

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 22/00970/FUL Full Application

Proposal: **Erection of 96 No. affordable residential dwellings (Class C3) with associated access, landscaping and infrastructure. (amended description and information received 13.10.23)**

Location: Land At Harrogate Street And Amberley Street Sunderland

Ward: Hendon

Applicant: Thirteen Housing Group Limited

Date Valid: 13 May 2022

Target Date: 12 August 2022

UPDATE:

Members will recall that at the meeting on 5 February it was resolved that planning permission be granted, the erection of 96 No. affordable residential dwelling with associated access, landscaping and infrastructure on land at Harrogate Street and Amberley Street, Hendon, Sunderland, subject to (1) the draft conditions outlined within the Officer and Supplementary Report and (2) the completion of a Section 106 Agreement.

Following the publication of the main agenda report and the Supplementary Update presented to the Committee on the 5 February 2024, the applicant has indicated, during the discussions pertaining the Section 106 requirements, that the proposed development would not be viable should the Local Planning Authority require 15% of the affordable units to be secured in perpetuity by way of either a Section 106 Agreement or planning condition. As this is a deviation from the report previously presented to the Committee on the 5 February 2024, the application has had to be reassessed and brought back to Committee for further consideration and determination.

PROPOSAL:

Planning permission is sought for the erection of 96 No. affordable residential dwelling with associated access, landscaping and infrastructure on land at Harrogate Street and Amberley Street, Hendon, Sunderland.

The site which is the subject of this application relates is an irregular shaped parcel of land, measuring approximately 7.6 acres in area with a slight gradient of around 3m across the site from north-west to south-east.

The site is located around Amberley Street and Harrogate Street in the Hendon area of Sunderland and has multiple highway access points from Salem Street, Amberley Street,

Lindsay Close, Suffolk Street, Ward Court and Hendon Valley Road, including a number of back lanes to the main highways

The site is currently vacant, having previously housed residential streets of terraced properties along Amberley, Harrogate and Salem Streets prior to their demolition over the last 3 decades,

leaving the estate roads in place with informal amenity grass between with the site boundary predominantly formed by the existing highways. The site is surrounded on all other sides by existing residential development mainly in the form of 2 storey terraced housing, with some bungalows located to the south. A small cluster of 3 storey dwellings is located to the north-western corner of the site.

The proposal is a mix of No.96, 2 bed bungalows and 2, 3 and 4 bed houses, aiming to provide a sustainable mix of housing to address the needs of the local area. All units are designed to be in compliance with the National Design Spacing Standards (NDSS) and are to be provided as affordable housing managed by Thirteen Housing Group. In the main, the layout retains the general grid form and street placement of the original streets with the exception of Amberley Street and Harrogate Street which have been broken down into a hierarchy of access types, culminating in a pedestrian only link at the centre of each street which allows for existing mains services to be retained.

The site is located within the ward of Hendon, it is within a coal mining legacy area identified as low risk and a smoke control area. The site is within an allocated housing improvement area and an area for redevelopment in regard to open space and community facilities. It is in close proximity to Listed Buildings and within a site of archaeological interest.

The proposed development has been subject to pre-application discussions with Officers at the City Council and a programme of community engagement.

A Stage 2 Pre-Application Advice Request was submitted by the Applicant in 2021 with a written response received July 2021. The response to the pre-application from the Council confirmed that the principle of residential development on the site is considered to be acceptable. Recommendations were provided to address technical development management matters. As such, this planning application is accompanied by a suite of technical reports as detailed below;

- Covering Letter
- Construction Phase Surface Water Management Plan
- Construction Method Statement
- Phase 1 Coal Mining Risk Assessment Report
- Energy Statement
- Flood Risk and Drainage Strategy
- RSA Designer's Response
- Health Impact Assessment
- Transport Assessment Technical Note (iTransport Planning)
- Transport Assessment Addendum V2 (iTransport Planning)
- Transport Assessment V3 (iTransport Planning)
- Travel Plan V4 (iTransport Planning)
- Phase 2: Ground Investigation Report
- Remediation Strategy & Validation Proposal Sheets Revision 2
- ARC Environmental Ground Gas & Groundwater Monitoring Certificate
- Updated Stage 1 Road Safety Audit
- Design and Access Statement
- Archaeological Statement
- Biodiversity Metric
- Biodiversity Net Gain Assessment
- Construction Environmental Management Plan (CEMP):Biodiversity
- Construction Method Statement (CMS)
- Ecological Impact Assessment
- Report to Inform a Habitat Regulations Assessment

- Air Quality Assessment
- Noise Impact Assessment Report
- Statement of Community Involvement
- Planning Statement (Including Affordable Housing Statement and Open Space Assessment)

The community engagement involved two public consultation events that the community were encouraged to attend and were able to ask questions and provide feedback on the proposals. Further details of the pre-application engagement are found in the Statement of Community Involvement (SCI) which accompanies this planning application submission.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
 Natural Heritage
 Flood And Coastal Group Engineer
 Cllr Lynda Scanlan
 Cllr Michael Mordey
 Cllr Ciaran Morrissey
 Planning Obligations Officer
 Landscape
 Natural Heritage
 Network Management
 Planning Implementation
 Land Contamination
 Landscape
 Director Of Childrens Services
 Flood And Coastal Group Engineer
 Cllr Lynda Scanlan
 Cllr Michael Mordey
 Cllr Ciaran Morrissey
 Network Management
 Tyne And Wear Archaeology Officer
 Environmental Health
 Land Contamination
 Planning Policy
 Planning And Highways
 Chief Fire Officer
 Northumbria Police
 NE Ambulance Service NHS Trust
 Flood And Coastal Group Engineer
 Northern Powergrid
 Natural Heritage
 Nexus
 Landscape
 Northumbrian Water
 Planning Implementation

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Northern Powergrid
Northern Gas Networks
Nexus
Northumbrian Water
Land Contamination
Northumbria Police
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Environmental Health
Land Contamination
Planning Policy
Planning And Highways East
Chief Fire Officer
Northumbria Police
NE Ambulance Service NHS Trust
Flood And Coastal Group Engineer
Northern Powergrid
Natural Heritage
Nexus
Landscape
Northumbrian Water
Planning Implementation

25 Osman Close Hendon Sunderland SR2 8DB
26 Osman Close Hendon Sunderland SR2 8DB
14 Ward Court Sunderland SR2 8AN
26 Harold Square Sunderland SR2 8EZ
27 Osman Close Hendon Sunderland SR2 8DB
11 Salem Street Sunderland SR2 8EB

10 Salem Street Sunderland SR2 8EB
24 Amberley Street Sunderland SR2 8ES
23 Amberley Street Sunderland SR2 8ES
7 Saint Lucia Close Sunderland SR2 8AF
6 Saint Lucia Close Sunderland SR2 8AF
9 Salem Street Sunderland SR2 8EB
6 Salem Street Sunderland SR2 8EB
15 Nelson Close Sunderland SR2 8EA
33 Nelson Close Sunderland SR2 8EA
32 Nelson Close Sunderland SR2 8EA
22 Amberley Street Sunderland SR2 8ES
1 Lindsay Close Hendon Sunderland SR2 8DA
38 Mowbray Road Sunderland SR2 8EW
2 Lindsay Close Hendon Sunderland SR2 8DA
5 Saint Lucia Close Sunderland SR2 8AF
4 Ward Court Sunderland SR2 8AN
8 Salem Street Sunderland SR2 8EB
2 Salem Street Sunderland SR2 8EB
6 Lindsay Close Hendon Sunderland SR2 8DA
3 Salem Street Sunderland SR2 8EB
2 Ward Court Sunderland SR2 8AN
4 Saint Lucia Close Sunderland SR2 8AF
3 Saint Lucia Close Sunderland SR2 8AF
7 Salem Street Sunderland SR2 8EB
5 Salem Street Sunderland SR2 8EB
23 Osman Close Hendon Sunderland SR2 8DB
Flat 4 Second Floor 36 Mowbray Road Sunderland SR2 8EW
Flat 3 First Floor 36 Mowbray Road Sunderland SR2 8EW
22 Osman Close Hendon Sunderland SR2 8DB
5 Lindsay Close Hendon Sunderland SR2 8DA
24 Osman Close Hendon Sunderland SR2 8DB
10 Ward Court Sunderland SR2 8AN
4 Salem Street Sunderland SR2 8EB
Dr Datta And Partners Deerness Park Medical Centre Suffolk Street Hendon Sunderland
25 Amberley Street Sunderland SR2 8ES
12 Ward Court Sunderland SR2 8AN
16 Nelson Close Sunderland SR2 8EA
4 Lindsay Close Hendon Sunderland SR2 8DA
4 Nelson Close Sunderland SR2 8EA
Medichem Limited 50 Suffolk Street Hendon Sunderland SR2 8AB
Bedsits 1 And 2 Ground Floor 36 Mowbray Road Sunderland SR2 8EW
9 Ward Court Sunderland SR2 8AN
8 Ward Court Sunderland SR2 8AN
7 Ward Court Sunderland SR2 8AN
6 Ward Court Sunderland SR2 8AN
5 Ward Court Sunderland SR2 8AN
3 Ward Court Sunderland SR2 8AN
1 Ward Court Sunderland SR2 8AN
3 Lindsay Close Hendon Sunderland SR2 8DA
11 Ward Court Sunderland SR2 8AN

Final Date for Receipt of Representations: **20.11.2023**

REPRESENTATIONS:

CLLHH - Planning And Highways

AMBUL - NE Ambulance Service NHS Trust – No response received.

WATER - Northumbrian Water – No response received

Director Of Childrens Services

No objection or comments to make

Planning Implementation 10.11.2023 - No comments

Tyne And Wear Archaeology Officer - 01.11.2023 - No comment

Planning Policy - No objection 24.10.23

Chief Fire Officer - No objection 23.10.23

Network Management - (14.11.2023) No objection

Northern Powergrid - No objection 20.10.23

Northern Gas Networks- No objection 23.10.23

Nexus (27.10.2023) - No objection - Update Travel Plan - recommended development contribution 2 x £50 per dwelling £9,700

Education - No objection, education contributions required £195,278.22

Northumbria Police - No objection - I am satisfied with the changes to the plans with regard the fencing in to the communal green areas, and that this has raised the security and these areas.

I would like to reiterate the comments for plots 21-27 rear fence should be to a height of 1800mm due to the plots backing on to the alleyway.

Natural Heritage - No objection subject to recommended planning conditions.

Land Contamination - The investigation report identifies potentially significant risks to future site users due to the presence of concentrations of lead above the assessment criteria. Remediation is required to mitigate the risk to an acceptable level.

Due to the volume of contaminated material removal is not economically feasible, and it is therefore, proposed to provide a cover layer of clean soils for soft landscaped and garden areas. The cover layer is to comprise at least 600mm of clean soil, including 150mm of topsoil, and the works are to be verified in accordance with the YALPAG guidance on the verification requirements for cover systems.

Comments and Recommendation

I am pleased to confirm that the reports and the proposed works are acceptable. Planning Conditions CL03 and CL04 should be included in the Decision Notice.

Environmental Health - Environmental Health has considered the documentation submitted since our comments of 31 May 2022 and 14 September 2023, and noted the amendments proposed. There is no indication that the changes impact the conclusions and recommendations of the noise assessment, and therefore our proposed condition relating to the position of the acoustic fence, glazing and ventilation strategy may remain. The condition requiring a CEMP also remains appropriate.

Landscape – No objection subject to recommended planning conditions.

POLICIES:

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

Core Strategy and Development Plan (CSDP)

SP1 Development strategy
SP5 South Sunderland
SP8 Housing supply and delivery
HS1 Quality of life and amenity
HS2 Noise-sensitive development
H1 Housing mix
H2 Affordable homes
BH1 Design quality
BH2 Sustainable design and construction
BH6 Quality communications
BH7 Historic environment
BH8 Heritage assets
BH9 Archaeology and recording of heritage assets
NE1 Green and blue infrastructure
NE2 Biodiversity and geodiversity
NE4 Greenspace
NE9 Landscape character
WWE1 Decentralised, renewable and low carbon energy
WWE2 Flood risk and coastal management
WWE3 Water management
WWE5 Disposal of foul water
WWE6 Waste management
SP10 Connectivity and transport network
ST1 Urban core accessibility and movement
ST2 Local Road network
ST3 Development and transport

Unitary Development Plan (Saved Policies)(UDP)

SA10 - Community and Environmental Priority
SA12.3 - Housing Improvements

Brownfield Register
Strategic Housing Land Availability Assessment 2020 (SHLAA)

The National Planning Policy Framework (NPPF)
National Planning Policy Guidelines (NPPG)
National Design Guide (NDG)

COMMENTS:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A

planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF, as are the Unitary Development Plan (saved policies) (UDP)

The key issues for consideration in the determination of this application are: -

- Principle of the development
- Design and impact on the street scene
- Heritage impact
- Impact upon residential amenity
- Contamination
- Ecological and landscape impact
- Highway and pedestrian safety
- Flood risk, water and wastewater management
- Planning Obligations

Principle of development

The NPPF has an emphasis on sustainable development and sets out three overarching objectives to achieve this (a) economic, (b) social and (c) environmental. The NPPF advocates a presumption in favour of sustainable development, however, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

The NPPF Chapter 5 details how the NPPF can support the Government's objective of significantly boosting the supply of homes, paragraph 63 states that the housing needed for different groups in the community should be assessed and reflected in planning policies including (but not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. The NPPF at Chapter 11 paragraph 123 state that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land and at paragraph 124(c) advocates that substantial weight should be given to the of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

CSDP Policy SP1 sets out the principles for development for Sunderland City and seeks to support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders with an aim to deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure across the plan period with CSDP Policy SP5 setting out the policies for strategic growth across South Sunderland.

CSDP Policy SP7(6) seeks to ensure healthy and safe communities and seeks to ensure that new developments are i. are age friendly, inclusive, safe, attractive, and easily accessible on foot

or by bicycle and ii. have a strong sense of place which encourages social interaction; iii are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space; and iv promote improvements and enhance accessibility to the city's natural, built and historic environments.

CSDP Policy SP8 relates to housing supply and delivery whilst CSDP Policy H1 sets out the principles for residential housing mix with an aim to providing affordable housing, market housing demand and specialist housing through a mix of house types, tenures and sizes which are appropriate for their location, taking into consideration the character and accessibility of an area.

The application site is identified on the Brownfield Register as site 163 and as such has been assessed to be suitable, available and potentially achievable for housing development within the next 15 years and in the Strategic Housing Land Availability Assessment 2020 (SHLAA) and as such the principle of development is considered acceptable.

Affordable Housing

Paragraph 64 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site.

Paragraph 66 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

On a local level, CSDP H2 sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable and the supporting text to the policy reiterates the recommendation of the 2020 SHMA in terms of the 75:25 split between different tenure types.

As stated at the outset of this report, the applicant is proposing that the housing is 100% affordable all of which are proposed to be affordable rent tenures. Clearly, this level of affordable housing is welcomed given the significant contribution it will make to the overall provision, availability and choice of affordable housing in the City.

However, given that adopted local and national planning policies only require 15% and 10% of housing within a new development to be affordable respectively, the Council cannot reasonably insist that 100% of the housing within the development remains affordable in perpetuity.

In this regard, and further to the report to Committee on 5 February, TG have submitted a Viability Report (VR) which sets out the applicant's position and reasoning as to why the 15% AF cannot be secured.

TG have a Strategic Partnership grant funding allocation with Homes England (HE) under the Affordable Homes Programme 2021-26. (AHP) Strategic Partnerships are one of two routes to access grant funding for affordable housing from HE. Rather than access funding on a scheme-by-scheme basis (via Continuous Market Engagement), Strategic Partners enter into a multi-year grant agreement with HE to deliver affordable housing. The Strategic Partnership model provides long term grant funding assurance for a programme of sites.

The host site has been identified within the pipeline of sites to be delivered by TG within the AHP subject to compliance with legislation which includes the Right to Acquire provisions as detailed of the Housing and Regeneration Act 2008.

The VR seeks to demonstrate that the proposed development is unable to support any affordable housing without grant funding from Homes England.

The VR submitted by TG states that a number of financial appraisals for the scheme, all of which are dependent on grant funding from HE and the 15% in-perpetuity requirement places TG in breach of HE's grant funding obligations which would result in a loss of HE funding for the scheme, if TG are required to meet the 15% in-perpetuity requirement as detailed in CSDP Policy H2; the resulting effect is that TG would be unable to proceed with this project should the 15% in-perpetuity requirement remain.

Consideration therefore must be given to Paragraph 66 of the NPPF which requires a minimum of 10% AF (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

It is evident that the proposed development will make a significant contribution to the delivery of new housing in the City and will utilise a site which is identified as being appropriate and available for new housing. Furthermore, positive weight should be given to the type of housing to be provided by the Development.

As detailed in the report CSDP Policy H2 sets the trigger for an affordable housing contribution, however, CSDP Policy H2 also states that a viability assessment should be submitted in line with the requirements of Planning Practice Guidance where it is not proposed to deliver the affordable housing requirement in full. The purpose of the assessment is to clearly demonstrate how policy H2's requirement would make the scheme unviable. In addition, CSDP Policy ID2 (1) states that S106 agreements will be used to facilitate the delivery of the affordable housing required by policy H2.

The VR concludes that the residual value of the site if it were to meet policy requirements on affordable housing, would be -£1,762,878 and as such it is unable to viably comply with the contribution normally required by the Council and that the scheme could not support affordable housing secured through the planning application process (i.e. via a S106 agreement).

To summarise the applicant's stated position

TG advise that they have every intention of providing affordable housing units at a rate which would exceed Council policy targets as part of their development proposals, but this can only be achieved with the benefit of grant funding from Homes England. The grant funding can, however, only be secured if its viability argument is accepted and the requirement for affordable housing is excluded from the s106 agreement (on the basis that Homes England will not provide grant funding if a developer is in a position to commit to affordable housing provision without requiring funding).

The applicant's VR has been rigorously reviewed and it is accepted that the scheme is unable to support the delivery of affordable housing due to the significantly negative residual land value. It is also acknowledged that the applicant has every intention of securing grant funding required to deliver a level of affordable housing within the development which would significantly exceed the Council's usual policy requirement.

The affordable housing intended to be provided by the applicant would also be affordable rent, the form of affordable housing for which there is the greatest need in the City, as evidenced by the Council's most recent SHMA.

This grant-funded affordable housing cannot, however, be secured via the S106 agreement accompanying the planning application and so there is no guarantee, through the planning application process, that affordable housing would be delivered at the site. Whilst it is acknowledged that AH cannot be secured on the site and as such the proposal is in conflict with CSDP Policy H2, the proposal is for 100% AH for rent; should perspective residents secure the right to acquire, there is potential for 100% of residents choose to purchase the property under this scheme and as such affordable housing within the site could be lost. In considering this potential scenario, it is highly probable that not all residents would implement this at the same time and therefore it would take time for this process to occur, if it were to occur at all; taking a pragmatic approach on planning balance there would be a short term gain of 100% AH which is much needed within the locality even if longer term there is the potential for less than 15% AH to remain within the site.

Conclusion in respect of Affordable Housing policy

Members will be aware planning case law has established that the development plan must be considered as a whole, a point reinforced by the Cornwall Council v Corbett Court of Appeal judgment dated 09.04.2020.

When considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

To this end, where conflict with development plan policies is identified, it is incumbent upon the decision-maker to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

In this regard, it is accepted that the proposed development does not strictly accord with the provisions of policy H2 of the CSDP and paragraph 64 of the NPPF, however for the reasoning set out in the paragraphs above it is considered that there are overriding benefits as detailed below;

- 100% AH for rent from the outset of the development;
- a mix of well-designed and affordable housing types;
- sustainable location close to existing facilities;
- the redevelopment of an existing Brownfield Site;
- the development in in close proximity to the City Centre and within easy access of sustainable transport and as such promotes active modes of travel
- communal areas and gardens to promote community interaction and cohesion;
- employment opportunities during the construction phase of the development
- improved visual appearance of the site

It is considered that in this case, the significant benefits of the proposed development, especially in terms of housing delivery at a highly sustainable location, the scheme supporting the regeneration and transformation of the locality and the enhancement of an existing brownfield site, should be seen to outweigh the absence of affordable housing being secured through the planning application process.

It is therefore considered that the proposed development does not give rise to fundamental conflict with the Council's development plan when taken as a whole, particularly as the development supports strategic objectives of the plan in terms of housing delivery and the regeneration and transformation of the locality (CSDP Policies SP5 and SP8). In considering the planning balance, the development is considered to represent the 'sustainable development' sought by the NPPF and the conflict with CSDP Policies H2 and ID2 in terms of affordable housing delivery is not considered to warrant the refusal of planning permission in this instance given that this policy conflict is outweighed by the significant positive benefits to be delivered by the scheme.

Design and impact on the street scene

The NPPF at paragraph 128 advocates the planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities and that development that is not well designed should be refused, especially where it fails to reflect

local design policies and government guidance on design. The NPPF advocates that planning policies and decisions should ensure that developments;

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

CSDP Policy BH1 seeks to ensure that developments achieve high quality design and positive improvement through accordance with a clear set of criteria as set out in the policy. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; avoids disruption to established views of important buildings, structures, and landscape features; as well as encouraging durability and adaptability throughout the lifetime of a development whilst CSDP Policy BH2 relates to sustainable design and construction.

The DAS sets out a Masterplan for the site which creates a strong frontage with natural surveillance and public open spaces which are central to streetscape, safe play spaces, shared surfaces and gardens and a dry SuDS basins offering surface water management and biodiversity opportunities. The dwellings will be Category 2 MMC constructed using a timber frame, with increased insulation levels compared to a traditional build and will incorporate energy efficiency measures such as air source heat pumps, photovoltaics , smart meters and electric vehicle charging points.

The development is proposed as 100% affordable and consists of adaptable 1 and 2 storey dwellings in a range of sizes, including 4no. fully accessible dwelling. The proposed bungalows are to be located predominantly along the eastern and southern site edges where the proposals adjoin existing single storey development.

The layout retains the general grid form and street placement of the original streets with dwellings orientated to face the road creating positive active frontages and the use of windows within gables to provide natural surveillance with the use of communal gardens to replace the traditional rear lanes to create safe communal space to promote resident interaction and informal play. The contemporary mix of materials and window proportions are considered acceptable.

In terms of the visual amenity of the locality, it is considered that in its current condition, the application site does not make a particularly positive contribution to the visual amenity of the locality. Furthermore, the site is located in an established built-up urban area which is partly characterised by residential development. Given this context, it is considered that a residential development of the site can relate satisfactorily to its surroundings

Taking the above into deliberation, the general layout, scale and appearance of development is considered to be acceptable in this location and would not result in significant or adverse impacts upon the character and appearance of the site and surrounding area.

Heritage impact

The NPPF at Chapter 16 - conserving and enhancing the historic environment advocates the importance of historic sites and buildings and states that " these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". The NPPF at paragraph 200 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets" and at paragraph 205 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Sunderland's historic environment has a large number of heritage assets, both designated and non-designated, including Scheduled Monuments, archaeological sites, Historic Parks and Gardens, listed buildings and conservation areas.

CSDP Policy BH7 and BH8 seek to conserve and enhance the historic environment and heritage assets and sets out the principles for development, whilst CSDP Policy BH9 seeks to protect the city's archaeological remains.

The site subject to this application is in close proximity to the Grade II listed St Ignatius Church (HER 7207, List Entry 1218133) and within a site of archaeological interest. The site forms part of the immediate urban residential setting to the Church that is predominantly formed by 20th Century housing, with historic terraces further to the west. The Church is a key landmark and due to its scale, form and architectural qualities is prominent in views along several streets and acts as a dominant focal point in the townscape of the residential neighbourhood. The Ashbrooke Conservation Area lies a short distance to the west and includes the listed terraces of Park Place East and West at its nearest point to the site.

Whilst it is acknowledged that the proposed development would have some impact of the setting of the Church due to its proximity and inter-visibility. The Building Conservation Officer has been consulted as part of this application process and has raised no objection the development is not considered to have any impact on the setting of the Ashbrooke Conservation Area and Listed Buildings within it due to their distance from the site and intervening development. The City Archaeologist has also been consulted and has raised no objection stating that further archaeological investigation is not required.

The proposal is considered in accordance with local and national planning policies in this respect.

Impact upon residential amenity

The NPPF paragraph 135(f) advocates a safe, inclusive, and accessible places which promote health and well-being with a high standard of amenity for existing and future users/

CSDP Policy BH1 seeks to retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings whilst CSDP Policy HS1 seeks

to ensure that cumulative impact of development does not result in unacceptable adverse impacts on the local community stating that development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development comprises reasonably proportioned dwellings which, in the main, occupy good sized plots with relatively spacious front and/or rear gardens and communal gardens and areas. The DAS states that the development proposals incorporate Secured by Design principles, with the layout working to present active frontages to as many of the surrounding spaces as possible and avoid the creation of alleys and secluded areas. A Health Impact Assessment (HIA) submitted in support of the application states that the site will incorporate low carbon, energy saving measures and that the site has been designed so that all access to the site is safe and convenient with good surveillance to reduce the risk of criminal activity with the layout configured around four cul-de-sacs to encourage low vehicle speeds and provide passive surveillance.

The developer has submitted a Construction Environmental Management Plan and Traffic Management Plan with the application. The purpose of these reports is to outline how the development will be managed and the impacts mitigated during the construction period. The report provides details of deliveries, movement of materials, management of surface water drainage, dust and general impacts on the surrounding environment.

With regard to noise, CSDP Policy HS2 and paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;
and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

The developer has submitted an Acoustic Report, Energy and Sustainability Statement, Health Impact Assessment, Air Quality Assessment in support of the application which makes recommendations to safeguard and ensure the amenity of existing residents within the locality and that of any future residents within the development site.

The proposed interface differences between the proposed development and the existing built form are considered acceptable. The Environmental Health Team (PH) have been consulted on this application and have raised no objection. The proposal is considered to accord with local and national planning policy in this respect.

Contamination

In regard to ground conditions and pollution, the NPPF advocates the remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land where appropriate, and at paragraph 189 states that planning policies and decisions should ensure that;

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

However, a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner. (NPPF paragraph 190).

The NPPF paragraph 191 advocates that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

CSDP Policy HS3 relates to contaminated land and set out the principles for development on contaminated land and seeks to ensure that there is no unacceptable risk to health or to the environment; that contaminants to the proposed end use and future site users are adequately quantified and addressed. Ensuring the correct mitigation measures are identified and implemented and that in developing the site there would be no risk to people, buildings, services, or the environment including the apparatus of statutory undertakers. The following documents have been submitted in support of this application;

- Phase 1 Coal Mining Risk Assessment Report (CMRA)
- Phase 2: Ground Investigation Report (GIR)
- Remediation Strategy & Validation Proposal Sheets Revision 2 (RS)
- Air Quality Assessment (AQA)
- Noise Impact Assessment Report (NIA)
- Hazardous Ground Gas Risk Assessment Addendum Report (HGGRA)

CSDP HS2 relates to noise sensitive development and advocates that noise sensitive development will be directed to the most appropriate locations and protected against existing and proposed sources of noise through careful design, layout, and uses of materials. The Environmental Health Team have also been consulted and have raised no objection subject to recommended planning conditions.

The site falls within a coal mining legacy area identified as low risk.

The GIR identifies potentially significant risks to future site users due to the presence of concentrations of lead above the assessment criteria. Remediation is required to mitigate the risk to an acceptable level. Due to the volume of contaminated material removal is not economically feasible, and it is therefore proposed to provide a cover layer of clean soils for soft landscaped and garden areas. The cover layer is to comprise at least 600mm of clean soil, including 150mm

of topsoil, and the works are to be verified in accordance with the YALPAG guidance on the verification requirements for cover systems. The Land Contamination Officer has been consulted as part of this application process and has raised no objection subject to recommended planning conditions.

Taking the above into deliberation, it is considered that subject and adherence to the recommended planning conditions, the proposal would accord with local and national planning policies in this respect.

Ecological and landscape impact

The NPPF at Chapter 15 recognises the intrinsic value and character of the natural environment and seeks to minimise the impact of development and to protect and enhance valued landscapes whilst seeking to achieve biodiversity and geodiversity net gains. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

CSDP Policy NE9, outlines the requirement to demonstrate a high-quality landscape design, implementation and management as an integral part of the new development, whilst CSDP Policy NE11 seeks to protect and create views into, out of and within the development and seeks to preserve or enhance key local views and vistas, giving consideration to views of significant buildings, including views to and from heritage assets, and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive indivisibility from various viewpoints.

The application site lies within an existing wildlife corridor and within the Northumbria Coast SPA / Ramsar site Durham Coast SAC and the Northumbria Coast SPA / Ramsar site coastal buffer zone and as such UDP saved policy CN23 and CSDP Policies NE1, NE2, NE3 and ID2 are relevant.

The Site is bounded by built development on all sides including Amberley Street and Lindsay Close to the north, Suffolk Street to the east (alongside the Deerness Park Medical Centre), Ward Court/Hendon Valley Road to the south, whilst Salem Street lies to the west. Within the Site is Amberley and Harrogate Street running north to south and Mowbray Road running east to west. The site boundaries are predominantly formed by the existing highways, with the exception of the eastern boundary which is formed by the palisade fence of the adjacent single storey medical centre and car park. The site is surrounded on all other sides by existing residential development mainly in the form of 2 storey terraced housing, with some bungalows located to the south. A small cluster of 3 storey dwellings is located to the north-western corner of the site.

The site currently is laid to lawn with intermittent trees placed sporadically around the perimeter of the site. The site is approximately 7.6 acres in area, the site falls from the North Western boundary to South Eastern boundary; it is predominantly level with an overall slope of around 3m across the site from north-west to south-east.

The following information has been submitted in support of this application;

- Ecological Impact Assessment,
- Ecological Mitigation Plan,
- Report to inform a Habitat Regulations Assessment (HRA)
- Biodiversity Net Gain Assessment (BNG)
- Biodiversity Metric (BM)

- Landscaping Plan (LP)

The proposed development site is dominated by strips of amenity and poor semi-improved grassland, intersected by roads and surrounded on all sides by residential housing. The HRA concluded that there were no invasive species recorded within the development site and the potential direct and indirect impacts of the proposed change of use are considered to be limited. A programme of landscaping, the creation of new open green space and ecological mitigation is proposed within the development site. The BNG identifies an anticipated net gain in the biodiversity value of the site and the provision of integrated bird nesting opportunities and bat roosting features.

The City Ecologist and the Landscape Architect have been consulted and have raised no objection subject to the imposition of recommended planning conditions. It is considered subject to the imposition and adherence to the recommended planning conditions, the proposal would accord with local and national planning policies in this respect.

Landscape Update

Further to reports presented to Committee on 5 February, revised Landscape Plans and a Landscape Maintenance and Management Manual D/I/D148814/801 Issue 11 have been submitted. The Landscape Officer has reviewed the submitted which is considered acceptable and as such the matter of landscaping has now been satisfactorily addressed and the proposed landscaping plan drawings have been updated.

Highway and pedestrian safety

The site which is the subject of this application is located on previously developed land. The site lies in a highly accessible location within an established residential area and is in close proximity to both the City Centre and existing local facilities within Hendon. It has good links to public transport including bus, rail and the metro and pedestrian networks. A number of documents have been submitted in support of this application in regard to highways matters which include a Travel Plan (TP), Transport Assessment and Addendum and Road Safety Audit (RSA).

The proposed development is for the construction of 96 dwellings comprising a mix of bungalows and houses and associated infrastructure, with access to be taken from Harrogate Street and the surrounding streets of Mowbray Road, Amberely Street, Heddon Valley Road and Salen Street in the form of direct access onto the existing street arrangement and a series of shared surface type cul-de-sac arrangements. The RSA identifies that as part of the proposed highway works the narrowing of Mowbray Street is proposed and to create cul-de-sac arrangements on Harrogate Street and Amberely Street. This will break down the residual highway grid of the site, remove excessive through routes and allow these streets to become active destination spaces without the need to divert below ground services and create defined spaces within the streetscape.

The existing traditional highway format of a 5.5m road with min. 1.8m footpath is reduced in length at each end of these streets to form a suitable stub end or turning head with the adjacent back lanes, after which the highway then changes to a shared surface consisting a 4.8m main carriageway with a 1.2m overrun zone (6m total), to create a more informal layout and allow the dwelling layouts to have prominence within the street. Each shared surface then provides a turning head suitable for refuse access and gives access on to the central pedestrian link through, with additional private drives for parking where necessary. Parking provision is to be provided in line with the Sunderland Development Management Plan SPD.

The Transportation Development team have been consulted and have raised no objection. It is noted that the site is identified as suitable for an enforceable 20mph zone. As such a Traffic Regulation Order is required and to be implemented no later than the Final Adoption of the development.

Flood risk, water and wastewater management

The NPPF advocates that plans, and policies should take a proactive approach to mitigating and adapting to climate change and support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. The NPPF at paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Built development can lead to increased surface water run-off; therefore, new development is encouraged to incorporate mitigation techniques in its design and therefore CSDP Policies WWE2, WWE3, WWE5 and WWE6 are relevant to manage and mitigate against any potential flood risk and ensuring that new and existing developments are not put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

The application site is located with Flood Risk Zone 1 which has a low probability of flooding from rivers and the sea. The closest watercourse is a culverted length of Hendon Burn at some 250m to the south of the proposed development, the culvert runs at an approximate depth of 10.0m. The Northumbrian Water (NWL) sewer record plans indicate a 300mm diameter combined sewer in the road to the east and a 450mm and 600mm in the road to the west of Amberley Street, a 300mm diameter combined sewer in the road to the east of Harrogate Street, and a 300mm combined sewer in the road to the south of Amberley Street South.

A suite of documents has been submitted in regard to water, waste water and flood risk management which includes a Flood Risk Assessment and Drainage Strategy, a Construction and Surface Water Management Plan, a SuDS Validation report and a Phasing Layout Plan

The Application Form states that foul sewage is to be disposed of via the existing main sewer and that surface water will be disposed of via a sustainable drainage system (SuDS).

Northumbrian Water (NW) have been consulted as part of this application process and have raised no objection. The LLFA have been consulted, further information was requested and submitted and subject to the imposition of recommended planning conditions, the LLFA raised no objection.

It is considered that with the imposition and adherence to the recommended planning condition, the proposal would accord with local and national planning policy in this respect.

Planning Obligations

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise, unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition; such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended). Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

Sunderland's future growth and environmental sustainability cannot be achieved without a wide array of essential infrastructure. The term infrastructure can be taken to include roads and other transport facilities, flood defences, schools and other educational facilities, health facilities, sporting and recreational facilities and open spaces. This is not an exhaustive list and there may be a range of other services and facilities that could constitute infrastructure, which may be required.

CSDP Policy ID1 relates to infrastructure delivery and seeks to ensure that development contributes towards the provision of (i) measures to directly mitigate the impacts of the development and make it acceptable in planning terms; and (ii) contribute towards the delivery of essential infrastructure identified in the IDP.

CSDP Policy ID2 sets out the mechanisms in respect of planning obligations. Planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Where necessary, the timing of provision of infrastructure will be linked directly to the phasing of development, taking account of viability. In respect of this application contributions are sought for the following;

- Affordable Housing
- Education
- Allotments
- Ecology/HRA

Affordable Housing

As stated at the outset of this report, the applicant is proposing that the housing is 100% affordable and all of the proposed units are intended to be for affordable rent. Clearly, this level of affordable housing is welcomed given the significant contribution it will make to the overall provision, availability and choice of affordable housing in the City.

However, given that the applicant is unable to agree to entering into a Section 106 Agreement which would safeguard 15% of the units as affordable in perpetuity, the LPA have had to request the submission of a Viability Report (VR). The VR has been assessed and it is accepted that the scheme is unable to support the delivery of affordable housing due to the significantly negative residual land value. It is also acknowledged that the applicant has every intention of securing grant funding required to deliver a level of affordable housing within the development which would significantly exceed the Council's usual policy requirement. The affordable housing intended to be provided by the applicant would also be affordable rent, the form of affordable housing for which there is the greatest need in the City, as evidenced by the Council's most recent SHMA.

Habitats Regulation Assessment

The developer has confirmed agreement to the figure £53,485.44 towards ecological mitigation and management measures in respect of impacts on European-protected coastal sites and species.

Education contribution

The developer has confirmed agreement to the figure £195,278.22 to support education provision.

Allotments

The developer has confirmed agreement to the figure £8,208 for the provision of allotments.

The applicant has agreed to the financial contributions detailed above and these will be secured via an agreement under S106 of the Town and Country Planning Act 1990. An agreement to this effect is in the process of being drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the Committee meeting.

Conclusion

For the reasons set out above, it is considered that the proposed development is acceptable in principle. The design and materials palette are considered acceptable and would not have a negative impact on the locality of the street scene.

It is considered that this proposal will provide a development that follows the planning principles identified within Section 12 of the NPPF, Achieving Well Designed Places specifically that the creation of high-quality buildings and place is central to the purpose of the planning and development system.

There would be no adverse impact on residential amenity. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, water and wastewater management, highways safety and ground conditions/land contamination.

The main point of policy conflict is in relation to affordable housing, given that the planning decision would not secure affordable housing in line with the objectives of the NPPF and CSDP Policy H2 and ID2.

It is considered that in this case, the significant benefits of the proposed development, especially in terms of housing delivery at a highly sustainable location, the scheme supporting the regeneration and transformation of the locality and the enhancement of an existing brownfield site, should be seen to outweigh the absence of affordable housing being secured through the planning application process.

It is therefore considered that the proposed development does not give rise to fundamental conflict with the Council's development plan when taken as a whole, particularly as the development supports strategic objectives of the plan in terms of housing delivery and the regeneration and transformation of the locality (CSDP Policies SP5 and SP8).

In considering the planning balance, the development is considered to represent the 'sustainable development' sought by the NPPF and the conflict with CSDP Policies H2 and ID2 in terms of affordable housing delivery is not considered to warrant the refusal of planning permission in this instance given that this policy conflict is outweighed by the significant positive benefits to be delivered by the scheme.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Delegate to the Director of City Development who is minded to approve the application subject to the conditions listed below and the satisfactory completion of the Section 106 Agreement.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Site Location Plan: Drawing No. 3997-JDKK1000 Rev. 2
- Proposed Site Plan: Drawing No. 3997-JDDK1002 Rev 21
- Site Sections: Drawing No. 3997-JDDK-Z1-ZZ-DR-A-4001 Rev.P3
- Block Plan: Drawing No. 3997-JDDK-1004 Rev.7
- Boundary Treatment Details: Drawing No. 3997-90-101 Rev.4
- Finishes/Boundary Treatments: Drawing No. 3997-JDDK1003 Rev.19
- Phasing Layout
- Street Lighting Plan: Drawing No. BBLP EX1163 Rev. C

House Types

- HT01: Drawing No. 3997-JDDK-XX-XX-DR-A-2001 Rev P02
- HT02: Drawing No. 3997-JDDK-XX-XX-DR-A-2002 Rev P03
- HT02a: Drawing No. 3997-JDDK-XX-XX-DR-A-2002a Rev. P03
- HT02s: Drawing No. 3997-JDDK-XX-XX-DR-A-2002s Rev P01
- HT05: Drawing No. 3997-JDDK-XX-XX-DR-A-2005 Rev. P03
- HT6: Drawing No. 3997-JDDK-XX-XX-DR-A-2006 Rev. P02
- HT7: Drawing No. 3997-JDDK-XX-XX-DR-A-2007 Rev. P02
- HT9: Drawing No. 3997-JDDK-XX-XX-DR-A-2009 Rev. P03
- HT11: Drawing No. 3997-JDDK-XX-XX-DR-A-2011 Rev. P02
- HT12: Drawing No. 3997-JDDK-XX-XX-DR-A-2012 Rev. P02
- HT13: Drawing No. 3997-JDDK-XX-XX-DR-A-2013 Rev. P03
- Ecology Mitigation Plan: Drawing No. 3997-JDDK1005 Revision 2

Landscape Plans

- Landscape Proposal Plan: Drawing No. 14884/8001 Revision K
- Landscape Softworks (Sheet 1 of 3) Drawing No. 14884/8002 Revision J
- Landscape Softworks (Sheet 2 of 3) Drawing No. 14884/8003 Revision I
- Landscape Softworks (Sheet 3 of 3) Drawing No. 14884/8004 Revision I
- Swept Path Analysis: Drawing No. 1042-002
- Visibility Splays: Drawing No. 1042-001

Drainage

- Exploratory Hole Location Plan (Proposed): Drawing No. 20-794
- Drainage Strategy Layout Plan: Drawing No. 000-01 Rev. E (FRA Appendix J)
- Flood Route Layout Plan: Drawing No. 013-02 Rev. F (FRA Appendix K)
- Maintenance Schedules (FRA Appendix L)

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development above damp-proof course level shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

- 4 Works shall be undertaken in complete accordance with the Construction Environmental Management Plan (CEMP) and the Construction Management Statement Revision E (CMS), which have been submitted in support of the application hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: to protect biodiversity and prevent the risk of harm to protected species from the outset of the development and to prevent nuisance in the interests of residential amenity and highway safety in accordance with Policies NE1, NE2, BH1 and HS1 of the adopted Core Strategy and Development Plan and the aims of the NPPF.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, the construction works required for the development and any deliveries made to the site shall only be carried out between the hours of ;

- 08.00 and 18.00 Monday to Friday
- 08.00 and 13.00 on Saturdays , and
- no time on Sundays or Bank Holidays

Reason : In order to protect the amenities of the area and to comply with policies BH1, SP7 and HS2 of the Core Strategy and Development Plan.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy NE1 and NE2 of the Core Strategy and Development Plan.

7 A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of any dwelling. The content of the HMMP shall include the following;

- a. Description and evaluation of the habitats to be created and managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management, including reference to target ecological condition of habitats and timescales for these.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period)
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details and habitats shall be actively maintained for a period of not less than 30 years.

8 The development shall be undertaken in accordance with the Ecological Mitigation Plan : Drawing No. 3997-JDDK1005 Revision 2 which has been submitted in support of the application hereby approved, unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details. Any building mounted bat or bird features shall be installed integral to the fabric of the building and shall not be installed directly above any doors or windows.

Reason : Reason: to protect biodiversity and prevent the risk of harm to protected species from the outset of the development and in accordance with Policies NE1 and NE2 of the adopted Core Strategy and Development Plan and the aims of the NPPF.

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

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183

11 The submission of a verification report(s), shall be submitted to and approved by the Local Planning Authority. The verification report(s) must be carried out by a suitably qualified person. The verification report(s) shall be submitted in accordance with the agreed timings, as outlined in the Amberley and Harrogate Street SUDS Validation Report - Revision A, Ref: 2020060, dated: January 2024, and must include the details of the SuDS features demonstrating that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

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

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

Reference No.: 23/00393/FU4 Full Application (Reg 4)

Proposal: **Change of use to mixed use retail and student accommodation, to include demolition of existing rear extensions and erection of replacement five storey rear extension, 2no.dormer windows to front roof and new shop front.**

Location: 61 - 63 Fawcett Street City Centre SunderlandSR1 1SE

Ward: Millfield

Applicant: Shah and Colman

Date Valid: 30 June 2023

Target Date: 29 September 2023

PROPOSAL:

Full planning permission is sought for mixed use retail and student accommodation at 61-63 Fawcett Street.

The proposal would include the demolition of the existing rear extensions and their subsequent replacement with a new 5 storey rear extension, the insertion of 2no dormer windows within the front roof plane and the creation of a new shop front.

The development would see the creation of 44.no 1 bed suites accommodated across floors 1-4. The accommodation will include the provision of a centralised dining/kitchen and meeting room at first floor, a TV lounge, gym and laundry on the first and second floors and a games room and group study room at third floor.

The ground floor will be substantially retained for retail purposes although a small element, accessed from the rear (Station Street) will be set aside for cycle and bin storage associated with the upper floor accommodation. A limited element of retail space will also be lost to facilitate the new independent entry/corridor access to the upper floor apartments from Fawcett Street.

The area is predominantly characterised by retail and commercial uses at street level with some of the upper floors now being brought back into use, primarily through residential conversions for apartments and student accommodation.

The host building also lies towards the western edge of Sunnyside Conservation Area and is adjacent to and within the vicinity of a number of historically significant buildings including the impressive Grade II Listed Elephant Tea Rooms.

The planning application has been accompanied by a Design and Access Statement, a Heritage Statement, an Acoustic Report, a Preliminary Roost Assessment and a Flood Risk and Drainage Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Planning Implementation
Northumbria Police
Natural Heritage
Land Contamination
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning Obligations Officer
Land Contamination
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Network Management
Environmental Health
Planning Policy
Land Contamination
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning And Highways
Network Management
Northumbria Police
Environmental Health
Flood And Coastal Group Engineer
Planning Implementation
Nexus
NE Ambulance Service NHS Trust
Chief Fire Officer
Planning Policy
Northern Powergrid
Northern Gas Networks
Northumbrian Water
Network Rail
Tyne And Wear Archaeology Officer
Land Contamination
Planning Implementation

Upmarket 60 Fawcett Street Sunderland SR1 1SE
Former Sweet Home Alabama 2 Fawcett Street Sunderland SR1 1SJ
Part Second Floor Havelock Building High Street West Sunderland SR1 1TZ
Furniture Lounge 63 Fawcett Street Sunderland SR1 1SN
Former Hollywood Nails 6 Fawcett Street Sunderland SR1 1SJ

Former Food Weighouse 3 Fawcett Street Sunderland SR1 1SJ
Pearson Driving Assessments Limited Part Of Second Floor Havelock Building High Street
West Sunderland SR1 1TZ
Barshu 4 Fawcett Street Sunderland SR1 1SJ
Former Royal Bank Of Scotland 64 Fawcett Street Sunderland SR1 1BB
Poundland 240 High Street West Sunderland SR1 3BN
Former Action For Employment Limited Havelock Building High Street West Sunderland SR1
1TZ
The Co-operative Bank 5 Fawcett Street Sunderland SR1 1RF
Harrys Game Shack 1 Fawcett Street Sunderland SR1 1SJ
Yorkshire Building Society 230 High Street West Sunderland SR1 3BN

Final Date for Receipt of Representations: **09.08.2023**

REPRESENTATIONS:

The application has been publicised by way of site notice, press notice and neighbour consultation letters sent to nearby properties. No representations have been received as a result of the publicity carried out.

External consultees

Northumbria Police (Designing Out Crime Officer DOCO) has commented -

1. Planners will be aware that the proliferation of HMO's in Sunderland city centre is a significant concern to us from a Crime and Disorder perspective, so a commitment toward purpose built student accommodation is welcome as is the applicants acknowledgement in their DAS that "Purpose built student accommodation in mixed use city centre districts can reduce the proliferation of multiple occupancy housing and their negative effect on residential areas".

2. We note however that the DAS also includes specific consideration to possible future change of use to general housing needs, which do not appear to differ greatly from the same sort of multiple occupancy housing that they acknowledge has a negative effect.

3. Northumbria Police accept the applicants are prudent to consider a future when PBS accommodation may not be required, however we do not feel it appropriate to make the form that might take in anyway implicit in this application.

4. Whilst we appreciate that the overarching plan makes provision for this sort of accommodation in the Urban Core it is Northumbria Police's position that it cannot all be such transient accommodation and we are concerned that opportunities are being lost to encourage mixed development of more substantial housing provision that might encourage community building.

5. Northumbria Police support the proposed purpose-built student accommodation but have strong reservations about the scope of future changes and would therefore ask that student residency be made a condition of planning.

County Archaeologist has commented -

61 - 63 Fawcett Street is of early to mid-19th century construction and should be considered a non-designated heritage asset (NPPF para 203). Although there has been redevelopment internally, there remains the possibility of surviving historic fabric associated with the early development of Fawcett Street towards the beginning of the 19th century. In considering the scope of proposed works and the alterations, 61 - 63 Fawcett Street merits historic building recording (Historic England Level 2, Understanding Historic Buildings: A Guide to Good Recording Practice (2016)) prior to the internal development works taking place (NPPF para 205). A basic photographic survey and description of the exterior should also be undertaken in order to provide context to the building recording. Existing architects' drawings may be used as a basis for the survey, for which I can provide a specification. The work must be carried out by a suitably qualified archaeologist or historic buildings expert.

A planning condition has therefore been recommended to deal with this.

Network Rail has commented -

Following assessment of the details provided to support the above application, Network Rail has some concerns in respect of the demolition and construction work proposed and how they relate to the structures of Sunderland Railway Station which is in very close proximity to the scheme. The rear extension of the site would be on or very near the west abutment of the station bridge. It should be noted that any impact on operational railway safety will be unacceptable. If the proposed scheme is granted permission, it is imperative that the developer liaise with Network Rail well in advance of any work commencing on site in order that we may fully understand how demolition, construction and drainage proposed will impact on adjacent operational railway infrastructure.

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include demolition and construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

With regard to the above, a condition, to be agreed by the Local Planning Authority (LPA) in consultation with Network Rail, is required to deal with the proposed demolition and construction methodologies.

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

A condition should therefore be imposed to deal with the preparation and implementation of a surface water drainage strategy.

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

- o The type and method of construction of foundations

- o Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

In this respect a condition is required to ensure that no development will take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works. Such details are to be approved in writing by the LPA in conjunction with Network Rail.

NW Ltd - No response

Northern Gas Network has commented -

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Northern Powergrid - No objections

Nexus has commented -

Nexus welcomes the intention of this development proposal to utilise brownfield land in a prominent area of Sunderland city centre, and one that is well served by existing public transport provision. The site benefits from close Metro and bus services, which will likely be attractive to those using the development site.

Nexus further supports the desire to include 15 secure cycle parking spaces at the development site, as outlined within the Design & Access Statement. Secure cycle parking is welcomed to ensure that cycling is made more attractive and journeys are made actively by bicycle, especially due to the proximity of the development site to nearby public transport interchanges and the Sunderland University campus.

Recommendations are offered to the developer that information on public transport is made available to residents upon their occupation and that the developer/applicant provides both the residents at the development site and employees of the retail unit with introductory travel tickets to encourage the build-up of sustainable travel behaviours.

Sunderland University has commented -

On receipt I have consulted internally, and we do not have any comments to make at this time.

Internal consultees

The Council's Environmental Health Officer has commented -

The application site is located on Fawcett Street within Sunderland City Centre. The ground floor is in use as retail space and is currently occupied by a furniture store. The upper floors are stated to be used for storage or vacant. Fawcett Street is a major bus route within the city centre and as such there are bus stops located immediately to the front of the application premises. It is reasonable to envisage that noise from passing and idling buses will be a major noise source which will impact upon perspective occupiers. The site is adjoined to other retail and commercial spaces, these too will be sources of noise which could impact upon future occupiers of the student accommodation. There appears to be roof mounted air conditioning units located on the retail premises to the rear beyond Station Street. The provided Design & Access Statement Part 2 document details the changes to the existing front elevation and the construction of a rear extension. This proposed extension and the changes to the front elevation must be of a design to ensure adequate noise attenuation to avoid future residents making complaints of excessive noise from the street. Internal noise levels must meet the guidance set out in BS8233:2014. As the site is to be subdivided into student accommodation, the wall/floor/ceiling partitions between each flat, communal areas and the ground floor retail space, require a good standard of noise installation to avoid noise impacting upon residential amenity. The individual residential units must meet normally acceptable standards for internal noise levels and satisfactory ventilation.

With regard to the above, the submitted noise report is considered to be appropriate in its assessment method and findings. It is therefore recommended that a final scheme, based on the findings of the report is submitted to detail the specifications of the glazing, ventilation, roof construction and wall insulation provisions for habitable rooms.

Prior to commencement of works on site the applicant shall submit for the approval of the LPA a construction environmental management plan that shall identify the potential impacts arising from demolition of the rear extension and construction works. The plan shall set out suitable mitigation measures to ensure those impacts upon nearby occupiers are prevented or minimised. The plan shall detail mitigation measures regarding (but not limited to) working hours of the site, location of site compound and materials storage, measures to control dust, noise and vibration, location of site access, prevention of burning of waste and vegetation, and site lighting.

The Lead Local Flood Authority (LLFA) has commented that -

As the application has no significant increase in impermeable area and the site is not in a fluvial flood zone or recorded as having any significant risk of surface water flooding, the LLFA are satisfied with the information presented within the document entitled 'FLOOD RISK ASSESSMENT & OUTLINE DRAINAGE STRATEGY' Report Ref: 236415FRA.

The Council's Highways officer has commented -

The site lies within the City Centre parking zone and benefits from good links to public transport, with the Rail and Metro station within close walking proximity. The City Centre Residents parking scheme is also available for residents with cars.

It is noted that 15 no secure cycle spaces will be provided for use by the residents; this appears acceptable.

It is noted that servicing and deliveries is provided to the rear of the building, this appears acceptable.

Bin storage is within the property boundary, this is acceptable.

Clarification is required for the extent of boundary enclosure, locations of site compounds, contractor parking, wheel washing and/or road cleaning operations. This is required to ensure appropriate control measures are in place to prevent mud or debris being deposited on the highway, this can be dealt with through a planning condition.

The Council's Ecologist has commented that -

I've reviewed the ecology report for this site, which covers bats and birds.

The building is assessed as low potential for roosting bats, which, as per the recommendation within the report, requires a single nocturnal survey visit to confidently determine presence/absence. Given the low suitability, the Council, LPA, would be amenable to conditioning any consent given. This would require a survey to be undertaken in May (earliest) with no development starting until the results of the assessment had been accepted by the LPA via a discharge of condition.

The per bed space rate for HRA mitigation is £214.19 and a legal agreement would need to be entered into secure appropriate mitigation.

The Council's Contaminated land Officer has commented that -

The Phase 1 site report is considered to be acceptable. Although no further investigation or assessment is necessary, I would still recommend that a condition is attached to the decision notice in the event that any unexpected contamination is encountered during the development works.

Council's Conservation Officer - Comments have been received from the Council's Conservation Officer which has resulted in amendments to the scheme. This will be discussed in greater detail in the main report below.

POLICIES:

Core Strategy and Development Plan (CSDP)

COMMENTS:

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

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

NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

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

- Ensuring the vitality of town centres (section 7);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Conserve and enhance the natural environment (section 15).
- Conserve and enhance the historic environment (section 16)

These core principles of the NPPF feed into the local saved policies contained within the Unitary Development Plan (UDP) and the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, BH7, BH8, H3, HS2, NE2, ST2, ST3, SP2, SP8 and ID2.

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

1. Principle of the development
2. Impact on the character and appearance of the Conservation Area
3. Residential amenity
4. Highway's considerations
5. Ecology
6. Other matters

1. Principle of the development

The application site is located on the proposals map of the adopted Alteration no. 2 to the Unitary Development Plan as a Strategic Location for Change. Policy SA55B.1

then lists acceptable uses, which include housing; but does not specifically refer to student accommodation. The policy does, however, continue by saying that: The City Council wishes to encourage a greater concentration of living opportunities associated with a mixed-use development ethos for Sunnyside. Proposals for conversion, redevelopment and infill are particularly encouraged, having regard to the policy SA74A. Whilst the proposed development may not fall within the list of acceptable uses within the policy, the provision of student accommodation would contribute towards the wider strategy for the area (i.e. a mixed-use, urban quarter) in a manner which involves the conversion of and redevelopment of an existing building

The site is also defined as part of the Urban Core Boundary within the adopted Core Strategy and Development Plan (CSDP). Policy SP2 is relevant to the Urban Core and states that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by promoting mixed use development in the area of change which includes a residential led mixed use in Sunnyside. The Policy further seeks to diversify the residential offer to create sustainable and mixed communities and advises that it is also important that the Urban Core is not purely focused on employment uses but should accommodate a wide range of good quality residential provision. This will help to support the vibrancy of the Urban Core and particularly the evening economy.

The above approach adheres fully with national policy in respect of Para 90 of the NPPF which promotes a mix of uses within town centres and Para 124 (d) of the NPPF which sets out that planning decisions should promote and support the development of under-utilised land and buildings, including the conversion of space above shops.

With regard to the above, it is considered that the conversion of the upper floors of the premises would fully comply with both national and local policy through residential led development of vacant floorspace and the promotion of mixed-uses and increased vibrancy within Sunnyside and the Urban Core.

The Core Strategy also has a specific policy for student accommodation (Policy H3). This policy sets out that development of student accommodation should be located within the Urban Core and must demonstrate that:

1. there is a need for additional student accommodation;
2. it is of a scale and appearance appropriate to its surroundings;
3. it is located within close proximity to local facilities and is accessible to the university by foot, cycle and by public transport;
4. it provides high quality living accommodation in terms of design, layout, and facilities provided within the development, in accordance with the Student Accommodation SPD; and
5. the layout of the accommodation is designed in such a way that it is capable of being reconfigured through internal alterations to meet general needs housing in the future.

The site, as noted above, lies within the Urban Core; this means that the location and the accessibility of the development to the university is in accordance with the above policy.

With regard to the requirements of point 1, the application has been supported by a feasibility document which has been undertaken by Chartered Surveyors, Bradley Hall. The text of the

document provides opinion on the viability of the scheme with regard to current market conditions and concludes that the scheme would be a highly desirable offering to any investor and would help support the huge demand for student accommodation within Sunderland. The text concludes by stating that they are confident that lettings would be achieved within a 3-month period, predicting 100% occupancy within the vicinity. Further and with regard to need, it is noted that Sunderland University has offered no observations following consultation.

Points 2, 4 and 5 will be addressed within the relevant paragraphs below.

The re-use of the ground floor for new retail is clearly appropriate within the context of Fawcett Street and will serve to increase footfall and vibrancy within the area.

In conclusion, the development will contribute positively to the vibrancy of the city and deliver appropriately located student accommodation into the Urban Core through the re-use and redevelopment of vacant upper floor space back. Subject to adherence with points 2, 4 and 5 of Policy H3, which will be explored below, the principle of the development is considered to be acceptable.

2. Impact on the character and appearance of the area

The NPPF is strongly supportive of delivering high quality design through new development, with paragraph 135 stating that planning decisions should ensure development functions well and adds to the overall quality of the area; is visually attractive as a result of good architecture; and is sympathetic to local character and history, including the surrounding built environment.

A further key requirement of the NPPF is that new development should seek to conserve and manage heritage assets, such as Conservation Areas, in a manner appropriate to their significance. Detailed guidance is provided by section 16 of the NPPF, paragraphs 195 and 196 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 203 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Paragraph 208 makes clear, however, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also relevant is paragraph 212, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policies BH1, BH7 and BH8 of the CSDP are pertinent in the consideration of the current application. Policy BH1 encourages a high standard of design to new development, whilst policies BH7 and BH8 build on the guidance of section 16 of the NPPF in terms of requiring new development affecting heritage assets to conserve, manage and enhance their significance as appropriate. Also relevant is the Council's adopted Sunnyside Conservation Area 'Character

Appraisal and Management Strategy (CAMS), which provides a detailed analysis of the Conservation Area together with detailed policy guidance and management objectives.

With regard to the policy framework outlined above, it is considered that the main matters to consider are the design and visual amenity implications of the development and its relationship with the prevailing historic environment, including its effect on the significance of the Sunnyside Conservation Area and setting of nearby Listed buildings.

61-63 Fawcett Street comprises an attractive group of 19th century buildings within the Sunnyside Conservation Area, notable for the attractive twin Dutch gable dormers of no's 62 and 63. Number 63 stands adjacent the listed Elephant Tea Rooms and the whole group are in close proximity to other listed building including Mackie's Corner. At the time of the consideration of this application, both Mackie's Corner and Elephant Tea Rooms have been / are undergoing restoration and enhancement schemes, including striking new shop fronts, through the Heritage Action Zone which is serving to regenerate and transform this part of Fawcett Street and High Street West.

Within this context, it is evident that No's 61-63 Fawcett Street have lost their historic shop fronts to a continuous modern shop front that spans across all three properties and detracts considerably from the traditional character and appearance of the buildings, the historic street scene and this part of Sunnyside Conservation Area. Further, the upper floors of the building have been vacant for several years. This proposal does therefore offer opportunity to address the street frontage and the underuse of the properties and build on the heritage-led regeneration of this part of the City Centre.

The application is supported by a Heritage Statement which has in accordance with NPPF paragraph 200 and CSDP Policy BH8 described the significance of the heritage assets affected, more specifically the historic properties subject to the proposals, the adjacent Elephant Tea Rooms and wider Sunnyside Conservation Area, and the impact of the proposals on their significance.

The proposals have been subject to pre-application discussions with the Council's Conservation Team and overall, on balance, the Conservation Officer is of the view that the scheme demonstrates a largely sympathetic and good quality design approach to the conservation, enhancement, extension and re-use of the historic group.

The above view is most fervently offered with regard to the proposed reinstatement of a new traditional shop front across the ground floor on Fawcett Street. This extremely positive intervention is heavily influenced by the form, height and alignment, proportions and style of the traditional design of the new timber shop front that has recently been completed at the adjacent Elephant Tea Rooms, and in combination, this will significantly enhance the architectural quality and townscape value of the buildings, and wider character of the historic street scene and conservation area.

The Conservation Officer did advise that one minor modification be made to the shop fronts of 61 and 62, to ensure that only a single larger central door is proposed (rather than double doors) as this would replicate the more traditional arrangement illustrated on the Elephant tea Rooms shop front. Amended plans to this effect have been received to the satisfaction of the Local Planning Authority (LPA). A planning condition will need to be attached to any consent given to ensure that future agreement in writing is given to the sectional detail, profile and all decorative components of the new shop front.

The conversion of the existing upper floors to student accommodation involves only minimal external works to the principal historic elevations to Fawcett Street, which will be largely

conserved. The main intervention is the proposed new dormers to the front roof plane of no.61, which through their modest size and simple traditional peaked roof design influenced by the style of a previous historic dormer, are subtle additions that will not compete with the twin Dutch gable roof features of no's 62 and 63 as the dominant roofscape features of the group.

Full details of the design of the dormers including a cross section will be required via condition.

The Conservation Officer has confirmed that the proposed replacement of the existing timber sliding sash windows to Fawcett Street (so as to improve energy efficiency) should only be done on a like-for-like basis with timber sliding-sashes that replicate the style and detailing of the existing sashes, albeit as double-glazed sashes. In this regard, a section detail of the double-glazed timber sliding-sashes will also be required via a condition.

In turning to the proposed rear extension, the Conservation Officer has set out that the existing building to the rear (fronting Station Street) is of no historic or architectural value and indeed presents a very poor appearance and façade which detracts from the street scene. Within this context, the principle of redeveloping this part of the site is welcomed.

In acknowledging that the rear extension is of substantial size, it does not project above the height of the extant historic buildings and will not therefore be seen from Fawcett Street. The primary view of the rear extension will be within the context of Station Street which, rather unusually for a rear lane, exhibits some attractive buildings with high quality frontages, including the adjacent rear elevation to Elephant Tea Rooms. On this basis, it is important that a high-quality design approach is secured which enhances the character of Station Street having particular regard to its relationship with the adjacent listed Elephant Tea Rooms.

In commenting on the scale, massing and design of the rear extension, the Conservation Officer sets out that the development is clearly an improvement on the existing building. The comments go on to qualify that despite its substantial size, the traditional proportions and materials with brick elevations, stone window arches, cills and string courses, slate roof and lead finished dormers, should allow the building to sit sympathetically within the street scene. Of particular note is the fact that the rear building line has been set back directly adjacent to the Elephant Tea Rooms and officers are of the view that this should importantly prevent potential damage to the adjacent buildings stone corbel and water table features, whilst helping to reduce the bulk of the extension so as not to overawe the listed building.

As set out above, conditions will be required to ensure that the development proceeds in a sympathetic manner and this will require;

- full details and samples of all external materials, to include brick, stone, roof slate and membrane for flat roof, timber windows and doors.
- 1:20 Cross sections showing profiles of the new shop fronts and 1:10 details of the shop front decorative components.
- 1:20 cross section of replacement double glazed timber sliding sash windows.
- Full details of dormers to No's 61 including 1:20 cross section.

A condition will also be required to address the comments of the Country Archaeologist in terms of a building recording.

Subject to the imposition of the above conditions, the Local Planning Authority are satisfied that the impact of the development on the character and appearance of the Sunnyside Conservation area is acceptable and in accordance with CSDP Policies BH1, BH7, BH8 and H3.

3. Residential amenity

Policy BH1 of the Council's CSDP seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

The proposed floor plans set out that each student room will benefit from self-contained facilities which include on-suite showers and an area for cooking. Typical examples of the room layouts are highlighted within Part 2, Page 9, of the Design and Access Statement. These rooms will vary in size from between 23sqm to 38sqm and will benefit from good sized windows with the majority either fronting onto Fawcett Street or looking out onto Station Street to the rear. 3no units (at fourth floor) will end up having a slightly more diminished outlook onto the rear of the existing main roof plane, albeit they will benefit from increased skylight by virtue of enlarged rear/roof windows which will provide an airier internal feel. This arrangement for a limited number of units, is on balance, considered to be acceptable.

In addition, separate first, second and third floor communal facilities are also provided to enhance social interaction, dining, studying, fitness and for laundry. Cycle storage with external access to the ground floor is also provided.

As is noted within the consultee section earlier in the report, the application has been subject to consultation with Northumbria Police by way of their Designing out Crime Officer (DOCO). In response to consultation the DOCO confirmed that a commitment toward purpose-built student accommodation is welcomed as it can reduce the proliferation of multiple occupancy housing within the city centre. The comments do however pick up the possibility of the building being utilised for general housing needs and more specifically HMO accommodation in the future. In this respect they have requested that student residency be made a condition of planning.

With regard to the above, it is clear from the description that the scheme will bring forward new student accommodation, however for clarity and to appropriately define the use, a suitably worded condition(s) will be placed on the decision notice.

In terms of internal noise climate, the accompanying Noise Assessment has examined existing noise levels in the immediate area and has set out a suitable glazing and ventilation specification and provided an assessment for wall insulation. The Environmental Health Officer has confirmed that the assessment satisfactorily demonstrates that the internal noise levels within the residential units can meet the appropriate standards.

The Environmental Health Officer has confirmed that the developer will need to commit to a final specification for each element to be implemented. In this respect it is recommended that a condition is attached to any consent requiring the submission of a specific glazing and ventilation scheme which meets with the acoustic consultant's recommendations.

Overall, Officers are satisfied that the new development will afford a good level of amenity to future occupiers in terms of internal space, outlook, natural light, accessibility, and security and it is noted that no observations have been offered by Sunderland University further to consultation.

In terms of addressing residential amenity impacts beyond the confines of the site, the proposed re-use of the upper floors and the addition of the new upper floor dormer windows would have no adverse impact on the living conditions on any existing/prospective occupier on the opposing side

of Fawcett Street given the pre-existing spacing. At the rear of the premises, as the new rear extension will adjoin the blank side gable of the Elephant Tea Rooms the development would have no adverse impact to the north.

Along the southern boundary the development would be notably built up to accommodate the new storeys. Currently the adjoining property of No.60 Fawcett Street remains vacant having previously accommodated retail at ground floor and storage and office space within the upper floors. Notwithstanding, the site has been the subject of a recent planning approval under ref: 22/00575/FUL which sought to change the use and convert the upper floors into 4 residential units. In this respect, due weight does need to be given to the potential impact of the development on the amenity of the approved dwellings should they come forward.

In this respect and based on the prospective residential layout for No.60, both the first and second floors would be converted to accommodate apartments, with a new external link provided to access an existing outbuilding to the rear. Main living windows are proposed within the rear elevation of both the main building and the inward facing elevation of the outbuilding. Within this context it is apparent that the level of amenity serving these particular windows is already significantly diminished due to the presence of the particularly high side gable wall which runs along the northern boundary of No.60 (i.e. southern boundary of host site). Consequently, the impact of raising this boundary to accommodate the upper floor of the host scheme would be unlikely to create any additional harm in terms of a demonstrable loss of visible skylight in this instance. Against this backdrop it is noted that as the host site is directly due north of No.60 the proposal would not result in any adverse overshadowing or a loss of sun light. In terms of the new rear dormer at No.60, it is considered that this would sit high enough within the roofscape to enjoy an acceptable level of amenity.

Officers are therefore satisfied that the development will not have a material adverse impact on the residential amenity of nearby occupiers.

In respect of the considerations offered above, the development accords with Policies BH1 and H3 of the CSDP.

4. Highway's considerations

Paragraph 114 (b) of the NPPF advises that planning decisions should ensure that safe and suitable access to the site can be achieved. Also, paragraph 115 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy ST2 of the adopted CSDP states that development should ensure that it has no unacceptable adverse impact on the Local Road Network. Whilst Policy ST3 outlines that development should include a level of vehicle parking in accordance with the Council's Parking standards.

As set out within the consultation section of this committee report, the Council's Highways Officer has offered no objection, confirming that the application site is located within the S2 City Centre parking zone, whereby parking standards can be relaxed. The site is within a highly sustainable location with excellent connectivity to bus routes including those on Fawcett Street, whilst sitting within very close proximity to Sunderland Station for rail and metro connectivity.

The Highway Officer has welcomed the provision of secure cycle and bin storage and a condition shall be attached to the decision notice to ensure that such facilities are in place prior to first occupation of the student accommodation.

The pre-existing servicing and delivery arrangements for the ground floor retail units will remain as existing and will not be impacted by the development.

A condition requiring the submission of a CEMP will be attached to clarify method of demolition, the extent of boundary enclosure, locations of site compounds and contractor parking.

Informatives will be attached to the decision notice to advise the developer of the City Centre Residents parking scheme, which is available for residents with cars, along with Council contacts for permits relating to any temporary works on the highway such as skips or scaffolding and in respect of temporary road closures.

In addition, and further to the consultation response from Nexus, an informative will be attached recommending that the developer/applicant provides both residents and employees of the retail unit with up to date public transport information and introductory travel tickets to encourage the build-up of sustainable travel behaviours.

Overall, officers are satisfied that the development will have no adverse impact on the highway and pedestrian network and thereby accords with CSDP Policies ST2 and ST3.

5. Implications of development in respect of ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 186 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 188 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

The Council's Ecologist has identified that, in terms of Habitats Regulations Assessment, there could be impacts on key features of coastal European Sites, especially where an increase in residential provision is proposed within 7.2 km of the coast. The Ecologist has advised that likely impacts in this instance would be indirect through increased recreational disturbance and damage, alone and in-combination with other similar developments coming forward in the area.

The applicant has subsequently agreed to make a financial contribution towards the Council's Strategic Access Management and Monitoring (SAMM) measures to address designated site impacts from increased recreational disturbance via a Section 106 agreement.

The application has also been accompanied by a Preliminary Roost Assessment which provides a pre-development record of the suitability of the surveyed building to support roosting bats and any evidence of bat roosts.

The key findings of the report set out that;

- No evidence of roosting bats was recorded on the exterior or within the surveyed building.
- Given the poor habitat for bats surrounding the surveyed building, it is considered the surveyed building had low suitability to support roosting bats.
- Following the Bat Conservation Trust guidelines - a single bat activity survey is required to establish the presence or likely absence of roosting bats.
- Herring gull and feral pigeons were recorded on the surveyed building during the PRA although only the later was confirmed to be breeding. Breeding herring gulls were recorded on the nearby buildings, and it is plausible that this species could nest on the surveyed building.
- The surveyed building was of low value to breeding birds and herring gull are likely to still breed on the surveyed building after the construction of the proposed development;

In considering the report the Council's Ecologist has noted that a single nocturnal survey still needs to be carried out in order to confidently determine presence/absence. As the optimal period for carrying out activity surveys is between May and August, the opportunity to undertake the survey in advance of the determination of this application has now gone. However, following further discussion with the Council's Ecologist, they have, on the basis that the building is of low suitability, confirmed that they would be amenable to the imposition of a suitably worded planning condition which would require a survey to be undertaken in May (earliest) with no development starting until the results of the assessment had been accepted by the Local Planning Authority via a discharge of the condition. This approach has been agreed with the applicant.

In addition, the assessment also recommends that an integrated bat box be incorporated into the brick work on the rear elevation. A condition shall be attached to the decision notice to ensure that full details of the box are submitted for approval in writing prior to commencement.

As active bird nests were present in and around the building at the time of the survey, a condition shall also be imposed to require that works shall only take place outside the nesting period and/or where checking surveys have been carried out prior to the commencement of work.

In the absence of any material considerations to the contrary, the proposal accords with policy NE2 (biodiversity and geodiversity) of the CSDP.

6. Other matters

The application has been accompanied by a Flood Risk Assessment and Drainage which has been subject to consideration by the Council's Lead Local Flood Officer.

The LLFA has confirmed that there would be no significant increase in impermeable area and the site is not in a fluvial flood zone or recorded as having any significant risk of surface water flooding. In this regard, no further action has been recommended by the LLFA.

Conditions designed to protect and mitigate impact on the integrity of Network Rails assets will be imposed in respect of demolition, earthworks and excavations.

Conclusion

In conclusion, the development accords with the relevant development plan policies by contributing positively to the vitality of the city centre through the delivery of new student accommodation within vacant upper floors, the creation of an appropriately designed rear extension and the installation of a new heritage shop front.

The impact of the development on the character and appearance of the Sunnyside Conservation area is acceptable whilst appropriate levels of amenity will be afforded to prospective occupants of the host building and those within nearby buildings.

The ecological implications have been assessed and subject to relevant conditions and a financial contribution towards coastal protection to be made via a Section 106 agreement, the scheme is considered to be acceptable.

Officers therefore recommend that Members grant consent; subject to the successful completion of a Section 106 and the draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions set out below and the satisfactory completion of the Section 106 agreement

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The proposed ground floor plan as amended, received 07.08.2023 (Plan ref: SSA-4-10B);
 - The proposed first floor plan received 17.04.2023 (Plan ref: SSA-4-11A);
 - The proposed second floor plan received 17.04.2023 (Plan ref: SSA-4-12A);
 - The proposed third floor plan received 17.04.2023 (Plan ref: SSA-4-13A);
 - The proposed fourth floor plan received 17.04.2023 (Plan ref: SSA-4-14A);
 - The proposed section B-B plan received 20.02.2023 (Plan ref: SSA-4-16);
 - The proposed front elevation plan as amended, received 07.08.2023 (Plan ref: SSA-4-17B);
 - The proposed rear elevation plan, received 20.02.2023 (Plan ref: SSA-4-18);
 - The proposed rear/side elevation received 20.02.2023 (Plan ref: SSA-4-19);
 - The existing and proposed site/roof plans received 28.02.2023 (Plan ref: SSA-4-32)
 - The location plan received 20.02.2023 (Plan ref: SSA-4-1).

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of all materials and finishes to be used for the external surfaces, including bricks, stones, roof slates and membrane for flat roof and timber and doors, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

- 4 The development hereby approved shall not commence until full details of the proposed new shop front have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the required information shall include the submission of 1:20 scale sectional drawings of each individual shop front to demonstrate the profile and the submission of 1:10 scale drawings to demonstrate all of the decorative components including, pilasters, cornice and corbels. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In order to achieve a satisfactory form of development and to comply with the requirements of policies BH7 and BH8 of the Core Strategy Development Plan.

- 5 The development hereby approved shall not commence until full details of the proposed replacement double glazed timber sliding-sash windows have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the required information shall include the submission of 1:20 scale cross section. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In order to achieve a satisfactory form of development and to comply with the requirements of policies BH7 and BH8 of the Core Strategy Development Plan.

- 6 The development hereby approved shall not commence until full details of the new dormer windows have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the required information shall include the submission of 1:20 scale cross section. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In order to achieve a satisfactory form of development and to comply with the requirements of policies BH7 and BH8 of the Core Strategy Development Plan.

- 7 Prior to any development/demolition commencing, a level 2 building recording must be undertaken and approved by the LPA. This shall be prepared by a suitably qualified heritage professional and comply with the guidance given within the Historic England: Understanding Historic Buildings publication (2016). The recording report shall be submitted to and approved in writing by the Local Planning Authority for inclusion in the Tyne and Wear Historic Environment Record.

In addition, a basic photographic survey and description of the exterior of should also be undertaken to provide context to the building recording. Existing architects' drawings may be used as a basis for the survey, the County Archaeologist can provide a specification. The work must be carried out by a suitably qualified archaeologist or historic buildings expert.

Reason: To provide an archive record of the historic building fabric in accordance with paragraph 205 of the NPPF and Core Strategy Policy BH9

- 8 No development shall commence until a Construction and Demolition Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which identifies the potential impacts arising from the demolition of the rear extension and the construction works. For the avoidance of doubt, the plan shall set out suitable mitigation measures to ensure those impacts upon nearby occupiers, including Network Rail infrastructure are prevented or minimised. The plan shall detail mitigation measures regarding (but not limited to);
- Site layout including location of site compound, materials, and waste storage.
 - Provision for workforce and visitor parking.
 - Sheeting of wagons and road cleaning operations
 - Dust - provision of vacuum extraction or wet arrestment to masonry cutting equipment.
 - Noise - use of mobile noise barriers where necessary, particularly around compressors and generators.
 - Site lighting - location, height, angle to ensure no spill or glare impacting off site occupiers.
 - Hours of working.

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

- 9 Prior to first occupation of the student accommodation, a scheme shall be submitted for approval by the Local Planning Authority specifying the glazing, ventilation, roof construction and wall insulation provisions for habitable rooms. For the avoidance of doubt, the noise attenuation associated with the specified glazing, roof construction and wall insulation shall achieve as a minimum the level of attenuation required as specified within Table 5-1 of the Noise Assessment Report No. LAE1231.1 LA Environmental Consultants, dated 20.03.2023. The ventilation scheme shall ensure that the noise limits prescribed in BS8233:2014 and identified by LA Environmental Consultants are met. Thereafter, the agreed mitigation scheme shall then be implemented prior to the occupation of the first residential unit.

Reason: In order to achieve a satisfactory level of amenity for prospective residents and to comply with policy BH1 and HS2 of the Core Strategy Development Plan.

- 10 No development shall commence until a single bat activity survey, as recommended by the Preliminary Roost Assessment (Falco Ecology June 2023), has been undertaken and submitted to the Local Planning Authority for agreement in writing to confirm the presence or likely absence of roosting bats from the building. Where required, the submission shall be accompanied by details of suitable mitigation informed by the findings of the survey.

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

- 11 Demolition and roof works will not be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified,

the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

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

- 12 The rear extension hereby approved shall not proceed above damp proof course level until details of the location and specification of the integrated bat box to be installed on the rear elevation of the building has been submitted to and approved in writing by the Local Planning Authority. The approved box shall thereafter be in situ prior to first use and retained in strict accordance with the approved details.

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

- 13 The student accommodation shall not be occupied until the space and facilities for cycle parking have been provided in accordance with the approved plans. These facilities shall be maintained as such thereafter and permanently available freely to the occupiers of the development for bicycle parking.

Reason: to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policy ST3 of the Core Strategy Development Plan.

- 14 No part of the development shall be occupied until the space and facilities for refuse bin storage has been provided in accordance with the approved plans. These facilities shall be maintained as such thereafter for the lifetime of the development.

Reason: in order to ensure a satisfactory form of development and in the interests of highway safety and to comply with policy ST3 of the Core Strategy Development Plan.

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

- 16 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, floors 1 to 4 inclusive, shall not be used for any other purpose than student accommodation. For the avoidance of doubt, a student shall be defined as any person enrolled onto a course of higher education.

Reason: to ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation in relation to sensitive ecological sites and other relevant financial contributions that may otherwise have been required, in accordance with Policy NE2 and ID2 of the adopted Core Strategy and Development Plan.

- 17 An annually updated register of students occupying the accommodation hereby approved shall be maintained at all times for the inspection of the Local Planning Authority. The register shall include details of the higher education course and institution (inclusive of offer letter from the institution and subsequent letter from the student accepting the offer).

Reason: to ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation in relation to sensitive ecological sites and the provision of affordable housing, in accordance with Policy NE2 and ID2 of the adopted Core Strategy and Development Plan.

- 18 No development, including demolition shall commence until details of the ground works foundations and proposed drainage scheme have been submitted to the Local Planning Authority for agreement in writing. For the avoidance of doubt, the submitted details, which include any works within 15m (measured horizontally) from the outside face of the tunnel extrados (Network Rail Infrastructure), shall outline the type and method of construction foundations and any increase/decrease in loading of the tunnel both temporary and permanent, along with certified proof that the proposals will have no detrimental effect upon the tunnel.

Reason: In the interests of proper planning of the development and to protect railway infrastructure in accordance with ST3 of the Core Strategy Development Plan.

Reference No.: 23/02224/LP3 Local Authority (Reg 3)

Proposal: **Creation of a Football Foundation 'PlayZone' suitable for football and basketball. To include new fencing and floodlighting.**

Location: Adjacent 6 Church Street Southwick Sunderland

Ward: Southwick

Applicant: Mrs Andrea Baldwin

Date Valid: 20 October 2023

Target Date: 15 December 2023

PROPOSAL:

The application seeks planning permission to form a 'PlayZone' conducive for playing football and basketball in a proposal that includes the laying of a synthetic playing surface and the full down taking of existing boundary treatment to facilitate the erection of new fencing and floodlighting. Associated ancillary equipment proposed comprises installation of apparatus incidental to the proposed use as a facility for playing football and basketball.

DESCRIPTION OF SITE AND SURROUNDINGS

The application relates to an existing unused sports facility. The site is located within the ward of Southwick and, as existing, comprises hardstanding and is enclosed by palisade fencing which, at its highest at the north, east and west boundaries extends to approx. 5m. In addition to the existing fencing, further boundary treatment to the north, east and west comprises a bricked wall of 2.8m which, at the east boundary, serves as a party wall separating the site from the curtilage of the immediately adjacent 2 storey dwelling (No.6 Church Street). At the north and west boundary, beyond an intervening access lane off Schimel Street, are the curtilages of two separate terraced rows of 2 storey dwellings. To the north, therefore (beyond the intervening, aforementioned lane), the curtilages of Nos. 2, 4, 6, 8, 10, and 12 Schimel Street (where Schimel Street runs on an east west axis parallel to Church Street to the south), and to the west, the curtilages of Nos. 119, 121, 123, and 125 Thompson Road (where Thompson Road runs on a north south axis). To the south of the site, Southwick Community Centre which, while under control of the applicant, does not form part of the application site.

The application site extends to a distance of approx. 28.6m at the north boundary; approx. 24m at the east; approx. 30m at the south; and approx. 24m at the west boundary. The site is served by an existing access which is taken from Church Street (and which is located immediately due south, running on an east west axis).

It should be noted that, as existing, the application site is in an overall poor state of repair and not in a condition by which to fulfil its original intended use as a venue for sporting activity.

THE PROPOSED DEVELOPMENT

Full planning permission is sought for the development of a 'PlayZone' facility to involve the redevelopment of an existing sports facility which, from surviving apparatus (i.e., fencing and floodlight systems) appears to have been used for similar recreational purposes to those

proposed in the application submission. The proposed PlayZone Scheme is part of a broader PlayZone programme which has been developed to ameliorate inequalities in physical activity and provision of high-quality facilities in identified areas of need.

The proposed PlayZone shall comprise the following component features:

- Polymeric playing surface
- 5 m high perimeter fencing (with double rebound mesh to the bottom 1.2m) (affixed to posts with neoprene washers to mitigate noise emissions)
- 2.5 m high acoustic fencing (as amended) to replace an existing brick boundary wall on the north, east, and west sides of the application site
- LED floodlighting system
- Associated ancillary equipment comprising the following apparatus: 2no. sets of goalposts; 6no. basketball hoop systems; and electronic access system.
- The proposed development would be managed whereby hours of opening would be applied (to be controlled via recommended condition). Specifically, though, as amended, the proposed hours of use will be 0800 - 2100 on any given day. The gates to the facility are proposed to operate in conjunction with an electronic access system, which will grant access and floodlighting to users who have booked the use of the facility via a code generated upon booking.

The proposed development would utilise the existing access off Church Street and can be appropriately serviced in terms of parking provision courtesy of the existing car parking facilities that are located south of the site and adjacent and ancillary to Southwick Community Centre.

PLANNING HISTORY

There is no available planning history at the application site.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Planning Policy
Flood And Coastal Group Engineer
Northumbria Police
Planning Implementation
Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Network Management
Environmental Health
Planning Policy
Flood And Coastal Group Engineer
Northumbria Police
Planning Implementation
Cllr Kelly Chequers

Cllr Michael Butler
Cllr Alex Samuels

125 Thompson Road Sunderland SR5 2JQ
4 Church Street Southwick Sunderland SR5 2HR
6 Church Street Southwick Sunderland SR5 2HR
117 Thompson Road Sunderland SR5 2JQ
119 Thompson Road Sunderland SR5 2JQ
121 Thompson Road Sunderland SR5 2JQ
6 Schimel Street Sunderland SR5 2HP
2 Schimel Street Sunderland SR5 2HP
12 Schimel Street Sunderland SR5 2HP
4 Schimel Street Sunderland SR5 2HP
Wear Cleaning 8 Schimel Street Sunderland SR5 2HP
10 Schimel Street Sunderland SR5 2HP
123 Thompson Road Sunderland SR5 2JQ
115 Thompson Road Sunderland SR5 2JQ
Southwick Youth And Community Centre Southwick Road Sunderland SR5 2AG

Final Date for Receipt of Representations: **14.02.2024**

REPRESENTATIONS:

Publicity

The occupiers of 15 no. properties in the vicinity of the application site (including 6 Church Street which adjoins the site) were sent neighbour notification letters. A site notice was also posted in the vicinity of the application site.

Site notice expiry date(s): 24/11/2023

Neighbour notifications expiry date: 15/11/2023 and 14/02/2024

Consultation expiry date(s): 15/11/2023 and 14/02/2024

Neighbour Representations

No letters of representation have been received in respect of the proposal.

Consultees

Ward Councillors

No responses received.

Network Management

No objection.

Comments made as follows:

The PlayZone will develop a small piece of vacant land, next to Southwick Community Centre, and is likely to be used by those predominantly in the immediate local community, and by no more

than 10-12 users at any one time, as stated in the Design & Access Statement. Wider attraction is likely to be negligible, however the location is served well by local public transport and existing car parking facilities.

Environmental Health ('EH')

No objection to the proposed development, subject to conditions being attached to any planning permission in relation to the following:

- Controlling the use of the proposed development to between 0800 hours and 2100 hours only on any given day.
- Requiring the erection of a 2.5 metre high acoustic fence.
- Requiring the submission of a noise management plan.
- Controlling the lighting on site in terms of location, maintenance and retention.
- Controlling the use of the lighting (to be switched off when the facility is not in use, and so that it is not operated between 2115 hours and 0800 hours on any given day.

Case Officer Comments:

It should be noted that only the most recent comments from the Council's Environmental Health Officer are summarised above. Previous Environmental Health comments had been made relating to the original proposed 4.2 metre high acoustic boundary fence. However, following advice from the Local Planning Authority this 4.2 metre high acoustic fence was removed from the proposal because it would have had an adverse impact on a neighbouring property (6 Church Street) in relation to a loss of outlook / dominance. Further Environmental Health comments have been submitted based on the current amended proposal and following further interrogation of the submitted lighting scheme.

Conservation

No objection.

Comments as follows:

"...The proposed is some distance from the Grade II listed war memorials on Southwick Green and would have no impact on their setting or significance."

Lead Local Flood Authority ('LLFA')

No objection.

Northumbria Police

No objection.

POLICIES:

Core Strategy and Development Plan (2015-2033)

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998, the 'saved' and policies within the UDP Alteration No. 2 (Central Sunderland) adopted in 2007.

The National Planning Policy Framework ('NPPF') (19th December 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;
5. Impact of the proposal in terms of flood risk and drainage
6. Impact on crime / antisocial behaviour

1. Principle of Development

Strategic and Land Designation Policies

Policy SP1 'Development Strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to meet people's needs, the Council, working with local communities, its partners, and key stakeholders will ensure that sufficient social infrastructure is delivered to meet identified needs. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the existing urban area, in sustainable locations, close to transport hubs.

The overall aim of policy SP4 'North Sunderland' as set out in the adopted CSDP places focus on regeneration and renewal in order to facilitate future sustainability.

CSDP policy NE4 states that the Council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure by adopting various measures. It is pertinent, for the avoidance of doubt, to define greenspace, thus, as mentioned in the CSDP at Section 10.23, greenspace is taken to include outdoor sports facilities.

To that end, the proposal is considered to constitute greenspace courtesy of coalescing with some of the of the above.

Of further relevance is CSDP policies VC5 and VC6. Policy VC5 relates to the protection and delivery of community facilities and local services. Therefore, central to the relevant provisions contained in this policy is the need to resist loss of facilities and services, and to adopt a presumption in favour of development of new and extended facilities in accessible

neighbourhoods and central locations. Meanwhile, policy VC6 states that the development of cultural, leisure and tourism proposals will generally be supported.

Furthermore, policy SP7 seeks to protect existing health facilities and or support the provision of new or improved facilities. Additionally, policy SP7, seeks to ensure that, amongst other provisions, new development promotes and facilitates active and healthy lifestyles; is age friendly; inclusive; sustainably located; and does not give rise to unacceptable adverse impacts upon amenity which cannot be suitably mitigated (cohering with the terms of policies HS1 and HS2 (to be addressed below)).

Finally, saved policy EN10 of the adopted Unitary Development Plan ('UDP') dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

When reading the proposal against the according requirements of the abovementioned policies, it is evident that it fully accords with the respective aims and prescriptions. The proposal, located within the Existing Urban Area, located in a sustainable location, will restore an unused play facility (a form of amenity greenspace) and, in doing so, provide a sustainably located community facility which will promote and facilitate means of supporting an active and healthy lifestyle. The application details, courtesy of the submitted design and access statement ('DAS'), that the proposal shall incorporate high-quality construction materials and apparatus which serve to provide a lasting facility.

With regard to the above, it is considered that the principle of regenerating the application site to provide restored recreational greenspace in the form of the PlayZone is fully compliant and supported by the policies as identified above. The proposed development would, therefore, be acceptable in principle at this location and so accords with adopted CSDP policies SP1, SP4, SP7, NE4, VC5, and VC6; and saved policy EN10 of the adopted UDP.

Notwithstanding accordance with the abovementioned policies, the overall acceptability of the scheme in principle, it is necessary to assess the proposal against other material considerations, as sequentially addressed below.

2. Design and impact on visual amenity

Policy BH1 'Design Quality' of the adopted CSDP stipulates that development should be of scale, massing, layout, appearance, and setting which respects and enhances the positive qualities of the locality.

The development will be visible from the public domain.

The development proposes incorporation of high-quality materials (as extensively outlined in the submitted DAS) and in visual terms, the proposed materials would be acceptable. If planning permission was to be granted, a condition should be attached to any planning permission to control external building materials, as specified in the application.

At this juncture, it is appropriate to note that the proposal, as initially submitted, proposed a 4.2m high acoustic fence. This installation as initially proposed gave rise to concerns in relation to visual amenity in introducing an intervention with overt scale massing. Following officer recommendation, the proposal has been amended to address the undue height of the acoustic fence to a more acceptable 2.5m which aids in reducing overall bulk, while not compromising noise attenuation.

Overall, it is considered that, on account of the poor state of repair the application site is in, the proposed works (as amended) would result in a marked improvement to benefit the appearance of the host site and, by extension, the existing streetscene. Furthermore, in addition to the unsightly state of the host site, the proposed apparatus is considered to be no more visually intrusive than that of the surviving apparatus that currently exists on site (which, as should be noted, is significantly inferior aesthetically). In these terms, it is considered that the proposed development would accord with Policy BH1 of the adopted CSDP.

3. Impact on residential amenity

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

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

The Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions being attached to any planning permission in relation to the following:

- Controlling the use of the proposed development to between 0800 hours and 2100 hours only on any given day
- Requiring the erection of a 2.5 metre high acoustic fence.
- Requiring the submission of a noise management plan.
- Controlling the lighting on site in terms of location, maintenance and retention.
- Controlling the use of the lighting (to be switched off when the facility is not in use, and so that it is not operated between 2115 hours and 0800 hours on any given day.

Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested conditions be attached to any planning permission. Following further discussions with the Council's Environmental Health Officer, it is also recommended that the condition relating to the acoustic fence also control that the fencing panels for the 5 metre high twin bar panelled fencing be fitted with neoprene washers where they are affixed to the posts.

The conditions relating to controlling the hours of use, the erection of the acoustic fence / fitting of neoprene washers, and the submission of a noise management plan, are necessary and reasonable to ensure that the proposed development would not cause any harmful noise or general disturbance for neighbouring properties when the development is in use and later into the evening. A lighting scheme has been submitted as part of the planning application and, following submission of an amended lighting design, the Council's Environmental Health Officer is satisfied that the design (as amended) is acceptable, subject to a recommended condition securing the location, maintenance and retention of the lighting in perpetuity over the lifetime of the development. In all, the conditions relating to lighting are necessary and reasonable to ensure that any light pollution from the proposed development would not cause any harmful impacts in relation to neighbouring properties.

Subject to the compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties in relation to noise or light pollution.

The proposed development would be positioned closest to 6 Church Street. There is already a high boundary treatment positioned along the common boundary shared with this neighbouring

property. The proposed new boundary treatment would include a 2.5 metre high acoustic fence and 5 metre high mesh fencing. Given the existing built form, it is considered that the proposed boundary treatment would have no materially harmful impacts on the occupiers of 6 Church Street over and above the existing situation. On this basis, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of 6 Church Street (or any other neighbouring properties) in relation to dominance / overshadowing.

Overall, subject to compliance with the recommended suite of conditions as mentioned, the proposal would be in accordance with the respective provisions of adopted CSDP policies HS1; HS2; and BH1 in terms of preserving an acceptable level of residential amenity.

4. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals should have safe and adequate means of access, egress and internal circulation / turning arrangements; they should be assessed and determined against current standards for the category of road; they should have safe and convenient access for sustainable transport modes; and they should not create a severe impact on the safe operation of the highway network.

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

The Council's Local Highway Authority has raised no objections to the proposed development. It is considered that the proposed development would be in a sustainable location in that it benefits from good public transport links. There is also adequate car parking available in the vicinity. In these terms, it is considered that the proposed development would have no unacceptable impacts on the highway network in terms of capacity or safety. It is therefore considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact of the proposal in terms of flood risk and drainage

Policy WWE2 of the adopted CSDP outlines measures to reduced flood risk and ensure appropriate coastal management. Separately, policy WWE3 stipulates that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The application provides details (set out in the submitted DAS) and high-level commentary pertaining to flood risk which states that the application site is located within Flood Zone 1 and, thus, has a very low probability of flooding from surface water and or rivers and sea. The Council's Lead Local Flood Authority raised no objection to the proposal.

Given the above, it is considered that the proposed development would accord with adopted CSDP policies WWE2 and WWE3.

6. Impact on crime / anti-social behaviour

Further provisions contained within abovementioned CSDP policy SP7 relate to the need to improve health and wellbeing in Sunderland, including by ensuring that new developments would be safe.

Closely aligned to the abovementioned policy, the NPPF, at paragraph 135 (f), requires (amongst other provisions) that planning policies and decisions should ensure that developments create places that are safe; achieve a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal relates to an existing play area. Therefore, and further to consultation response received from Northumbria Police, there is no evidence to suggest that regenerating the site and restoring it to its existing intended use would give rise to crime and or antisocial behaviour. Thus, these details are considered sufficient to satisfy the terms of adopted CSDP policy SP7, and paragraph 135 (f) of the NPPF.

Conclusions

The proposed development would be within the Existing Urban Area and the regeneration of the application site and restoration to its previous intended use is policy compliant and considered to provide overarching community benefit through the promotion of facilities which will encourage active and healthy lifestyles in a sustainable location. For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and the National Planning Policy Framework (December 2023). To that end, subject to conditions, as recommended, it is, therefore, considered to give rise to no unacceptable impacts and constitutes a policy compliant form of development.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant

protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions listed below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. 23-0085 01 (Location Plan), received 20/10/2023
 - Drawing No. 23-0085 02 (Site Plan (proposed)), received 20/10/2023
 - Drawing No. 23-0085 05 (Existing Elevations), received 19/02/2024
 - Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024
 - Drawing No. 23-0085 04 (Proposed Elevations), received 21/02/2024
 - Drawing No. HLS6711 (Proposed Floodlighting), received 20/02/2024

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

- 3 The external materials of the development hereby permitted shall be as specified on Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024; Drawing No. 23-0085 04 (Proposed Elevations), received 21/02/2024; and Drawing No. HLS6711 (Proposed Floodlighting), received 20/02/2024, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development hereby permitted shall only be in use between the hours of 0800 hours and 2100 hours on any given day.

Reason: To ensure a satisfactory form of development in the interests of residential amenity and to accord with Policy HS1, Policy HS2, and Policy BH1 of the adopted Core Strategy and Development Plan.

- 5 Prior to the development hereby permitted being brought into use, a 2.5m high acoustic close boarded timber fence (as detailed on Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024 and Drawing No. 23-0085 04 (Proposed Elevations), received 21/02/2024) shall be erected in the position as illustrated on Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024 and Drawing No. 23-0085 04 (Proposed Elevations), received 21/02/2024), and the fencing panels for the 5 metre high twin bar panelled fence shall be fitted with neoprene washers where they are affixed to the posts. The 2.5 metre high acoustic close boarded fence and the 5 metre high twin bar panelled fence shall then be maintained and retained in perpetuity over the lifetime of the development.

Reason: To ensure a satisfactory form of development in the interests of residential amenity and to accord with Policy HS1, Policy HS2, and Policy BH1 of the adopted Core Strategy and Development Plan.

- 6 Prior to the development hereby permitted being brought into first use, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The noise management plan shall detail how noise generated by the development hereby permitted shall be controlled to an acceptable level and confirm:
- How the site will be managed;
 - Detail of a noise complaints procedure; and
 - Detail of signage at the approved site which shall:
 - remind users of the hereby permitted facility of the need to be considerate of local residents; and
 - which provides contact information for the reporting of concerns associated to the use of the facility

The development hereby permitted shall then operate in strict accordance with the approved noise management plan.

Reason: To ensure a satisfactory form of development, in the interests of residential amenity and to accord with Policy HS1, Policy HS2, and Policy BH1 of the adopted Core Strategy and Development Plan.

- 7 Prior to the development hereby permitted being brought into use, the lighting installed (as detailed on Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024; Drawing

No. 23-0085 04 (Proposed Elevations), received 21/02/2024; and Drawing No. HLS6711 (Proposed Floodlighting), received 20/02/2024 shall be erected in the position as illustrated on Drawing No. 23-0085 01 (Proposed Layout), received 21/02/2024; Drawing No. 23-0085 04 (Proposed Elevations), received 21/02/2024; and Drawing No. HLS6711 (Proposed Floodlighting), received 20/02/2024. The installed lighting shall then be maintained and retained in perpetuity over the lifetime of the development.

Reason: To ensure a satisfactory form of development in the interests of residential amenity and to accord with Policy HS1, Policy HS2, and Policy BH1 of the adopted Core Strategy and Development Plan.

- 8 Lighting for the development hereby permitted shall be switched off when the facilities are not in use, and shall not be operated between 21.15 hours and 08.00 hours on any given day.

Reason: To ensure a satisfactory form of development in the interests of residential amenity and to accord with Policy HS1, Policy HS2, and Policy BH1 of the adopted Core Strategy and Development Plan.

Reference No.: 23/02368/MAW Minerals- Waste (County Matters)

Proposal: **Proposed siting and use of a site cabin**

Location: Northumbria Roads Limited Hudson Dock North Side Barrack Street
Sunderland

Ward: Hendon

Applicant: Aggregate Industries UK Limited

Date Valid: 27 November 2023

Target Date: 29 February 2024

PROPOSAL:

The application seeks full planning permission for the "proposed siting and use of a site cabin" at Northumbria Roads Limited, Hudson Dock, Barrack Street, Sunderland.

The submitted application form describes the use of the site as "Aggregate and waste treatment facility to produce soil, soil substitutes and aggregates".

The submitted drawings show the single storey cabin would cover around 37m² and provide facilities (such as an office and storage).

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management

Tyne And Wear Archaeology Officer

Natural Heritage

Environmental Health

Flood And Coastal Group Engineer

Port Manager

Environment Agency

Planning And Highways

Cllr Lynda Scanlan

Cllr Michael Mordey

Cllr Ciaran Morrissey

J D Johnson (Texaco Limited) Texaco Hudson Dock East Side Barrack Street Sunderland SR1
2EN

Sunderland Oil Storage (Mobil Oil Company) Sunderland Oil Storage Hudson Dock East Side
Barrack Street Sunderland SR1 2BU

Container Park Hudson Dock North Side Barrack Street Sunderland SR1 2BU

Final Date for Receipt of Representations: **25.12.2023**

REPRESENTATIONS:

Ward Cllrs - No comments received.

Archaeology - "no archaeological work is required".

Ecology - "no ecological concerns".

Environment Agency - No comments received.

Environmental Health - "The development is acceptable".

Lead Local Flood Authority - "no further comment".

Local Highway Authority - "No observations".

Port Manager - No comments received.

Representations

None received.

POLICIES:

Core Strategy and Development Plan (2015-2033)

COMMENTS:

Principle of the development

The Core Strategy, at policy SS5 (The Port of Sunderland), says that:

"The Port of Sunderland, as designated on the Policies Map, will be reinvigorated through:

1. the provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. preventing waterside developments that would negatively impact on operations;
3. supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. enabling development of port related uses within Use Classes B1, B2 and B8, including offshore renewables and automotive supply chains; and
5. requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary."

The proposed cabin would make a contribution towards point (4) by enhancing the facilities for an established use at the port.

Amenity

The proposed cabin would be a small structure, sited within the existing site and the Environmental Health Officer has advised that the "development is acceptable". The proposal would therefore accord with policy HS1 (quality of life and amenity) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Drainage

The submitted application form says that the surface water would be disposed via soakaway and foul sewage to a septic tank.

The Lead Local Flood Authority (LLFA) have advised that there would be a "minimal increase if any in impermeable area...therefore as long as this doesn't change the LLFA would have no further comment". The LLFA have also drawn to attention the relevant Part of the Building Regulations 2010.

There have not been any comments from the Environment Agency.

The proposal would therefore accord with policies WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Ecology

The Council's Ecologist has advised that:

"based on the proposed plans and the nature of the site I have no ecological concerns. In particular, the proposals are not considered to result in a likely significant effect on the Northumbria Coast SPA or Ramsar site."

The proposal would therefore accord with policy NE2 (biodiversity and geodiversity) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

The above comments also demonstrate that a decision will be made in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which says that:

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

Heritage

The Core Strategy identifies the site as an "area of potential archaeological importance".

The Tyne & Wear Archaeologist has advised that:

"I have checked the application site against the Historic Environment Record and historic maps, the site was occupied by South Dock of Hudson Dock (HER 2874), which was in operation in

some capacity from 1850 up to the 1980s. However, as the proposals do not appear to have any below-ground impact, I consider that they will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required."

The proposal would therefore accord with policy BH9 (archaeology and recording of heritage Assets) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

There are also two Grade II listed buildings to the south west of the site, which are a swing bridge and ashlar walls (circa 1880) and a machinery pit for lock gates (circa 1880).

The proposed cabin would be a small structure within the site and would not have a material impact upon the setting of these listed buildings.

The proposal would therefore accord with policies BH7 (historic environment) and BH8 (heritage assets) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

The above commentary also means that the Council, as a public authority, can record that the decision will be made in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; which say that:

"the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Highways

The site can be accessed via private road and the Local Highway Authority have advised that they have "no observations".

The proposal would therefore accord with policies ST2 (local road network) and ST3 (development and transport) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Conclusion

The proposed cabin would accord with the relevant development plan policy for development at the port (policy SS5 of the Core Strategy).

The proposed cabin would also accord with the relevant development plan policies in relation to amenity, drainage, ecology, heritage and highways.

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

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE subject to the conditions listed below

Conditions:

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

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

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

- Site Plan (DRAWING No D.002, REV -)
- Ground Floor Plan (REV. B)
- External Elevations (REV. -)

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

Reference No.: 23/02369/MAV Minerals Waste VAR (County Matters)

Proposal: **Variation of condition 2 (plans) attached to planning application 11/03371/FUL (Storage of aggregate stockpiles with the addition of the treatment of waste to produce soil, soil substitutes and aggregates and retention of buildings on site.) to allow a revised Site Plan**

Location: Northumbria Roads Limited Hudson Dock North Side Barrack Street Sunderland

Ward: Hendon

Applicant: Aggregate Industries UK Limited

Date Valid: 11 December 2023

Target Date: 14 March 2024

PROPOSAL:

The application seeks full planning permission for the variation of a condition attached to an earlier planning permission.

The initial grant of planning permission will be repeated below.

Reference - 11/03371/FUL

Description- Storage of aggregate stockpiles with the addition of the treatment of waste to produce soil, soil substitutes and aggregates and retention of buildings on site.

At - Northumbrian Roads Ltd, East Quay South, Hudson Dock, Sunderland, SR1 2BU

The submitted Planning Statement says that the site "comprises an existing asphalt plant with an on-site aggregate and waste treatment facility which produces soils, soil substitutes and aggregates".

The Statement continues by saying that the current site layout differs from the previous grant of planning permission, with the key differences being the "introduction of a one-way system for all vehicles (with entrance on the southern boundary and an exit on the western boundary), the provision of HGV and car parking in the south of the site and differences in the location of on-site buildings, storage bays and other associated infrastructure" and "planning permission is being sought retrospectively to regularise the current 'as built' site layout".

The submitted Planning Statement describes the use of the site as "an existing asphalt plant with an on-site aggregate and waste recycling facility". The Statement continues by saying that "site is operated by Northumbrian Roads Limited and is used for the maintenance of local highways".

TYPE OF PUBLICITY:

Press Notice Advertised

Neighbour Notifications

CONSULTEES:

Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Network Management
Tyne And Wear Archaeology Officer
Port Manager
Environmental Health
Environment Agency
Planning And Highways
Flood And Coastal Group Engineer
Natural Heritage

J D Johnson (Texaco Limited) Texaco Hudson Dock East Side Barrack Street Sunderland SR1 2EN
Sunderland Oil Storage (Mobil Oil Company) Sunderland Oil Storage Hudson Dock East Side Barrack Street Sunderland SR1 2BU
Container Park Hudson Dock North Side Barrack Street Sunderland SR1 2BU

Final Date for Receipt of Representations: **31.01.2024**

REPRESENTATIONS:

Ward Cllrs - No comments received.

Archaeology - "no archaeological work is required".

Environmental Health - No response received.

Lead Local Flood Authority - "No objection", subject to a suitable evacuation plan.

Local Highway Authority- "No observations"

Port Manager - No comments received.

Representations - None received.

POLICIES:

Core Strategy and Development Plan (2015-2033)

COMMENTS:

Principle of the development

The Core Strategy, at policy SS5 (The Port of Sunderland), says that:

"The Port of Sunderland, as designated on the Policies Map, will be reinvigorated through:

1. the provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. preventing waterside developments that would negatively impact on operations;
3. supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. enabling development of port related uses within Use Classes B1, B2 and B8, including offshore renewables and automotive supply chains; and
5. requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary."

The proposed cabin would make a contribution towards point (4) by ensuring the retention of an established use at the port.

Amenity

The proposed amendments to the previously granted planning permission would be unlikely to generate a greater degree of noise and disturbance, especially given the location of the site within the port and the substantial distance from the nearest dwelling house. The proposal would therefore accord with policy HS1 (quality of life and amenity) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Drainage

The submitted Flood Risk Assessment identifies that the north east and south west corners of the site are within Flood Zone 3 (i.e. land with a high probability of flooding). The Assessment continues by saying that the "slight encroachment into Flood Zone 3 is not considered to greatly impact the function or safety of the facility".

The Assessment concludes by saying that "overall, the site can be considered to have a low flood risk" and that "it is recommended that the site operator prepares a suitable evacuation plan to ensure operators and visitors to the facility are not put at risk of harm or stranding during a flood event".

The Lead Local Flood Authority have advised that they have "no objection", subject to the evacuation plan recommended within the submitted Flood Risk Assessment.

The Environment Agency have advised that they have "no objection"

The proposal would therefore accord with policies WWE2 (flood risk and coastal management), WWE3 (water management) and WWE4 (water quality) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Ecology

The Council's ecology consultant has advised that there are "no issues, comments or objection from an ecological perspective".

The proposal would therefore accord with policy NE2 (biodiversity and geodiversity) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

The above comments also demonstrate that a decision will be made in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which says that:

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

Heritage

The Core Strategy identifies the site as an "area of potential archaeological importance".

The Tyne & Wear Archaeologist has advised that:

"I have checked the application site against the Historic Environment Record and historic maps, the site was occupied by South Dock of Hudson Dock (HER 2874), which was in operation in some capacity from 1850 up to the 1980s.

The South Docks were occupied by several shipbuilders' premises beginning with John Haswell's Shipbuilding Yard (HER 2886), which was subdivided when his company merged to form Bartram, Haswell and Sons Shipyard (HER 4694) in the 1870s. Bartram, Haswell and Sons retained a larger portion of the Haswell's premises but the remainder was acquired by the partnership of Iliff and Mounsey in 1870 (HER 4695). Bartram, Haswell and Sons became Bartram and Sons Ltd in 1922 and continued to operate and expand until the company was acquired by Pickersgill Ltd of Southwick in 1965 but the premises finally closed in 1978.

Although the site is a significant location for the maritime tradition of Sunderland, the proposals do not appear to have any below-ground impact, and as a result, I consider that they will not have a significant impact on any known archaeological heritage assets. Therefore no archaeological work is required in relation to this variation of condition."

The proposal would therefore accord with policy BH9 (archaeology and recording of heritage Assets) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

There are also two Grade II listed buildings to the south west of the site, which are a swing bridge and ashlar walls (circa 1880) and a machinery pit for lock gates (circa 1880).

The initial point to consider would be that these buildings were listed at the time of initial grant of planning permission (April 2012). The amendments proposed in the current application would not have a greater impact upon the setting of these listed buildings. The "introduction of a one-way system for all vehicles (with entrance on the southern boundary and an exit on the western boundary), the provision of HGV and car parking in the south of the site and differences in the location of on-site buildings, storage bays and other associated infrastructure" and "planning permission is being sought retrospectively to regularise the current 'as built' site layout".

The proposal would therefore accord with policies BH7 (historic environment) and BH8 (heritage assets) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

The above commentary also means that the Council, as a public authority, can record that the decision will be made in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; which says that:

"the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Highways

The site can be accessed via private road and the Local Highway Authority have advised that they have "no observations".

The proposal would therefore accord with policies ST2 (local road network) and ST3 (development and transport) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Conclusion

The proposal would accord with the relevant development plan policy for development at the port (policy SS5 of the Core Strategy).

The proposal would also accord with the relevant development plan policies in relation to amenity, drainage, ecology, heritage and highways.

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

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE subject to the conditions listed below :-

Conditions:

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

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

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

- Location Plan received 08.11.2011.
- Site Plan (Reference AI-091-M, Rev -)
- Proposed Aggregate Storage Building at Hendon Docks (2007/01/03)
- Sand Storage Building Steelwork Details (99002/02 0)
- Projektplan Northumbrian Roads Ltd (Z836059 F)
- Corrugated Steel Pale Fencing (S/7/400/003/SS)

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

Reference No.: 23/02499/FUL Full Application

Proposal: **Proposed change of use of former car sales / showroom to a retail convenience store / supermarket, plus alterations to existing shop front and introduction of two chiller condensing units. (Part Retrospective) (amended plan detailing relocation of condenser units and new boundary treatment, received 02.02.24)**

Location: Hetton Car Sales Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB

Ward: Hetton

Applicant: Mr. Ramalingham Sutheswaran

Date Valid: 6 December 2023

Target Date: 31 January 2024

PROPOSAL:

SITE AND SURROUNDINGS

The site in question faces onto A182 Station Road and the building in question is the single storey former Hetton Car Sales Showroom. The building is situated within a mixed use area with residential properties to the rear, adjacent to and opposite the site and a social club to the north, a dental practice within the terrace opposite and tanning salon to the south.

Access to the site is from Station Road, it is noted that there is a parking area to the front of the building, set behind a low brick wall, and large parking area adjacent to the social club for the use of its staff and customers.

Access for the club and residential properties to the rear of the site is also taken from Station Road.

PROPOSAL

The part retrospective proposal relates to the provision of a new retail unit within part of the former Hetton car sales building. A section of the building is not included within this proposal.

As part of the proposal, 2 no. chiller condensing units are installed to the side of the building.

Following comments from the Council's Public Health Team with regard to noise, it was proposed that these units be relocated to the middle of the building and a screening fence be added to the existing boundary wall with the property of St. Austell, increasing the overall height to 2 metres.

An amended plan to this effect was provided on the 02.02.23 and further public consultation was carried out.

It is set out within the submitted Design and Access Statement that refuse storage for the unit would be on the right-hand side of the building, where there is ample space available for both general waste and recycling.

There is a parking area to the front of the unit and it is proposed that that 5 no. parking spaces will be provided, one of which will be for disabled parking. 2 no. 'Sheffield' cycle hoops will also be provided.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Iain Scott
Cllr James Blackburn
Cllr Claire Rowntree
Hetton Town Council
Network Management
Environmental Health
Planning Policy
Cllr Iain Scott
Cllr James Blackburn
Cllr Claire Rowntree
Hetton Town Council
Network Management
Environmental Health
Planning Policy

76 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Aquila House Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Saint Austell Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Arnside Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
82 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
76A Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
78 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
86 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
72 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 1 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 2 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 4 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Hetton Social Club Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
31 Hollowdene Houghton-le-Spring DH5 9NQ
74 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
S Farnell 84 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB

2 Station Avenue Hetton-le-Hole Houghton-le-Spring DH5 9HE
Showmans Guild Site Mobile Dwelling 3 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Studio S Vertical Tanning Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Hetton Social Club Ltd Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Gordovia Station Avenue Hetton-le-Hole Houghton-le-Spring DH5 9HE
70 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 5 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 6 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB
Showmans Guild Site Mobile Dwelling 7 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB

Final Date for Receipt of Representations: **19.02.2024**

REPRESENTATIONS:

A total of 20 no. objections and 3 no. representations have been received, and the following issues were raised:

- Increase in noise and disturbance
- Increase in volume of traffic and lack of adequate parking, increasing risk of accidents
- The road outside the building is very busy everyday and traffic goes into a dip before reaching the top outside the building
- The proposed weekly deliveries involve reversing onto the shared access road, even with the aid of a banksman, introducing potential safety risks and disrupting local traffic flow. The fixed once a week schedule may not be adaptable to unforeseen circumstances, potentially causing logistical challenges.
- The attraction of youths gathering at this place is asking for trouble
- Deliveries to the site by large vehicles will also create difficulties with access
- Premises will impede neighbouring right of way to their property
- Customers blocking neighbouring driveway will stop access for emergency vehicles
- Light pollution
- Effect on environment of cars idling on site
- More alcohol available in hotspot for crime and antisocial behaviour
- Increase in amount of litter
- Operating hours 6am to 11pm seven days a week will cause disturbance
- Property devaluation
- Pedestrian safety, pavements will be blocked
- Applicant has converted premises before applying for permission
- Customer entrance is dangerous as it is situated on the main car park with no barriers for safety
- Impact of noise from chiller units on neighbouring property
- Multiple convenience stores in vicinity
- Bollards installed at entrance of car park and part of wall taken down for access, also parking bays have not been implemented
- ATM installed without planning permission
- Adverts installed without planning permission

Following further consultation, the following comments/objections were received:

- Increasing the boundary wall to a height of 2m to reduce the noise level and increase screening, this would have no effect at all as the wall is already at the height of 1.8m high. To make the area aesthetically pleasing for the adjoining property an outdoor vented AC cover which went to the ground would be required this is a normal practice
- Please note studios tanning operates Mon-Sat, closed Sundays, these are not studios customers cars, as the picture was taken on Sunday 4.2.2024 when the Sunderland match was showing, studios tanning has CCTV recording of all activities that day! Furthermore we have operated for 20 years with no external problems. As for go local's car parks new plan turning the customer parking position is like spinning a plate, at the end of the day it's still a plate! No difference to highways concerns.
- Increase in Short Stay Parking and Vehicle Movements
- Inadequate Accommodation for Large Deliveries
- Will impede neighbours right of way
- No car parking
- Mini market 3 minutes walk away
- Customers parking in front of driveway will block ambulances or fire brigade

It is noted that an objector also provided photographs (dated 05.02.24), of Golocal stores within the area which he stated had ample parking facilities unlike Imperial House. He also provided photos dated 04.02.24 and the week ending the 2nd of February, purporting to show the traffic issues within the area, including parking on pavements, vehicle crossing central line of road to exit, no marked parking bays, section of wall that has been removed, existing parking on site and lack of pedestrian path for customers.

Hetton Town Council have also provided the following objection:

Members of the Town Council concurred unanimously with the strong views articulated by the local community. Accordingly, the Town Council submits an objection on the following grounds:

- Over supply of retail outlets in the vicinity;
- Inadequate site access - leading to congestion,
- obstruction of areas with shared access,
- impeding of access for emergency service vehicles;
- Road safety concerns arising from increased vehicular traffic;
- Compounded access problems to the driveways of nearby residents;
- Noise nuisance due to long business hours;
- Potential increase in littering.

With regard to the number of retail units within the vicinity, competition between business would not be a material planning consideration.

With regard to the impact on house value it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another; the value of property is a private matter and not material to the consideration of this planning application.

Finally, it is noted that an ATM and signage has been installed at the property, the current application relates to the change of use of the premises and external alterations only. The ATM and signage require separate consent and the Council's Planning Compliance Team have requested that this be submitted.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

VC1, NE2, BH1, HS1, ST2 and ST3

COMMENTS:

POLICY

National planning guidance is provided by the National Planning Policy Framework, which requires the planning system to contribute to the achievement of sustainable development.

To this end Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible Paragraph 139 states that planning permission should be refused for development of poor design where it fails to reflect local design policies and government guidance on design.

As of 30th January 2020, the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered pertinent to the determination of this application are policies VC1, NE2, BH1, HS1, ST2 and ST3 of the CSDP.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. Principle of development;
2. The impact of the proposal on visual amenity;
3. The impact of the proposal on residential amenity;
4. The impact of the development on highway safety.

1. Principle of use

It is noted that the unit is located within a Wildlife Corridor and therefore policy NE2 is relevant. This policy sets out that development that would adversely affect a Local Wildlife Site, either directly or indirectly, will demonstrate that: i. there are no reasonable alternatives; and ii. the case for development clearly outweighs the need to safeguard the intrinsic value of the site.

It is not considered that the change of use of this unit from car sales to retail, would have a negative impact on the wildlife corridor and the proposal therefore complies with policy NE2

The site is also located within Hetton District Centre and as such CSDP Policy VC1 is relevant. This policy sets out broad support for the vitality and viability of designated centres and that district

centres will have a role in providing key services including shopping, commercial, leisure, public and community facilities. 'Town centre uses', such as retail uses, should be directed towards District Centres such as Hetton.

The proposed retail unit would be located within a mixed commercial and residential area and would be in line with the requirements of policy VC1 which, as noted above, directs retail uses to centres such as Hetton District Centre. The proposed change of use is therefore considered to be acceptable in principle.

However, all other relevant planning issues must be considered before the acceptability of the overall scheme can be determined.

2. The impact of the proposal on visual amenity

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

As has been noted, an ATM machine and signage has been installed on site, these require separate planning permission and advertisement consent and the acceptability of these elements will be considered as part of those applications.

The current application relates to the external works to convert the unit for retail and these include the new shop front, condenser units and screening fence.

With regard to the shop front, this is a minor alteration which would not be considered to appear inappropriate in relation to the existing unit or within the wider area.

As noted earlier, following consultation with the Council's Public Health Officer the condenser units' position was amended to the centre of the side elevation, facing St Austell. A screening fence is also proposed along the existing boundary adjacent to St Austell and it is noted that the existing boundary is 1.2 metres in height and will be increased to 2 metres with the screen.

A 2 metres high boundary in this location would constitute permitted development under Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The condenser units are small in scale and would not be readily visible from Station Road and the fencing would be positioned so that it would be largely screened by St Austell and the unit itself.

Given the above, the proposal would not be considered to negatively impact the visual amenity of the area and would comply with the NPPF and policies BH1 and BH7 of the CSDP.

3. The impact of the proposal on residential amenity

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policy HS1 of the CSDP sets out that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

It is noted that there have been a number of objections to the proposal relating to the potential for noise and disturbance and increased littering and anti-social behaviour, these concerns will be addressed below.

It is acknowledged that there would have been comings and goings from site generated by the use as a car sales business. However, it was originally proposed that the operating hours for the unit would be Monday to Sunday 6am to 11pm.

Given the proximity to residential neighbours, it was considered that this would generate disturbance early in the morning and late in the evening over and above what would have been experienced previously and this would be unacceptable within this mixed residential location.

The Environmental Health Officer also acknowledged that noise and disturbance could be an issue but went on to suggest conditions that could protect the amenity of residential neighbours.

To ensure that the operation of the site would not impact negatively on the surrounding residential neighbours, it was therefore considered appropriate to limit the opening times to ensure customers will not be coming and going from site early in the morning or late in the night when it would reasonably be expected to be quieter.

Following further consultation with the Council's Environmental Health Team, the following opening hours and delivery times, were suggested to the agent and accepted on the applicant's behalf:

8am - 9pm Monday-Sunday
Delivery times 8am-7pm Monday to Sunday

With regard to the condenser units to the side of the building, given their position and proximity to the neighbouring residential dwelling, the Council's Environmental Health Team had concerns that noise from the plant equipment could have a negative impact on the residential amenity of St Austell.

They suggested that this could be resolved by moving the units to the middle of the building so they would face onto the blank elevation of St Austell and by increasing the height of the existing intervening boundary wall, to 2m.

An amended plan was received on the 02.02.24 and following further consultation with Environmental Health, it was agreed that the relocation of the condenser units would ensure that the residential amenity of St Austell would not be negatively impacted. The Environmental Health Officer confirmed that although the increase in the height of the boundary wall would aid with screening the rear of the premises and the waste area, the fence would not be required with regard to noise attenuation.

Following this amendment the Council's Environmental Health Officer stated that they were satisfied that moving the condenser units would ensure the residential amenity of the neighbouring dwelling would not be negatively impacted. They also confirmed that although the fence would help screen the bin area, it is not an essential requirement with regard to noise mitigation.

With regard to littering there is nothing to suggest that there will inevitably be an increase as a result of the operation of this unit and ultimately, it is the responsibility of customers and others to ensure waste is disposed of properly. It is also noted that secure waste storage is provided to the rear of the site.

In terms of anti-social behaviour, it is not considered that the proposed use as a retail unit would inherently encourage this type of behaviour and should anti-social behaviour issues occur, then it is considered that these could be appropriately dealt with by other agencies, such as the police.

Given the above and subject to appropriate conditions, it is considered that the proposal would not cause unacceptable harm to residential amenity and would accord with the NPPF and policy HS1 of the CSDP.

4. Highway Issues

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

It is noted that there have been a number of concerns with regard to access and egress, parking on site and pedestrian and highway safety.

Following consultation with the Council's Highway Engineers, it was noted that the proposal will lead to an increase in short stay parking and associated vehicle movements to and from the location, and the existing access is private and appears to be shared use.

It was originally considered that there would be insufficient space within the site under the control of the applicant to provide servicing and turning manoeuvres. Typically, retail convenience stores receive daily / regular deliveries from large HGV or articulated vehicles which would need to be accommodated fully within the site with no HGV parking or reversing manoeuvres taking place on public highway.

The Highways team confirmed that unless the above could be satisfactorily addressed, they would have objections to the proposal.

The agent responded to the Highways team's comments and set out that the shared access has been long established over time and the applicant has full rights to use it to access the site for both customer parking and deliveries. They confirmed that parking provision is policy compliant

for a retail use such as this and the policy does not differentiate between short or long stay and merely sets out the number of spaces required.

The agent went on to confirm that Go Local stores use LGV vehicles up to a maximum of 7.5 tonne, but normally only a 3.5 tonne 'Luton' van. These vehicles are 8.35m long x 2.5 metre wide and 3.5 metres high, with a turning wheelbase of 4m. They confirmed that the owner will collect and deliver small loads himself with a smaller van.

The intention is for vehicles to park to the front of the building for deliveries, which will only be once a week, and will be reversed using a banksman onto the shared access road and out of the site. No reversing will be necessary onto the public highway and there would be no need for vehicles to park on the public highway or social club car park.

The agent confirmed that the owner will manage deliveries to ensure that they will not be carried out during peak or anti-social times.

The Highway Officer considered the submitted detail and provided the following response:

The applicant has provided further information to address highway concerns raised previously.

The proposal will lead to an increase in short stay parking and associated vehicle movements to and from this location, however, this is likely to be a nominal increase and spread throughout the course of the day. The existing access is private and appears to be shared use with unrestricted visibility in both directions along Station Road.

The proposal provides five parking spaces within the site boundary, one of which is widened to accommodate an accessible parking bay. Two stands are provided for cycle storage. There is no segregated footpath for pedestrians, however, this is a common arrangement for small local retail stores.

Typically retail convenience stores receive daily / regular deliveries from large HGV or articulated vehicles which would need to be accommodated fully within the site with no HGV parking or reversing manoeuvres taking place on public highway. The previous use of the building was a car sales showroom. It is assumed delivery vehicles and car transporters were able to access and load / unload within the site boundary.

The applicant has provided additional information to confirm that there is sufficient space within the site under the control of the applicant to provide servicing and turning manoeuvres. However, it is recommended that a planning condition be included to restrict delivery vehicles from parking on public highway.

They also suggested a condition to limit the size of delivery vehicles.

Based on the above, they had no objections to the proposal on highway grounds.

Following discussion, the Highway Officer further confirmed that the parking area to the front was sufficient for a maximum of 5no. spaces and these parking spaces would not need to be formally laid out, to allow for manoeuvrability on site.

Subject to appropriate conditions the proposal would not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with policy ST3 of the CSDP.

CONCLUSION

For the reasons given above, the principle of the proposed retail unit is considered to be acceptable and subject to appropriate conditions the proposal would not compromise visual amenity, residential amenity, ecology or highway safety.

The proposal therefore accords with the requirements of the NPPF and policies VC1, NE2, BH1, HS1, and ST3 of the Core Strategy and Development Plan and is recommended for approval subject to the conditions set out below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE subject to conditions set out below: -

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Existing plans and location plan, drawing number 1031/UTH/1, received 01.12.23
 - Proposed plan, drawing number 1031/UTH/2 A, received 02.02.24 (parking bays do not need to be marked on site)

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

- 3 Prior to the retail use hereby approved commencing, the 2no. condenser units shall be installed in accordance with the proposed plan, drawing number 1031/UTH/2A, received 02.02.24 and shall be retained in this location for the lifetime of the development.

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

- 4 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Sunday 8:00am to 9:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

- 5 Deliveries and servicing to the premises shall be restricted to the following times:

Monday to Sunday 8:00am to 7:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

- 6 All delivery, servicing and refuse collection, to take place from within the site boundary / car parking area to ensure no congestion on the local highway network, to the detriment of highway safety .

Reason: In accordance with policy ST3 and in the interest of highway safety

- 7 The premises shall be used for the use within class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy BH1 of the CSDP.

- 8 The parking area to the front of the site shall remain informal and shall not be set out with dedicated bays, to ensure manoeuvrability on site. This parking arrangement shall be maintained as such thereafter and for the lifetime of the development.

Reason: to ensure that adequate and satisfactory provision is made for parking and manoeuvring of vehicles on site and to comply with policy ST3 of the UDP.

- 9 Subject to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority, deliveries to the business premises shall only be undertaken using a rigid based light goods vehicle with a maximum loading of 7.5 tonnes / 7500 kg. Delivery vehicles will be required to enter the site in forward gear and park in a dedicated bay for loading and unloading. All reversing and turning manoeuvres will need to be supervised and take place within the site boundary, before exiting in a forward gear.

Reason: In accordance with policy ST3 and in the interest of highway safety

Reference No.: 24/00067/TP3 Tree Preservation order LAP Reg 3

Proposal: **Application to pollard 1no Ash tree (T34) to a height of 7 metres and removal of diseased deadwood subject to TPO 98.**

Location: Saint Cuthberts Church Hall, Quarry House Lane, East Rainton Houghton-le-Spring DH5 9QH

Ward: Hetton

Applicant: Sunderland City Council

Date Valid: 12 January 2024

Target Date: 8 March 2024

PROPOSAL:

Consent is sought to pollard 1 no. Ash tree. The application site is to the rear of the residential property of 3 Holly Haven, within the grounds of St. Cuthbert's Church in East Rainton. The church is a Grade II Listed building and trees within the grounds are subject to Tree Preservation Order 98. The Ash tree in question is tree T34 of the Order.

The application has been submitted by the City Council's Senior Arborist/Tree Inspector.

TYPE OF PUBLICITY:

Site Notice

CONSULTEES:

City Arboricultural Officer
Cllr Iain Scott
Cllr James Blackburn
Cllr Claire Rowntree

Final Date for Receipt of Representations: 14th March 2024

REPRESENTATIONS:

No representations have been received in respect of the application.

POLICIES:

Core Strategy and Development Plan (CSDP)

NE3

COMMENTS:

The proposal involves the pollarding (i.e. removal of upper branches of the tree) of the ash tree (T34 of TPO 98) in order to remove all diseased wood. The pollarding is proposed to give the tree the chance to regrow.

The main issue to consider is whether or not the proposed works would have a negative impact on the health and amenity value of the tree and the contribution the tree offers to the character of the area.

Policy NE3 of the Council's Core Strategy and Development Plan is applicable and this states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible.

The proposed pollarding is a rather severe tree management technique which, in many cases, would not be encouraged. The application submission notes, however, that the tree is showing signs of ash dieback and the *Inonotus hispidus* fungus. There are large amounts of deadwood in the crown of the tree and there are concerns over tree limbs and branches falling into the church grounds and adjacent residential properties. The application submission suggests that the proposed pollarding would be preferable to the total felling of the tree as it will allow for potential regrowth.

Given the declining condition of the tree and the evident risks to visitors to the church grounds and adjacent properties, it is accepted that significant works to address these issues are required. On this occasion, the proposed pollarding would at least mean the trunk is retained and allow for potential regrowth, meaning the tree could continue to make a positive contribution to the visual amenity of the area. This is considered preferable to its felling and total loss.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

Conclusion

For the reasons set out above, the proposed tree works are, on this occasion, considered to be acceptable and compliant with the requirements of policy NE3 of the Core Strategy and Development Plan. It should be noted that the statutory consultation period does not expire until 14 March 2024 and therefore should any representation be received following the Committee which raises material planning considerations not addressed above then the application will be reported back to the next available Committee.

RECOMMENDATION: Grant Consent in accordance with Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to no adverse representations being received by 14 March 2024.

Conditions

- 1 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the Core Strategy Development Plan.
- 2 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British

Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.

Reference No.: 24/00199/LP3 Local Authority (Reg 3)

Proposal: **Alterations to northern wall of walled garden; including reducing height of wall, infill existing openings and demolition of outbuilding**

Location: Opposite Penshaw House Penshaw Stables Penshaw Houghton-le-Spring

Ward: Shiney Row
Applicant: Sunderland City Council
Date Valid: 8 February 2024
Target Date: 4 April 2024

PROPOSAL:

The application seeks full planning permission for "alterations to northern wall of walled garden; including reducing height of wall, infill existing openings and demolition of outbuilding" on land opposite Penshaw House, Penshaw.

The submitted Heritage Statement says that the wall "is in poor condition along with the outbuildings. Currently, the wall has missing and damaged bricks along with missing stone copings and some copings have been replaced with concrete copings. The brickwork in isolated areas at high level is missing the top courses to the outer brick lead where it's previously collapsed... The current condition of the walls is deemed to be unsafe structurally"

The Statement continues by describing the proposed works as including the "bricking up of two openings" and reducing the height of the wall to the original height of 2.4m. The submitted Schedule of Works also says the proposed works include "dismantle the external walls of the outbuilding"

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr Katherine Mason-Gage
Cllr David Snowdon
Cllr Melville Speding
Planning Implementation
Environmental Health
Planning And Highways

Doric View Penshaw Stables Penshaw Houghton-le-Spring DH4 7LB
Flat Penshaw House Community Home Penshaw Stables Penshaw Houghton-le-Spring

Snowdrop House Penshaw Stables Penshaw Houghton-le-Spring DH4 7NA
11 Station Road Penshaw Houghton-le-Spring DH4 7JZ
13 Station Road Penshaw Houghton-le-Spring DH4 7JZ
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9 Station Road Penshaw Houghton-le-Spring DH4 7JZ
14 Station Road Penshaw Houghton-le-Spring DH4 7JZ

Final Date for Receipt of Representations: **08.03.2024**

REPRESENTATIONS:

The consultation period expires on 8 March 24, those who have been consulted can be seen below:

- o Ward Cllrs
- o Conservation Officer
- o Environmental Health
- o Local Highway Authority

The Conservation Officer has advised that the "proposals are considered acceptable".

An update will be provided before the committee meeting.

Representations

No representations have been received, albeit the consultation period expires on 8 March 24.

An update will be provided before the committee meeting.

POLICIES:

Core Strategy and Development Plan (2015-2033)

COMMENTS:

Amenity

The proposed works to the wall would not have a material impact upon the amenity of nearby land and properties. The proposal would therefore accord with policy HS1 (quality of life and amenity) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise.

Heritage

The advice from the Conservation Officer will be repeated below:

"The wall and outbuildings subject to the proposed works are remnants of the 19th century walled garden to Penshaw House and included in the grade II listing of the house as curtilage buildings. The wall and former gardener's cottage are of heritage significance as evidence of the history of the former manor house and the layout of its grounds.

The supporting Structural Survey report demonstrates that the wall and outbuildings are in a dangerous condition. The recommendations of the report and proposals subject to these applications to lower the height of the wall, undertake repairs to it, and remove the unstable walls from what is left of the dilapidated storage buildings to the rear of the wall, is acknowledged as the only means of making the wall safe. The proposal to lower the wall to its original height of approximately 2.4 metres, as evidenced by the level of older brickwork that can be seen along the length of the wall, and salvage and re-use the historic stone copings is considered to represent the most practical and sympathetic solution. The wall will be largely restored to its historic height and along with sensitive repair works including sourcing York hand-made bricks and stone copings for matching in and using traditional lime based mortar re-pointing, the impact on the historic significance of the listed structure will be minimal.

The bricking up of the two openings to the wall is proposed to be carried out in the same sensitive manner as other openings that have recently been bricked up, recessing the brickwork to leave evidence of the openings. The works to the remaining walls of the Gardener's Cottage will consolidate this structure and protect its walls from further deterioration. All these works are recognised as necessary to ensure the walled garden, which will become a communal space for the approved elderly persons development adjacent, can be returned to garden use and used in a safe and secure manner.

The schedule of works provided is sufficiently detailed with full specifications of the mortar mix, bricks and stone to be used, which along with the knowledge that a reputable stone mason will be carrying out the repair works gives confidence that all the works will be carried out to appropriate conservation standards.

All-in-all the proposals are considered acceptable and in accordance with NPPF Paragraph 199 and CSDP Policies BH7 and BH8 in that the requisite great weight has been given to conserving the significance of the listed structures."

The above commentary also means that the Council, as a public authority, can record that the decision will be made in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; which says that:

"the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Conclusion

The proposed works accord with the relevant development plan policies in relation to amenity and heritage.

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

However, it should be noted that the final date for the receipt of representations does not expire until 8 March 2024, consequently, should any adverse representation be received following the Committee meeting which raises material planning considerations not addressed in the report above, then the application will be reported back to the first available Committee.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions listed below and no adverse representations being received by 8 March 2024

Conditions:

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

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

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

- Penshaw House Garden Walls - Schedule of Work
- Proposed Plan
- Proposed North East Elevation
- Proposed South East Elevation

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

Reference No.: 24/00200/LB3 Listed Building Consent (Reg3)

Proposal: **Alterations to northern wall of walled garden; including reducing height of wall, infill existing openings and demolition of outbuilding**

Location: Opposite Penshaw House Penshaw Stables Penshaw Houghton-le-Spring

Ward: Shiney Row

Applicant: Sunderland City Council

Date Valid: 5 February 2024

Target Date: 1 April 2024

PROPOSAL:

The application seeks listed building consent for "alterations to northern wall of walled garden; including reducing height of wall, infill existing openings and demolition of outbuilding" on land opposite Penshaw House, Penshaw.

The submitted Heritage Statement says that the wall "is in poor condition along with the outbuildings. Currently, the wall has missing and damaged bricks along with missing stone copings and some copings have been replaced with concrete copings. The brickwork in isolated areas at high level is missing the top courses to the outer brick lead where it's previously collapsed... The current condition of the walls is deemed to be unsafe structurally"

The Statement continues by describing the proposed works as including the "bricking up of two openings" and reducing the height of the wall to the original height of 2.4m. The submitted Schedule of Works also says the proposed works include "dismantle the external walls of the outbuilding"

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Cllr Katherine Mason-Gage

Cllr David Snowdon

Cllr Melville Speding

Planning Implementation

Planning And Highways

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Snowdrop House Penshaw Stables Penshaw Houghton-le-Spring DH4 7NA

Flat Penshaw House Community Home Penshaw Stables Penshaw Houghton-le-Spring

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14 Station Road Penshaw Houghton-le-Spring DH4 7JZ

Final Date for Receipt of Representations: **08.03.2024**

REPRESENTATIONS:

The consultation period expires on 8 March 24, those who have been consulted can be seen below:

- Ward Cllrs
- Conservation Officer

The Conservation Officer has advised that the "proposals are considered acceptable".

An update will be provided before the committee meeting.

Representations

No representations have been received, albeit the consultation period expires on 8 March 24.

An update will be provided before the committee meeting.

POLICIES:

Core Strategy and Development Plan (2015-2033)

COMMENTS:

The advice from the Conservation Officer will be repeated below:

"The wall and outbuildings subject to the proposed works are remnants of the 19th century walled garden to Penshaw House and included in the grade II listing of the house as curtilage buildings. The wall and former gardener's cottage are of heritage significance as evidence of the history of the former manor house and the layout of its grounds.

The supporting Structural Survey report demonstrates that the wall and outbuildings are in a dangerous condition. The recommendations of the report and proposals subject to these applications to lower the height of the wall, undertake repairs to it, and remove the unstable walls from what is left of the dilapidated storage buildings to the rear of the wall, is acknowledged as the only means of making the wall safe. The proposal to lower the wall to its original height of approximately 2.4 metres, as evidenced by the level of older brickwork that can be seen along the length of the wall, and salvage and re-use the historic stone copings is considered to represent the most practical and sympathetic solution. The wall will be largely restored to its historic height and along with sensitive repair works including sourcing York hand-made bricks and stone copings for matching in and using traditional lime based mortar re-pointing, the impact on the historic significance of the listed structure will be minimal.

The bricking up of the two openings to the wall is proposed to be carried out in the same sensitive manner as other openings that have recently been bricked up, recessing the brickwork to leave evidence of the openings. The works to the remaining walls of the Gardener's Cottage will consolidate this structure and protect its walls from further deterioration. All these works are recognised as necessary to ensure the walled garden, which will become a communal space for the approved elderly persons development adjacent, can be returned to garden use and used in a safe and secure manner.

The schedule of works provided is sufficiently detailed with full specifications of the mortar mix, bricks and stone to be used, which along with the knowledge that a reputable stone mason will be carrying out the repair works gives confidence that all the works will be carried out to appropriate conservation standards.

All-in-all the proposals are considered acceptable and in accordance with NPPF Paragraph 199 and CSDP Policies BH7 and BH8 in that the requisite great weight has been given to conserving the significance of the listed structures."

The above commentary also means that the Council, as a public authority, can record that the decision will be made in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; which says that:

"the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Conclusion

The proposed works accord with the relevant development plan policies in relation to heritage.

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

However, it should be noted that the final date for the receipt of representations does not expire until 8 March 2024, consequently, should any adverse representation be received following the Committee meeting which raises material planning considerations not addressed in the report above, then the application will be reported back to the first available Committee.

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:

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

- sexual orientation.

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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.

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

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

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

RECOMMENDATION: Grant Listed Building Consent subject to the draft conditions listed below and no adverse representations being received by 8 March 2024

Conditions:

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

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Penshaw House Garden Walls - Schedule of Work
 - Proposed Plan
 - Proposed North East Elevation

- Proposed South East Elevation

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