wetlands and, although not part of the Natura 2000 network, the Government has chosen to apply the same assessment procedures to plans and projects affecting Ramsar sites.

The SPA stretches from the Tweed and Tees estuaries and comprises discrete sections of rocky shore with associated boulder and pebble beaches; parts of three artificial pier structures; and a small section of sandy beach. The SPA qualifying species are Little Tern, Purple Sandpiper and Turnstone. The boundaries of the Ramsar site are contiguous with those of the SPA. In respect of the SAC, this site covers an area stretching from Blackhall to South Shields and has been designated for the occurrence of habitat, which are the vegetated sea cliffs of the Atlantic and Baltic coasts.

The nearest part of the SPA to the site is located approximately 2.6km north-east of the site, whilst the nearest part of the SAC is located approximately 3.1km south-east. For an effect to be 'likely', it is sufficient that it should be a possible effect, whose occurrence cannot be excluded on the basis of objective information. A 'significant' effect is one that would undermine the conservation

objectives of the European site; there should be a causal link between the plan or project and the qualifying features of the site, which could undermine its conservation objectives. A 'likely significant effect' is the key litmus test as to whether further stages of assessment are subsequently required.

In terms of the SPA; the designation and the application site are not directly or functionally linked and as such it is not considered that a direct impact on the qualifying features will occur. Nevertheless, a potential impact pathway has been noted in the form of the proposed residential element of the development. The net increase in human population and potential for associated recreational activity, in particular dog walking, has been identified as potentially leading to increased recreational pressure on the SPA. The concern centres around an increase in the frequency and duration of disturbance events on rocky foreshore and other functional habitats, leading to reduced feeding and roosting opportunities and increased energy expenditure by birds.

In considering whether this development will lead to a likely significant effect the Applicant's ecologist calculated the anticipated number of people that is considered likely to be introduced to the area by the proposal. Given the application is seeking 'up to 201' units, it has been calculated, based on the average Sunderland household size of 2.27, that the development could increase the population by 456 people.

The Council's plan-level approach to the emerging South Sunderland Growth Area (SSGA) housing allocation has established a 6km impact radius for the Natura 2000 sites and when using this as the catchment for the development, the Applicant's HRA considers that this catchment equates to a population figure of 200,000. Set within this context a population increase of 456 people would only translate into a 0.23% increase in disturbance. Furthermore, with its City Centre location and high proportion of apartments, it is likely that there will be lower levels of dog ownership than would be expected in a more standard family home orientated development. The submitted HRA also notes the site has access to the Riverside Park, which is likely to satisfy some of the greenspace demands of the development, whilst the proposal does not result in the loss or modification of any publicly accessible greenspace.

In terms of the Ramsar site the submitted HRA has noted that one of its noteworthy fauna, i.e. cormorant, occurs close to the development within the river corridor. However, unlike the SPA's turnstone or purple sandpiper, cormorants are not restricted to small areas of suitable habitat, while this reach of the river is not considered to be overly important for maintaining their conservation status within the Ramsar site.

In terms of considering impact on the SAC the emerging SSGA has established that the erosion of the coastal grasslands has suffered from the impacts of off-road motorcycling. The submitted HRA has therefore considered this vulnerability and reasonably concluded that the development is not likely to result in a significant increase in off-road motorcycling. The reason for this conclusion is that off-road motorcyclists are not considered to be particularly well-suited to the development given its City Centre location and the likely limited provision of covered storage areas.

In summary, the Applicant's HRA has considered the development in terms of its scale, nature and location to the European and internationally designated sites. The ecological requirements and key vulnerabilities of the qualifying features have been considered, and assessed against the potential ecological impacts of the development to determine whether there would be a likely significant effect. In-combination effects have also been considered with reference to other policies and plans in the Sunderland area, including the Stadium Village, South Sunderland Growth Area and other emerging major development proposals within 6 km of the Natura 2000 sites. The conclusion of the screening assessment is no likely significant effect on the qualifying

features of the SPA, SAC or Ramsar sites, and as such no requirement for a Stage 2 Appropriate Assessment under the Habitats Regulations.

Other ecological considerations

An Ecological Assessment report was submitted in support of the application in order to assess the potential of the site to support protected or priority species and habitats and to recommend ecological mitigation and enhancement measures to inform the planning application. The survey area covered the former brewery site and the area to the north along the riverside and extending north westwards between Farrington Row and Hanover Row and the river. The Applicant's ecologists walked the site and species seen were noted, habitats were also assessed for suitability to support protected and priority species.

It was noted that the application site has a flat, open aspect and consists of ephemeral-short perennial grassland with few foraging/sheltering opportunities for waders and wintering thrushes. During the walk-over survey of the site no wintering birds of conservation significance were recorded. It was also noted that there are few opportunities for use of the site by protected species, there are no trees within the development site boundary and no waterbodies or running water onsite.

It was noted that rubble piles could be used by reptiles and amphibians in their terrestrial habitat phase however the habitat area is small and isolated having little connectivity to suitable habitat within the wider survey area. There is a negligible risk of use of the site by reptiles or great crested newt and no suitable roosting habitat for bats on site were noted, although there are trees with roosting potential within Galley's Gill immediately to the west. Nevertheless, the application site is 30-40m higher up than the parkland below and is exposed to prevailing weather conditions than the more sheltered Gill and trees at the base of the limestone cliff.

Overall, the development site provides few opportunities for use by protected or priority species or for overwintering wading birds, including those associated with the Durham Coast SSSI, Ramsar Site and River Wear Wildlife Corridor. Within the site or surrounding area it is considered unlikely that further surveys will be required for reptiles or amphibians as the habitat is isolated from suitable habitat in the wider area. It is considered that the development is acceptable in respect of its ecological impacts, in accordance with Paragraphs 109 and 118 of the NPPF and UDP policies CN17, CN18, CN20, CN21, CN22 and CN23.

4. Heritage, design and landscaping considerations

In terms of design considerations UDP policy B2 requires the scale, massing, layout and setting of proposed development should respect and enhance the best qualities of nearby properties and the locality. Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 131 requires local planning authorities to account for Conservation Areas in decision-taking and whose setting should be maintained, preferably enhanced. UDP policies B8 and B10 are relevant. These policies require development proposals to sustain and enhance listed buildings.

Paragraph 135 requires that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage considerations

In principle the broad proposals contained in this predominantly Outline application are supported as they will provide huge regeneration benefits for the City, with likely spinoff benefits of increased trading for businesses in Historic Buildings in the adjacent Bishopwearmouth Conservation Area, which could in turn assist in the better care and upkeep of these buildings and re-use of vacant floorspace.

Whilst the detailed proposals for Building 1 will have limited heritage impacts (with the exception of archaeology), the wider outline Masterplan will have impacts, to varying degrees, on the settings of numerous Listed Buildings in the locality and the adjacent Bishopwearmouth Conservation Area.

In general terms the impacts on the setting of heritage assets is unlikely to be significant, with the exception of the Magistrates Courts Building. The wider development is of an overall scale and massing that is consistent with the established townscape of the City Centre and of sufficient distance from most heritage assets to have limited impact on their immediate settings. The proposed landmark 'pivot' building (Plot 12) could in view of its extra height potentially have a more noticeable impact on the setting of the Magistrates, and this will need to be carefully considered in developing the design of this building.

It should be noted that the Outline nature of the application, without detailed building designs, does not readily allow a full and proper assessment of heritage impacts; this will only be possible through a reserved matters application. Comments at this stage can only therefore cover the likely impacts in general terms and the issues to be considered in more detail in a reserved matters application.

The application site is located in close proximity to Bishopwearmouth Conservation Area, which is particularly notable for its distinctive roofscape and the contribution it makes to the Skyline of the City Centre (as described in the Bishopwearmouth Conservation Area Character Appraisal and Management Strategy). Several listed buildings in the conservation area have landmark qualities and make architectural statements that extend beyond the boundaries of the Conservation Area into the wider townscape and roofscape of the City Centre.

These include the Grade II listed Magistrates Courts and Londonderry public house, and the grade II* listed Empire Theatre and Sunderland Minster. The towers, domes, cuppolas of these buildings are prominent within the City skyline in close and distant views from several directions. Collectively they characterise the skyline of this part of the City Centre. It is noted that the proposals will have some impact on the individual and collective settings of these heritage assets, especially the Magistrates Court.

Furthermore, the Grade II listed Monkwearmouth Railway Bridge and Wearmouth Bridge are located directly to the east of the site, and are prominent landmarks along the River Corridor and across the wider Central Area of the City, whilst the site is of known Archaeological interest, previous archaeological assessment and trial trenching finding evidence of anthropogenic prehistoric activity, including pottery and flints.

In assessing the planning application in the above context colleagues in the LPA's Heritage Protection Team consider that the development proposals do not have any direct physical impacts on listed buildings or any other upstanding buildings or structures of heritage value. The proposals will however impact on the setting of several heritage assets and have potential impacts on underlying archaeology (as noted in the above County Archaeologist consultation response section above).

The wider outline Masterplan will provide a major new development complex of buildings of substantial scale and massing that will have impacts, to varying degrees, on the settings of numerous Listed Buildings in the locality, including the Weamouth Road and Railway Bridges and several buildings contained within the adjacent Bishopwearmouth Conservation Area, most notably the Magistrates Courts and to a lesser extent the Londonderry Public House.

Historically the site has been occupied by various types of buildings with differing scales, massing and layouts. It is only in recent times that the uninterrupted views across the site of the bridges and Magistrates Courts have been revealed. It is therefore not considered that significant weight should be given to protecting these views in light of the long-standing strategy to comprehensively redevelop the site, though Built Heritage colleagues are encouraged that the development proposals have sought through the proposed street pattern to accommodate views through the site to the listed bridges and Magistrates Court.

More significant views to consider in terms of impacts on the setting of heritage assets are those views and vistas along St Mary's Boulevard, especially from the east, as well as from the south across Keel Square. The Magistrates Court in particular is prominent in such views and it is considered that the development proposals will frame gradually revealing views of the listed building along St Mary's Boulevard whilst the development will be seen sitting behind and as a backdrop to the listed building in views across Keel Square.

In these regards it is considered that the amended Heritage Statement and additional view analysis and 3-D block plans, provided in the revised Design Statement and supplementary plans, have sufficiently considered the heritage setting impacts. The analysis and plans demonstrate that in principle the indicative scale and massing of the development will sit comfortably in the existing townscape of the City Centre and relative to the setting of the Magistrates Courts and Bishopwearmouth Conservation Area. Nevertheless, the detailed design of the buildings will need to be well-articulated and of a high standard, especially those elevations fronting St Mary's Boulevard, so that views of the Magistrates Courts can be suitably framed and enhanced. This will be a key consideration in developing designs for the reserved matters submissions, should Members be minded to approve this application.

The detailed design of the proposed 'pivot' Plot 12 building will in particular require careful consideration, and the Heritage Protection Team are encouraged that this will be subject to an independent design review. The pivot building projects above the remainder of the proposed buildings in order to provide a landmark feature for the development. This does not raise any significant concerns in principle, however it will be important that the building does not compromise and overshadow the landmark qualities of the Magistrates Courts, but rather adds another high quality feature to the skyline that complements the established roofscape that is distinguished by the architectural features of the abovementioned heritage assets. A detailed view analysis will be required looking specifically at its relationship with the Magistrate's Court, including an understanding of the wider development context immediately adjacent to the site i.e. the vacant plot on the opposite corner of Keel Square and emerging Music & Arts Cultural Quarter masterplan, at the appropriate reserved matters stage.

Colleagues in the Heritage Protection Team also welcome the reinstatement of part of Livingstone Road that previously ran through the site. This will help to retain views and reinstate a historic street pattern. Historic mapping does show a road that roughly follows a similar route to that being proposed in this instance, which would have afforded some views through the brewery.

The only building to be designed in detail is positioned within the heart of the site, on a corner plot which defines the building line for a key view through the development towards the two listed bridges over the Wear. At its highest point Building One will be 26m above ground level, or 5

storeys plus a mezzanine level, which is consistent with the general scale and massing of the wider development proposals.

In view of the relative remoteness of this plot from surrounding heritage assets, it is not considered that the proposed building will have any significant heritage impacts other than potential impacts on underlying archaeology. In this respect the County Archaeologist has recommended conditions to ensure the proposed scheme appropriately considers archaeology at the site.

The design of the building does however have a key role to play in setting the standard of architectural quality to be followed for the wider site, which as noted above will have more tangible heritage impacts. It is considered that the design exhibits a good quality contemporary approach with strong horizontal and vertical lines helping to define the building style and due consideration given to the use of high quality materials.

Urban Design considerations

The Masterplanning approach to the scheme has involved various architects, urban designers, engineers, landscape architects and developments managers in the evolution of the submission. The aim of this process has been to create a Masterplan that provides the framework within which to deliver a varied development over the proposed 20 year build out period. The decision taken has been to adopt a Masterplanning Framework, which includes a series of Regulatory Plans, in order that a robust long-term strategy can be brought forward for the site, yet one which still provides sufficient flexibility for individual developments to be brought forward as and when investors come forward.

A meanwhile use strategy has also been developed for the site in order to reduce the impact of the early phases of construction and the perception of an empty, vacant site. The meanwhile space strategy looks to provide temporary soft and hard landscaping that not only has a visual enhancement role but also provide space within which to hold events, pop-up festivals and exhibitions.

The layout of the Masterplan has been designed to maximise pedestrian and cyclist permeability. This includes a continuous path along the cliff edge and extension to the Keel Line. The overall layout is based on two simple grids either side of a fulcrum. The individual development blocks areas are also grid based, reflecting commercial and residential development modules. This layout produces an 'outward facing' development, with windows and doors facing onto the street. Active facades work to provide 'eyes on the street' creating safer spaces as well as adding interest to the street scene. The Regulatory Plans enhance this aspect of the development proposal by designating the ground floors of the various office buildings to active uses - retail, cafes, bars and restaurants, whilst four categories have been formulated to fix the amount of activation required on each elevation.

Responding to the application's consultation process the Council's Urban Design Team noted the staggered route between the main entrance into the site and Gill Bridge to the north-west. The Urban Design Team requested further consideration be given to this aspect of the plan. In response the Agent has highlighted that throughout the evolution of the Masterplan the Development Team have looked at various options for this route. However, this aspect of the site has effectively been pre-determined by the fixed position of the existing road access, which was introduced as part of the recent re-alignment of St Mary's Boulevard in order to maintain an access to the Livingstone Road Car Park. In summary, a direct alignment is not possible and to do otherwise would result in a different Masterplan, which would risk undermining the wider permeability of the site.

Heights & Massing

The majority of the building heights proposed are 6-7 storey with the exception of Block 12, which is envisaged as a landmark building that could rise up to 8 storeys. The main streets and pedestrian routes are between 14m and 18m wide. The result is that the enclosure ratios (i.e. the space between the buildings) vary between 1:1 and 1.5:1 ratios. This is considered to lend a suitably dense feel to the development and ensures the Masterplan reflects its City Centre setting.

Comments were made by the Urban Design Team in respect of what appeared to be a narrow width between Building 1 and Plot 16. The Agent has explained that the Livingstone Spine i.e. the route running south-west to north-east and the one that cuts in-between these two buildings has been designed as such in order to frame key views towards the Wearmouth Bridges. In order to substantiate this point the Agent has provided an additional series of views down this vista. The additional information illustrate that as the pedestrian gets closer to Building 1 and Plot 16 the two bridges are gradually revealed until there are unrestricted views from the proposed public realm area. The views also indicate that if Plot 16 were moved then it would simply expose more of Plot 17. The Agent considers these views illustrate how the Applicant's Masterplan is working as intended.

The Agent also responded to comments from the Urban Design Team in respect of the Materplan potentially leading to buildings of the same height by highlighting that the majority of the buildings act as background to the landmark Plots 6 and 12, thereby further enhancing their civic and place-making status. The Agent asserts that achieving a common building height is a reasonable design response. The Development Team have made the conscious decision to not create artificial variations in height within the Masterplan. Nevertheless, it is also noted that there are minimum and maximum buildings heights proposed for each Plot and as such, there is still the potential for differing building heights to be realised as the site is developed out.

Access & Parking

The Urban Design Team has welcomed the attempts to minimise car use, as well as the high quality public realm, which is considered to consolidate and enhance pedestrian links to the surrounding areas. Both the Council's Vaux Vision Document and Sunderland Central Area Urban Design Strategy Supplementary Planning Document (SPD) promote safe and accessible pedestrian routes within and around the area, particularly to the riverside and riverside walks.

The streets have been designed to accommodate on-street disabled parking bays and a number of visitor parking bays. The majority of the parking is to be provided at the existing St Mary's MSCP, as well as a new multi-storey car park at the entrance to the site off St Mary's Boulevard (i.e. Plot 4), along with selective basement parking in the eastern half of the site and semi-basement parking to the west of the site. Given that the one of the intentions of the Masterplan is for car parking to not blight the street scene detailed consideration will need to be given at the appropriate reserved matters stage to the semi-basement parking.

Detailing & Materials

Regulatory Plan 10 identifies the locations of two Landmark Buildings within the scheme i.e. Plot 6 & 12. It is intended that these Plots will stand out in contrast to the conformity of the complementary buildings that comprise the rest of the Plots. The Urban Design Team agreed that these Landmark Buildings are of importance yet expressed the view that further consideration should be given to the hierarchy of the complementary buildings, addressing issues of legibility,

gateways and corner turning. However, it is considered that the set of Regulatory Plans provide for a robust context within which to guide and control the future development of the site during the subsequent reserved matters stages.

Landscaping considerations

The Council's Landscape Architect queried the informal play area located along the northern edge of the site and how it related to the proposed residential area of the site. The Applicant's Landscape Architects confirmed that this is a "Doorstop" play space to be designed in line with best practice. (Playspace for children under 5 years, ideally being provided on site or within 100m of the site). Given its location it will be overlooked by the residential developments at ground floor level, visible from the access road and adjacent car-parking and close to pedestrian routes. This is likely to be implemented alongside the residential development and the design of this will be refined as part of a reserved matters submission.

Comments were also received from the Council's Landscape Architect regarding the ability of the proposed planting areas to withstand and accommodate crowds walking across the site to the Stadium, as well as the relationship of the various zones of landscaping with the surrounding views of the built environment, particularly the Wearmouth Bridges. Responding to these observations the Applicant's Landscape Architects highlighted the wind mitigating effect of the proposed trees i.e. the landscaping strategy has evolved to use tree planting as a green barrier to prevailing winds. The Applicant has confirmed that landscaping will be reviewed as part of the relevant reserved matters/ discharge of condition, particularly reviewing groundcover underneath so that routes can be made through certain clumps of trees.

The Council's Landscape Architect also highlighted the issue of pedestrian links to the park land below, noting that the steps are currently uneven and fairly overgrown with vegetation. Repsonding to such observations the Agent confirmed that the Applicant has agreed to the agreed financial contribution that will be used to improve the condition and useability of these steps. Moreover, as part of a later reserved matters application, should Members be minded to approve, the Applicant will be investigating the potential for a link between the upper and lower plateaux via the Keel Line promontory. Furthermore, it is also noted that the Riverside Park adjacent to St Mary's Boulevard has paths connecting to the road leading down to the riverside and as such, there are already connections for those who may have difficulty accessing via the steps.

Hard and Soft Landscaping

The Council's Landscape Architect has queried the durability and adoptability of some of the proposed urban realm materials and landscaping treatments. The Applicant's Landscape Architects have noted the comments made and have suggested that the final details can be agreed via the subsequent discharge of conditions, should Members be minded to approve the development. This should ensure for an appropriate assessment when the exact designs and details are known.

Responding to comments about continuing the Keel Square materials into the site the Applicant's Landscape Architects consider St Mary's Boulevard to create a natural break point and that it is appropriate for the character of the proposed paving to change and reflect the new Central Business District that the Vaux site has been designed to become. Furthermore, a degree of continuity with Keel Square will be achieved via the continuation of the artwork into the site. Nevertheless, as with the agreement of a palette of materials, the exact details of the hard and soft landscaping relative to Keel Square can be reasonably resolved via a discharge of conditions process, should Members be minded to approve the development.

In terms of heritage and design considerations the significant regeneration opportunities of the development proposal have been noted, as has the recognition of the potential spin-off benefits for the on-going conservation of heritage assets within the vicinity of the site. It is considered that the indicative scale and massing of the development will in general terms sit comfortably within the existing townscape of the City Centre, having regard to the contribution that the listed Bridges, Magistrates Courts and wider Bishopwearmouth Conservation Area makes to the area's townscape and skyline. As such it is considered that the principle of development is acceptable and in accordance with NPPF paragraphs 131 and 135, and UDP policies B2, B4 and B10.

5. Flood Risk considerations

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure the proposal would not likely impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

In terms of demonstrating and understanding flood risk the primary concern of the planning process is concerned with the location of receptors (e.g. homes), taking account of potential sources (e.g. river or sea) and pathways (e.g. overland flow) that might put those receptors at risk. Flood risk is a combination of the likelihood of flooding and the potential consequences that could arise. A core aim of flood risk management is to manage flood risk via a suite of proactive measures that avoid placing receptors further at flood risk.

The planning process require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding (e.g. climate change) while satisfactorily demonstrating their development is safe. This is done via a Flood Risk Assessment (FRA). The principle aim of a FRA is to determine the acceptable management of flood risk. FRAs should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes and they should demonstrate that proposed development will not worsen the existing situation. This is why managing surface water discharges is considered to be a crucial tool in managing and reducing flood risk to new and existing development.

The application was supported by a Flood Risk Assessment (FRA), which confirms that the site is located within National Flood Zone 1, which denotes land with a low probability of flooding i.e. less than 1 in 1000 annual probability of a river or sea flooding. Consequently, all flood risk vulnerability classifications, in accordance with Table 2 of the NPPF, are compatible with Flood Zone 1. The FRA also considers all forms of flood risk to and from the proposed development site. These include tidal, fluvial, existing sewers, proposed drainage, overland/ surface water, infrastructure failure and groundwater flooding.

In terms of surface water considerations the Applicant's Engineers have reviewed the Council's Strategic Flood Risk Assessment (SFRA), as this document includes a number of maps that use data provided in the Environment Agency's Areas Susceptible to Surface Water Flooding map, and has also considered local historical flood records. Reviewing these data sources the FRA notes that surface water flooding occurs in isolated areas within the site. The flooding is primarily along the boundary of the site, where the site has fallen away towards the river, and in the location of a valley where water would be expected to be found. The FRA explains that the isolated

surface water on the site may be due to the previous use of the site and locations of impermeable surfaces, preventing absorption, and depressions, whilst also confirming that there does not appear to be any overland flow routes across the site.

The FRA explains that in terms of the sewerage undertaker, Northumbrian Water (NW), have confirmed that they require a separate foul and surface water drainage system to serve the development and will only permit foul flows to be conveyed to the existing combined drainage system. In terms of surface water drainage, NW confirmed that an existing surface water outfall direct into the river has been confirmed as being usable and they have agreed that it may be used with unlimited discharge into the river, within the capacity of the pipe.

However, a key consideration has been the requirements of the Council, as Lead Local Flood Authority (LLFA). The FRA explains that the LLFA requires that if a connection is made to the existing NW surface water sewer that serves other areas outside of the development, the discharge must be restricted to greenfield equivalent, whilst in terms of the proposed drainage the FRA explains that the drainage system is to be designed not to flood buildings for a 1 in 100 year flood event plus 30% climate change.

An existing outfall pipe to the river from the east of the site has been located and surveyed to ensure its condition allows reuse with NW suggesting a maximum rate of 250 litres/ second. Based on this outfall pipe a surface water drainage network has been designed across the site from west to east with an attenuation basin to the east of the site. This scheme will require a total attenuation volume of 1325 cubic metres. To achieve this attenuation a number of different Sustainable Urban Drainage Systems (SuDS) techniques will be incorporated. Swales will be used as the primary highway drainage, which also provides a level of surface water treatment, green roofs will be used on the non-residential buildings (70% roof area used to allow for photovoltaic panels) and a 200 cubic metre attenuation basin is also proposed in the north-east corner of the site.

As discussed in the consultation response section of this report NW and the EA have no objections to the development proposal subject to the imposition of relevant conditions. Furthermore, the Council, as the LLFA, has welcomed the introduction of the proposed SuDS and surface water runoff rate of 250 litres/ second and confirmed that the proposed drainage strategy is acceptable subject to the detail designs to be agreed prior to the detailed development commencing on site.

In conclusion, the FRA submission demonstrated that the planning submission is acceptable in respect of flood risk and, subject to the imposition of the drainage strategy condition, as stated above, is acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UDP policy EN12.

6. Health Issues (Noise, Air Quality and Land Contamination)

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Furthermore, policy EN9 considers potential implications of air pollution, dust etc. arising from development proposals, whilst policy EN14 requires the consideration of ground conditions and to ensure that contamination issues are taken into account.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing

to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution and land instability.

Noise

The planning submission has been supported by a noise assessment that has examined the potential impact that noise from surrounding sources may have on the proposed development and the potential impact of noise from the proposed development on existing receptors in the area. The assessment included noise monitoring at 8 locations during daytime and night time hours in order to determine the prevailing noise conditions at the site and nearby noise-sensitive receptors. The main source of noise affecting the site is considered to be traffic on St Mary's Boulevard, which was noted as being busy throughout the day. Other noise sources include 'typical' city centre sounds including local and more distant traffic, 'passers-by', patrons of bars and restaurants near the Keel Square, the Metro/ Railway line crossing the river to the north-east and deliveries to nearby shops.

Following the noise surveys the submitted noise assessments provides glazing and ventilation recommendations for Plot 1 so that the internal ambient noise levels provided for this building meet the guideline levels of the relevant British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings). Furthermore, the recommendations are based on an assessment of the most affected, southern facades of Plot 1 facing St Mary's Boulevard, and do not include any noise-screening effects that may be provided by buildings in later phases of development.

Outline glazing and ventilation requirements have also been provided for the rest of the site. Chapter 6 and Table 6 of the noise assessment report has recommended glazing and attenuation performance details for each plot in order that the relevant British Standard (8233:2014) is achieved within future phases of development. The assessment recommends that these levels should not be exceeded when measured at 1 metre from the façade of the nearest noise-sensitive premises (i.e. the proposed residential Plots within the application site). The noise levels set relate to the cumulative noise levels at receptors from all fixed plant noise sources associated with the development site when the units are operating under normal conditions.

An assessment taking into account vehicle trips generated by the proposed development has suggested that it should not result in a significant change in noise impact from road traffic on roads around the site. Vibration has not been assessed as there were judged to be no vibration sources close enough to create adverse impacts at the site, whilst it is considered unlikely, given the proposed uses, that vibration impacts would be created by the developed site.

Colleagues in Public Protection and Regulatory Services having assessed the noise assessment have offered no objection subject to a series of conditions that relate to the operational phase of the development proposal. They have requested that series of conditions be included that relate to:-

- Glazing and ventilation attenuation for all buildings, as detailed in Section 6, Tables 5 and 6;
- Noise levels from fixed plant in the development shall not exceed stated levels in Table 7;
- Deliveries to commercial premises shall not take place between the hours of 23:00 and 07:00 Monday to Saturday and not between 00:00 and 09:00 on a Sunday;
- Waste collections, including those of recyclable materials, shall not take place between the hours of 23:00 and 07:00 Monday to Saturday and not between 00:00 and 09:00 on a Sunday;

- Agree a suitable and effective extraction/ ventilation system which efficiently captures odours and incorporates a grease filtration system shall be provided to serve commercial premises serving food within the development;
- Agree provision for the storage and disposal of refuse, in particular food waste, to deter the attraction of pests at both commercial and residential properties.

In terms of constructing the development colleagues in Public Protection and Regulatory Services have also requested that in view of the close proximity of the proposed development to nearby residential premises it is recommended that on-site operations should not commence before 07:00 hours and cease at or before 19:00 hours Monday to Friday inclusive and 07:30 and 14:00 hours Saturdays, whilst no works are to be permitted to take place on Sundays and Bank Holidays at any time. Furthermore, in order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/ occupiers in the vicinity of the site, it is recommended that a Construction Environmental Management Plan (CEMP) is provided. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Air Quality Assessment

An Air Quality Assessment has been submitted in support of the development proposal, which has been assessed by colleagues in Public Protection and Regulatory Services. The assessment describes existing local air quality conditions (2014), and the predicted air quality in the future assuming that the proposed development does and does not proceed, with the traffic-related impacts focusing on 2017 i.e. the anticipated year of opening. The assessment is based on worst-case assumptions regarding increase in traffic flows, such that all committed developments and the proposed development, are assumed to be fully operational.

The operational impacts on air quality of the development have been assessed using dispersion modelling. Existing receptors near to the site have been identified and concentrations of relevant pollutants modelled at these locations. In addition, new residential receptors created by the development on the site have also been modelled. Data from Sunderland City Council's monitoring sites have been used to verify the modelling carried out and the overall operational air quality impacts are judged to be 'not significant' according to Environmental Protection UK and the Institute of Air Quality Management's Planning for Air Quality Guidance.

The assessment concludes that concentrations of PM10, PM2.5 and NO2 will remain below the health based Air Quality Objectives at all existing receptors in 2017. The conclusions of the report are accepted by colleagues in Public Protection and Regulatory Services and they have advised that no further assessment of air quality is required at this stage.

Land contamination

A Phase 1 Report (Desk Study) and Phase II (Site Investigation) Interpretative Report was submitted in support of the planning application. The Desk Study includes a site inspection by the applicant's engineer, whilst the Phase II report involves 18 boreholes (4 with rotary follow on), 11 mechanically dug trial pits, 9 plate load tests and a programme of gas monitoring. The Coal Mining Report that forms part of the land contamination submission indicates that the site is undermined at depth (460-570m), however PPRS have advised that any movement associated with these workings (dating up to 1925) will now have ceased.

To summarise the findings of the Phase 1 Report, in terms of the Preliminary Conceptual Model, the following sources have been identified for the site:

- Asbestos fibres and/or ACM in near surface soils
- Organic and metal contaminants in the central and eastern third and around historical electrical substations
- Ground gases from thick made ground (Cundall also considers limestone to be a risk)
- Contamination from imported fill.

As a consequence, the potential receptors from contaminants are considered to be, as follows;

- The Principal Aquifer
- River Wear
- Construction workers and others during development
- Site users including future residents
- Adjacent site users during construction
- Built environment buried foundations and enclosed spaces

PPRS colleagues consider that the Phase 1 report to be adequate however they have advised that the Phase 2 site investigation report has not satisfactorily addressed the potential risk from asbestos, PAH including benzo(a)pyrene or ground gas. As a consequence, similar to the EA, PPRS have recommended that conditions relating to Site Investigation, Remediation Strategy and Verification be imposed, should Members be minded to approve the development. It is also considered appropriate to include a condition should any previously unidentified contamination be discovered on site requiring the developer to all satisfy all three steps in respect of that contamination. Again, similar to the EA, PPRS are satisfied that there are generic remedial options available to deal with any risks posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In conclusion, in light of the submitted assessments pertaining to land contamination, air quality and noise issues and subject to the imposition of conditions as detailed above the proposed development is on balance acceptable, in accordance with policies EN5, EN6, EN9 and EN14.

7. Section 106 Planning Obligations

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law three tests for planning obligations. The three tests are also repeated in the NPPF via Paragraph 204.

Both CIL and the NPPF state 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 proposed development;
- fairly and reasonably related in scale and kind to the development proposal.

Furthermore, Paragraph 203 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through planning conditions.

Affordable Housing

Policy H16 of the UDP states that the Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The SHMA and recent Economic Viability of Affordable Housing Requirement Study highlights 10% affordable dwellings on housing development sites at a 75% social rented/ 25% intermediate split. In light of the development seeking "up to 201" dwellings this equates to a maximum of 21 affordable units. The applicant has agreed to the provision of "up to" 21 units based on these types at a 75% social rented/ 25% intermediate split. This will be set out in the Section 106 agreement.

Education

Based on the number of new houses proposed i.e. "up to 201", the Council's Children's Services section has requested that a cost per dwelling size be the basis on which to calculate the Education contribution for primary school places. Colleagues in Children's Services have confirmed that given the available projected space at Thornhill there is no requirement for a secondary school contribution. Consequently, subject to the detailed design of the residential element of the site, the Section 106 agreement shall be based on the following:-

- 2 bed = £713 per dwelling
- 3 bed = £2,853 per dwelling
- 4 bed = £3,567 per dwelling

The monies made available by the development will be co-ordinated and allocated by colleagues in Children's Services. This requested sum is considered necessary to make the development acceptable in planning terms as it will mitigate the impact of new primary school children being brought to the area by the development proposal. It is directly related to the development as it relates to the funding of education provision in the local area that serves the development site. It is considered fair and reasonable as it is based on the Council's estimate of demand for school places based on the size of the development and published Department for Education formula.

Recreation play space

As the scheme will involve more than 10 dwellings with 2 bedrooms or more UDP policy H21, supplemented by policy R3, requires the provision of formal equipped play and recreational facilities. It is noted areas adjacent to the residential modules within the Masterplan are being suggested as "doorstep" play spaces for children under 5, however, this does not constitute children's equipped play space and as such, a financial contribution for off-site play/ recreation is still considered appropriate. Therefore, at the current rate of £701 for each two bed unit, this will equate to a maximum of £140,901 (£701 X "up to 201" units). The contribution will be for the provision of new play facilities or the improvement of existing play facilities, where appropriate, at Riverside Park and/ or the Millfield or Hendon Wards with funds being utilised to support on-going maintenance of the play park(s).

This requested sum is considered necessary to make the development acceptable in planning terms by meeting the rise in demand for additional formal recreation, whilst being directly related to the development given that it will accommodate the new residents to the area and it is fair and reasonable as it is based on the Council's standard formula for the provision of play facilities.

Public Realm areas

A significant portion of the site will be adopted as highway under section 38 of the Highways Act 1980, thereby ensuring that those areas are constructed to a specified standard and to the satisfaction of the Council, as the Local Highway Authority. However, the Masterplan also incorporates areas that are to be public realm/ open space, particularly the area to the front of Building 1. Given that these are not highway a Section 38 Agreement route is not readily available.

Therefore, in order to ensure the development is constructed to a specified standard and given that these areas will be publicly accessible and available it is considered appropriate for the Section 106 Agreement to obligate the developer to maintain these areas in accordance with an agreed management and maintenance plan. The Section 106 Agreement will also enable the developer to offer for adoption such areas, in the event that both parties agree and subject to any prospective adoption conditions, including the potential for a payment of a commuted sum.

Furthermore, given the largely outline nature of the Masterplan there are also areas that have been denoted as areas to be managed and maintained by a private management company. Nevertheless, similar to the public realm areas it may be that these smaller areas of incidental open space/ routes will be offered for adoption in a similar vein and as such, a similar mechanism will be written into the agreement. It is considered that the later reserved matters applications will more readily confirm the appropriate management and maintenance regime.

Clearance and maintenance of steps to Riverside Park

The Applicant suggested a proposed financial contribution of £5,000 to the Council in order to undertake clearance and maintenance works to the existing steps linking the site with Riverside Park. The works were to include trimming vegetation, clearance of litter, painting of handrails and minor repairs to step-edges. Following this suggested financial contribution the Council's Streetscene Responsive Local Services and Highways sections have confirmed that £9,111.03 is required, with the monies directed to the two access steps at the western boundary of the site. The works will involve clearance of debris, vegetation, litter pick, re-establishment of footpath edges, improvements to handrails and steps. The Applicant has agreed to the requested financial obligation and for the works to be undertaken by the Council.

This requested sum is considered necessary to make the development acceptable in planning terms as it will improve the existing connections between the site and the adjacent open space, whilst being directly related to the development given that the steps are likely to be key connections from the site to Riverside Park and will therefore be used by those living, visiting and working at the site, and it is fair and reasonable as the estimate has been derived from the cost of undertaking the necessary works.

8. Duration of Planning Permission

By virtue of Section 92 of the Town and Country Planning (1990) Act authorities are permitted to consider approving longer time periods within which to submit and implement subsequent reserved matters applications provided that material considerations have been considered.

In light of the large scale, multi-phased nature of the development proposal, which is estimated to be developed over a period of up to 20 years, it is clear that the normal time limits placed upon outline approvals is not proportionate or appropriate in this instance e.g. 3 years to submit all the reserved matters then up to 2 years from the date of the last approval of reserved matters to commence development. Following the provisions of the 1990 Act the Applicant requested the LPA to consider a longer time period within which to submit the subsequent reserved matters, should Members be minded to approve the application. Therefore, given the multi-phase, large scale nature of the proposal, a proposal which represents step-change for the City, not least in

terms of the Office development envisaged, it is recognised that existing economic conditions enable the consideration of a longer time period.

By way of a similar example the on-going development of the former Scottish & Newcastle (S&N) Brewery site in Newcastle has benefited from a similar large-scale, multi-phase permission in July 2012. Although it is noted that the proposed quantum of development is of a greater scale than that proposed by this application it is broadly similar in scope and proposed uses e.g. it has a predominance of B1 Office development. The development of the S&N Brewery has been given a time period of 15 years for all its reserved matters to be submitted, along with a subsequent 5 year expiry date for the final stages of development to be commenced following the approval of that last reserved matter.

In considering the extent of a time limit it is also noted that the Applicant is intending to commence the development of Building 1 in the immediate future in order to create an active use and interest in the site. The aim is to encourage further interest and development in the site as the first development takes hold. Furthermore, as part of the initial phase of development the package of works include a cliff top walkway; the main route through the site; extension of the Keel Line and boulevard and the public realm to the front of the Building 1, whilst a meanwhile landscaping strategy has also been developed in order to ensure the site does not appear vacant. This is also supported by a meanwhile use strategy which is to be designed to facilitate interim active uses, such as box parks, festivals etc., so that the site is in active use whilst the office-led Masterplan is realised over the longer term.

It is therefore considered that Applicant's approach to the site has looked at the short-medium-long term, and in order to help realise this significant, multi-phase development the time limit within which to submit reserved matters applications should be extended. Accordingly, should Members be minded to approve the application, it is recommended that the time limit be extended for up to 15 years for the submission of all reserved matters applications, along with a 5 year expiry date for the final stages of development to be commenced following the approval of the last reserved matter.

CONCLUSION

In light of the above, the proposed development is considered to be acceptable in terms of all relevant material planning considerations. The development proposal delivers a Comprehensive development site (Policy EC5A), one which is allocated for prescribed land uses via Policy SA55A.2. This employment and residential led mixed-use development is also supported by a range of required uses, in particular, ancillary A1 Retail, A3 Restaurants and cafes, A4 Drinking establishments, D2 Assembly and Leisure and C1 Hotels, all of which are in accordance with Policy SA55A.2. The site occupies a principal gateway location immediately adjacent to the Wear Bridges and strategic road network and as such has good accessibility and public transportation links.

The planning submission represents a full master plan for the whole site and establishes firm principles guiding the development of the site over the next 20 years. It will help realise the regeneration of this key brownfield site by bringing it back into active use and offering significant economic benefits to the City.

The submitted TA has satisfactorily demonstrated that the surrounding and wider highway network will be able to cope with the increase in pedestrians and traffic associated with the development proposal.

In terms of ecology the submitted Ecological and Habitat Regulations Assessments have satisfactorily considered and accounted for impacts on protected and priority species, including those associated with the Durham Coast SSSI, Ramsar Site and River Wear Wildlife Corridor. In the event that Members are minded to approve an Ecological Mitigation and Enhancement measures condition is proposed, while a detailed landscaping plan, which will include the agreement of the Phase 1 area, will assist in securing enhancement measures going forward when detailed designs come forward.

In terms of heritage and design considerations the significant regeneration opportunities are noted, as are the potential spin-off benefits for the on-going conservation of heritage assets within the vicinity. It is considered that the indicative scale and massing of the development will in general terms sit comfortably within the existing townscape of the City Centre, having regard to the contribution that the listed Bridges, Magistrates Courts and wider Bishopwearmouth Conservation Area make to the area's townscape and skyline.

The submitted FRA has demonstrated that the development proposal is acceptable in terms of flood risk and that SuDS are a key feature of the Masterplan. Furthermore, the submitted assessments pertaining to land contamination, air quality and noise issues have also demonstrated that the principle of developing the site for the uses proposed are acceptable both in terms of the relationships of the proposed uses between one another and also in terms of the development's impacts on existing uses within the area.

It is therefore recommended that subject to the signing of the proposed Section 106 Agreement, as detailed in Section 7 above, given the fact that the development proposal is in accordance with the main land use policy associated with the site and in recognition of the significant regeneration benefits on offer, planning permission should be granted consent in accordance with the draft conditions listed below.

RECOMMENDATION:

Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the draft conditions listed below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application 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.

Conditions:

1. Submission of Reserved Matters

Applications for reserved matters shall be made to the Local Planning Authority before the expiry of fifteen years from the date of the permission and the development of the final stages of development shall be begun before the expiration of five years from the date of approval of the final reserved matters.

Reason:

To ensure that the development is commenced with a reasonable period of time from the date of this permission.

2. Reserved Matters

No development shall commence on any specific plot (excluding site clearance, demolition work, site investigations for assessing ground conditions, ground remediation work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements), until details of the following reserved matters have been submitted to and approved in writing by the local planning authority for that specific plot:

- * Layout
- * Scale
- * Appearance

* Landscaping

Plans and particulars of the reserved matters shall be submitted in writing to the local planning authority and shall be carried out in accordance with the approved details.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and as the further details are necessary to ensure a satisfactory form of development.

3. In accordance with submitted plans

The development hereby approved shall be in accordance with the following approved plan(s), unless otherwise agreed in writing with the Local Planning Authority:

940 / Regulatory Plan 01 - Redline, 11-11-2015, Rev3;
Regulatory Plan 02: Development Zones, 14-12-2015, 940/REG02Rev6;
Regulatory Plan 03: Building Line, 14-12-2015, 940/REG03_Rev6;
Regulatory Plan 04: Heights, 14-12-2015, 940/REG04_Rev7;
Regulatory Plan 04A: Massing Elevations, 14-12-2015, 940/REG04A_Rev2;
Regulatory Plan 05: Use Classes - Ground Floor, 14-12-2015, 940/REG05_Rev6;
Regulatory Plan 06: Use Classes - First Floor, 14-12-2015, 940/REG06_Rev7;
Regulatory Plan 07: Use Classes - Upper Floors, 14-12-2015, 940/REG07_Rev7;
Regulatory Plan 08: Activation, 14-12-2015, 940/REG08_Rev8;
Regulatory Plan 09: Public Realm, 14-12-2015, 940/REG09_Rev7;
Regulatory Plan 09A: Public Realm - Boulevard, 14-12-2015, 940/REG09A_Rev2;
Regulatory Plan 09B: Public Realm - Communal 14m Street, 14-12-2015, 940/REG09D_Rev2;
Regulatory Plan 09C: Public Realm - Communal 18m Street, 14-12-2015, 940/REG09E_Rev2;
Regulatory Plan 09D: Public Realm - Vista 13m Street, 14-12-2015, 940/REG09B_Rev2;
Regulatory Plan 09E: Public Realm - Vista 14m Street, 14-12-2015, 940/REG09B_Rev2;
Regulatory Plan 09F: Public Realm - Promenade, 14-12-2015, 940/REG09F_Rev2;
Regulatory Plan 10: Access, 14-12-2015, 940/REG10_Rev7;
Regulatory Plan11: Parking Zones, 14-12-2015, 940/REG11_Rev7;
Regulatory Plan 12: Landmark & Complementary, 14-12-2015, 940/REG12_Rev7;
Regulatory Plan 13: Parcelation, 14-12-2015, 940/REG13_Rev3;

Phase 1 Site Works, Drawing No. CLxx(95)4003, Issue. A;
Phase 1 with Network Rail plan, Drawing No. CLXX(95)4005, Issue A;
Plot 1 Ground Floor Plan (L00), Drawing No 1795/PL/10 Amendment A;
Plot 1 Mezzanine Floor Plan (L00-M), Drawing No 1795/PL/11 Amendment A;
Plot 1 First Floor Plan (L01), Drawing No 1795/PL/12 Amendment A;
Plot 1 Typical Upper Floor (L02) (L03, L04 Identical), Drawing No 1795/PL/13 Amendment A;
Plot 1 Fifth Floor Plan (L05), Drawing No 1795/PL/14 Amendment A;
Plot 1 Roof Plan, Drawing 1795/PL/15 Amendment A;
Plot 1, Cross Section (Section A - A), Drawing No 1795/PL/30 Amendment A;
Plot 1, Longitudinal Section (Section B - B), Drawing No 1795/PL/31 Amendment A;
Plot 1, West Elevation, Drawing No 1795/PL/42 Amendment A;
Plot 1, North Elevation, Drawing No 1795/PL/41 Amendment A;
Plot 1, East Elevation, Drawing No 1795/PL/40 Amendment A;
Plot 1, South Elevation, Drawing No 1795/PL/43 Amendment A;
Plot 1, Bay Study 1 East Elevation, Drawing No 1795/PL/50;
Plot 1, Bay Study 2, Typical Elevation, Drawing No 1795/PL/51;
Plot 1, Bay Study 3, Courtyard Elevation, Drawing No 1795/PL/52;

Phase 1 Detail Landscape Plan: Plot 1 with Riverside Square, Drawing No. 459 . 020 Revision A;
Landscape Masterplan Phase 01 boundaries, Drawing No. 459 . 010 Revision B;
Landscape Masterplan Phase 01 & meanwhile uses, Drawing No. 459 . 011 Revision B.

Reason:

To define the consent.

4. Compliance Statement

Each application for reserved matters shall be accompanied by the following:

- a) A schedule providing details of the amount of floorspace for each use included within that reserved matters application; and
- b) A Compliance Statement which explains how the reserved matters meet the principles and parameters provided in the Masterplanning Framework document dated XX April 2016.

Reason:

In order to define the consent.

5. Defined floor areas

The total development hereby approved shall not exceed 115,107 square metres of gross internal floor area and 452 car parking spaces. Within this total, the maximum amount of commercial floorspace and residential uses shall not exceed the following:

Employment (Class B1) = 59,376 square metres
Food & Drink (Class A3/ A4) = 4,000 square metres
Retail including any mezzanine floorspace (Class A1) = 2,499 square metres
Residential (Class C3) = 27,013 square metres (*up to 201 units)
Exhibition Centre (Class D1/ D2) = 6,000 square metres
Hotel (Class C1) = 4,000
Parking Multi-storey Car Park = 10,142 square metres
Parking Undercroft Parking = 2,077 square metres
Hotel (Class C1) = 11,900sqm

Reason:

In order to define the consent and to control the total amount of floorspace within the development, in the interests of highway safety and to safeguard the vitality and viability of the Town Centre, in accordance with the National Planning Policy Framework and policies T14 of the UDP.

6. Environmental Management Plan

No construction work shall take place within any specific plot including any remediation works, until an Environmental Management Plan for that specific plot has been submitted to and approved in writing by, the Local Planning Authority. The approved Management Plan shall be adhered to throughout the construction period. The Management Plan shall provide for but not be restricted to:

- i) parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control vibration during construction;
- x) communication plan for liaising with the public;
- xi) measures to mitigate impacts, as defined by Paragraph 4.1, Ecological Assessment (Ref. 14-109/3, 5 April 2016) by argus ecology;
- xii) hours of construction.

Reason:

To protect the amenities of the area, ensure highway safety and protect the railway infrastructure, in accordance with the National Planning Policy Framework (17, 32, 120 and 123) and policies EN5, B2, T16 and T14 of the Unitary Development Plan.

7. Land contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 8 to number 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination.

To ensure that risks from land contamination to 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 EN14 of the Unitary Development Plan.

8. Phase II Land contamination

No development shall take place within the 'Phase 1 works' (Plan); 'Landscape meanwhile treatments' (Plan); or on any specific plot (Masterplan), until a Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (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 must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. 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 building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

Reason:

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), 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 EN14 of the Unitary Development Plan.

9. Remediation Statement

No development shall take place within the 'Phase 1 works' (Plan); 'Landscape meanwhile treatments' (Plan); or on any specific plot (Masterplan), until a detailed Remediation Scheme to bring that specific area of 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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works.

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 EN14 of the Unitary Development Plan.

10. Verification

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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 EN14 of the Unitary Development Plan.

11. Unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons:

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 and in accordance with policy EN14 of the Unitary Development Plan.

12. Delivery, Servicing and Refuse

Prior to the occupation of any building, details of the delivery areas, servicing and refuse collection arrangements for that building shall be submitted and approved in writing by the Local Planning Authority. Thereafter, these facilities shall be implemented before the first use of that building and shall be retained and kept free from obstructions at all times in accordance with the approved details, and all servicing and refuse collection arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and visual amenity, in accordance with Policies B2 and T4 of the Unitary Development Plan.

13. Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological excavation has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

14. Archaeological Post Excavation Report Condition

The building(s) shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 13 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, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

15. Archaeological Publication Report Condition

The buildings shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason:

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

16. Landscaping

Notwithstanding the submitted plans, no development shall take place within the 'Phase 1 works' (Plan); 'Landscape meanwhile treatments' (Plan); or on any specific plot (Masterplan), until full details of both hard and soft landscape works for that area have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate, these works shall be carried out in complete accordance with the approved details.

Reason:

In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2, CN18 and CN22 of the Unitary Development Plan.

17. Landscaping 5 years

All planting, seeding or turfing not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the specific plot or the completion of that specific plot, whichever is the sooner, 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.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.

18. CO2 emissions

No above ground construction shall commence on any specific plot until details of building construction and design measures which minimise the developments energy demand and reduce its whole life CO2 equivalent emissions impact for that plot have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall remain operational thereafter.

Reason:

To ensure that the development will be sustainable and able to function effectively in an changing climate and address impacts on climate emissions , in accordance with the National Planning Policy Framework and Policy R4 of the Unitary 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 sustainable manner.

19. BREEAM: Excellent

Within 6 calender months of the completion of Building 1, a Post Construction Review undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to the BREEAM 'Excellent' rating, or equivalent accreditation, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of sustainability, in accordance with the National Planning Policy Framework and policies R1 and R4 of the Unitary Development Plan.

20. External Lighting

No building shall be brought into use until details of the external lighting of that building and external areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interests of amenity, highway safety and in order to protect the railway infrastructure, in accordance with the National Planning Policy Framework and policies B2, EN1 and T14 of the Unitary Development Plan.

21. Cycle Parking

No building shall be brought into use until details of cycle parking for that building has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is brought into use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times. The Phase 1 student housing development shall not be brought into use until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and policies T9 and T14 of the Unitary Development Plan.

22. Framework Travel Plan

No development shall be occupied or be brought into use until such time as a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Co-ordinator; how a site-wide Travel Plan will be implemented and the timescales of its monitoring and review.

Reason:

The implementation, monitoring and review of the Site-wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with Policies T1 and T2 of the UDP.

23. Materials

No construction works on the external elevations of any building on the site shall commence until samples of the materials to be used in the construction of the external surfaces of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

24. Finished Floor Levels

Excluding Building 1, hereby approved, no development shall commence on any specific plot, other than those investigative works required in pursuance of land contamination, until details of the existing ground and proposed finished floor levels for that plot have been submitted to and approved in writing by the Local Planning Authority.

Reason:

The scheme shall be implemented in accordance with the agreed details in order to ensure a satisfactory form of development and to comply with the National Planning Policy Framework and policy B2 of the Unitary Development Plan.

25. Boundary Enclosures

No building shall be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable.

Reason:

In the interests of visual amenity, highway safety and in order to protect the railway infrastructure, in accordance with the National Planning Policy Framework and policies B2, T14 and T16 of the Unitary Development Plan.

26. Ecology - Biodiversity Enhancement Measures

No development shall take place until details of the Ecology Mitigation and Enhancement measures including where appropriate long term management strategies have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of biodiversity enhancement measures, a written timetable for the implementation of the ecological enhancement measures and a methodology for the management of those measures on site. Once approved, the ecological enhancement/ mitigation measures shall be installed as approved and in strict accordance with the agreed timetable, and

retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In the interests of nature conservation and to comply with the National Planning Policy Framework and policies CN18 and CN22 of the adopted Unitary Development Plan.

27. Noise mitigation - Glazing and Ventilation

The development hereby approved shall be built in accordance with Tables 5 & 6, Section 6.3, Noise Assessment (Doc Ref: 1007347-RPT-AS001, Latest Revision: B, date 4/12/2015). If the end use(s) of a specific plot deviates from the uses specified for that plot in the above tables then a new noise assessment shall be undertaken to calculate the necessary adjustments to the glazing and ventilation in order that the noise criteria contained within British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings is met inside all buildings.

Reason:

In order to achieve acceptable internal ambient noise levels, in the interests of residential amenity and to protect the railway infrastructure and to comply with the National Planning Policy Framework and policies B2, T16 and EN5 of the Unitary Development Plan.

28. Surface and Foul Water

No construction work shall take place on any specific area of the site until details of how the surface water and foul water drainage for that area is complying with the Cundall Drainage Strategy (Doc No: 1007347.CL.RPT.002, Date: 14/12/2015) have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure provision of a sustainable form of surface water drainage and satisfactory drainage from the site, and to protect the railway infrastructure, in accordance with National Planning Policy Framework and policies T16 and B24 of the Unitary Development Plan.

29. Noise - plant

The development hereby approved shall be built in accordance with Table 7 and Section 7.2 of the submitted Noise Assessment (Doc Ref: 1007347-RPT-AS001, Latest Revision, date 4/12/2015).

Reason:

In the interests of residential amenity and to comply with policies B2 and EN5 of the Unitary Development Plan.

30. Noise insulation A1, A3 and A4

No construction work shall take place on any building containing any use that falls within Use Classes A1, A3 and A4 (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) until details of the method of sound insulation of the A1, A3 and A4 uses within that building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound insulation scheme shall be installed before the development is brought into use and thereafter retained in full accordance with the approved details.

Reason:

To prevent nuisance from noise in the interests of residential amenity, in accordance with policies EN1 and B2 of the Unitary Development Plan.

31. Deliveries

No deliveries shall be taken at or despatched from commercial premises outside the hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 00:00 on Sunday or Public Holidays.

Reason:

In the interests of residential amenity and to comply with policies B2 and EN5 of the Unitary Development Plan.

32. Extraction/ Ventilation

No construction work shall take place on any plot where the preparation and serving of food on a commercial basis will be carried out until details of a scheme for the extraction of cooking fumes and odours, and for the prevention of odour penetration through that building has been submitted to and approved in writing by the Local Planning Authority for that plot. Thereafter, these scheme shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times.

Reason:

In the interests of the amenity of the occupiers of premises and neighbouring premises, in accordance with policies EN1 of the Unitary Development Plan.

33. Western Access and Livingstone Road car park

No above ground construction shall commence on Building 1 until full details of the revised western highway access into the site, including how access will be retained to the existing Livingstone Road car park whilst it remains in operation, have been submitted to and approved in writing by the Local Planning Authority. Building 1 shall not be occupied or brought into use until the revised junction has been implemented in full accordance with the approved details.

Reason:

In the interest of highway safety and to maintain access to an existing car park, in accordance with the National Planning Policy Framework and policies T14 and T23 of the Unitary Development Plan.

34. Cumberland Street connection

No construction of Plots 13, 14, 15, 16, 17 or 18 shall commence until full details of the road connection to Cumberland Street has been submitted to and approved in writing by the Local Planning Authority. None of these buildings shall then be occupied/ brought into use until the agreed scheme has been implemented in full accordance with the approved details.

Reason:

In order to ensure that the development is served by an appropriate level of highway infrastructure, in accordance with the National Planning Policy Framework and policy T14 of the Unitary Development Plan.

35. Plot - highway works

Excluding Building 1, hereby approved, no construction shall commence on any individual plot until details of the proposed highway works relating to that plot have been submitted to and approved in writing by the Local Planning Authority and the building(s) shall not be occupied until the Highway Works have been constructed in accordance with the approved plans

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and policy T14 of the Unitary Development Plan.

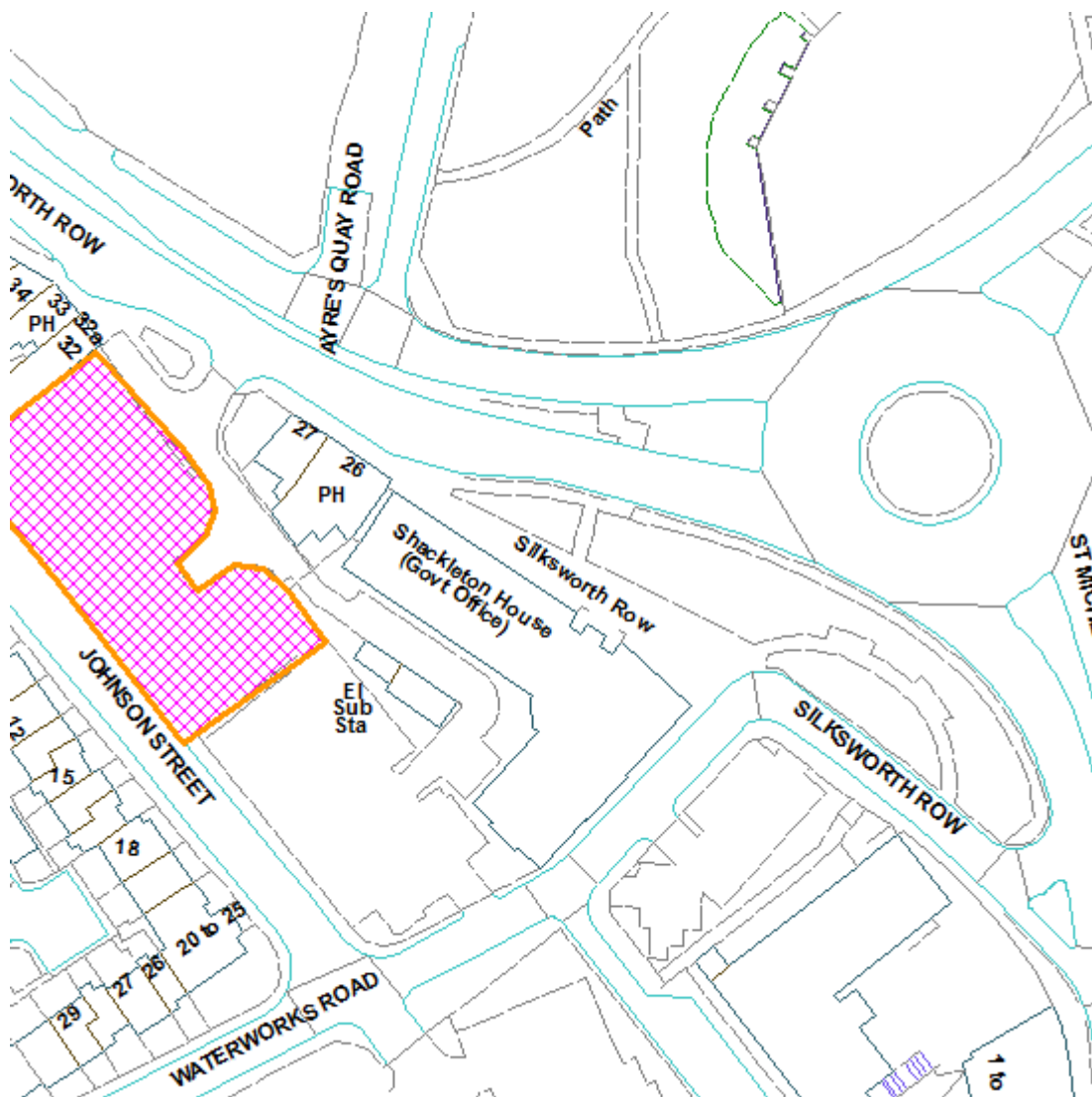
Reference No.: 16/00405/FU4 Full Application (Reg 4)

Proposal: **Installation of 4no 6m high lampposts and 1no 6m high CCTV column.**

Location: Land At Johnson Street Sunderland

Ward: Millfield
Applicant: University Of Sunderland
Date Valid: 7 March 2016
Target Date: 2 May 2016

Location Plan



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PROPOSAL:

The application relates to a public car park located at Johnson Street. Adjacent land uses include a variety of commercial premises on Silksworth Row to the north and east, with residential properties in Johnson Street to the west.

Planning permission is sought for the installation of four lampposts, each of which would be 6 metres high and one CCTV column, which would be 6.29 metres high. Three of the lighting columns and the CCTV column are proposed adjacent to the Johnson Street boundary, whilst the final lighting column is proposed to the eastern boundary of the site, close to Silksworth Row. The application is made by the University of Sunderland, which is presently in the process of acquiring the car park from the City Council to improve car parking provision around its City Campus, which is located nearby.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Millfied - Ward Councillor Consultation

Final Date for Receipt of Representations: **11.04.2016**

REPRESENTATIONS:

Neighbours

No representations have been received from the occupiers of neighbouring properties to date.

The deadline for receipt of comments is 11 April 2016, which is after the deadline for the preparation of this report. Should any representations be received, these will be reported at the Sub-Committee meeting.

Consultees

Network Management

The Network Management Team has offered no specific observations or recommendations in connection with the proposal, but has noted that the site is adjacent to the Sunderland Strategic Transport Corridor 3 Scheme and may be subject to alternative access arrangements in future.

Public Protection and Regulatory Services

The Public Protection and Regulatory Services Team has considered the proposal and has advised that it is satisfied with the proposed lighting.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

SA_54_Sites for major new commercial and retail developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to be considered in determining this application are:-

- i) Principle of the Development.
- ii) Amenity Issues.
- iii) Highway Issues

Principle of the Development

Policy SA54.9 of the adopted Unitary Development Plan (UDP) identifies the site as one of a number in and around the City Centre whereon major new developments would be directed. In the case of this site, it forms part of an area of land extending to 0.3 hectares on Hope Street identified as suitable for redevelopment as a mixed use office (Use Class B1) and residential (Use Class C3) scheme.

Whilst this aspiration is noted, in the 18 years since the adoption of the UDP, no such scheme has come forward and the car park and adjacent existing uses have continued. On this basis, it is considered reasonable to consider this proposal, which relates to enhancements to the existing car park, with regard to UDP policy EN10. This policy states that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. On this occasion, this proposal relates to works to enhance the operation of the existing surface car park and is considered to be acceptable on this basis.

As such, the principle of the proposed works is considered to be acceptable, notwithstanding the UDP allocation which sets out the site's potential suitability for redevelopment for alternative purposes.

Amenity Issues

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

In considering the appearance of the proposed lighting and CCTV columns within the street scene, these are fairly standard types of street furniture which would not appear out of place in their context. At 6 metres high and 6.29 metres high respectively, the proposed columns are of similar height to the existing street lighting columns along Johnson Street and the lighting columns would be of similar appearance. It is considered that should Members be minded to

grant consent that this should be subject to a condition requiring that the columns be coloured black as per the existing street lighting columns in the interests of visual amenity.

In terms of residential amenity, the proposed lighting and CCTV columns represent additions to the street scene of the type which can be reasonably expected in such locations. Each column would be a minimum of 11.5 metres away from the nearest residential properties. This distance, combined with the nature of the development is such that the presence of the proposed columns and equipment could not be argued to be detrimental to residential amenity.

Considering the impact of the light produced by the proposed lighting columns, the Public Protection and Regulatory Services Team has advised that there is no objection to the proposal in this regard. The lights are aimed at lighting the car park and as such, it is not considered that nearby residents will be subject to unacceptable light pollution as a result of their installation.

It is not considered that the privacy of the residential properties in proximity to the CCTV column will be detrimentally affected by the presence of the cameras due to strict controls and working practices that the operators of such cameras are required to follow. The operators are required to adhere to The Human Rights Act, The Data Protection Act, The Freedom of Information Act, The Data Commissioners Code of Practice, and The Regulatory and Investigatory Powers Act which forbid the misuse of such apparatus. Any breach of these acts would leave the operator liable to prosecution.

With regard to the above comments, it is therefore considered that the impact of the proposed development on amenity is acceptable. As such, the proposal is considered to be compliant with the requirements of policy B2 of the UDP as detailed above.

Highway Issues

Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The proposed lighting and CCTV columns are to be positioned within the car park boundary and as such, not within or impacting upon adopted highway land. Facilitating enhanced use of the car park and not impacting upon the highway network, the proposal is considered to accord satisfactorily with UDP policy T14 and would not impact detrimentally upon highway safety.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent subject to Regulation 4.

This recommendation is made on the basis that no further representations are received in advance of the expiration of the consultation period on 11 April 2016. Should any representations be received in advance of this date, the contents and implications will be reported to Members by way of a supplementary report and the recommendation re-appraised if necessary.

Recommendation: Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992

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.

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Location Plan - Drawing Number P1194-A1, received 7 March 2016;

The Site Plan - Drawing Number P1194-A2, received 7 March 2016;

The Proposed Lighting Columns - Drawing Number P1194-A3, received 7 March 2016;

The Proposed CCTV Colum - Drawing Number P1194-A4, received 7 March 2016

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3 The lighting columns and CCTV column hereby approved shall be painted or powder coated black prior to their installation and shall be retained as such at all times thereafter in the interests of visual amenity and to accord with policy B2 of the Unitary Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/00388/HY4	Siglion LLP	Hybrid planning application - Outline planning application for up to 750no residential units, public open space and internal road network along with up to 1000sqm of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.All Matters apart from access to be reserved in relation to the outline elements of the proposals.The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a	02/03/2016	22/06/2016
Doxford	Chapelgarth South Of Weymouth RoadSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
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new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

15/02165/FU4

Mr Christopher Carolan

Change of use of part of car park to boat repair yard, to include realignment of existing fence and siting of GRP cabin.

22/10/2015

17/12/2015

Hendon

Car Park Adjacent To Sambucas Fish Quay Low Street Sunderland

15/01038/FU4

Mr John Cambell

Erection of two semi detached dwellings.

16/07/2015

10/09/2015

Hendon

Site Of 40/41 Lawrence Street Sunderland

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/00113/FUL	Forevercare	Change of use of building from mixed-use supported accommodation and house in multiple occupation to supported accommodation (use class C2) in respect of entire building.	27/01/2016	23/03/2016
Hendon	Oakwood House17 Mowbray RoadSunderland			
16/00097/FUL	Minton Group Ltd	Extension to provide two additional floors comprising 35 no. studio apartments for the student letting market and an external roof terrace.	23/02/2016	24/05/2016
Millfield	Upper Floors Cassaton House43 - 49 Fawcett StreetSunderlandSR1 1RR			
15/02375/FUL	Gleeson Developments Ltd.	Erection of 48no. two storey dwellings with associated works.	06/01/2016	06/04/2016
Pallion	Site Of The ForgeNeville RoadPallionSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/00215/LB3	Sunderland Council - Peoples Service	Part removal of boundary wall to allow widening of access and display of replacement non-illuminated fascia signage to entrance.	17/03/2016	12/05/2016
Pallion	Nursery Garden Chester Road Sunderland			
16/00214/LP3	Sunderland Council - Peoples Service	Change of use of nursery from wholesale horticulture to retail garden centre, to include widening of access, installation of a portacabin for additional rest room/training facilities, conversion of mess room to coffee shop and extension of car parking from 9 to 46 spaces.	17/04/2016	12/06/2016
Pallion	Nursery Garden Chester Road Sunderland			
15/01629/OU4	The Co-operative Group	Demolition of existing buildings and development of up to 22 dwellings.	23/10/2015	22/01/2016
Ryhope	Land At Grangetown Autos Ryhope Road Sunderland SR2 0SP			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/02436/FU4	Home Living North East Ltd	Erection of two storey furniture retail building (A1) and single storey fast food restaurant (A3 and A5) with associated access, parking and landscaping.	21/01/2016	21/04/2016
Ryhope	Land At Salterfen Lane Sunderland			
15/01546/FDC	Malhotra Group PLC	Proposed demolition of existing building and erection of new extra care facility.	09/02/2016	10/05/2016
Ryhope	Ryhope Village C E Primary School Ryhope Street South Sunderland SR2 0HG			

Appeals Received South Sunderland

Between _____ and _____

Ref No	Address	Description	Date Appeal Lodged
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Appeals Determined Sunderland South

Between 01/03/2016 and 31/03/2016

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	16/00002/REF	Reds3 Cairside SouthSunderlandSR3 3LS	Retention of signage to side of premises.	APPC	18/03/2016