

PLANNING AND HIGHWAYS (EAST) COMMITTEE

AGENDA

Extraordinary Meeting to be held in the COUNCIL CHAMBER, CITY HALL on Monday 11th April 2022 at 5.30 p.m.

Membership

Cllrs Butler (Chair), Dixon, Doyle, Essl, Foster, E. Gibson, Hodson, Morrissey, Nicholson, Noble, Peacock, Reed, Scanlan, P. Smith, Stewart, Wilson (Vice Chair)

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	-
2.	Apologies for Absence	-
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of City Development (copy herewith)	

Elaine Waugh,
Assistant Director of Law and Governance,
City Hall
SUNDERLAND

1 April 2022

Item 3

Planning & Highways East
11 April 2022

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 21/02938/FD4 - Page 3
Sunderland City Council Civic Centre Burdon Road Sunderland SR2 7DN
2. 21/02550/FUL - Page 91
Former Site Of Coutts And Findlater Ltd Hudson Road Sunderland SR1 2LJ
3. 21/01825/FU4 - Page 121
Princess Of Wales Centre Hylton Road Sunderland SR4 8AE
4. 22/00161/LP3 - Page 142
Land At Blandford Street Sunderland
5. 22/00264/LP3 - Page 156
Land North Of Dykelands Road And West Of The A183 Whitburn Road Seaburn
Sunderland
6. 21/02941/SUB - Page 163
Land At Rears Of Bede Street, Benedict Road And St Andrews Terrace St
Andrew's Terrace

COMMITTEE ROLE

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

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 21/02938/FD4 FD4 Reg EIA

Proposal: **Demolition of Civic Centre, car park and associated buildings and structures, including footbridge across Burdon Road, and the redevelopment of the site for up to 265 residential dwellings/apartments with associated vehicular and pedestrian accesses, parking, landscaping, infrastructure and engineering works and the removal of, and works to, various trees (amended plans and Supplementary Environmental Statement received).**

Location: Sunderland City Council Civic Centre Burdon Road Sunderland SR2 7DN

Ward: St Michaels
Applicant: Vistry Partnership Limited
Date Valid: 23 December 2021
Target Date: 14 April 2022

Planning permission is sought for the demolition of Sunderland Civic Centre, car park and associated buildings and structures, including the footbridge across Burdon Road, and the redevelopment of the site for up to 265 residential dwellings/apartments with associated vehicular and pedestrian accesses, parking, landscaping, infrastructure and engineering works and the removal of, and works to, various trees.

The proposed development affects Sunderland Civic Centre, which occupies a site covering approximately 4.8ha on the south side of Sunderland City Centre. The Civic Centre building stands within the eastern part of the site, with areas of grassed open space to the west and southern parts of the site. The multi-storey car park occupies the northernmost part of the site.

The application site also includes the temporary surface-level car park located between the existing City Green apartment block and Cowan Terrace. The car park formed part of the wider application site for a development which included the City Green and Benedict Court apartment blocks. The planning permission for the site (application ref. 07/03301/SUB) also involved the erection of a 2 – 5 storey office block on the car park site; although this element of the approved development has not been built, the permission for the block would remain extant given the wider planning permission for the development of the site has been implemented.

The application site is bordered by Burdon Road to the east, which partially runs through a cutting. Beyond this is Mowbray Park, with which the Civic Centre is connected via a footbridge over Burdon Road. To the north, also in a cutting, is the section of Metro line between Park Lane and Sunderland Central stations. Past the Metro line, further to the north, is the commercial heart of the City Centre. To the south and south-west are areas of greenspace and a range of Victorian residential terraces and individual buildings within Ashbrooke, with further greenspace, a temporary car park and more modern dwellings and apartment blocks to the west. West Park Church, adjacent to the north-west corner of the site, is now partly in residential use. Park Lane Bus and Metro Interchange is to the north-west, across Cowan Terrace.

The Civic Centre building consists of a series of interlocking hexagonal sections arranged on a north-south axis, which vary from 2- to 4-storeys in height. At the southern end of the building is

a Civic Suite with a road underneath to provide access for services and the Members' car park. The multi-storey car park at the northern end of the site is accessed from both the end of Park Lane/Cowan Terrace and Burdon Road. The car park bridges across the disused railway cutting of a former goods line to Hendon Docks. The Civic Centre building and multi-storey car park are arranged in a terraced fashion to respond to the topography of the site, which rises notably from north to south.

As well as the aforementioned areas of grassed open space, the site features extensive areas of hard landscaping, including courtyards within the centres of the hexagonal sections of the Civic Centre buildings. The hard and soft landscaped areas feature a number of trees, many of which are good quality, mature specimens.

The application site lies wholly within the Ashbrooke Conservation Area and a number of designated heritage assets are in evidence nearby. These include St. George's House, Park Road Methodist Church (now known as Bethshan Church) and the Wearside Masonic Hall (all Grade II Listed) to the south, the Grade II Listed Grange Crescent and Grade II* Listed Church of St George to the south west and the Grade II Listed West Park Church to the west, on the south side of Cowan Terrace. Mowbray Park is a Grade II Listed Historic Park and it contains a number of Grade II Listed buildings and structures, with those closest to the application site being the monument to Jack Crawford and the statue of General Havelock, which stand close to the Park's western boundary. Also Grade II Listed are the War Memorial, its railings and gates and four surrounding lamp standards, which stand to the north-east of the application site on the east side of Burdon Road. Further north are the Grade II Listed Burdon House and Sunderland Museum and Library.

The planning application firstly proposes to demolish the Civic Centre and associated buildings and structures, including the multi-storey car park and footbridge into Mowbray Park. Full planning permission is required for the demolition works by virtue of the site's location within the Conservation Area.

The demolition programme is estimated to last for 41 weeks and it will commence from the southern part of the site and extend progressively northwards, demolishing each section of the superstructure in sequence, with a total of 10 phases of demolition planned. During demolition works, the perimeter of the building will be controlled as a demolition exclusion zone and works will take place via mechanical means with strict noise, dust and vibration controls in place. It is intended to recycle and re-use as much demolition arisings as possible; these will be crushed on site and retained and reworked into the site as part of the cut and fill exercise. The demolition of the car park face, which borders the Metro line, will have to be completed in overnight shifts in line with the requirements of Nexus and Network Rail.

The cleared site would then be developed to provide a total of 265 residential properties, with associated vehicular and pedestrian accesses, parking, landscaping, infrastructure and engineering works and the removal of, and works to, trees at the site. Minor changes to the layout of the development, clarification of site levels, revisions to some of the internal floorplans of the apartment blocks and additional supporting computer-generated images were submitted by the applicant during the consideration of the application.

The 265 properties would be delivered as both dwellinghouses and apartments, with 145 no. houses and 120 apartments. The mix is as follows:

- 4 no. 2-bed apartments over garages;
- 82 no. 3-bed dwellinghouses;
- 59 no. 4-bed dwellinghouses;

- 41 no. 1-bed apartments;
- 79 no. 2-bed apartments;

The design rationale set out within the submitted Design and Access Statement advises that the layout of the proposed development is built around one main north-south route, which is designed to re-establish an historic connection from Park Lane to the southern end of Burdon Road, lost following the development of the site for the Civic Centre. East-west connections will also be available, most notably along the northern edge of the site to maintain a link from Park Lane to Mowbray Park. Within the layout of streets are significant areas of open space, designed to create a hierarchy of streets and parks. Dwellinghouses within the development are 2-, 2.5 and 3-storeys in height, with the 3-storey dwellings lining formal park spaces and main streets and the 2- and 2.5-storey dwellings lining secondary and tertiary streets. The apartment blocks are 4-storeys in height and are located at key corners and junctions around the edges of the site.

Streets are generally of a linear character, with dwellings primarily arranged in terraced blocks of varying length, to reflect the characteristic pattern of development found within the Ashbrooke Conservation Area to the south and west.

The masterplan for the proposed scheme sets out four main 'character areas' within the development:

West Park (referencing a former park at the site) – this area focuses on the main new open space for the development, primarily surrounded by 3 storey dwellings with ornate elevational designs to flank the main north-south route through the site. The park is the centrepiece of the scheme and will feature a large proportion of retained mature trees to create a valuable greenspace for the development and wider City Centre. It is designed to provide a recreational facility, with paths, trees, planting, formal and informal play spaces.

North Park – focuses on the green park space running alongside the northern boundary, which will accommodate the east-west ramped pedestrian link from Park Lane to Mowbray Park and provides buffer between the housing and railway. The park will be of an informal character and include informal play opportunities. A new planted embankment will tie in to the existing railway retaining wall. Architecture in this area will be similar to that surrounding West Park, with an informal 'crescent' of housing fronting the park and an apartment block situated at the north-eastern corner to create a frontage onto Burdon Road.

St. George's Square – focuses on the reinstatement of the square lost to the development of the site for the Civic Centre. This area is designed to provide a quiet family neighbourhood and the square will be enclosed by 3 storey housing in keeping with the scale and features of St George's House.

Hillside Street – contains tertiary streets to provide more intimate, mews- and courtyard-type settings with reinforced pedestrian and cycle priority created by narrower, shorter streets. Dwellings in this area are predominantly 2 storeys, with a simpler approach to façade detailing in evidence. This area includes some apartments over garages, designed to reflect the converted coach houses found in Ashbrooke, including at Esplanade Mews.

In addition to the main character areas, the development creates a new edge to Cowan Terrace to the north of the site and here, the four-storey apartment block is designed and positioned to respect the setting of the adjacent Grade II Listed West Park Church. The front building line of the apartment block is partly stepped to allow for the retention of street trees and provide a

pedestrian link from Cowan Terrace to the existing City Green apartments and health centre immediately to the south.

In terms of the appearance of the proposed dwellings, the predominant material used will be brick, interspersed with small areas of precast to provide feature elements to facades. Detailing to the new dwellings has been informed by the typical Victorian architectural features found in Ashbrooke, such as window and door surrounds, cills and string courses and large window and door surrounds. The pointed dormers to properties on nearby Alice Street inspire the 'sawtooth' roofline to dwellings fronting the new 'West Park'.

Elevations of the apartment blocks are to be treated in a similar fashion to the dwellinghouses, featuring simple brickwork facades with window surrounds, string coursing and small areas of feature brickwork.

Most dwellings will benefit from rear gardens of varying sizes, with front gardens being very shallow due to the proposed 'shared surface' highway proposals. The apartment blocks will benefit from landscaping, with the block facing Cowan Terrace surrounded by shared garden space.

All homes are designed to meet Nationally Described Spacing Standards and 40% of properties will meet the 'Accessible Dwellings' standards of Part M4(2) of the Buildings Regulations.

In terms of vehicular and pedestrian access and movement, main vehicular access to the development will be from two points, one at the end of Park Lane/Cowan Terrace and the second at the southern end of Burdon Road. Traffic entering from these access points will, however, be forced to take a one-way loop around the site before exiting from the same point, in order to prevent the creation of a 'rat run' through the site. Access to the parking courts for the apartment blocks adjacent to Cowan Terrace and Burdon Road will be taken directly from these roads.

An additional pedestrian access point will be available from Burdon Road, at the eastern end of the North Park, where a surface-level 'toucan' crossing will provide a connection through to Mowbray Park to replace the demolished footbridge over the road. A pedestrian route will also be available to the west side of St. George's House and from the end of St. George's Way. An underpass below the apartment block fronting Cowan Terrace will provide a pedestrian route through to the existing City Green apartments and health centre.

Roads within the scheme are primarily 'shared surface' in order to promote pedestrian priority and inclusive access, as well as encouraging low vehicle speeds. Generally, this means dwellings do not have front gardens, instead having shallow privacy strips delineated by hedgelines.

In terms of parking, the strategy for the development incorporates seeks to limit the intrusion of on-street parking and takes into account the site's highly sustainable location in respect of access to public transport and pedestrian and cycle links. On-site parking will be provided through a combination of on-street allocated parking and in-curtilage parking for residents, with the following breakdown of spaces proposed:

Spaces for dwellings – 145 no.

Spaces for apartments – 37 no.

Spaces for visitors – 29 no.

Spaces for electric vehicle charging – 8 no.

With regard to refuse storage, domestic bins will primarily be stored in rear gardens for presentation to the street edge as necessary. There are, however, two areas within the development where front-garden bin storage will be provided in purpose-designed areas.

As set out above, the proposed development includes three significant areas of greenspace, whilst the area of greenspace to the south of the Civic Centre, adjacent to the junction of Burdon Road and Park Road, will be retained. The greenspaces are designed to provide recreational facilities for residents of the development and the wider City Centre, including lawned areas, seating and informal play opportunities. Play equipment proposed includes timber trails, timber logs/stepping stones, climbing features and sculptures and it is intended to be available across the greenspaces, rather than in one specific location. The greenspaces will also include planting for ecological and biodiversity benefits and accommodate sustainable drainage infrastructure, such as swales.

In terms of trees, none of the specimens present at the site are covered by a Tree Preservation Order, although they are afforded a degree of protection by virtue of the site's location within a Conservation Area. The application did originally propose the removal of a number of trees and shrubs within the site, as well as other pruning works. At this point, Members should note that on 3rd February 2022, the applicant submitted a notification of works to the trees at the site to the Council as Local Planning Authority (ref. 22/00186/TPC), in order to enable felling and pruning operations to be carried out in advance of other works requiring planning permission. The notice, made under s211 of the Town and Country Planning Act 1990, is required in respect of works to trees in a Conservation Area and gave the Council the opportunity to make a Tree Preservation Order in respect of the trees at the site if justifiable and expedient to do so. Officers considered the notification under delegated powers and confirmed to the applicant that the Council did not intend to make a Tree Preservation Order by letter dated 17th February 2022.

The tree works set out by the notification have since been carried out. No tree removals in addition to those authorised following the submission of the notification are proposed by the current planning application.

The application proposals are designed to integrate the retained trees at the site into the development. These are primarily located along the southern and northern edges of the site, with trees already felled being some specimens to the east of Grange Crescent, at the end of St. George's Way and within the courtyards of the Civic Centre building. New tree planting will take place throughout the site, via a combination of street trees and planting within the new areas of greenspace. New tree planting will be supplemented by low level planting and hedgerows.

Following the demolition of the Civic Centre, the new development will take place in four phases, as follows:

Phase A – north-western corner of the site, comprises the apartment block fronting Cowan Terrace (68 properties). This area can be developed independently from the rest of the development given it affects the existing car park off Cowan Terrace;

Phase B – southern part of the site, provides 69 dwellings and 15 apartments, includes the new St. George's Square;

Phase C – north-eastern part of the site, provides 105 residential properties and includes the North Park;

Phase D – remaining 8 houses on the west side of West Park, at the proposed site of the developer's site compound.

Construction works are anticipated to take approximately 5 years to complete.

The planning application has been submitted by Vistry Partnerships, with the application site currently still in the ownership of the City Council.

The application has been accompanied by a wide range of supporting reports and technical information, comprising the following:

- Planning Statement;
- Design and Access Statement (updated during consideration of application);
- Statement of Community Involvement;
- Open Space Assessment;
- Heritage Impact Assessment;
- Health Impact Assessment;
- Noise Assessment;
- Air Quality Assessment;
- Vibration Assessment;
- Transport Assessment and Travel Plan;
- Flood Risk Assessment and Drainage Strategy (updated during consideration of application);
- Contamination and Geotechnical Review;
- Phase 1 Preliminary Site Investigation;
- Phase 2 Geoenvironmental Appraisal;
- Gas Risk Assessment;
- Unexploded Ordnance Assessment;
- Energy and Sustainability Statement;
- Archaeological Desk Based Assessment;
- Archaeological Trial Trenching Report (submitted during consideration of the application)
- Historic Building Recording (of Civic Centre)
- Historic Building Recording (of Nuclear Bunker and Railway Tunnel);
- Fire Statement;
- Arboricultural Impact Assessment;
- Preliminary Ecological Assessment (updated during consideration of the application);
- Biodiversity Metric (updated during consideration of the application);
- Demolition Method Statements (for Civic Centre and Mowbray Park footbridge, updated during consideration of application);
- Demolition Noise Assessment
- Asbestos Survey (submitted during consideration of application)
- Construction Environmental Management Plan (updated during consideration of application);
- Financial Viability Appraisal (submitted during consideration of application);
- Affordable Housing Position Statement (submitted during consideration of application);
- Draft Heads of Terms for section 106 agreement;
- Accommodation Schedule;

Members should also note that the planning application has been accompanied by an Environmental Statement (ES). This is because the development proposal falls within section 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended)

('the Regulations'), which relates to urban development projects, including where the development includes more than 150 dwellings. For such developments, an Environmental Impact Assessment (EIA) is required where the development is likely to give rise to significant environmental effects.

The EIA undertaken by the developer's planning agent considers likely effects which may arise during the construction and operational phases of the development. It also considers the potential for cumulative effects in combination with other emerging schemes in the area. The scope of the EIA was agreed with the Council as Local Planning Authority prior to the submission of the planning application and Cultural Heritage was identified as the sole topic area required to be addressed by the ES.

It was agreed with the Council that other topics could be 'scoped out' of the EIA on the basis that the environmental effects of the development in relation to those issues would not be significant.

As is required by the Regulations, the Government's National Planning Casework Unit (NPCU) and relevant statutory consultees were notified of the submission of the ES upon its receipt by the City Council.

The minor changes to the scheme and resulting alterations to the submitted plans necessitated the preparation and submission of a Supplementary Environmental Statement during the consideration of the application. Further consultation with the public, the NPCU and consultees was undertaken in line with the Council's statutory obligations upon receipt of this document.

Public consultation

The application has been subject to full public consultation, including letters sent to a total of 265 no. properties close to the application site, notices posted around the site and a notice published in the Sunderland Echo. Further consultation was undertaken upon receipt of the amended proposals and Supplementary Environmental Statement.

Members should note that this additional consultation does not expire until 4th April 2022. Details of any further representations received following the publication of this report will be provided to Members ahead of the Committee meeting.

The following representations have been received from members of the public and other interested parties to date:

From owner of business at 1 Grange Crescent (Evidence Based Education):

- Initial representation set out general support for the development, but highlighted concerns relating to vibration and noise from construction works having the potential to affect the audio and visual recording activities taking place within the building;
- The building occupied by the business is Grade II Listed and so windows are single glazed. The presence of a busy road to the front of the property means recording mainly takes place in rear rooms, closer to where construction works will occur for an extended period of time;
- Second representation advised that concerns regarding noise from demolition and construction have not been addressed despite discussions with the developer and Council officers;
- Third representation sets out that whilst the scheme remains generally supported, there is a formal objection to the development as it is considered that the proposed mitigation

measures for demolition and construction noise do not fully recognise the unique nature of the business activities at the property;

- As noise from demolition and construction are unpredictable, it will be impossible to plan very sensitive recording activities;
- Representation suggests that a greater level of preventative measures should be factored-in to demolition and construction activity in order to minimise disruption.

The representation from 1 Grange Crescent also expresses concern at the submission of the notification of tree works prior to the determination of this planning application.

Officer response: issues relating to noise and disturbance during demolition and construction works have been considered by the Council's Environmental Health team and are assessed in section 5 of this report. Ultimately, however, it must be recognised that an element of disruption is inevitable given the scale of demolition and development proposed by the application.

From employee of business at 1 Grange Crescent:

- Supportive of development but not convinced that sufficient measures will be in place to mitigate noise impacts;
- Work at the business involves audio-visual production and there is a concern that noise from demolition, construction and increased traffic volumes will have a negative effect on business activities;
- Recognised that works will have to take place during business hours, however this will affect the production of video and audio recordings;

Officer response: issues relating to noise and disturbance during demolition and construction works have been considered by the Council's Environmental Health team and are assessed in section 5 of this report. Ultimately, however, it must be recognised that an element of disruption is inevitable given the scale of demolition and development proposed by the application.

From occupier of 12 Grange Crescent:

- Concerns over loss of privacy, light and amenity view;
- Concerns over use of St. George's Way as an access point to the site, particularly as it is already being used by elderly residents of Benedict Court and City Green and visitors to the health centre;
- Appears that existing path serving the health centre will be blocked off;
- Townhouses are being built too close to St. George's Way and will affect their light/privacy and visual amenity, suggested that these could be relocated;
- Whilst properties will each have one parking space, this does not account for families owning more than one car;

Officer response: impacts on the amenity of residential properties, including those to St. George's Way, is considered further in section 5 of this report. Matters relating to access, parking and highway safety are considered in section 8.

From owner of 5 St. George's Way:

- Land outside of St. George's Way has been an open park since the houses were built and the expectation was that the developer would not develop this area;
- The proposals remove green space for current residents and place it in front of the new houses;
- The townhouses close to St. George's Way are on the greenspace and will take away the views, light and remove privacy;

- The proposed arrangement will remove access to/from the 'park' side of St. George's Way as the new dwellings will have rear gardens running right up to the properties. The new boundary fences also cause an amenity concern;
- Whilst a strip of grass will be left between the existing properties and the new rear gardens, there is no clarification on ownership and maintenance responsibilities;
- Existing properties to St. George's Way will basically be 'hemmed in' by the development;
- Suggests that houses closest to St. George's Way could be 2 storeys and seeks clarity on ownership, maintenance and access to the proposed grass between the new fences and the existing properties;
- Residents of St. George's Way will seek compensation for loss of property value if planning permission is approved;

Officer response: in terms of ownership of the access being provided from St. George's Way, the applicant has clarified that this land is currently owned by the City Council. It has been agreed that the land will be transferred to the owners of properties to St. George's Way, with access rights granted across, although this has not yet been formally documented.

Impacts on the amenity of residential properties, including those to St. George's Way, is considered further in section 5 of this report. Matters relating to access, parking and highway safety are considered in section 8.

From occupier of 25 Stockton Road:

- Should not be presumed that car usage will drop because of the site's central location;
- A conservative estimate of 1.5 cars per household should be used to determine car usage;
- There is already precious little parking for residents of Stockton Road and City Green, made worse by the closure of the Cowan Terrace car park. Parking is also required for visitors to the health centre, interchange staff and students at the nearby college;
- The Cowan Terrace car park should be left as a residents' car park and the parking permit scheme should be extended across Stockton Road and encompass the area to Burdon Road;

Officer response: matters relating to car parking provision, both within the site and the wider City Centre, is considered within section 8 of the report.

From occupier of West Park Church (now partly in residential use):

- Concerns over loss of light to living areas and downstairs bedroom of house;
- Advises that existing neighbouring buildings limit light reaching the property and this could be worsened by the new block fronting Cowan Terrace;
- Also concerns over loss of parking spaces due to the development causing the closure of the temporary Cowan Terrace and Civic Centre car parks;

Officer response: impacts on the amenity of residential properties, including the accommodation within the church, is considered further in section 5 of this report. Matters relating to parking provision at the site and in the wider City Centre are considered in section 8.

From Sunderland Civic Society:

- The Civic Society is disappointed that this 'iconic landmark building', which won a gold award from RIBA and a Civic Trust Award, is to be lost, but this inevitability is accepted;
- Considers there to be much to commend in the proposed development, which is in a sustainable location, will support the City Centre and is considered to reflect and enhance the character of the Ashbrooke Conservation Area;

- Three main areas of concern have, however, been identified, in relation to affordable housing, car parking provision and amenity;
- First main concern is that the proposals do not appear to commit to providing affordable housing, which the Society considers to be essential given the nature and location of the development;
- Second main concern is the level of parking within the development, with the Society contending that it is not sound to rely on good access to public transport facilities as justification for the proposed amount of parking. It is suggested that the parking provided is not realistically sufficient for the development and that the arrangement will inevitably lead to opportunistic parking taking place. Comparison is made with a recent planning application at the former Vaux Brewery site (ref. 21/00225/FU4), where parking for new apartments is being provided at a much greater level than proposed by the current application;
- Third main concern highlights that at a number of locations around the development, spacing between new dwellings and apartment blocks is considerably below the Council's adopted standards, it being suggested that privacy and daylight/sunlight considerations are being compromised to achieve a 'tight' urban environment;
- In addition, it is suggested that the proposed development will affect the amenity of houses to St. George's Way, particularly the loss of aspect and access/egress caused by the erection of new garden fencing;
- Suggested that the proposal for two one-way road loops could be a safety concern if one loop becomes blocked or emergency access is required;
- Asks that consideration is given to the retention of the footbridge to Mowbray Park and suggests that further information on the works to the abutment in Mowbray Park are required;
- Suggests that the brick abutments of the demolished footbridge and new boundary wall to Burdon Road are finished in random limestone rubble retaining walls to reflect adjacent areas;
- Considers the 'sawtooth' roofscape created by the proposed 'Bloomfield' and 'Burnett' house types to be at odds with the character and appearance of the larger houses found in Ashbrooke Conservation Area;

Officer response: consideration of the position relative to affordable housing is provided in section 13 of this report, with consideration to access, highway safety and parking issues given in section 8. Design, layout and amenity matters are considered in detail in sections 3, 4 and 5 of the report.

A representation has also been submitted by the 20th Century Society, a charity which campaigns for the preservation of architectural heritage from 1914 onwards. Whilst a statutory consultee on certain planning proposals affecting heritage assets, the 20th Century Society were not required to be consulted on the current planning application. The Society's representation makes the following points:

- Considers that Sunderland Civic Centre should be treated as a non-designated heritage asset of local importance, the loss of which will detrimentally affect the Ashbrooke Conservation Area;
- National planning policy and legislation relating to heritage assets should be addressed, with the loss of this asset required to be carefully weighed when considering the overall scheme;
- The Society disputes Historic England's view that the building is not of national significance and considers the Civic Centre have enormous local presence and significance for Sunderland, as illustrated by its inclusion within the Ashbrooke

Conservation Area and it being highlighted as a landmark building by the Council's appraisal of the Conservation Area;

- The Society considers the building to be a good example for its period and an exemplar of good post-war civic design;
- The Civic Centre was designed by a notable architectural firm (Basil Spence, Bonnington and Collins) and it deals with the sloping site in an inventive manner, as recognised by the architectural press of the time;
- The development will not enhance or preserve the significance of the Conservation Area but will be actively deleterious to these objectives;
- The Society considers that efforts should be made to re-use the building for both heritage and environmental reasons, given the carbon costs associated with demolition and rebuild operations;
- Suggests that a retrofitting scheme would more closely align with the Council's Low Carbon objectives and declaration of a Climate Emergency and that the Council should set an example by seeking a re-use of its own former headquarters;

Officer response: matters relating to the effect of the development on heritage assets, including the Civic Centre, the Ashbrooke Conservation Area, Listed buildings and the historic Mowbray Park are considered in detail in section 3 of this report. Matters relating to design quality are considered further in section 4 of the report.

A further representation has been provided without an address for correspondence. The representation echoes the stance of the 20th Century Society in relation to the value of the Civic Centre as a fine example of 'Brutalist' 20th century architecture which is reflective of the aspirations of a post-war city and which makes a positive contribution to defining the character and appearance of the north-east corner of the Conservation Area. The representation also contends that too much emphasis is being placed on the Civic Centre's historic interest, to the neglect of appreciating its architectural interest. The representation contends that it would be a 'tragedy' if a building of bespoke design by a prominent British architect was lost to be replaced by 'pastiche' Victorian housing and that this would be detrimental to the architectural and historic significance of the Conservation Area and the city's townscape as a whole.

The representation also echoes the 20th Century Society's concerns in respect of the environmental credentials of demolishing a building which, it is contended, is suitable for retention and re-use.

Officer response: matters relating to the effect of the development on heritage assets, including the Civic Centre, the Ashbrooke Conservation Area, Listed buildings and the historic Mowbray Park are considered in detail in section 3 of this report. Matters relating to design quality are considered further in section 4 of the report.

Internal and external consultee responses

The following responses have been received in respect of consultation with internal and external consultees:

Historic England

Comments received confirm there are no objections to the proposals and provide detailed advice explaining Historic England's position.

Historic England's comments note that the site lies within the Ashbrooke Conservation Area, a high-quality Victorian suburb of villas and terraced houses, and although the Civic Centre is considered to have architectural and historic merit, its character is untypical of the Conservation

Area and its contribution to the significance of the Conservation Area is limited. As such, whilst its demolition would cause some degree of harm to the significance of the Conservation Area, this harm will be less than substantial.

Additionally, Historic England's comments advise that the Civic Centre was assessed for Listing in 2017 and this was rejected. In considering this matter, Historic England recognised that the building was part of the history of post-war civic buildings, and it illustrates many of the design and engineering trends of the day. It was considered, however, that the Civic Centre did not demonstrate the requisite high level of architectural and historic interest required for the Listing of post-war town halls.

In terms of the proposed new development at the site, it is observed that the layout of the housing uses elements of the street plan before the presence of the Civic Centre to create a distinctive environment that is closely reflective of the Conservation Area. Whilst new buildings are less contextually successful, particularly in relation to the utilisation of architectural detailing to elevations, it is considered that overall, they reinforce the enhancing contribution of the proposed layout and are considered to retain a contemporary appearance, rather than a pastiche of existing housing found within Ashbrooke.

In terms of policy guidance and Historic England's position, it is noted that policies within the National Planning Policy Framework (paragraphs 206 and 207) and the Council's Core Strategy and Development Plan support proposals that enhance the significance of Conservation Areas and this is the primary heritage consideration of the proposal. The impact is considered to be mixed, as on one hand the proposals remove a building that makes a positive contribution to the significance of the Conservation Area, it involves a development that is more in sympathy with the underlying character of the Conservation Area.

On balance, Historic England consider that the enhancing effect of the proposals outweighs the loss of the Civic Centre. This is due to the existing building being atypical of the Conservation Area and so making a limited contribution to its overall significance and then, the strength of the proposal's layout to create an environment that uses the influence of the Conservation Area to create a distinctive new neighbourhood. The design of the apartment blocks and houses could be more imaginative in their use of detail, but this does not outweigh the strengths of the proposals.

Accordingly, the proposals are considered to accord with the objectives of the NPPF and the Council's Core Strategy in relation to the development's implications relative to heritage significance. It is recommended that a condition is imposed requiring the approval of materials and it is encouraged that options are considered to improve the appearance and visual interest of the apartment blocks.

Further consultation was undertaken upon receipt of the amended proposals; no additional comments were offered.

Natural England

No objections, subject to securement of appropriate mitigation. Noted that the development site is within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas. As the development will result in a net increase in residential accommodation, indirect impacts to the designated sites may result from increased recreational disturbance and appropriate mitigation must be secured. A financial contribution to the Council's Coastal Mitigation Strategy is therefore required.

Environment Agency

No objections to the development. Advice is provided in relation to piling activities, advising that the Local Planning Authority seek an appropriate controlled waters risk assessment from the applicant, to ensure piling activities associated with construction works do not present a risk to controlled waters.

National Highways (formerly Highways England)

No objections to the development. Regard has been given to the submitted Transport Assessment, which identifies a net reduction in vehicular trips to the site itself, the sustainable location of the development site and its distance from the Strategic Road Network (SRN). Consequently, the development is not anticipated to materially impact upon the safe and efficient operation of the SRN.

National Highways' comments do note, however, that although trips to the Civic Centre site itself will be reduced by the redevelopment for housing, this is offset by many staff being relocated to the new City Hall, meaning trips to the wider City Centre are only reducing at a rate determined by the number of staff who are not relocating. This should be taken into account in relation to proposals in the City Centre area.

Marine Management Organisation

No objections to the development.

Network Rail

No objection in principle to the development, but comments set out some requirements which are particularly important given the location of the site in relation to an operational railway. It is advised that it will be necessary for the applicant to discuss works which may affect the railway with Network Rail's Asset Protection Team and a series of conditions and informative notes in relation to working practices and rail infrastructure security are recommended to be imposed by the LPA.

In particular, conditions are recommended in relation to the approval of a construction methodology, a surface water drainage strategy (which must be designed to avoid impacts on Network Rail's infrastructure), trespass-proof fencing, vehicle incursion measures, final landscaping proposals and new lighting within the development.

Nexus (Tyne and Wear Passenger Transport Executive)

Confirms that discussions have taken place with Network Rail and the developer in relation to the protection of the operational railway infrastructure. Nexus are satisfied with the approach being taken and has no further comments to offer.

Health and Safety Executive

No objections, as does not consider the development to involve 'relevant buildings' (i.e. those more than 18m in height or of 7 or more storeys) for the purposes of their remit in relation to building safety.

Tyne and Wear County Archaeologist

Notes that the site has been subject to a desk-based assessment, which identified archaeological potential at and around the application site. The Historic Environment Record identifies a number of locations of archaeological interest in the locality, including prehistoric finds, medieval remains and the Grange estate owned by John Maling, present on part of the application site in the late 18th century. The estate was purchased by James Cowan in 1830 and converted into a school. Much of the application site was stripped to bedrock during construction of the Civic Centre in the late 1960s.

There are, however, three areas within the site which have archaeological potential (grassed open spaces to the south, west and south-west of the Civic Centre building). The County Archaeologist recommended that further trial trenching is undertaken in these areas before the planning application is determined, with the results of the trenching determining if any further archaeological investigation is required. Trenching was subsequently carried out and a report submitted; this determined that the site has been subject to significant 20th century disturbance and landscaping and that consequently, there is negligible potential for significant archaeological remains to be present within the evaluated areas. The report has been reviewed by the County Archaeologist and is considered acceptable.

In addition to the above, historic building recordings of the Civic Centre building, Cold War bunker and rail tunnel below the multi-storey car park have been carried out and have been confirmed as acceptable by the County Archaeology officer.

Northumbrian Water

No objections to the development. Pre-application discussions have taken place with the applicant over connections to Northumbrian Water infrastructure. A condition requiring the approval of a scheme for the disposal of foul and surface water from the development is requested.

Northumbria Police Designing Out Crime officer

The regeneration of the Civic Centre site is fully supported by Northumbria Police. The proposals do, however, suggest levels of permeability and connectivity that are uncomfortable from a crime prevention perspective, although it is noted that these may be driven by other design principles and the site's heritage location. The demolition works, amount of open space within the development and the site's proximity to the City Centre could attract anti-social behaviour and criminal activity and it is recommended that the developer adopts enhanced security measures during site works and seeks a Secured By Design accreditation for the completed development. It is also recommended that further detail on boundary treatments and lighting is provided.

Northern Powergrid

No objections raised.

Northern Gas Networks

No objections to the proposals, advice provided on how the developer manages risks to gas infrastructure during construction works.

Tyne and Wear Fire and Rescue Service

No objections to the development, advice provided on Building Regulations matters.

Council's Planning Policy team

Comments received make the following observations in relation to planning constraints and relevant adopted local planning policies:

- Site is within the Ashbrooke Conservation Area and contains areas of designated open space and a designated car park. Saved policies SA75 and SA98 of the Council's Unitary Development Plan seek to retain the open space and multi-storey car park respectively;
- The Council's draft Allocations and Designations (A&D) Plan seeks to allocate the site for up to 300 homes (policy H8.4) and sets out a series of requirements for any development of the site. The development appears to be in broad alignment with this allocation. The

A&D Plan can, however, only be given limited weight at this time given its early stage in the adoption process;

- Principle of residential development on the site is considered acceptable given the objectives of policy SP2 of the Council's Core Strategy and Development Plan (CSDP), which encourages the diversification of the residential offer within the Urban Core of the city;
- Proposals also align with policy SP8 of the CSDP, which states that the Council will achieve its housing targets by delivering sites identified in its Strategic Housing Land Availability Assessment (SHLAA);
- Proposals satisfy policy EG3 insofar as they involve the regeneration of a disused employment site;
- Regard should be given to CSDP policies H1 (ensuring suitable housing mix and density), H2 (affordable housing), BH1 (design quality), BH2 (sustainable design and construction) and BH8 (development affecting heritage assets), as well as the Council's Ashbrooke Conservation Area Appraisal;
- Although the development site contains areas identified as open space by the Council's Greenspace Audit, it is evident that the proposed development incorporates areas of the existing greenspace and provides new areas of public open space. The proposals therefore broadly address the release criteria set out in the Audit for sites due to come forward for development through the A&D Plan;
- Consideration should also be given to policy NE4 in respect of the amount of open space being afforded by the development;
- CSDP policies relevant to the visual impact of the development (policy NE11), biodiversity net gains, ecology and locally-designated wildlife and geology sites (policy NE2), trees (policy NE3), highways impacts and access (policies ST1, ST2 and ST3) and planning obligations (policy ID1) must also be taken into consideration;

Overall, it is considered that the principle of residential development is acceptable at this Urban Core location, taking into account the site's highly sustainable location and its identification as a proposed housing site by the draft A&D Plan. In addition, it is considered that the development aligns with the recommendations of the Greenspace Audit, which sets out that the site can be developed subject to the retention and improvement of greenspace within the development – this appears to be the case. To establish the acceptability of the scheme, particular attention should be given to policies relating to built heritage, design, visual impact, ecological impacts, highways impacts (including the loss of the Civic Centre car park) and impacts on the Local Geological Site at Mowbray Park.

Council's Built Heritage officer

Initial comments set out that the proposals are acceptable, although recommends some minor modifications to the proposed materials and the design of the proposed apartment blocks.

It is firstly considered that the submitted Environmental Statement and Heritage Impact Assessment have described in detail the heritage assets affected by the development, including the contribution made by their settings, and thoroughly assessed the impact of the proposals on their significance. Assets affected comprise the Civic Centre itself, Ashbrooke Conservation Area and several Listed buildings within it, Mowbray Park and some Listed structures within the park, Burdon House and the Museum and Winter Gardens.

The Built Heritage officer's comments consider that, on the whole, the proposals present a well-designed and contextually sympathetic residential development that will enhance the character, appearance and significance of the Ashbrooke Conservation Area, Mowbray Park, Listed buildings within the Conservation Area and park, and make a positive contribution to local character and distinctiveness. It is considered that the positive impacts of the development

scheme outweigh the loss of the Civic Centre, given its minimal contribution to the character and significance of the Conservation Area. On balance, the overall impact will be an enhancement of character and significance.

In terms of the Civic Centre, whilst the building is identified as a landmark in the Council's Ashbrooke Conservation Area Character Study, it is considered to be an 'alien intrusion' into the Conservation Area's leafy residential character and is an overbearing and dominant feature. Its large scale and massing, brutalist civic form, horizontal proportions and architecture style is completely at odds with the refined and elaborate Victorian architecture found throughout Ashbrooke. The Council's Built Heritage officer therefore finds that the Civic Centre makes only a minimal contribution to the overall significance of the Conservation Area and is a negative feature in its historic townscape.

The removal of the footbridge to Mowbray Park is also considered positive in heritage terms as it does not contribute to the significance of the park and the proposed treatment of the exposed landing point within the park (levels made good and landscaped to match the park, matching fencing and coping erected across the bridge opening and existing brickwork to the bridge abutment made good) is considered to be acceptable.

In respect of the new development proposals, it is considered that the overall layout, scale and massing is largely appropriate in responding to its historic context, with the predominant use of terraces and incorporation of significant landscape elements reinforcing key characteristics of the Conservation Area. The architectural detailing of the new dwellings is considered to be broadly acceptable and the proposal to predominantly locate the apartment blocks to the northern edge of the site is considered appropriate as a transition to the larger buildings of the City Centre. The development is also respectful of the setting of surrounding Listed buildings, with the apartment block closest to West Park Church responding well to the church in terms of its scale, form and proportions of fenestration and materials.

It is advised, however, that the proposals would benefit from a revision to the proposed roofing materials – natural or good quality artificial slate should be used instead of the proposed concrete tiles. Historic England's recommendation that improvements are made to the design of the apartment blocks is also agreed with. A condition is recommended that requires samples of all external materials to be submitted for the Council's approval, as the use of high-quality materials is crucial to the success of the scheme. A further condition requiring the approval of a method statement for the demolition of the footbridge to Mowbray Park is also requested.

Following a review of the additional CGI images and drawings provided by the applicant, the Council's Built Heritage officer advised that the design quality of apartment blocks A, B and C is more convincing, particularly in terms of how they integrate with the wider development. Final choice of materials, especially bricks and roof materials, is still crucial.

Council's Urban Design consultant

Notes that the scheme has been subject to pre-application discussions and positive changes to the development have been made following this process, which is welcomed. Generally, the scheme is considered to be positive from an urban design perspective, although there are some relatively minor aspects of the scheme which could be improved and some further information is requested in relation to some areas of consideration.

The following key points have been made:

- The proposed north-south and east-west connections through the site are considered to be usable and attractive;

- The treatment of the prominent, elevated northern edge of the site is considered to be acceptable, with the north-facing frontages maximising opportunities to showcase the development and overlook the new green link to Mowbray Park;
- The scale of new dwellings and apartment blocks is generally considered acceptable and relates well to the wider surroundings, including the typical scale of development found in the Ashbrooke Conservation Area;
- The elevational treatment of the dwellings and apartment blocks is largely successful, taking cues from surrounding architecture such as doors, windows, window surrounds, string coursing and feature brickwork, creating contemporary house types which take reference from the surrounding historic environment;
- Concern is raised over the proposed 'flat over garage' house type – it is considered that these house types do not provide active frontages to the street and do not provide external amenity space for residents;
- Whilst many side gables to dwellings feature windows, it is recommended that consideration is given to including true 'corner turning' dwellings at key locations within the development to assist with legibility and wayfinding for pedestrians;
- There are stretches within the development where the same house types are repeated – it is recommended that subtle changes between units is introduced to add visual interest;
- Recommended that boundary treatments are reconsidered at some locations to avoid long stretches of fencing or wall flanking streets;
- It is recommended that additional CGIs are provided, along with further clarification on boundary treatments, confirmation of compliance with Nationally Described Spacing Standards and any variations of house types;

Further to the consultant's initial comments, minor changes were made to the scheme and additional CGIs were provided. After further analysis of the scheme and additional commentary being provided by the applicant's architect, the Council's consultant considers that the following comments should be noted:

- There remain areas where the scheme could be improved, however this does not alter the position that the development is supported from an urban design perspective;
- There are still concerns in respect of the 'flat over garage' property type, however it is noted that there are no objections to these properties from the Council's Built Heritage officer and as such, there would be no objection to their presence if they are considered to be a link to local heritage and mews-type streets in Ashbrooke;
- It would be preferred if properties at key corner plots were truly 'corner turning', however it is recognised that enhanced activation is being provided to such dwellings and as such is broadly acceptable;
- There are a small number of apartments where outlook is very limited, however it is accepted that it is secondary windows which are primarily affected.

Overall, the Council's Urban Design consultant is supportive of the scheme and recognises that where possible improvements to the scheme have been identified, they need to be balanced against competing development and planning objectives.

Council's Landscape officer

Notes that the site layout has been arranged to retain the majority of existing mature trees at the site, which is positive. Trees will be incorporated into landscaped areas, which will provide recreational and play opportunities as well as accommodating SuDS infrastructure. Retained trees should be protected by conditioning the adoption of the tree protection measures set out in the submitted Arboricultural Impact Assessment.

The use of shared surface materials for roads and pedestrian areas is also welcomed, although it must be ensured that the materials used are robust, fit for purpose and appropriate for the site's historic context. It is suggested that final details are secured by condition.

It is observed that the layout includes extensive areas of soft landscaping including wildflower areas, shrub, hedges and tree planting. This is well considered and forms a key element of the proposed development. Details of species, sizes and densities of planting and landscape management and maintenance arrangements is required and can also be conditioned.

New trees at prominent locations should be planted as large specimens to create instant impact and trees within hard surfacing should be detailed in accordance with accepted guidance to ensure they reach full life expectancy. Details of planting in hard surfacing should be conditioned.

Final details of proposed boundaries, street furniture and play equipment is also recommended to be secured via condition(s).

Council's Ecology consultant

In terms of protected species, the bat risk assessment and surveys undertaken are considered to satisfactorily demonstrate that buildings and trees at the site have low bat roost suitability. It is advised that works can proceed, subject to the adoption of a precautionary methodology for undertaking site works.

Avoidance, mitigation and compensation measures within the submitted Ecological Impact Assessment report relating to nesting birds, bats, hedgehog and the creation of habitats of ecological value, including wildflower grassland, hedgerows and native woodland habitats are considered to be appropriate to the location of the site. Bird and integrated bat boxes should be provided on 10% of new properties, with bird boxes including provision for declining species such as house sparrow.

In relation to designated sites, it is noted that the application site lies within the impact zone of the Durham Coast Special Area of Conservation (SAC) and the Northumbrian Coast Special Protection Area (SPA) and Ramsar site. The submitted report confirms that a financial contribution will be made to the Council's Coastal Mitigation Strategy to enable recreational and other disturbance to be managed and this approach is considered to be acceptable in ensuring impacts on the SAC and SPA will not be adverse.

A series of other statutory and non-statutory sites are present nearby, including the Mowbray Park Local Geology Site and the Wearmouth Riverside/Wearmouth Colliery Local Wildlife Site. The submitted report was initially considered deficient in addressing potential impacts on these sites from additional recreational pressure and, in the case of Mowbray Park LWS, demolition and construction works.

The initial submission was also considered to be deficient in respect of biodiversity net gain, with the submitted metric and commentary only confirming that the proposals would result in a substantial net loss in biodiversity (11.81%).

Following further analysis in an updated Ecological Impact Assessment, the Council's consultant accepts that recreational impacts on nearby locally designated sites will be negligible, given the numbers of people previously present at the Civic Centre site, Mowbray Park's status as a formal, heavily managed public park and the substantial open space provision within the proposed development.

The applicant has also provided an updated biodiversity net gain metric, which now indicates that the proposals will result in a significant net gain in hedgerows (386.88%) and a small net gain in habitat units (0.39%). The Council's consultant advises that this is in line with current adopted policies. The habitat trading rules have also been satisfied and it is noted that landscape planting is to be implemented concurrently with the development, beginning in the first year of works.

Subsequent to the submission of the revised Ecological Impact Assessment and BNG metric, the Council's consultant advises there are no objections to the development on ecological grounds, subject to the implementation of a series of conditions which, broadly speaking, seek to secure on-site mitigation and enhancement measures and ensure demolition and construction works are undertaken in a manner which recognises ecological risks.

Council's Land Contamination consultant

The submitted Phase 1 and Phase 2 Geotechnical and Environmental reports and Unexploded Ordinance Risk Assessment have been reviewed and the Council's consultant is in broad agreement with the conclusions and recommendations contained therein. As such, risks associated with land contamination, ground conditions and unexploded ordinance are not considered to preclude a residential development at the application site.

The following recommendations have, however, been made:

- An additional intrusive investigation is carried out to further characterise shallow soils for potential re-use and/or waste classification for off-site disposal;
- Following the completion of this investigation, a remediation strategy will be required;
- A verification report will also be required following the completion of the agreed remediation works.

It is considered that these recommended actions can be addressed via appropriately-worded conditions.

Council's Environmental Health team

In relation to demolition and construction works, it is considered that the submitted information is broadly acceptable. The method statements submitted in respect of demolition operations, including the footbridge to Mowbray Park, largely focus on health and safety at work matters, but they do set out that demolition methodology will follow preferred practice so as to minimise inevitable noise. The submitted Construction Environmental Management Plan (CEMP) is also considered satisfactory to indicate that construction works will take place in an appropriate manner, subject to the submission and approval of a Project Environmental Plan and site appraisal, to act as an addendum to the CEMP.

In respect of the demolition method statement for the Civic Centre, the Environmental Health team recommend that some further information is included, notably the outcome of the asbestos survey and proposals for its removal, the provision of an Environmental Aspects and Impacts Register (which must identify all sensitive receptors and mitigation measures) and a process for notifying occupiers of neighbouring properties of intended works and timescales and for the receiving, recording and addressing of complaints. This can be secured by condition and further conditions are also recommended in relation to the use of a mobile crusher and screen, arrangements for out of hours working and the aforementioned addendum to the CEMP.

Further to the Environmental Health team's comments as set out above, the applicant submitted additional information, including an asbestos removal method statement, an Environmental Aspects and Impacts Register and updates to the CEMP and Demolition Method Statement.

These have also been reviewed by the Council's Environmental Health officer, and the following advice is provided:

- Demolition commencement logistics plan is broadly acceptable, advice to the applicant is provided on design of site hoardings and location of site access gates;
- No comments on traffic routes;
- Environmental Aspects and Impacts Register identifies sensitive receptors but further information is required on control measures around the use of piling construction techniques, in terms of noise, vibration and groundwater contamination risks, and also in relation to dust generation;
- Project Environmental Plan is accepted;
- Updated CEMP is broadly acceptable;
- Asbestos removal method statement sets out a comprehensive proposal for dealing with asbestos and notes that a plan of work will be submitted to the Health and Safety Executive. The document also specifically addresses task-specific safe systems of work for the areas that have been determined to require attention.

The Environmental Health team's comments conclude by recommending conditions for the following:

- Details of any mobile crusher and screen to be brought to the site;
- Details of measures to minimise noise and disturbance during out of hours working, particularly adjacent to the railway line;

In relation to noise, the submitted assessment has examined existing noise levels affecting the site and the immediate locality. Noise primarily comes from road and rail traffic. The methodology and conclusions of the assessment are accepted, and a condition is recommended to require the submission of a detailed scheme of noise attenuation to new dwellings, to meet the recommendations set out in the assessment report. This addresses the measures applicable to the building envelopes in terms of glazing and ventilation specifications and ensures internal noise levels will meet the recommendations of BS8233. A condition requiring compliance with the details of the proposed noise barrier to plots 65-69 is also recommended, to ensure external garden areas to these plots meet the noise exposure guideline of 55dB LAeq.

In relation to vibration, the submitted assessment has examined vibration generated by the operation of the adjacent Metro line. Measurements were undertaken at a location next to the railway. The report's analysis of data concludes that the vibration dose values for the 16-hour daytime and 8-hour night periods are below the criteria indicative of a low probability of adverse response. This is accepted and no mitigation is considered necessary.

In relation to air quality, the submitted assessment excludes a consideration of vehicles associated with the proposed development, on the basis of an anticipated overall reduction in traffic flows compared to the use of the Civic Centre and its car park. The assessment does consider prevailing air quality and satisfactorily demonstrates the suitability of the site in relation to local air quality. Consideration has also been given to air quality impacts from demolition and construction works; effective mitigation will minimise impacts and these are embedded into the CEMP and demolition plans.

Council's Highways team

The following comments and observations have been made:

- The application site has good connections to sustainable modes of transport throughout the City, with Park Lane bus and Metro station to the north, numerous local bus stops on neighbouring roads and connections into existing cycle and pedestrian networks. The proposals clearly aim to take advantage of these connections;
- Proposed vehicular access points into the site are considered to be acceptable;
- The submitted Transport Assessment advises that in terms of trip generation, 76 and 79 two-way vehicular movements in AM and PM peak hours respectively are predicted, although these figures would be lower if high levels of sustainable travel usage are achieved. Vehicular movements would therefore appear to be significantly lower than those generated by the Civic Centre. Impacts on the local road network are therefore considered acceptable;
- The car parking proposed for the development is considered to be satisfactory, taking into account the City Centre location;
- Minor observations have been made in respect of the proposed internal layout and design of pedestrian linkages, traffic calming, bin-storage arrangements, signage and Orders required to enforce the one-way system;
- A Community Parking Management Scheme is considered necessary and should be funded by the developer;
- The submitted Travel Plan is acceptable in principle, however a condition will be required to secure the Framework document to form the basis of the final Travel Plan. Surveys to inform the Travel Plan should be agreed with the Council's Sustainable Transport Officer in advance of being undertaken;
- The submitted Construction Environmental Management Plan is considered acceptable from a highways perspective. A Traffic Management Plan will also be required in respect of any traffic management and road closures for the duration of site works;
- Notes are provided in relation to the securement of the new toucan crossing to Burdon Road, works to be carried out under the Highways Act, final agreement of electric vehicle charging points

Overall, the Council's Highways team consider that the development is within an established residential area within reach of local amenities and would be very accessible by sustainable transport. It is considered that the proposed development is unlikely to have any unacceptable impact on highway safety, or any severe residual cumulative impact on the highway network. The development is therefore considered satisfactory in highways terms.

Council's Flood and Coastal team (Lead Local Flood Authority)

Following discussions with the applicant's drainage consultant, which led to a number of updates to the submitted Flood Risk Assessment and sustainable drainage strategy, the LLFA has confirmed that the proposals are acceptable from a flood risk and sustainable drainage perspective. As such, there is no objection to the planning application being approved, subject to a condition requiring the submission of a verification report to confirm that the drainage strategy for the development has been implemented in accordance with the agreed details.

Council's Education officer

Requests a financial contribution of £551,113.86 towards primary school and special educational needs provision.

The comments from the various consultees are considered further in the subsequent sections of this report and inform the consideration of the range of material planning considerations relevant to the proposed development.

CONSIDERATION OF APPLICATION

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. In undertaking this exercise, planning case law has established that the development plan must be considered as a whole, a point reinforced by the recent *Cornwall Council v Corbett* Court of Appeal judgment. In 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.

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.

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

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan was recently subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

In addition, the Council has also adopted a range of Supplementary Planning Documents (SPDs) and other planning guidance which are relevant to the consideration of the current planning application. These are:

- Development Management SPD
- Planning Obligations SPD
- Ashbrooke Conservation Area Character Study Supplementary Planning Guidance

Although it does not form part of the Council's adopted Development Plan, regard should also be given to the Council's City Plan 2019-2030. This sets out the Council's vision, being 'by 2030 Sunderland will be a connected, international city with opportunities for all'. Three key themes will drive this vision, these being:

- A Dynamic Smart City
- A Healthy Smart City
- A Vibrant Smart City

The City Plan sets out a wide range of specific and more general delivery objectives for the period up to 2030, one of which is the development of key housing sites in the City.

The adopted CSDP firstly sets out a list of Strategic Priorities for the City, in order to achieve its Spatial Vision for 2033. These Strategic Priorities are:

1. To deliver sustainable economic growth and meet objectively assessed employment and housing needs;
2. To identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
3. To promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;
4. To provide a range of choice of accommodation, house types and tenures;
5. To provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;
6. To support and improve the vitality and economic performance of the Urban Core and designated centres;
7. To protect, sustain and enhance the quality of our built and historic environment;
8. To protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;
9. To adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;
10. To manage waste as a resource and minimising the amount produced and sent to landfill;

11. To promote sustainable and active travel and improve transport infrastructure;
12. To manage the City's mineral resources;
13. To ensure the City has the infrastructure to support its growth and prosperity;

A wide range of more specific CSDP policies are relevant to the consideration of the proposed development, as set out below.

SP1 – sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas. The majority of new development will be focused on the existing urban area and at sustainable locations and in higher densities around existing transport hubs. The strategy also focuses on the delivery of new employment opportunities in the City.

SP2 – the Urban Core will be regenerated and transformed into a vibrant and distinctive area by, amongst other measures, diversifying the residential offer to create sustainable mixed communities. All development in the Urban Core should:

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

SP7 – the Council will seek to improve health and wellbeing in Sunderland through a range of measures. Planning applications for large-scale development (i.e. more than 100 dwellings) should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

SP8 – the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

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

HS2 – proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 – development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 – residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include

10% of dwellings to meet Building Regulation M4(2) Category 2 – accessible and adaptable dwellings.

H2 – proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality. Exceptionally, off-site provision or a financial contribution in lieu of on-site provision may be acceptable where justified. 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.

EG3 – for non-designated employment sites, development will be supported for new employment uses or extensions to existing employment uses and the redevelopment of land presently in employment use if there are regeneration benefits or no reasonable prospect of the land being used for employment uses, and the development is considered to be acceptable.

VC1 – seeks to ensure the vitality and viability of Sunderland City Centre (and other town and local centres) by, amongst other measures, directing new retail, leisure, entertainment, cultural facilities and services to the City Centre.

VC5 – community facilities and local services will be protected and enhanced by, amongst other measures, resisting their loss unless a replacement facility that meets the needs of the community is provided.

BH1 – development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 – sustainable design and construction should be integral to major development proposals.

BH3 – requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH7 – the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by, amongst other measures, giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

BH8 – development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate. To preserve or enhance the significance of Conservation Areas, development should:

- i. be in accordance with the objectives and proposals of the relevant Conservation Area Character Appraisal and Management Strategy;
- ii. make a positive contribution to the character and distinctiveness of the Conservation Area;

- iii. support proposals for the conversion and re-use of vacant and underused buildings;
- iv. be of a high design quality, to respect and enhance the established historic townscape and built form, street plan and settings of Conservation Areas and important views and vistas into, within and out of the Areas;

Additionally:

- the demolition or unsympathetic alteration of buildings which make a positive contribution to a Conservation Area will only be acceptable in exceptional circumstances and must be robustly justified;
- development of open spaces and the loss of valuable trees within Conservation Areas will be resisted unless there are clear environmental or heritage benefits to outweigh the loss;
- development within or adjacent to registered historic parks and gardens will be required to protect and enhance their designed landscape character and setting and natural and built features of historic, architectural and artistic importance;
- development affecting non-designated heritage assets should take account of their significance, features and setting;

BH9 – the Council will support the preservation, protection and, where possible, the enhancement of the City’s archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains. Archive reports should be deposited with the Tyne and Wear Historic Environment Record (HER). Where demolition of a non-designated heritage asset is justified, an archaeological building recording of the asset should be carried out and results deposited with the HER and Tyne and Wear Archives.

NE1 – development should maintain and improve the Council’s green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 – where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 – development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 – requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery. Development which would adversely affect the amenity, recreational or nature conservation value of greenspace will only be supported if:

- i. it is clearly demonstrated that it is surplus to requirements, or
- ii. an acceptable replacement provision will be delivered, or
- iii. where replacement is not possible, a financial contribution is made to enable the Council to supply alternative provision;

NE11 – new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

WWE2 – requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 – requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 – requires new development to maintain water quality.

WWE5 – requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST1 – seeks to improve accessibility to, and movement through, the Urban Core by a range of measures.

ST2 – states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 – development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 – development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 – the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map allocates the site for housing. Policy H8.4 states that the site has an indicative capacity of 300 dwellings and Appendix 1 of the Plan sets out requirements for any future development. These requirements are:

- impact on local infrastructure is addressed;
- access to local facilities and services are enhanced where appropriate;
- a mix of house types and affordable housing are provided;
- the layout addresses changes in level across the site;
- primary vehicular access is from Burdon Road and the development is fully permeable and connected to surrounding pedestrian and cycle networks;
- ecological requirements are addressed and the design and layout are informed by the ecological mitigation hierarchy;
- the design, scale and massing conserves and enhances the character and appearance of the Conservation Area, the settings of nearby Listed buildings and Mowbray Park;
- appropriate mitigation is in place to address the loss of amenity greenspace;
- impact upon Green Infrastructure Corridors is minimised;
- healthy trees/hedgerows are retained where possible;
- a central area of greenspace is retained;
- SuDS must be included within the development;
- any identified contamination is suitably remediated;
- appropriate measures are incorporated to achieve a satisfactory noise climate;
- air quality levels are acceptable;

In addition, the draft A&D Plan identifies Mowbray Park as a Local Geological Site (LGS), designated through policy NE13, and as forming part of a wider wildlife network as designated by policy NE14. The supporting text to these policies advises that sites affected by this designation must have regard to the objectives of aforementioned policy NE2 of the CSDP in respect of development affecting ecology and wildlife designations. Policy NE16 of the draft A&D Plan identifies key local views and vistas and should be cross-referenced with policy NE11 of the CSDP.

The Proposals Map of the UDP also identifies open space within the Civic Centre site (the western part of the site), allocated by saved UDP policy SA75 and subject to saved UDP policy L1, which states that the Council will seek to achieve the standards of open space provision set out in subsequent policies of the UDP. The Civic Centre multi-storey car park is subject to saved UDP policy SA98, which states that it will be retained as a permanent car parking site.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Ensuring the vitality of town centres (section 7);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use and housing policy considerations;
3. Built heritage considerations;
4. Design, layout and landscaping considerations;
5. Residential amenity considerations;
6. The implications of the development in respect of health and social value;
7. The implications of the development relative to archaeology;
8. The impact of the development in respect of highway and pedestrian safety;
9. The impact of the development in respect of ecology and biodiversity;
10. The impact of the development in respect of flooding and drainage;
11. The impact of the development in respect of ground conditions;
12. The implications of the development in respect of education provision;
13. The implications of the development in respect of affordable housing;
14. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 60 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 61, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 68 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 74, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

As indicated by paragraph 11 of the NPPF, if a local planning authority cannot demonstrate five-year supply of housing land, development plan policies which are relevant to housing should be considered out-of-date and planning permission granted for housing development unless the policies of the NPPF indicate otherwise.

In accordance with the requirements of paragraph 68 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Sites for housing have also been allocated through the adoption of the CSDP, including the Housing Growth Areas, and further sites are to be allocated for new housing as part of the draft A&D Plan.

In order to provide some certainty on the matter, in July 2021 the Council requested that the Planning Inspectorate review its housing land supply position and subsequent to this request, the Planning Inspectorate provided a Report on the Council's Annual Position Statement (APS). The Inspector's report recommends that the Council can confirm that it has a 5-year housing land supply for the period up to 31st October 2022. This is based on the Council's APS demonstrating a deliverable supply of 4,509 dwellings for the period from 2021-2026, against a requirement figure of 4,098 dwellings. This results in a housing land supply of 5.5 years. On this basis, the Council considers that it is able to demonstrate a 5-year supply of housing land and this forms the context for the consideration of this and other planning applications for housing development.

Given the position set out above, and with regard to the guidance of paragraph 11 of the NPPF, the Council would contend that the relevant policies within the CSDP, the draft A&D Plan and the UDP can be given appropriate weight.

Members must note, however, that the Council being able to demonstrate a 5-year housing land supply does not entitle it to automatically refuse planning applications for housing on sites which are not allocated for housing through the CSDP or the draft A&D Plan and which have not been identified by the SHLAA. Nor should planning permission automatically be refused where a planning application proposes a different number of dwellings than is identified as a potential site capacity by the relevant CSDP or draft A&D Plan policy. Both the NPPF, at paragraph 60,

and policies SP1 and SP8 of the CSDP make it clear that housing land supply and delivery targets are minimum figures (with policy SP8 setting out an aspiration to exceed the minimum target of 745 dwellings per year) and the Council as Local Planning Authority is obliged to consider the merits of any such application in respect of all relevant material planning considerations, including the benefits that may be derived in terms of housing availability from developing an unallocated site or delivering a different number of dwellings than a site allocation policy recommends.

2. Land use and housing policy considerations

The planning application site is subject to several adopted and emerging local plan policies which need to be considered in establishing its suitability for the proposed housing development in land use terms. As noted above, the site is within the city centre and the Urban Core of the city centre as identified by the CSDP.

Policy SP2 of the CSDP is concerned with regenerating and transforming the Urban Core by, amongst other initiatives, diversifying its residential offer to create sustainable mixed communities, whilst policy VC1 is concerned with maintaining the vitality and viability of the City Centre, primarily by ensuring new commercial development is directed towards it and other designated centres. Policy VC5 seeks to protect community facilities and local services, unless a replacement facility is provided.

The proposed residential development of the site is considered to support policy SP2's strategic objectives and fully aligns with the desire to expand the residential offer available within the Urban Core. Additionally, it is considered that the development will not conflict with policy VC1's objectives, for the development would not harm the City Centre's commercial offer; indeed, it is considered that such a significant new housing development on the edge of the City Centre could serve to support its vitality and viability by introducing a greater resident population, thus increasing footfall and demand for existing businesses and services throughout the week. There is not considered to be any conflict with policy VC5 given the Council services and facilities previously provided at the Civic Centre are now being delivered at City Hall.

The proposed development also aligns with policy H8.4 of the draft A&D Plan which, as noted previously, intends to allocate the site for a residential development of up to 300 dwellings. It is acknowledged that the proposed number of dwellings (265 no.) is below the indicative site capacity of 300 dwellings, however the shortfall is only 12% and the Council's Planning Policy team has confirmed that there are no concerns regarding the proposed quantum of development in terms of the Council's overall housing land supply and delivery position. In any case, it must be recognised that the figure within the policy is indicative and is set out within a policy of a Plan that is currently in draft form only.

Appendix 1 to the draft A&D Plan then sets out the specific requirements for any development of the site and detailed consideration will be given to whether the proposed development addresses these requirements in subsequent sections of this report.

The site also contains areas of open space as identified by saved policy SA75 of the UDP and both saved policy L1 of the UDP and policy NA4 of the CSDP seek to ensure that new development does not cause unacceptable harm to valuable areas of open space. Additionally, saved policy SA98 of the UDP identifies the Civic Centre multi-storey car park as a facility that will be retained. Further consideration is given to the implications of the development relative to open space provision and the loss of the multi-storey car park in subsequent sections of this report.

On a broader level, positive weight must be given to the benefits of the development in terms of housing supply and delivery – as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 60 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 119 and 120 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to housing needs and provide a variety of property types, tenures and sizes.

Also relevant is aforementioned policy SP8 of the CSDP which sets out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum by, amongst other measures, the development of sites within the SHLAA and A&D Plan. The site's allocation for housing within the draft A&D Plan and its identification within the Council's most recent SHLAA (site deliverable over the next 10 years) means that it is envisaged as contributing to the delivery of housing within the City over the Plan period.

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 through the draft A&D Plan and SHLAA, although it is recognised that only limited weight can be given to this emerging policy position at this time. Nevertheless, the development will also support the objectives of policy SP2 by increasing and diversifying the residential offer of the Urban Core and it will see the development of an existing developed site at a highly sustainable, urban location with excellent public transport links and connections to local services and amenities.

Furthermore, positive weight should be given to the type of housing to be provided by the development, which will cover a broad spectrum of accommodation, from one-bed apartments up to four-bed townhouses, in accordance with the objectives of policy H1 of the CSDP.

More detailed consideration is given to the position relative to affordable housing provision within the development later in this report.

With regard to the above comments, it is considered that the development of the housing on the site is broadly appropriate given the site's Urban Core location, its inclusion within the SHLAA and its intended allocation through the A&D Plan. The development will also utilise a highly sustainable, well-connected, brownfield site. Furthermore, the approval of planning permission for the development of housing will enable the Council to meet its objectives in terms of housing delivery and the proposed development will provide a mix of housing which addresses the aspirations of policy H1 of the CSDP.

Notwithstanding the above, before it can be established whether the proposed development is acceptable in planning terms, detailed consideration must be given to all other relevant material planning considerations, including the aforementioned policies relating to the open space at the site and the retention of the multi-storey car park.

3. Heritage and design considerations

As has already been set out in this report, the application site is very sensitive in heritage terms given its location in a Conservation Area, the heritage significance of the Civic Centre buildings proposed to be demolished, the proximity of a number of Grade-II Listed buildings and structures and the adjacency of Mowbray Park, a Grade-II Listed Historic Park. Given the

potential nature of the effects of the development on the local historic environment, the planning application has been accompanied by an Environmental Statement focusing on the cultural heritage implications of the scheme. A Heritage Statement and Historic Building Recordings of the Civic Centre and associated buildings have also been submitted with the application.

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the responsibility of Local Planning Authorities in relation to development affecting Listed buildings, requiring LPAs to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 16 of the NPPF is concerned with conserving and enhancing the historic environment, with paragraph 189 noting that heritage 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.

Paragraph 194 states that Local Planning Authorities should require applicants to describe the significance of any heritage assets affected by the development, including any contribution made by their setting, so that the LPA is able to understand the potential impact of the proposal on the assets' significance. Paragraph 195 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise, and to use this information when considering the impact of a proposal on a heritage asset in order to avoid or minimise any conflict between the asset's significance and any aspect of the proposal.

Paragraph 196 makes it clear that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197 goes on to state that when determining planning applications, LPAs should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness;

Paragraphs 199 of the NPPF requires LPAs to give 'great weight' to the conservation of a heritage asset affected by a development proposal 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.

Paragraph 200 then states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II Listed buildings, or Grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II* Listed buildings, Grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional.

Paragraph 201 goes on to advise that where development will lead to substantial harm to (or a total loss of significance of) a designated asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss or all other avenues available to retain the asset have been exhausted.

As per paragraph 202, less than substantial harm to a designated asset needs to be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.

In relation to non-designated heritage assets, paragraph 203 states that the effect of a development proposal on its significance should be taken into account in determining a planning application and that in weighing up effects, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset.

Paragraph 204 then advises that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Assets affected by a development proposal should also be recorded to advance understanding of the asset's significance, with such material then made publicly accessible (as per paragraph 205).

In relation to Conservation Areas and development affecting the setting of heritage assets, paragraph 206 states that LPAs should look for opportunities for new development to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 makes it clear that not all elements of a Conservation Area will necessarily contribute to its significance. The loss of a building which contributes positively to the significance of a Conservation Area should be treated as either substantial harm (as per paragraph 201) or less than substantial harm (as per paragraph 202), taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

The policy guidance provided by section 16 of the NPPF in relation to development affecting heritage assets is inherent to the objectives of policies BH7 and BH8 of the Council's adopted CSDP, whilst policy H8.4 and Appendix 1 of the draft A&D Plan requires the design, scale and massing of the development of the site to conserve and enhance the character and appearance of the Conservation Area, the settings of nearby Listed buildings and Mowbray Park.

Regard must also be given to the Council's Ashbrooke Conservation Area Character Study, which was adopted as Supplementary Planning Guidance in January 2005. This sets out that the fundamental character of the Conservation Area is derived from its extensive concentration of attractive Victorian terraced housing, interspersed by a variety of fine villas and churches amidst an abundance of mature trees, historical parks and other green spaces.

On page 8, the Character Study identifies the Civic Centre as a 'landmark building' which dominates the most northern part of the Conservation Area, sitting prominently upon Building

Hill overlooking the City Centre. On page 9, it is noted that the aim of the Civic Centre's design was to project a progressive image of Local Authorities to the public. It was awarded a RIBA Gold Medal and Civic Trust award for the way in which the design sensitively relates to the site.

The Environmental Statement submitted with the planning application contains an assessment of the proposed development's effects on the heritage significance of heritage assets it affects. The ES assesses the following assets:

1. Sunderland Civic Centre (non-designated asset);
2. Ashbrooke Conservation Area (including Grade II and II* Listed buildings, not individually assessed);
3. St. George's House (Grade II Listed);

In order to understand these potential effects, the ES provides detailed assessments of the heritage significance of the assets to be affected by the development.

With regard to the Civic Centre's significance, the ES notes that the Historic Building Recording submitted with the planning application considers the historic, aesthetic and evidential significance of the Civic Centre to be 'high'. It is also noted, however, that the building was not considered to be of sufficient interest to warrant Listing by Historic England, who issued a 'Certificate of Immunity' ('COI') from Listing in April 2017. In issuing the COI, Historic England considered many of the points identified by the Historic Building Recording but concluded that the Civic Centre was not of sufficient significance to justify Listed status. Historic England's advice report on the COI advised that whilst the planform, detailing and design of the building in relation to the topography of the site are of some interest, this is countered by a lack of innovation in the design and architectural aesthetic appeal. It was concluded that the building is mundane and harmful to the Conservation Area and the setting of various Listed buildings.

Historic England also considered the building to be relatively unsuccessful in achieving the egalitarian ideal it sought to convey, as evidenced by the higher status of the Civic suite in comparison to other administrative areas. Architecturally, the Civic Centre is not considered to be especially interesting or innovative, with internal office space lacking quality detailing. The Civic Centre is also considered to be an anomaly within the Ashbrooke Conservation Area which fails to reflect the historic pattern of development that defines the Conservation Area and detracts from the setting of the surrounding Victorian buildings and designated heritage assets.

In respect of the significance of the Ashbrooke Conservation Area, the ES states that this is derived from the collective sum of its high-quality Victorian buildings, including fine residential terraces, churches and other landmark buildings, together with street trees and private parks. The Civic Centre is not considered to complement the character and significance of the Conservation Area and its design and appearance is considered to jar with the quality and detail of the surrounding Victorian architecture.

The significance of St. George's House, meanwhile, is derived from its historic and architectural significance as part of the initial expansion of Victorian housing to the south of the City Centre during the 1850s. It features many of the architectural details that are typical and characteristic of the Conservation Area, but as a detached villa it stands apart from the surrounding terraces and is of a grander scale than surrounding properties. It makes a positive contribution to the Conservation Area but its setting is compromised by the presence of the Civic Centre.

The ES goes on to consider effects on significance during demolition, construction and the operational phases of the development at Year 1 and Year 15 (once landscaping has matured). In doing so, it considers proposed 'embedded' mitigation, i.e. measures included in the design

to reduce or remove negative effects as a result of the proposed development, such as tree planting and landscaping.

To this end, the ES highlights that the development will feature tree-lined streets and areas of new planting along the northern edge of the site, with new landscaping focusing on the reinterpretation of St. George's Square and West Park. Landscaping will frame key views through the site between the City Centre and Park Road (Bethshan) Methodist Church and between Park Lane and Mowbray Park. New buildings within the development are predominantly terraced and limited to 2-3 storeys in height, with the blocks of flats no more than 4 storeys, respecting the layout and scale of existing buildings found within the Conservation Area.

In relation to demolition and construction works, the ES concludes that in EIA terms, these will have a 'Negligible Adverse' effect on the heritage significance of the Ashbrooke Conservation Area, due to the appearance of construction and demolition activity within its boundary and within the setting of various heritage assets. Similarly, there would be a 'Negligible Adverse' effect on the significance of St. George's House, due to works taking place within its immediate setting.

There will be a 'Moderate Adverse' and permanent effect on the Civic Centre as a result of its demolition. In considering the effects of the demolition of the Civic Centre, the submitted ES concludes that the building is of low importance and possesses limited architectural and historic interest. The building's design and architectural details lack innovation and are not considered to be of sufficient interest to warrant Listing. Additionally, it is contended that the building makes a negative contribution to the character, appearance and overall significance of the Ashbrooke Conservation Area.

Clearly, the building has very high susceptibility to the proposed development due to its intended demolition, however its low importance (including its lack of formal designation) is considered to reduce its overall sensitivity. Consequently, it is considered that the overall effect of the loss of the Civic Centre would be 'Moderately Adverse', but 'Not Significant' in EIA terms.

In terms of the operational development, the ES concludes that whilst the development will lead to changes within the Conservation Area and the setting of St. George's House, there will be 'Minor Beneficial' effects on their heritage significance on the basis that the development seeks to reinterpret aspects of the 19th century pattern of development across the site, including the reinterpretation of West Park and St. George's Square.

In this regard, the ES contends that the restoration of Park Lane as a main thoroughfare and a historic approach to Mowbray Park along the northern edge will enhance the significance of the Conservation Area by restoring views to Park Road Methodist Church from the City Centre, enhancing its status as a landmark building. The development will also largely comprise terraced housing of a similar scale and form to the Victorian terraces that define the Conservation Area's character and appearance. It is concluded that this represents an enhancement compared to the Civic Centre, which is an incongruous feature within the Conservation Area.

The ES concludes that, overall, the development would result in no significant environmental effects on heritage assets. It is considered that the development would make a positive contribution to the character and townscape quality of the historic environment by removing an incongruous and harmful feature from the Conservation Area (i.e. the Civic Centre) and the setting of various Listed buildings, for replacement by a development that is more appropriate and sensitive to the heritage significance of the Conservation Area and the surrounding heritage

assets in terms of its scale, form, massing, layout and design. Moreover, there are no other developments which are considered to result in inter-project cumulative effects or synergistic effects given that only cultural heritage was required for assessment within the EIA.

Whilst there is a Moderate Adverse effect in terms of the heritage significance of the Civic Centre, it is suggested that this will be outweighed when considered as part of the overall planning balance, with the social and environmental contributions of the development substantially outweighing the harm to the Civic Centre's heritage significance.

The Heritage Impact Assessment (HIA) submitted with the planning application considers the impacts of the development on the other designated heritage assets which were scoped out of the ES. These are the range of Listed buildings, structures and monuments around the periphery of the site, as well as Mowbray Park, a Grade II Listed Historic Park/Garden. The impacts identified are all in relation to the setting of these assets.

The HIA summarises impacts on these assets as follows:

West Park Church (Grade II Listed)

The development will replace the surface car park adjacent to the church with a sensitively designed and positioned apartment block. It is considered that the development will reflect the established pattern of modern development that now defines the church's immediate setting, albeit to a higher design quality, and will introduce a finer grain of residential development within the setting of the church. This will complement its historic setting to the south and west and will replace the Civic Centre, which is a negative feature. Overall, the development will have a negligible minor beneficial impact on the church's setting and a neutral impact on its significance.

Park Road Church (Grade II Listed)

Development will have a minor beneficial effect on its setting and significance by removing a poor-quality building from within its setting and restoring views of the church from the City Centre. The development will replace a building of low design quality with a development of higher quality which complements the church's historic surroundings and enhances its significance.

Wearside Masonic Temple (Grade II Listed)

Development will have a minor beneficial effect on its setting and no impact on its significance as a result of removing the poor-quality Civic Centre from within its setting.

Church of St. George (Grade II Listed)*

The development will alter some views towards the church (particularly its tower) from the east and will also affect some views of the church from the west, where elements of the Civic Centre building can be seen beyond the church. Overall, it is considered that the development will have a minor beneficial effect on the setting of the church by removing a negative feature from its setting and replacing with a more suitable form of development. This will have a neutral impact on its significance as a landmark feature of the Conservation Area.

Burdon House and Museum and Library (Grade II Listed)

Development will remove a negative feature from the wider setting of these buildings and replace it with flats and houses of a significantly smaller scale. There will be a negligible minor-beneficial effect on the setting of the group and no impact on their significance.

Mowbray Park (Grade II Listed Historic Park) and associated Grade II Listed buildings

The Civic Centre is considered to be a negative feature in the setting of Mowbray Park and its associated Listed buildings and is far removed from the appearance of the original setting provided by the historic West Park. The proposals would better reflect the historic pattern of development around the park and would serve to reintroduce a historic route from the end of Park Lane to the park. The development will also remove the incongruous footbridge across Burdon Road. Overall, it is considered that the development will have a minor-moderate beneficial effect on the park's setting and a minor beneficial effect on its significance.

Impacts on the setting of Listed structures within the park (the Jack Crawford monument, War Memorial and Statue of General Havelock) are minor or negligible beneficial and effects on significance are neutral or nil.

Taking the above comments into account, the applicant's ES and HIA summarise impacts on the significance and setting of heritage assets affected by the proposed development as follows:

Assets considered by ES

- Civic Centre – moderate adverse (not significant) effects via demolition;
- Ashbrooke Conservation Area – minor adverse (not significant) effects during demolition/construction works and minor beneficial (not significant) effects during operation;
- St. George's House – minor adverse (not significant) effects during demolition/construction works and minor beneficial (not significant) effects during operation;

Assets considered by HIA

- West Park Church – negligible-minor beneficial effect on setting, neutral effect on significance;
- Park Road Church – minor beneficial effect on setting, minor beneficial effect on significance
- Wearside Masonic Temple – minor beneficial effect on setting, nil effect on significance
- Church of St. George – minor beneficial effect on setting, neutral effect on significance;
- Mowbray Park – minor-moderate beneficial effect on setting, minor beneficial effect on significance;
- Jack Crawford Monument – negligible beneficial effect on setting, neutral effect on significance;
- War Memorial – negligible beneficial effect on setting, nil effect on significance;
- General Havelock Statue – minor beneficial effect on setting, nil effect on significance;
- Burdon House – negligible-minor beneficial effect on setting, nil effect on significance;
- Museum and Library – negligible-minor beneficial effect on setting, nil effect on significance;

The proposed development has been subject to careful consideration by Historic England and the Council's Built Heritage officer. As set out in the 'Representations' section of this report, Historic England do not object to the application. The comments received advise that the impact upon the significance of the Ashbrooke Conservation Area is the primary heritage consideration. The impact is mixed, as on one hand, the development involves removing a building that makes a positive contribution to the significance of the area, but on the other hand, it proposes development that is more in sympathy with the underlying character of the Conservation Area.

Historic England consider that whilst the Civic Centre has architectural and historic merit, its character is untypical of the Conservation Area and that the proposed development is generally successful in creating a distinctive environment that is closely reflective of the Conservation

Area. Whilst buildings in the development are less contextually successful, they overall reinforce the enhancing contribution of the proposed layout.

On balance, Historic England consider that the enhancing effect of the proposal outweighs the loss of the Civic Centre. This is due to the existing building being atypical of the Conservation Area and so making a limited contribution to the Conservation Area's overall significance and then, the strength of the proposal's layout to create an environment that uses the influence of the Conservation Area to create a distinctive new neighbourhood. For this reason, it is considered that the proposals comply with the objectives of paragraph 206 of the NPPF, which requires development to enhance Conservation Areas, and policy BH7 of the Council's CSDP.

Meanwhile, the Council's Built Heritage officer concludes that on the whole, the proposals present a well-designed and contextually sympathetic residential development that will enhance the character, appearance and significance of Ashbrooke Conservation Area, Mowbray Park, Listed buildings within the Conservation Area and park, and make a positive contribution to local character and distinctiveness. It is considered that the positive impacts of the development scheme outweigh the loss of the Civic Centre, given its minimal contribution to the character and significance of the Conservation Area. On balance, the overall impact will be an enhancement of character and significance. The proposals are therefore considered to satisfy the requirements of policies BH7 and BH8 of the CSDP and the relevant paragraphs of the NPPF as set out above.

It is noted that objections to the planning application have been received which contend that the Civic Centre is of greater heritage significance than suggested by the application submission, Historic England and the Council's Built Heritage officer and that it is an important example of 20th century 'Brutalist' architecture. The representations suggest that ultimately, the quality and benefits of the development do not outweigh the harm to heritage significance, including in relation to the Ashbrooke Conservation Area, caused by the building's demolition.

It is considered, however, that the applicant's ES and HIA provide a robust assessment of the heritage significance of the Civic Centre and the development's effect on the significance of the Ashbrooke Conservation Area and other designated assets. Moreover, Historic England is a statutory consultee on the planning application and weight must be given to their view that the development is acceptable in terms of its impact on the significance of the existing historic environment and that the loss of the Civic Centre is acceptable given the qualities of the new development to replace it. Indeed, Historic England consider that the proposed development of the site will, in fact, enhance the Conservation Area on the basis that the proposed development is more reflective of its distinctive characteristics. This view is shared by the Council's own Built Heritage officer.

The objections also suggest that greater efforts should be made to re-use the Civic Centre, to enable this heritage asset to be retained and it is recognised that the NPPF and policies BH7 and BH8 of the CSDP encourage the re-use of heritage assets in ways which enable their conservation and maintain their significance. Clearly, the City Council, as owner of the Civic Centre, has already determined to vacate the Civic Centre, move to City Hall and dispose of the application site and in reaching this decision, it was established that the building is outdated and no longer fit for purpose, reaching the point of functional obsolescence, and that significant investment would be required to bring the building up to modern office standards. Latent physical constraints (especially the presence of asbestos) serve to severely limit the commercial viability of a refurbishment or redevelopment programme, on the basis that costs would exceed value. It was also established that demand for alternative occupiers of the Civic Centre would be negligible, especially as the office market sector in the city is shifting towards the former Vaux brewery site.

The key consideration in heritage terms must be, however, the benefits that can be derived from the demolition of the building. Taking into account the advice of paragraphs 203 and 204 of the NPPF, evidently the demolition of the Civic Centre will result in the total loss of its significance, but this act will, in the view of both Historic England and the Council's Built Heritage officer, allow for a development which will serve to enhance and better reveal the significance of the Ashbrooke Conservation Area. The development will also lead to some improvements in the setting of various Listed buildings and structures surrounding the application site, most notably St. George's House. In reaching this view and taking into account the advice of paragraph 207 of the NPPF, both Historic England and the Council's Built Heritage officer conclude that the Civic Centre makes only a limited contribution to the Conservation Area's significance given its atypical design and built form. Essentially, whilst a non-designated heritage asset will be lost, the proposed replacement development will enhance a designated heritage asset (i.e. the Conservation Area) and the setting of other designated assets (i.e. surrounding Listed buildings and Mowbray Park), in accordance with the objectives of paragraph 206 of the NPPF and policies BH7 and BH8 of the CSDP, and positive weight should be given to this outcome.

In light of the advice from Historic England and the Council's Built Heritage officer, it is considered that the application submission has properly and thoroughly identified the significance of designated and non-designated heritage assets affected by the development, in accordance with the objectives of paragraphs 194 and 195 of the NPPF. Whilst it is accepted that the scheme will lead to the loss of a non-designated heritage asset, the proposals will result in the enhancement of a designated heritage asset, i.e. the Ashbrooke Conservation Area, and the setting of other designated heritage assets, i.e. Listed buildings and Mowbray Park, and deliver development which is more sympathetic to the essential characteristics of the Conservation Area as set out in the Ashbrooke Conservation Area Character Study.

It is considered that this outcome aligns with the objectives of the NPPF in terms of avoiding harm to designated heritage assets and, with regard to paragraphs 206 and 207 in particular, enhancing and better revealing the significance of the Conservation Area and the setting of nearby Listed buildings and the historic Mowbray Park. In terms of the objectives of paragraph 204, rather than being unclear as to future plans for the site, the planning application includes detailed proposals for its redevelopment.

As noted previously, paragraph 199 of the NPPF requires 'great weight' to be given to the conservation of designated heritage assets and as set out above, on this occasion, the development will in fact give rise to enhancements to the significance of the Conservation Area and setting of nearby Listed buildings and Mowbray Park.

Given the development's alignment with the heritage policies of the NPPF, the proposals are also considered to satisfy the objectives of policies BH7 and BH8 of the CSDP, which similarly require proposals to take into account the significance of any heritage assets affected by the development and to enhance the significance of Conservation Areas and the setting of designated heritage assets such as Listed buildings and Registered Historic Parks and Gardens.

For the reasons set out above, it is considered that the development accords with local and national planning policies relating to heritage protection and so is acceptable in relation to this matter.

4. Design, layout and landscaping considerations

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 124 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

- the identified need for different types of housing and the availability of land suitable for accommodating it;
- local market conditions and viability;
- 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;
- the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change;
- the importance of securing well-designed, attractive and healthy places.

Paragraph 125, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 126 stating that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be 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);
- establish or maintain a strong sense of place;

Paragraph 131 highlights the important contribution new trees can make to the character and quality of urban environments, and also the role they can play in helping to mitigate and adapt to climate change. New development should incorporate new tree planting throughout, with the provision of tree-lined streets strongly encouraged.

Paragraph 134 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, especially where there is clear conflict with local and national design guidance and policies.

Paragraph 154, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 174 of the NPPF is also relevant in considering visual amenity as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Aforementioned policy BH1 of the CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

The Residential Design Guide section of the Council's adopted Development Management Supplementary Planning Document (DMSPD) also provides more detailed guidance for developers in relation to the design and layout of new housing development. The SPD's purpose is to achieve the highest possible standard of design in all new residential developments. Key principles include:

- Delivery of well-connected layouts and integrated neighbourhoods;
- Achieving appropriate block structures;
- Achieving appropriate densities, taking into account existing local character and context;
- Provision of suitable scale and massing to new dwellings;
- Securing development which reflects local context and character in the layout, design and appearance of dwellings;
- Creating and respecting views and landmarks;
- Creating a distinctive identity and character;
- Securing appropriate boundary treatment;
- Securing appropriate landscaping, public open space, amenity greenspace and tree coverage;
- Appropriate integration of SuDS;
- Opportunities for biodiversity enhancements;
- Ensuring space around the home, although deviation from stated standards may be considered where it can be demonstrated that this will assist in creating a variety of streets or a high-quality contemporary urban environment;

Policy BH2, meanwhile, requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

Policy NE3 seeks to retain valuable trees and hedges within development proposals whilst with regard to greenspace provision, policy NE4 of the CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of usable amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

Policy NE11 requires new development to consider potential impacts on key views and vistas within the City and create new views where possible.

Site-specific design and layout advice and guidance is also provided by the Appendix to the draft A&D Plan, which amongst other objectives, requires that:

- access to local facilities and services are enhanced where appropriate;
- a mix of house types and affordable housing are provided;
- the layout addresses changes in level across the site;
- the design, scale and massing conserves and enhances the character and appearance of the Conservation Area, the settings of nearby Listed buildings and Mowbray Park;
- appropriate mitigation is in place to address the loss of amenity greenspace;
- impact upon Green Infrastructure Corridors is minimised;
- healthy trees/hedgerows are retained where possible;
- a central area of greenspace is retained;

Design considerations have been assessed in detail by the Council's Urban Design consultant, having regard to relevant local and national planning policies and other national design guidance such as the National Design Code, Building for a Healthy Life toolkit and Secured By Design. As set out in the 'Representations' section of this report, generally, the scheme is considered positive in design terms and to relate well to its surroundings and many recommended improvements discussed prior to the submission of the planning application have been integrated into the final proposals.

In particular, the following key elements of the scheme are considered successful:

- the proposed north-south and east-west connections through the site are usable and attractive;
- the treatment of the prominent, elevated northern edge of the site is considered to be acceptable, with the north-facing frontages maximising opportunities to showcase the development and overlook the new green link to Mowbray Park;
- the scale of new dwellings and apartment blocks is generally considered acceptable and relates well to the wider surroundings, including the typical scale of development found in the Ashbrooke Conservation Area;
- the elevational treatment of the dwellings and apartment blocks is largely successful, taking cues from surrounding architecture such as doors, windows, window surrounds, string coursing and feature brickwork, creating contemporary house types which take reference from the surrounding historic environment;

The Urban Design consultant's comments did raise some points of concern, particularly the presence of the proposed 'flat over garage' house type (which does not provide active frontages to the street and does not provide external amenity space for residents), the treatment of some dwellings at 'corner turning' locations, the repetitive nature of some stretches of housing, the treatment of boundary enclosures at some key locations and limited outlook from some windows in a small number of apartments.

In terms of the 'flat over garage' house type, the submitted Design and Access Statement advises that these are inspired by the converted coach houses found in nearby mews streets, such as Esplanade Mews. External features from these nearby examples, such as header detailing, have been carried through to the proposed properties and it is contended that they serve to give character to the development and make use of space that would have otherwise been elongated back-to-back gardens.

Whilst the concerns of the Urban Design consultant are noted, the presence of these dwellings must be considered in the context of the success of the overall scheme in design terms, and to this end, it is noted that there are only four examples of this property type and they are discretely located on a 'mews'-type tertiary street. As such, it is considered that their presence does not unacceptably undermine or dilute the overall quality of the development in design terms, and it is accepted that these dwellings do serve to create some additional variety and interest within the development. The consultant also recognises that the properties are generally supported from a heritage perspective given their links to the existing 'mews' dwellings found nearby within the Conservation Area.

As set out in the 'Representations' section of this report, the Council's Urban Design consultant is, overall, in support of the scheme from an urban design perspective. Whilst there are elements of the scheme which could be improved, they certainly do not render it unacceptable, and it is also recognised that the issues identified must be balanced against other competing objectives and planning considerations for the development of the site.

Clearly, in considering design matters, there is some crossover with heritage considerations and as set out in the 'Representations' section of this report and discussed earlier, both Historic England and the Council's Built Heritage officer are satisfied with the scheme. The proposals are clearly inspired by, and help to reinforce, the key characteristics of the local historic built environment and Ashbrooke Conservation Area, especially in terms of the scale, built form and layout of the housing, the reintroduction of historic routes across the site and the representation of some of the squares and areas of public open space which were once present at the site. The design of the apartment blocks and houses could be more imaginative in their use of detail, but this does not outweigh the strengths of the proposals.

In terms of protection and creation of views and vistas, as noted previously, the scheme is considered to be successful in creating new views, with the southwards view through the development towards the Listed Bethshan Church particularly welcome. In terms of existing viewpoints, the site is apparent within the southwards view from the top of Tunstall Road (Strawberry Bank), which is identified as a key viewpoint within the draft A&D Plan (policy NE16). The view from this location does, however, encompass much of the central, heavily built-up area of Sunderland and it is considered that the development's effect on the overall view from this point will be very limited, with the scale of the new housing meaning it will largely be absorbed into its wider surroundings. The proposals are therefore considered to address policy NE11's objectives in relation to views and vistas.

With regard to landscaping within the development, it is considered that the scheme is acceptable both in terms of how it deals with the existing open space at the site and the new open space and greenspace it will deliver. As noted earlier, areas of greenspace within the Civic Centre grounds are designated as such through saved policy SA75 of the UDP. Policy NE4 of the CSDP then indicates that development will be refused on allocated greenspace which would have an adverse effect on its amenity, recreational or nature conservation value, unless certain circumstances apply.

The existing open space at the site is considered to be of high value by the Council's Greenspace Audit, receiving a final score of 151 against the St. Michael's Ward average score of 92. The Ward is also identified as having a very low quantity, but high quality, of existing greenspace within its boundaries. Notwithstanding this, the Council's Planning Policy team has highlighted that the Audit sets out recommendations for those sites which could be released for housing development through the adoption of the A&D Plan. For the Civic Centre site, the Audit confirms that the loss of minor areas of greenspace within the site is acceptable, subject to the retention and improvement of the larger swathes of greenspace to the west and south of the Civic Centre building.

The Council's Planning Policy team note that the submitted layout shows the retention and adaptation of much of the main areas of existing greenspace within the site, with the southernmost area of greenspace remaining largely untouched and the western areas replaced by the new 'West Park' and 'St. George's Square' open spaces within the scheme. The Open Space Assessment submitted with the application calculates that overall, approximately 0.23ha of existing open space would be lost to the scheme but contends that the proposals will improve the quality of greenspace on-site, as well as contributing children's play space, community gathering space, wildflower meadow and ecological woodland space.

The quality of the greenspace and wider landscaping proposed within the development has been reviewed by the Council's Landscape officer and as set out in the 'Representations' section of this report, it is advised that the landscaping proposals are well-considered and will provide extensive areas of green open space which is of amenity and recreational value and will incorporate high-quality planting, tree coverage and informal play opportunities. In terms of area, the Open Space Assessment calculates that 12,975sqm of open space will be provided within the development, considerably above the figure of 8,500sqm calculated using the methodology set out by policy NE4 of the CSDP and the Council's Planning Obligations SPD. The open space within the scheme will therefore be of benefit to residents of the development and also provide a new amenity space for the City Centre.

Given the comments of the Council's Policy team and Landscape officer, it is considered that the scheme broadly complies with the release criteria set out by the Greenspace Audit. Moreover, the proposals would address criteria (ii) of policy NE4 of the CSDP, insofar as the development incorporates replacement greenspace which is equivalent in terms of its usefulness. The proposals also satisfy policy NE4's requirements in terms of incorporating an acceptable quantity and quality of greenspace within the scheme.

Turning to the consideration of the development's effects on the trees at the site, as noted earlier in this report, the developer has already submitted a notice under s211 of the Town and Country Planning Act 1990 to the Council as Local Planning Authority, to enable the tree removal and management works required for the development to be undertaken prior to the determination of the planning application (ref. 22/00186/TPC). On considering the scope of works set out by the notification, the Council as Local Planning Authority determined to not make a Tree Preservation Order in respect of the trees at the site and the proposed tree removal and management works have already been carried out.

The proposals are, however, retaining the majority of the high-quality trees at the site, with the key specimens to the southern edge (adjacent to the Park Road/Burdon Road junction), along the boundary to St. George's Way and in the north-western area of the site being incorporated into the development. A total of 35 no. individual trees and 5 no. groups of trees/shrubs have been removed to facilitate the development (out of 165 individual trees and 6 groups), these primarily being category C and B trees of 'low' and 'moderate' value respectively (as categorised by the submitted Arboricultural Impact Assessment).

The submitted Assessment notes that comprehensive tree planting is to be implemented as part of the development scheme and considers that the level of planting proposed far outweighs the numbers of trees removed to facilitate the development. New trees are mainly planted in soft areas or within cellular pit systems and species selection is diverse, detailing a range of native and non-native specimens of varying sizes throughout the site. The Assessment concludes that despite the removal of several individual trees and groups, the proposed landscaping scheme is likely to go beyond compensation and will provide a positive impact to the area.

The levels of tree planting and the incorporation of street trees into the scheme, particularly along the main north-south route through the site, are also considered to satisfy the objectives of paragraph 131 of the NPPF in terms of the integration of 'tree lined streets' into the development.

The Assessment also provides recommendations for tree protection measures and sensitive construction techniques, to be implemented in order to protect existing trees being retained at the site. The adoption of these measures will ensure works will have a 'neutral' effect on retained specimens.

As set out earlier, the Council's Landscape officer is satisfied with the way the proposals retain and manage existing trees at the site and welcomes the level and type of new planting being incorporated into the scheme. Conditions relating to tree planting techniques and tree management and requiring the adoption of the mitigation and protection measures set out in the submitted Assessment are recommended. Subject to these conditions, it is considered that the development will satisfy the objectives of the NPPF and policy NE3 of the CSDP in relation to its treatment of existing trees at the site, with losses being fully compensated for through the new planting proposals.

Members should note at this point that, as set out in its adopted Planning Obligations SPD, the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. In this case, however, the applicant is proposing for informal 'natural' play provision to be delivered within the three main areas of open space. Potential apparatus could include informal timber trails, timber logs/stepping-stones, climbing features, timber huts, sculptured seating and timber animal sculptures. As suggested by the Council's Landscape officer, a condition is recommended requiring final full details and specifications of the equipment to be provided and a programme for its installation and maintenance. Subject to this condition, it is considered that the proposed play equipment would provide attractive recreational opportunities for children living within the development (and further afield) and no further contributions to play facilities are necessary or justified.

With regard to sustainability, the applicant's Sustainability Statement sets out a commitment to sustainable design and construction and provides a strategy for the site looking at all aspects, including reducing operational energy, reducing embodied carbon and opportunities for improving health and wellbeing. The following key initiatives are set out:

- using demolition materials within the site, e.g. to infill the disused rail tunnel;
- using landscaping to minimise flood risk;
- health and wellbeing benefits derived from public realm design and provision of outdoor amenity and play opportunities;
- sustainable location of the site in relation to public transport opportunities and services and facilities within walking distance;
- electric vehicle charging points provided within the site;
- waste storage and recycling arrangements in line with Council requirements;

- adoption of a 'fabric first' approach to demand reduction, i.e. prioritising improvements to the fabric of new dwellings to avoid unnecessary energy demand and CO2 production;
- inclusion of water conservation measures within dwellings, such as dual flush WCs and low flow showers;
- improvements in insulation specification, efficient building services, reductions in thermal bridging and unwanted air leakage paths;
- dwellings positioned to maximise receipt of sunlight and solar gain;
- measures proposed would see emissions from the dwellings be up to 2.25% lower than required by Approved Document L1A of the Building Regulations (the current industry standard);

It is considered that the applicant's statement evidences that the proposed development has been designed and planned in a manner which gives proper regard to sustainable construction and development principles, in accordance with the objectives of policy BH2 of the CSDP.

Representations to the planning application have suggested that the demolition of the Civic Centre does not align with national and local sustainability objectives as such an operation is carbon intensive and considered to be environmentally unfriendly, notwithstanding the sustainability credentials of any replacement development. Whilst it is recognised there has been a recent focus on encouraging the adaptation and re-use of buildings (representations cite references within Historic England's Annual Report of 2020 and RIBA's 2030 Climate Challenge material), local and national planning policies do not yet demand that priority is given to the reuse of existing buildings. Rather, the focus is on, where possible, directing development to brownfield land, an objective the proposals comply with. In this case, as noted earlier, the Council gave consideration to the potential reuse of the Civic Centre in deciding to vacate and dispose of the site and for a number of reasons, the condition and form of the building was not considered to be conducive to an economically viable adaptation and repurposing.

The proposed development has been carefully considered against the relevant CSDP and NPPF policies which relate to design, character, landscaping, visual amenity and sustainability. For the reasons discussed above, and in accordance with the requirements of policy BH1 of the CSDP, the amended development is considered to be acceptable in terms of its density, design, layout, appearance and visual interest and it will deliver a good-quality built environment which is inspired by, and relates well to, its local context. To this end, the development has been supported by the Council's Urban Design consultant.

The scheme also serves to create new views and vistas and will not be of detriment to existing key views, in accordance with policy NE11.

In accordance with the objectives of policy NE4, the development will provide residents with an acceptable quantity and quality of open space and landscaping, including on-site play facilities, to create an attractive living environment.

The development also deals acceptably with trees, with the majority of high-quality existing trees being incorporated into the development and comprehensive new planting giving rise to long-term benefits to local amenity. The proposals therefore accord with policy NE3 of the CSDP. Furthermore, it is considered that the proposals have been informed by sustainability principles, as demonstrated by the applicant's Sustainability Statement and as required by policy BH2 of the CSDP.

It is also considered that the proposals largely satisfy the design- and layout-related site-specific requirements of Appendix 1 to the draft A&D Plan, as outlined above.

It is consequently considered that the development is acceptable in terms of design, layout, built form and landscaping and that the development will have an acceptable relationship with, and impact on, the prevailing character and appearance of the locality, in accordance with the aforementioned relevant policies of the CSDP and NPPF.

5. Amenity considerations

Paragraph 130 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. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. This policy also requires new development to include initiatives which serve to 'design out' crime.

Additional supporting guidance is provided by the Council's Development Management SPD (DMSPD) which, in relation to residential amenity, sets out recommended distances for spacing between dwellings as follows:

- Main facing windows (e.g. living rooms, kitchens and bedrooms) – 21 metres spacing for 1 and 2 storey properties, 26 metres for 3 storeys and additional 5 metres for each additional storey over 3 storeys. Developments of more than 4 storeys will be considered on their individual merits;
- Main windows facing side or end elevation (with no window or only secondary window) – 14 metres for 1 and 2 storey properties, 19 metres for 3 storeys and additional 5 metres for each additional storey of 3 storeys;
- Minimum of 2 metres between facing end elevations without main windows;
- For every 1 metre in difference of ground levels, 2 metres should be added to the horizontal distance.

These distances are applicable between new dwellings within a development and also between new dwellings and existing neighbouring dwellings. The supporting text to the recommended distances states that a reduced distance may be considered within a new residential development where the developer can demonstrate that this will assist in creating a variety of streets or a high-quality contemporary urban environment.

In terms of levels around the site, at present, the most elevated part of the site is the platform on which the Civic Centre building sits, the eastern part of which (adjacent to Burdon Road) is 46m AOD. The open space between the Civic Centre and Benedict Court/City Green is approx. 45m AOD in height. The land then falls away readily towards Park Lane/Cowan Terrace (to approx. 39m AOD) and more gently towards the southern and western edges of the site (to approx. 41m AOD at Park Road).

Levels within the developed site are intended to broadly follow the existing topography, save for the Burdon Road edge of the development, where the platform will be lowered to between 40m and 42m AOD. The 'West Park' open space is the high point within the developed site (height of 45.3m AOD, as existing) and from here, the regraded land will fall away gently in all directions. Dwellings and apartment blocks along the northern edge will stand at approximately 40m – 41m

AOD and those around 'St. George's Square' and along the southern edge of the site are at approximately 41m – 42m AOD.

In terms of the amenity afforded to prospective occupiers of the new development, across much of the development spacing recommendations are comfortably met or significantly exceeded. For example, the 3 storey dwellings facing each other across 'St. George's Square' are 38 metres apart, whilst there is over 53 metres between dwellings facing each other across 'West Park'. Dwellings along the southern, northern and eastern edges of the site also benefit from relatively unimpeded outlook from their front elevations.

There are, however, a number of areas within the development where the SPD's spacing recommendations are not met, as noted by the representation from the Sunderland Civic Society. For example, the 'Elmslie' house types to plots 39 – 43 are located in a mews to the rear of blocks of 'Burnett' and 'Sandy' dwellings, which are 3- and 2.5-storeys in height respectively. Spacing distances from the 'Elmslie' dwellings to the neighbours are between 17.7m and 19.2m. Furthermore, spacing between the 'Ashbee' flat-over-garage houses and those opposite is approximately 15m. Spacing is also very limited between ground floor apartments to blocks B and C and adjacent new dwellings.

As noted earlier, the spacing standards set out in the SPD are recommended, rather than being binding, and the supporting text makes clear that reduced spacing within new developments may be acceptable in certain circumstances, particularly where this serves to deliver a varied and high-quality built environment. In this case, and as set out by the material supporting the planning application, the proposed development is inspired by the characteristics of the varied housing and built form found within the Ashbrooke Conservation Area; to this end, whilst within Ashbrooke there are many examples grand terraces set behind spacious front gardens, there are also areas of much denser terraced housing. For example, dwellings facing Lorne Terrace and Carlyon Street are approximately 10m apart, those facing Alice Street and Princess Street are under 12m apart, those facing Worcester Terrace are 14m apart and dwellings facing Argyle Square are 15m apart. There are also examples of 'mews'-type arrangements, with coach houses within rear yards/gardens being converted into single dwellinghouses and directly flanking rear lanes, such as at Esplanade Mews.

The density of development and spacing being provided at certain areas within the scheme (largely within the denser 'Hillside Street' character area) is not, therefore, uncharacteristic of the built form of housing found within many areas of the Ashbrooke Conservation Area. Indeed, Historic England note how the building mix within this area of the site works well, giving variety to the area whilst maintaining a legible structure, and is considered to be reflective of the Conservation Area. Furthermore, the Council's Urban Design consultant has raised no significant concerns with the proposed spacing arrangements, save for highlighting shortfalls at apartment blocks B and C.

The Council's Urban Design consultant has also expressed concern in relation to the 'Ashbee' 'flat-above-garage' house types, on the basis that they would not afford occupiers within any external amenity space and have limited outlook. There are, however, only 4 examples of this house type within the development of 265 properties and it is considered reasonable to compare the accommodation they provide to flats within the apartment blocks, which do not provide private external amenity space either.

With regard to the above comments, it is considered that on this occasion, a reduction in the Council's usual spacing recommendations is not inappropriate given how the built form responds to, and is reflective of, the key characteristics of existing housing in the surrounding Ashbrooke Conservation Area. More generally, it should also be acknowledged that the site lies

on the edge of the City Centre, where the built form is characteristically denser and more varied and spacing between buildings often does not meet contemporary recommendations. Policy SP1 of the CSDP also actively encourages development of higher density close to transport hubs.

In the context of the site's historic and central location, it is considered that even though spacing is below recommended standards at certain locations, these properties will provide occupiers with good levels of privacy and outlook, with all dwellings being spacious internally (meeting Nationally Described Spacing Standards) and all properties (other than the 'Ashbee' house type) benefitting from sizeable private rear gardens. It should also be recognised that residents of the development will benefit from other amenity advantages in terms of access to high quality open space within the site and at the adjacent Mowbray Park and the proximity of the site to the facilities, services and attractions found within the City Centre.

The applicant has also confirmed that 40% of dwellings within the development will meet Building Regulation M4(2) Category 2 – accessible and adaptable dwellings, exceeding the requirement of 10% of dwellings meeting the standard as set out by policy H1 of the CSDP.

It is therefore considered that overall, the reduced spacing in some areas of the site is justifiable given the benefits this brings in terms of design quality and that the level of amenity afforded to residents of the development is acceptable in these particular circumstances.

With regard to the potential for pollution from sources such as noise, vibration and air quality to affect residential amenity, policy HS1 of the CSDP and paragraph 185 of the NPPF both require any such issues to be understood and satisfactorily mitigated, with policy HS2 then providing more specific advice in relation to noise. The submitted noise assessment has examined existing noise levels affecting the site and the immediate locality, with sources of noise primarily coming from road and rail traffic. The methodology and conclusions of the submitted assessment have been accepted by the Council's Environmental Health team, and a condition is recommended to require noise attenuation to new dwellings to be installed in line with the recommendations set out in the assessment report. Recommended measures include the use of appropriate glazing and ventilation to dwellings and a noise barrier (1.8m high wall) to the eastern boundary of plot 69, which will limit noise exposure to the gardens of plots 65-69 to acceptable levels. A condition requiring the adoption of these measures has been recommended by the Council's Environmental Health team.

In relation to vibration, the Council's Environmental Health team note that the submitted assessment has examined vibration generated by the operation of the adjacent Metro line. Measurements were undertaken at a location next to the railway. The report's analysis of data concludes that the vibration dose values for the 16-hour daytime and 8-hour night periods are below the criteria indicative of a low probability of adverse response. This is accepted and no mitigation is considered necessary.

In relation to air quality, the Council's Environmental Health team note that the submitted assessment excludes a consideration of vehicles associated with the proposed development, on the basis of an anticipated overall reduction in traffic flows compared to the use of the Civic Centre and its car park. The assessment does consider prevailing air quality and satisfactorily demonstrates the suitability of the site in relation to local air quality. Consideration has also been given to air quality impacts from demolition and construction works; effective mitigation will minimise impacts and these are embedded into the CEMP and demolition plans.

Given the above, it is considered that the site will provide future residents of the development with acceptable living conditions in terms of exposure to noise and vibration and in relation to

local air quality, whilst the operational development does not give rise to any concerns in relation to impacts on existing standards of local air quality.

In terms of the impact of the development on the amenity of existing dwellings, it is evident that there are no existing properties immediately to the north or east of the site, whilst the majority of dwellings in the southern part of the development face across the area of retained open space adjacent to the Park Road/Burdon Road junction. There are, however, a number of residential properties flanking the western side of the site, namely the apartment blocks at City Green and Benedict Court and the dwellings of St. George's Way. West Park Church is now also partly residential, with the eastern end converted to residential accommodation (planning permission ref. 19/00715/SUB). Residents of St. George's Way, Grange Crescent and West Park Church have submitted representation expressing concern in respect of the development's impact on these properties.

The rear elevation of the new apartment block fronting Cowan Terrace is approximately 43m from the north-facing elevation of the City Green block, a distance which, with reference to the SPD guidance, is considered to be acceptable even taking into account its four-storey scale. New 3-storey dwellings to the east of the City Green block are 27m away and again, this separation distance is considered to be acceptable and broadly in alignment with the SPD's recommendations, having taken into account that City Green stands 1 – 1.5m lower than the development site to the east. The east-facing end elevation of the Benedict Court block does not directly face any new dwellings, with the terrace flanking the west side of 'West Park' terminating prior to the north-east corner of this building. The end of the three-storey terrace to the west side of St. George's Square is then 31m to the south, a distance which is considered to align with the SPD spacing guidance. Overall, it is considered that the relationship between the existing apartments and the new dwellings is acceptable and that the apartments will not experience any unacceptable loss of outlook, privacy or overshadowing.

In relation to the residential accommodation within West Park Church, the occupier of which has objected to the application, this is contained within its eastern end, adjacent to the site of block D. The eastern end of the church is chamfered, with numerous ground and first floor windows in the various angled elevations, which face in all directions to the north, east and south. An officer site visit has established that the church windows at the eastern end of the building have all been fitted with external, sealed coverings which obscures the glazing and would appear to severely restrict outlook from the rooms they serve.

The approved floorplans for the accommodation within the church show a study, living room, toilets and a bedroom around the internal edge of the building. The study benefits from windows facing north/north-east, with the living room windows facing east (across the site of block D) and the bedroom windows facing south-east. At first floor level, the majority of the space is taken up by a living room, which benefits from the north- and east-facing windows, with a kitchen and bathroom utilising the south east-facing windows. The west elevation to block D will stand approximately 9.5m from the eastern end of the church, with the church's low boundary wall, the lane from City Green/Benedict Court and a new hedge along the application site boundary in between.

It is acknowledged that the erection of block D will have some effect on the amenity of the accommodation in the church, although impacts are considered to be quite limited. In terms of outlook, it is apparent that outlook from the windows at the eastern end of the church is already significantly compromised by the aforementioned window coverings. Nevertheless, it is accepted that any outlook available now or in the future from the ground floor living room windows would be curtailed by the erection of the block, although it is noted that the property also benefits from a first floor living room which has outlook from a series of windows which face

away from the site of block D and will therefore be largely unaffected. Similarly, it is acknowledged that existing levels of sunlight/daylight reaching the property may be affected, although again it is considered that this would largely be limited to the east-facing ground floor living room, with other rooms within the accommodation less affected due to their orientation and/or the availability of additional windows facing away from the development site.

In terms of privacy, it is acknowledged that there will be some direct and indirect interfacing between windows in the west-facing elevation of block D and the windows at the eastern end of the church. As noted earlier, however, the church windows are fitted with coverings which currently significantly impede the ability to look through the windows into the church's interior and so given the current arrangements, privacy impacts would be limited. Additionally, impacts on the privacy of the accommodation within the church must also be considered in the context of its location in a busy urban area, with roads/pavements and the existing temporary car park situated immediately alongside the church. The privacy of the building is therefore already somewhat compromised and overall, it must be recognised that a City Centre location is unlikely to offer the same levels of privacy, or overall levels of amenity, as a more suburban, wholly residential environment.

In addition to the above, it must also be noted that the site of the temporary car park off Cowan Terrace, on which apartment block D would stand, benefits from an extant planning permission for a 2 – 5 storey office block (application ref. 07/03301/SUB), the erection of which would have similar effects on the living accommodation within the church in terms of outlook, sunlight/daylight and privacy.

Notwithstanding the above, the applicant's planning agent has elected to undertake some additional analysis of potential effects on the sunlight/daylight reaching the church's living accommodation, in order to support the position that the proposals are acceptable in this regard. It is anticipated that the planning agent's additional analysis will be available shortly and details of its content and conclusions will be reported to Members ahead of the Committee meeting.

The dwellings to St. George's Way, meanwhile, are arranged in two heavily staggered blocks and have north- and south-facing elevations. North-facing elevations generally sit behind small, unenclosed 'garden' areas, with unimpeded access to the grassed open space along the west side of the Civic Centre. This arrangement means these elevations of the dwellings have very little privacy, with no meaningful screening between their elevations and the publicly-accessible open space. The southern sides of the properties feature enclosed yards/gardens containing detached garages exiting on to the lane to the rear of Grange Crescent.

A new three-storey terrace of dwellings is proposed to stand to the east of the dwellings to St. George's Way. The northern end of the terrace will stand roughly in line with the southern end of the northern block (nos. 1-3), and consequently, it is considered that the development will not substantively affect the amenity of the northern block of St. George's Way (nos. 1-3) in terms of their outlook, privacy or overshadowing, given their north-facing orientation.

In terms of the southern block to St. George's Way (nos. 4-8), distances between the new terrace and properties within this block vary significantly due to the block's staggered arrangement. At the southern end, there is only 8.3m between the north-east corner of no. 8 and the terrace to the east, a distance which increases to 20.5m at the northern end, between no. 4 and the terrace to its east. As noted previously, however, these elevations are north facing, meaning that the relationship with the new terrace is highly oblique, with no direct interfacing between the north-facing elevations of nos. 4-8 and the west-facing elevations of the new terrace.

To illustrate this, when taking a direct line northward from the north elevation of no. 8, it is 22m before the west elevation of the new terrace is reached and as noted above, this stands at an oblique angle to the property, rather than directly in front of its north-facing windows. The equivalent distance from the north elevation of no. 7 is nearly 29m and over 36m from no. 6. As a consequence of this arrangement, it is considered that the new terrace would not appear as unacceptably imposing from the north-facing windows of the southern block given the highly oblique relationship between the two.

In terms of the privacy of these dwellings, as noted above, the north-facing elevations and small 'garden' areas of the properties currently have very little privacy given the lack of boundaries or screening to the public open space beyond. As such, although windows in the west elevation of the new terrace would allow for some overlooking of the north-facing elevations/gardens, it is considered that this would not be unduly detrimental given the very limited levels of privacy these properties currently enjoy. Furthermore, the main private amenity space to these dwellings is to their south elevations and the amenity value of these areas is not significantly affected by the new properties.

With regard to overshadowing, it is recognised that the position of the new terrace to the east will mean there is some overshadowing of the north-facing elevations in the morning, although beyond the morning, existing levels of daylight/sunlight will be enjoyed. Again, however, it should be highlighted that the main private amenity space of the dwellings to St. George's Way is to their south side and as noted above, it is considered that the amenity value of these areas will not be significantly affected by the development, including in relation to overshadowing.

As noted earlier, the applicant's planning agent is undertaking some additional analysis of sunlight/daylight impacts caused by the development, which will include effects in the area around St. George's Way. It is anticipated that the planning agent's additional analysis will be available shortly and details of its content and conclusions will be reported to Members ahead of the Committee meeting.

The objection from 5 St. George's Way also expresses concern in relation to the new garden fencing proposed to the rear of the terrace to its east. This is due to be 1.8 metres high and would enclose the rear gardens of individual properties within the terrace. Fencing would generally stand 6-8 metres from the rear elevations of nos. 4-8 St. George's Way and it is considered that this arrangement would not be unacceptably imposing or harmful to the amenity of the existing properties.

Concern has also been expressed in relation to access to the open space within the development. As noted earlier, properties to St. George's Way currently benefit from unfettered access to the open space within the grounds of the Civic Centre and representations contend that the new arrangements do not adequately compensate for the loss of the existing arrangement.

As highlighted previously in this report, it is considered that the submitted scheme addresses local policies and the guidance of the Greenspace Audit in relation to the existing open space at the site and that the development provides an acceptable quantity and quality of greenspace to replace the existing arrangements and cater for residents and the wider public alike. The proposals have been amended to create an access from the rear elevations of nos. 4-8 St. George's Way to the northern end of the terrace to its east, from where access is available to the new St. George's Square, West Park, other open space within the development and Mowbray Park beyond. Ultimately, it is considered that residents of St. George's Way will still be

afforded easy access to high quality areas of public open space and that the proposed arrangements are not unacceptably detrimental to their amenity.

With regard to the amenity of properties to St. George's Way (and nos. 4-8 in particular), it is acknowledged that their living conditions and relationship with the adjacent land will change as a result of the development and that some minor adverse effects will be experienced. It is considered, however, having taken into account the specific characteristics of the existing properties and their relationship with the proposed new development, that the effects of the development on the living conditions of the properties are not unacceptable.

In terms of other residential properties close to the development, it is considered that Grange Crescent is sufficiently distant from new dwellings for their amenity to not be substantively affected, whilst the northerly aspect of St. George's House will not be significantly affected given it will face along the length of the new St. George's Square.

Objectors have also cited concerns regarding noise and disturbance during demolition and construction works, with the representations from Evidence Based Solutions at 1 Grange Crescent expressing particular concern given the sensitive recording activities taking place at the building. To this end, it is fully acknowledged that a development of this scale will result in demolition and construction activity taking place for several years and some disturbance is, unfortunately, inevitable.

Members should firstly note that planning permission cannot reasonably be refused on grounds relating to disturbance from demolition and construction as this is an unavoidable by-product of such operations. The Council as Local Planning Authority does, however, seek to ensure that demolition and construction works take place in line with best practice guidelines in order to limit amenity impacts during site operations to acceptable levels. To this end, the application has been accompanied by a detailed Demolition Method Statement and Construction Environmental Management Plan (CEMP), which have been thoroughly reviewed by the Council's Environmental Health team. The submitted details of proposed demolition and construction methodologies and the measures proposed to minimise noise, dust and other disturbance during demolition and construction works are considered to be appropriate. The CEMP also embeds a commitment to maintaining good public and community relations and sets out proposed working hours (08:00 – 16:30 weekdays and 08:00 – 13:00 on Saturdays).

Mitigation measures set out within the CEMP include:

- Proper maintenance of plant and machinery;
- Effective siting of plant and equipment;
- Regular dampening down of site (to limit dust);
- Erection of hoardings/fencing around site during works;
- Regular cleaning of vehicles exiting the site and local roads regularly swept;
- Specific traffic routes identified for visiting vehicles (via A1231 Stockton Road and then on to A19);
- Sealed surfaces retained as long as possible;
- Bulk storage of materials in designated areas only;
- Local residents to be informed before different elements of site works commence by site management team;
- Materials management and earthworks strategy to be created;
- Noisy and dusty works will take place away from sensitive receptors;

Site access during construction works would be via the end of St. George's Way, with the staff car park, materials storage area and site compound beyond this. A further access off Burdon

Road will be used during demolition works. A gate in the hoarding adjacent to St. George's House is only to be used as an emergency access/egress.

The Council's Environmental Health team have offered no objections to the submitted details, subject to the recommended conditions.

With regard to the above comments, it is considered that the proposed development will not give rise to any unacceptable harm to the amenity of existing dwellings in the vicinity of the application site, although the applicant is undertaking some further analysis of sunlight/daylight impacts in support of this position. Furthermore, it is considered that the development will also afford future occupiers of the dwellings with an acceptable standard of amenity – whilst it is accepted that in some areas of the site, spacing falls below the SPD's recommendations, this is considered to be appropriate taking into account the particular characteristics of the locality and the benefits the proposed layout brings in terms of design quality and recognition of the built form of the Ashbrooke Conservation Area.

Consideration has also been given to air quality, noise and disturbance during construction works, however for the reasons set out above, the scheme is considered acceptable in relation to these matters, subject to the recommended conditions.

It is therefore considered that the proposals are compliant with the requirements of policies BH1, HS1 and HS2 of the CSDP and paragraphs 130 and 185 of the NPPF in relation to residential amenity.

6. Implications of development in respect of health and social value

Policy SP7 of the CSDP states that the Council will seek to improve health and wellbeing in Sunderland by, amongst other measures, ensuring that new developments are:

- i. are age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
- 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;
- iv. promote improvements and enhance accessibility to the city's natural, built and historic environments;
- v. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
- vi. appropriately address any contaminated land to an acceptable level (Policy HS3); and
- vii. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

Consideration is given to matters such as accessibility, design quality, layout, amenity and contaminated land in other sections of this report. This section focuses on the requirement at subsection vii of policy SP7 for large-scale development proposals to be accompanied by a Health Impact Assessment (HIA). As the proposed development is for more than 100 dwellings, it has been accompanied by an HIA, which serves to assess the potential impacts of the proposed development upon the health of the local population by looking at the changes to the determinants of health and the pathways that could have temporary and permanent impacts upon the population of the baseline area. It uses World Health Organisation's definition of health, which encompasses physical and mental health and well-being, and focuses on the assessment criteria set out in the Council's HIA Developer Guidance.

The assessment anticipates that the proposed development will have a number of temporary and permanent positive impacts on residents of the baseline area with respect of:

- Access through the site will be improved, including for disabled people;
- Development will provide accommodation for vulnerable groups given inclusion of accessible homes;
- Improvements to quality, accessibility and recreational value of open space and provision of formal and informal play within the development;
- Improvements to connectivity of the site to the City Centre and improvements to routes within the site through regrading and removal of steep stepped and ramped accesses;
- Incorporation of pedestrian- and cycle-friendly streets within the site;
- Improved connectivity to local and strategic cycle and walking networks;
- Highly accessible location for public transport, local services and facilities;
- Parking levels are able to be lower than at other sites due to proximity to City Centre and there will be an overall reduction in parking in comparison to the Civic Centre;
- Employment opportunities during construction works (up to 115 full time equivalent roles created and 135 roles generated indirectly through supply chains), with many roles anticipated to be filled locally;
- Uplifts in residential expenditure will assist with supporting jobs in the local area;
- Development assists with designing out crime and creating a safe, inclusive environment by increasing natural surveillance, with ground floor residential activity and appropriate site lighting;
- New buildings are considered to be more energy efficient than existing Civic Centre building;
- Proposals will utilise a brownfield site;
- Scheme seeks to recycle site-won material in site preparation works, includes appropriate recycling facilities for residents and building practices are to be informed by sustainable design and construction techniques;

There are some other, potentially negative, impacts on health, such as from demolition and construction works, which are able to be mitigated via measures set out within the application submission.

The submitted HIA has been reviewed by the Council's Public Health team and there are no significant issues with the document. The loss of the footbridge to Mowbray Park has been questioned, however it is considered that the surface-level crossing of Burdon Road proposed within the scheme provides a safe and acceptable alternative access to the park for residents and the wider population (as confirmed by the Council's Highways officers).

In addition to the above, although the Council does not yet have a specific adopted planning policy relating to this matter, the ways in which social value can be derived from the planning system is becoming an increasingly prominent consideration at a national level following the introduction of the Social Value Act in 2012 and the Civil Society Strategy in 2018. Essentially, the Act requires public authorities to consider how decision making can improve the economic, social and environmental well-being of the relevant area and whilst the Act makes specific reference to procurement decisions, the Government has signposted the potential to embed social value more widely into public policy, including planning. The three areas of consideration set out by the Act also align with the 'sustainable development' objectives set out at paragraph 8 of the NPPF.

In this case, it is considered that the development will deliver substantive social value benefits, the majority of which have been identified by the HIA. In particular, it is considered that the scheme's delivery of a significant amount of housing at a sustainable location and the amount of

high quality public open space in the development are of significant benefit to the population of the City. The development also gives rise to social value in terms of heritage and built environment enhancements and job creation and support, through employment during construction works and supporting existing businesses within the City Centre.

Ultimately, and taking into account the assessment criteria set out in the Council's HIA Developer Guidance, it is considered that the submitted HIA satisfactorily demonstrates that the proposed development will not give rise to unacceptable impacts on the health of the local population, in accordance with the objectives of policy SP7 of the CSDP. The scheme will also deliver benefits in terms of social value, as outlined above.

7. Implications of development relative to archaeology

With regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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

In terms of archaeology, the site has been subject to a desk-based assessment, which identified archaeological potential at and around the application site. The Historic Environment Record identifies a number of locations of archaeological interest in the locality, including prehistoric finds, medieval remains and the Grange estate owned by John Maling, present on part of the application site in the late 18th century. The estate was purchased by James Cowan in 1830 and converted into a school. Much of the application site was stripped to bedrock during construction of the Civic Centre in the late 1960s.

The County Archaeologist considered, however, that there were three areas within the site which have archaeological potential (grassed open spaces to the south, west and south-west of the Civic Centre building) and recommended that further trial trenching is undertaken in these areas before the planning application is determined, with the results of the trenching determining if any further archaeological investigation is required. Trenching was subsequently carried out and a report submitted; this determined that the site has been subject to significant 20th century disturbance and landscaping and that consequently, there is negligible potential for significant archaeological remains to be present within the evaluated areas. The report has been reviewed by the County Archaeologist and is considered acceptable.

In addition to the above, historic building recordings of the Civic Centre building, Cold War bunker and rail tunnel below the multi-storey car park have been carried out and have been confirmed as acceptable by the County Archaeology officer.

To summarise, it is considered that the application site has been subject to appropriate archaeological investigations, which demonstrate that the archaeological potential of the site is limited given the significant disturbance caused by the construction of the Civic Centre in the 20th century. The application has also been accompanied by appropriate recordings of the Civic Centre and associated structures. In the absence of any objections from the County Archaeologist, it is considered that the implications of the development relative to archaeology

is acceptable, in compliance with the objectives of the NPPF and policy BH9 of the Council's CSDP.

8. Impact of the development on highway and pedestrian safety

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

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

Policy ST3, meanwhile, states that new development should:

- provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic (including pedestrians, cyclists and public transport) or exacerbate traffic congestion or the risk of accidents;
- incorporate appropriate pedestrian and cycle routes within and through the site, linking to the wider network;
- submit an appropriate Transport Assessment/Statement to demonstrate no detrimental impact on the existing highway;
- include an appropriate level of vehicle and cycle parking;
- make appropriate provision for the electric vehicle charging;
- safeguard existing public rights of way;

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

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

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

Paragraph 112 goes on to advise that within the context of paragraph 109, applications for development should:

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

Paragraph 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

In respect of the application site itself, Appendix 1 to the draft A&D Plan requires that any new housing development enhances access to local facilities and services where appropriate, provides primary vehicular access from Burdon Road and delivers development which is fully permeable and connected to surrounding pedestrian and cycle networks.

As set out in the 'Representations' section of this report, however, there are no objections to the development from Highways England, who have considered potential impacts on the strategic road network in the area. Additionally, there are no objections from the Council's Highways team, who have also considered more localised transport issues.

The Council's Highways team have noted that the application site has good connections to sustainable modes of transport throughout the City, with Park Lane bus and Metro station to the north, numerous local bus stops on neighbouring roads and connections into existing cycle and pedestrian networks. The proposals clearly aim to take advantage of these connections. The existing pedestrian route from Cowan Terrace/Park Lane is to be extinguished due to the development of apartment block D, however the layout of this block provides an acceptable alternative, with a pedestrian route incorporated into the short underpass giving access from Cowan Terrace to the block's rear car park. The Council's Highways team consider this arrangement to be acceptable.

In terms of vehicular movements, the submitted Transport Assessment advises that in terms of trip generation, 76 and 79 two-way vehicular movements in AM and PM peak hours respectively are predicted, although these figures would be lower if high levels of sustainable travel usage are achieved. Vehicular movements would therefore appear to be significantly lower than those generated by the Civic Centre and impacts on the local road network are therefore considered acceptable.

Proposed vehicular access points into the site are considered to be acceptable and the internal layout is also considered acceptable, subject to arrangements relating to management of the one-way system and traffic calming being agreed with the Local Highway Authority. Servicing arrangements are also broadly acceptable (with waste bins kept in dedicated stores in rear (and occasionally front) gardens and then presented at the street edge when required), subject to final details for dwellings within the 'Hillside Street' area of the development being agreed. Pedestrian routes within and to/from the site are also considered to be broadly acceptable, subject to final specifications of the new 'Toucan' crossing of Burdon Road being agreed. A condition has also been requested to enable the finalisation of the Framework Travel Plan for the development.

The Council's Highways team also consider the level of car parking proposed for the development (total of 219 no. spaces for residents and visitors) to be satisfactory, taking into account the City Centre location of the site. An objector to the application has raised concerns in respect of parking provision within the development and the loss of parking caused by the demolition of the multi-storey car park and Cowan Terrace car park. In advising that the development is considered acceptable in relation to these matters, the Council's Highways officer has confirmed that the following has been taken into account:

- the developer has completed an accessibility questionnaire (contained within the Council's adopted Development Management SPD), which seeks to ensure proposed parking levels are based on locational characteristics such as nearby facilities, availability

- of walking and cycling routes and access to public transport. Changes to working patterns (e.g. greater levels of home working) is also taken into account;
- parking proposed at the site is based on the abovementioned considerations and also the proposed access arrangements, with the one-way system and narrow street widths designed to discourage on-street parking;
 - in relation to the Civic Centre multi-storey car park, it is evident that its structural condition has deteriorated over the years and it is no longer considered fit for use as a working public car park and does not offer a welcoming environment for users;
 - the City Centre and surrounding area is accessible by walking, cycling and public transport, however it is recognised that there is a need to retain an appropriate level of parking for visitors, shoppers and other City Centre users;
 - to this end, an alternative multi-storey car park is being built on Farringdon Row, with further plans for another multi-storey car park at Holmeside. Both will provide more attractive alternatives for drivers with both providing electric car charging points in line with modern demands.

The Council's Highways team is therefore satisfied that the level of parking proposed within the development is appropriate given the site's location and the specifics of its design and layout. Moreover, there is no objection to the loss of the Civic Centre multi-storey car park given the new parking provision being delivered in the City Centre.

The Council's Highways team has noted that in order to manage access through the site, including the one-way system and a 20mph zone, legal orders, signing and road markings will be required, to be funded by the development in arrangement with the Local Highway Authority. Additionally, given the site's proximity to the City Centre, it is considered likely to be an attractive parking opportunity for commuters and other visitors; to enable this risk to be managed, it has been requested that the developer funds the delivery of a Community Parking Management Scheme. A sum of £30,000 has been requested and the applicant has agreed to this contribution being secured via an agreement under s106 of the Town and Country Planning Act 1990. Half of the contribution would be paid prior to occupation of the dwellings to fund development and consultation, with the remainder payable in the event the Scheme is approved following consultation, to fund the necessary legal work and the Scheme's implementation.

Overall, the Council's Highways team consider that the development is within an established urban area within reach of local amenities and would be very accessible by sustainable transport, including on foot and by bicycle. It is considered that the proposed development is unlikely to have any unacceptable impact on highway safety, or any significant residual cumulative impact on the highway network. The development is therefore considered satisfactory in highways terms.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. The local road network is capable of safely accommodating traffic from the proposed development and will not result in an unacceptable increase in congestion on roads in the area. Additionally, the proposed access, parking and layout arrangements are acceptable. The development will provide appropriate pedestrian and cycle connections to local facilities, services and public transport options by the delivery of the new routes integrated into the development. The proposals will therefore address the site-specific requirements set out by Appendix 1 of the draft A&D Plan and the proposals are also considered to satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 110, 111 and 112 of the NPPF.

9. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 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). Paragraphs 179 and 180 also seek to encourage development which will deliver measurable net gains in biodiversity.

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. development which would have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

The application has been accompanied by an Ecological Impact Assessment and Biodiversity Net Gain metric, which have been updated during consideration of the application in order to address comments made by the Council's Ecology consultant. The initial comments received from the Council's consultant raised no significant concerns in relation to the development, noting that the Civic Centre and car park buildings and trees at the site were of low suitability for bats, although it has been recommended that demolition and tree works are undertaken in accordance with precautionary methodology in order to minimise residual risks. Additionally, the avoidance, mitigation and compensation measures within the Assessment report relating to nesting birds, bats, hedgehog and creation of habitats of ecological value, including wildflower grassland, hedgerows and native woodland habitats, are considered to be appropriate to the site's location. The comments did, however, recommend an increase in the proposed number of bat and bird boxes, with these installed on at least 10% of properties at the site.

In relation to designated sites, the Council's consultant notes that the submission correctly identifies the application site as lying within the residential impacts zone of the Durham Coast Special Area of Conservation (SAC) and the Northumbria Coast Special Protection Area (SPA) and Ramsar site. In order to address potential increase in recreational pressure on these sites as a result of the residential development, the applicant proposes to make a financial contribution to the Council's Coastal Mitigation Strategy, at the prevailing rate of £557.14 per dwelling. The Council's consultant considers this approach to be appropriate.

A series of other designated sites are identified as being within 2km of the site, including the Mowbray Park Local Geological Site and the Wearmouth Riverside/Colliery Local Wildlife Site, located approximately 0.7km to the north-west. Following further assessment of potential impacts on these sites by the applicant's ecologist, the Council's consultant has agreed that significant negative impacts are unlikely, particularly given the previous intensive use of the Civic Centre site, Mowbray Park's purpose as a municipal park and its formal, heavily-managed character and the availability of high-quality greenspace within the development. Potential impacts during demolition and construction works can be managed through the implementation of the proposed working methods (i.e. CEMP and Demolition Method Statement).

In respect of habitats, the Council's consultant considers that a robust assessment of the botanical value of the site is provided within the submitted Assessment. An invasive species (cotoneaster) is present at the site and should be removed by a specialist contractor. The Arboricultural Impact Assessment submitted with the application provides appropriate working and tree protection methods and a suitable level of replacement/additional tree planting is proposed through the mitigation and compensation strategy.

In terms of biodiversity net gain, the initial proposals identified a 386.88% net gain in hedgerows but a net loss of 11.81% habitat units. The Council's consultant advised that such a loss was not in alignment with local and national policy objectives requiring a net gain to be achieved. It was also observed that the applicant's net gain calculations were not particularly robust as certain best practice guidelines had not been followed. The applicant's ecologist has sought to address the consultant's concerns by reviewing the ability of the site to deliver net gains in biodiversity. Updated proposals set out the following elements to the habitat creation scheme, which feed into the net gain calculations:

- grassland to be retained (5800 sqm);
- grassland to be enhanced with wildflower plugs (600 sqm);
- native woodland mix (1505 sqm);
- SuDS planting (955 sqm);
- amenity planting (1370 sqm);
- native hedgerow (320 sqm);
- wildflower meadow (1695 sqm);
- formal lawn (1660 sqm);
- mixed scrub (native shrubs) (945 sqm);
- 167 trees (up to 30cm in girth)

The updated net gain proposals and calculations have been reviewed by the Council's consultant and the aforementioned 386.88% gain in hedgerow units remains. There is now a 0.39% gain in habitat units; although this gain is slight, is considered to be compliant with current local and national policy requirements which do not yet specify a minimum gain to be achieved through a planning application. Habitat trading rules have also been satisfied and information is included within the metric regarding the 'temporal risk' of the development, with the 'delay in starting habitat creation/year' now completed and landscape planting to be implemented concurrently with the development, beginning in the first year of the works.

Overall, it is considered that sufficient information has been provided to allow a robust assessment of the potential ecological impacts of the proposals to be undertaken. A series of conditions will be required, should planning consent be granted, in order to ensure that features of ecological value are retained, protected and/or enhanced through the works, in line with the measures proposed in the submitted documents. It is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

With regard to the above comments, it is considered that subject to the recommended conditions, which will secure on-site net gains in biodiversity, the development will be acceptable in respect of its localised impacts on ecology and biodiversity. Consequently, it is considered that the proposals are compliant with the relevant policies of the Core Strategy and Development Plan and NPPF as identified above.

10. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the Lead Local Flood Authority (LLFA);

- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.
-

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

The submitted Flood Risk Assessment and Drainage Strategy (FRA) has identified existing drainage arrangements for the site, with public sewers to Cowan Terrace, the Burdon Road/Borough Road junction and adjacent to St. George's House. In terms of flood risk, the site is located within Flood Zone 1, as per the Environment Agency's flood mapping, and so has a less than 1 in 1000 annual probability of river or sea flooding, the lowest level of probability. In terms of other sources of flooding, the EA's Surface Water (Pluvial) Flood Map indicates that the majority of the site is not at risk from surface water flooding. There are some localised areas of ponding but no overland flows and as such, the development site is also at low risk of surface water flooding. Overall, flood risks at the site are considered to be low. The NPPF makes it clear that residential development is compatible with areas in Flood Zone 1 and consequently, with regard to paragraph 159 of the NPPF, a residential development of the site is considered to be acceptable.

In terms of the sustainable drainage strategy for the site, the FRA states that this will comprise separate foul and surface water drainage systems. Discharge of surface water via infiltration (the preference within the drainage hierarchy) is not feasible given ground conditions, whilst disposal via a watercourse is not possible as there are none within the site boundary or nearby. The third option within the hierarchy is discharge to the public system and this is the only feasible option at this site. The FRA confirms that discussions have taken place with Northumbrian Water and acceptable discharge rates have been confirmed. The development will be designed so that discharge is restricted to greenfield run-off rates, calculated as 20 litres per second. Sustainable drainage infrastructure provided within the scheme includes permeable paving to car parking spaces, swales within areas of open space and an attenuation tank within the grounds of the apartment block facing Cowan Terrace.

In response to consultation, Northumbrian Water notes that its role is to assess the impact of the proposed development on its assets and the capacity within its network to accommodate and treat the anticipated flows arising from the development. The comments confirm that there are no objections to the development proceeding. A pre-planning enquiry was submitted by the applicant in October 2021 and further discussions then took place in December 2021. Connections of foul flows and surface flows to three separate manholes were agreed at this point. As the details agreed during the pre-planning discussions are not fully reflected by the submitted drainage scheme, a condition has been requested requiring the approval of final details of the scheme, in consultation with Northumbrian Water and the Lead Local Flood Authority.

The LLFA, meanwhile, engaged in discussions with the applicant's consultant to obtain a greater level of technical detail in respect of the submitted Flood Risk Assessment and sustainable drainage strategy for the site. The additional detail required by the LLFA, which included modelling of the effectiveness of the proposed strategy, has been provided by the consultant and the LLFA is now satisfied that the submitted strategy demonstrates that the development acceptably deals with risks of flooding at the site and will not increase the risk of flooding elsewhere. The LLFA has no objection to the development proceeding, subject to a

condition requiring the submission and approval of a verification report, to confirm that the drainage strategy has been implemented at the site in accordance with the agreed details.

Given the comments of Northumbrian Water and the LLFA and subject to the recommended conditions, it is considered that the implications of the development relative to flood risk and drainage and the disposal of foul water are acceptable and the development therefore complies with the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP.

11. Implications of development in respect of land contamination

Paragraph 183 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Policy WWE4 seeks to ensure new development is not detrimental to water quality.

The Phase I and Phase II site investigation reports, Contamination and Geotechnical Review and Unexploded Ordinance Risk Assessment have been reviewed by the Council's Land Contamination consultant. The Phase I report identifies that the site is underlain by Magnesian Limestone and the Principal Aquifer. There is potential for contamination at the site due to historic uses. The Phase II report concluded that contamination recorded in site soils represented a risk to end users of the site and that further action would be necessary. The site was not considered to pose a risk to controlled waters. The Review document concurs with the conclusions and recommendations of the Phase I and Phase II reports and recommends that further site investigations be carried out, to confirm the depth profile of the Made Ground encountered across the site for earthworks management and the delineation of a potential hydrocarbon hotspot identified in the car park area.

In terms of Unexploded Ordinance (UXO), the submitted Assessment notes that the site was bombed during World War II, with the original St. George's Square seriously damaged by a device in May 1943. As such, there is a risk that unexploded ordinance could remain in parts of the site which were less disturbed by the construction of the Civic Centre. The UXO Assessment identifies a 'Medium Risk' at the site and consequently recommends the adoption of a UXO Risk Management Plan and site-specific briefings for all works on site, with specialist on-site support for intrusive ground investigation works including magnetometer surveys for boreholes and/or pile locations.

The Council's Land Contamination consultant is in broad agreement with the conclusions and recommendations of the reports and there is no objection to the proposed residential development of the site proceeding. It is recommended, however, that the following additional investigations and information is undertaken and provided:

- An additional intrusive investigation to further characterise the shallow soils for potential re-use and/or waste classification for offsite disposal and specifically to delineate the hydrocarbon contamination identified in the car park area;
- A Remediation Strategy is required to set out objectives and methodologies for the remediation of the site;
- A Verification report is required to demonstrate the completion of the agreed remediation works;

These recommendations can be secured via appropriately worded conditions.

The Environment Agency has also confirmed that there are no objections to the development proceeding; advice is, however, provided in relation to risks to groundwater. To this end, the comments note that the developer intends to use piling for foundations, and it is advised that the LPA ensures that risks to controlled waters are properly understood via the applicant undertaking a controlled waters risk assessment. This should demonstrate that there is no unacceptable risk to controlled waters.

The EA's comments in relation to risks to groundwater is provided as 'Advice to the applicant/LPA', rather than as a requested condition, and the action the LPA decides to take would not affect their position of 'no objection' to the planning application. Nevertheless, in line with the EA's advice, the Council has given further consideration of potential risks to groundwater in consultation with the Council's Land Contamination consultant, who has advised that risks to groundwater can be addressed via the condition requiring additional intrusive investigations at the site. The relevant condition can make it clear that these risks must be considered and, if necessary, mitigated by the investigations and submitted report.

Given the above and subject to the imposition of the recommended conditions, it is considered that the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 178 of the NPPF.

12. Implications of development in relation to education provision

With regard to education provision, paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy ID2 of the CSDP states that planning obligations will be sought to facilitate the delivery of local improvements to mitigate the direct or cumulative impacts of development, where evidenced. Education provision and facilities is listed as area where obligations may be sought.

As set out earlier in this report, the Council's Education officer is of the view that a financial contribution of £551,113.86 should be made towards primary school and special educational needs provision in the area.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 94 of the NPPF and policy ID2 of the Council's CSDP.

13. Affordable housing considerations

Paragraph 63 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 65 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 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

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable (with the Council's Planning Obligations SPD advising that the figure will be rounded up when 0.5 or more and anything else rounded down). The types of affordable housing provided should be informed by the Council's most recent Strategic Housing Market Assessment (SHMA), which currently recommends a 75:25 split between affordable rent and intermediate tenure. Any affordable provision on-site should be 'pepper potted' around the development and be indistinguishable from market housing. If affordable housing cannot be provided on site, then off-site provision or a financial contribution made *in lieu* may be considered acceptable where justifiable.

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, policy ID2 states that s106 agreements will be used to facilitate the delivery of the affordable housing required by policy H2.

The application has been accompanied by an 'Affordable Housing Position Statement' which advises that, on this occasion, the planning application has been submitted on the basis that no affordable housing is to be provided. The applicant has therefore also been supported by a Financial Viability Appraisal (FVA), which seeks to demonstrate that the proposed development is unable to support any affordable housing without grant funding from Homes England.

The submitted FVA concludes that the residual value of the site, if it were to meet policy requirements on affordable housing, would be -£4.9m. 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).

The FVA has been independently reviewed by a third-party surveyor on behalf of the Council. The FVA concludes that a development which delivers policy-compliant on-site provision of affordable housing would not be viable. Moreover, it has been concluded that the development of a 100% private housing scheme (i.e. a development without any affordable housing provision) is not viable against the benchmark land value and therefore could not support a contribution towards affordable housing. The review concludes that the residual land value in respect of a 100% private housing scheme is -£4.363m.

Although the applicant has demonstrated that is unable to commit to the delivery of affordable housing through the planning application process, the application submission does advise that it is planned to deliver a significant level of affordable housing within the development. To this end, the applicant's Affordable Housing Position Statement advises that Vistry Partnerships have a different development model to other housebuilders, as they regularly work in partnership with Registered Providers (RPs) to ensure that a significant proportion of sites can be delivered as affordable housing, usually in exceedance of Local Planning Authority policy requirements.

As a consequence of this delivery model, in September 2021 Homes England (the Government body responsible for increasing the number of affordable homes in England) announced that Vistry would become a Strategic Partner for its Affordable Homes programme for the period of 2021-2026, meaning that Vistry now has access to £83m of grant funding from Homes England to deliver affordable homes around the country. The funding is not subject to an application process and provides certainty of agreed funding for the programme's duration and flexibility on location and tenure.

The applicant's Position Statement advises that the Civic Centre site meets Homes England's Strategic Partnership parameters in relation to location and tenure and Vistry are therefore confident that grant funding can be applied to enable the development to deliver affordable housing. The Statement advises that Vistry are already in advanced discussions with an RP to deliver Block D of the development as fully affordable. This is intended to be brought forward as Phase 1 of the development, meaning 68 residential units, or 25% of the site total, would be affordable. The affordable housing within Block D is anticipated to be available as affordable rent. Vistry are also exploring whether additional affordable housing can be provided across the site.

To summarise the applicant's stated position, Vistry 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).

Vistry have, however, agreed to insert a clause into the s106 which requires the viability of the development to be re-tested in the event Vistry do not provide the grant-funded affordable housing at a level which is at least compliant with Council policy. In the event the grant-funded affordable housing is not provided as planned and the viability re-test shows the scheme can, in fact, support affordable housing provision, the agreement would require the level of affordable housing able to be supported to be delivered on-site on a non-voluntary basis. The viability re-testing would occur prior to the occupation of 50% and 90% of the dwellings within the development. The re-testing requirement falls away if the developer provides 15% on-site affordable housing on a voluntary basis as, at this point, the requirements of policy H2 of the CSDP would have been satisfied.

The key points to consider in assessing the position relative to affordable housing can be summarised as follows:

- Policy H2 of the Council's CSDP requires 15% of housing within the development to be affordable;
- Applicant's Viability Assessment has demonstrated that the proposed scheme cannot support the delivery of affordable housing;

- Applicant does, however, propose to deliver affordable housing via Homes England grant funding, with at least 68 properties intended to be affordable;
- Affordable housing delivered by grant funding cannot be entered into s106 agreement;
- s106 agreement is to include a 're-testing' clause which would mean the developer is required to deliver affordable housing on a non-voluntary basis if affordable housing has not already been provided on a voluntary, grant-funded basis

The applicant's Viability Assessment 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, although the re-testing clause would mean affordable housing is secured in the event it becomes viable to deliver. Ultimately, however, the proposed arrangements do give rise to some conflict with the objectives of policies ID2 and H2 of the CSDP and the NPPF as affordable housing is not being guaranteed through the planning application process and the Council would have no control over the mix of affordable house types to be provided or where it is located within the development. The merits of the planning application must therefore be considered on that basis, with the position relative to affordable housing appraised in the context of all other material planning considerations relevant to the proposed development.

14. Summary of position in respect of s106 Contributions

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where 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;

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

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

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

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

As set out above, the applicant has agreed to make financial contributions towards secondary education provision, the development and delivery of a Community Parking Management Scheme and the Council's Coastal Mitigation Strategy.

In addition, and in line with the recommendations of the Council's Planning Obligations SPD, a financial contribution is being sought towards allotment provision in the locality, on the basis that there is a dearth of allotment options in the locality (i.e. St. Michael's and Hendon Wards), with current provision unable to meet demand.

These obligations would be secured by a s106 agreement which, at present, would include the following:

- £551,113.86 towards primary and special educational needs provision in the area;
- £30,000 towards the development and implementation of a Community Parking Management Scheme;
- £22,657.50 towards allotment provision in the area;
- £557.14 per dwelling (total of £147,642.10) towards Council's Coastal Mitigation Strategy;

As set out in the preceding section of this report, the s106 agreement would not include the securing of affordable housing within the development, although it would incorporate a viability re-testing clause.

The requested financial contributions towards education provision, ecology, the CPMS and allotments are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. As such, it is considered that these contributions satisfy the tests set out at paragraph 57 of the NPPF and Regulation 122(2) of the CIL Regulations.

It is noted that Appendix 1 of the draft A&D Plan also indicates that the development of the site should mitigate impacts on other infrastructure, such as health care provision, however it should be noted that the Council has not, on this occasion, received a request for a financial contribution from the NHS Clinical Commissioning Group (CCG) to support local primary care infrastructure. Nor was a representation received from the Park Lane Practice, which occupies the ground floor of the City Green apartment block. Members should also note at this point that requests for financial contributions from the CCG in relation to other housing applications in the City have not been properly evidenced or justified and that consequently, they have not met the tests for planning obligations set out at regulation 122(2) of the CIL Regulations and paragraph 57 of the NPPF.

The abovementioned contributions will be secured via an agreement under s106 of the Town and Country Planning Act, which is being drafted by the Council's Legal team and will be completed following the determination of the planning application in the event Members are minded to approve the application.

CONCLUSION

As set out earlier in this report, s38(6) of the 2004 Act makes it clear that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. Case law has established that decisions must be made in accordance with the development plan as a whole – in 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.

In the context of the above, regard must be given to all relevant material considerations and all the relevant policies of the Council's development plan before it can be determined whether the proposed development accords with the development plan or not. Where conflict with development plan policies is identified, it is then incumbent upon the decision-maker, i.e. Members of the Committee, 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.

With regard to the analysis of the relevant planning policies and material considerations set out in preceding sections of this report, it is considered that the principle of a residential development of the site is acceptable and that the proposed scheme successfully addresses the requirements and objectives of the majority of the CSDP, saved UDP, draft A&D Plan and SPD policies and guidance applicable to the site and the development. The scheme also successfully addresses the majority of the relevant NPPF policies, as referenced throughout this report.

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 policies H2 and ID2 of the CSDP. There will also be some minor amenity impacts arising from the development of the site, both permanent as a result of the presence of new housing and temporary during demolition and construction works.

As noted above, these negative aspects of the scheme and resulting policy conflicts need to be considered in the context of the benefits to be derived from the proposed development. To assist with this exercise, the following table summarises the residual positive, neutral or negligible and negative impacts arising from the development in the context of the three strands to sustainable development identified by the NPPF (the CSDP policies relevant to each impact are in brackets):

	Positive	Neutral/negligible	Negative
Economic	Job creation during site works (SP1) Support for facilities and services in City Centre due to increase in resident population (SP2)		
Environmental	Redevelopment of a central brownfield site which supports the	Development will have some minor adverse impacts on amenity of	Loss of non-designated heritage asset, however this

	<p>regeneration and transformation of the Urban Core (SP1, SP2, EG3, VC1)</p> <p>Site has excellent links to sustainable modes of transport (SP1, ST3)</p> <p>Development provides a high-quality layout and design informed by historic surroundings and will result in enhancement of the Ashbrooke Conservation Area, setting of Listed buildings and setting of Mowbray Park, as advised by Historic England and Council's Built Heritage officer (SP2, BH1, BH7, BH8)</p> <p>Development includes high quality areas of open space and on-site play provision and improves pedestrian and cycle connections through the site (SP2, SP7, ST1, BH3, NE1, NE4)</p> <p>Development will deliver on-site net gains in biodiversity (NE2)</p>	<p>existing dwellings, but these are not considered to be unacceptable in the context of overall scheme (BH1)</p> <p>Demolition and construction works will inevitably lead to some disruption, but this is an inevitable temporary occurrence and will be appropriately managed by adoption of submitted CEMP and Demolition Method Statement (HS1, BH1)</p> <p>Impacts on ecology and designated sites satisfactorily mitigated, as confirmed by Natural England and Council's Ecology consultant (NE2)</p> <p>Foul and surface water drainage arrangements are acceptable, as confirmed by Northumbrian Water and LLFA (WWE2, WWE3, WWE5)</p> <p>No significant impacts on local highway network, parking and access arrangements are acceptable, as confirmed by National Highways and Council's Highways team (ST1, ST2, ST3)</p> <p>Trees already felled at the site will be acceptably replaced (NE3)</p> <p>Noise impacts can be satisfactorily mitigated (HS2)</p> <p>No adverse impacts relative to vibration and air quality (HS1)</p> <p>Land and groundwater contamination risks can be satisfactorily mitigated, and site remediation secured as appropriate (HS3, WWE4)</p> <p>Design and construction of new dwellings follows</p>	<p>needs to be considered in context of enhancements to designated heritage asset and the settings of other designated assets (BH7, BH8)</p>
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		<p>sustainable development principles, with CO2 emissions 2.25% lower than required by Building Regulations (BH2)</p> <p>Appropriate archaeological investigations and building recordings have taken place (BH9)</p> <p>Negligible impact on existing key views (NE11)</p> <p>No loss of community facilities given relocation of Council services to City Hall (VC5)</p> <p>Scheme will make financial contributions towards education provision, Coastal Mitigation Strategy, delivery of Community Parking Management Scheme and allotment provision (ID1)</p>	
Social	<p>Delivery of a significant amount and mix of new housing at a highly sustainable, central location (SP1, SP2, SP8, H1).</p> <p>Number of accessible homes will exceed policy requirement (H1).</p>		<p>Affordable housing not being secured through planning application process due to viability issues, although noted that applicant is intending to deliver 25% affordable housing via grant funding and viability 're-testing' clause would mean affordable is delivered by the applicant if able to be supported by the scheme (H2, ID2).</p>

At this point, it is also considered appropriate to consider the scheme in the context of the Strategic Priorities set out in the CSDP:

Strategic Priority 1: to deliver sustainable economic growth and meet objectively assessed employment and housing needs

The development will deliver a significant amount of new housing and bring economic benefits through job creation and supporting businesses in the City Centre

Strategic Priority 2: to identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;

The development makes use of a brownfield, centrally located site on the edge of the City Centre and close to public transport links

Strategic Priority 3: to promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;

The development incorporates a significant amount of recreational greenspace, including play equipment, and is accessible by a range of sustainable modes of transport. The facilities and services of the City Centre are close by

Strategic Priority 4: to provide a range of choice of accommodation, house types and tenures;

The development will provide a range of housing types, from one-bed apartments to three-storey townhouses, although recognised that the planning decision would not secure affordable housing

Strategic Priority 5: to provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;

The proposals are for residential development, however the scheme will bring economic benefits by creating employment during construction work and by increasing patronage of City Centre facilities

Strategic Priority 6: to support and improve the vitality and economic performance of the Urban Core and designated centres;

The development will increase the resident population of the City Centre and Urban Core and thus enable increased patronage of its shops, facilities and services

Strategic Priority 7: to protect, sustain and enhance the quality of our built and historic environment;

The proposed development will enhance the Ashbrooke Conservation Area and the setting of various Listed buildings and the historic Mowbray Park

Strategic Priority 8: to protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;

The scheme will deliver net gains in biodiversity and will not adversely impact ecological and geological sites in the City. The development includes high quality greenspaces and is immediately adjacent to Mowbray Park

Strategic Priority 9: to adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;

New dwellings within the development are designed with sustainability principles in mind, with carbon emissions to be lower than required by Building Regulations. The development is not at significant risk of flooding and sustainable drainage measures will ensure flood risk is no increased elsewhere

Strategic Priority 10: to manage waste as a resource and minimising the amount produced and sent to landfill;

Construction Management Plan indicates that site-won materials are intended to be re-used within the site where possible

Strategic Priority 11: to promote sustainable and active travel and improve transport infrastructure;

The site is adjacent to the City's main public transport hubs and includes new pedestrian and cycle routes to provide connections to existing provision

Strategic Priority 12: to manage the City's mineral resources;

No impacts on mineral resources

Strategic Priority 13: to ensure the City has the infrastructure to support its growth and prosperity;

Infrastructure impacts are being acceptably mitigated by planning obligations as necessary

As set out above, the proposals largely address local and national policy objectives, resulting in mainly neutral or negligible impacts in respect of environmental matters. There are some minor negative residential amenity impacts resulting from the development, however for the reasons set out earlier in this report, it is considered that these impacts are not unacceptable in the context of the development taken as a whole and, in the case of disruption during demolition and construction work, they are temporary can be mitigated by the adoption of appropriate working practices embedded within the submitted Construction Environmental Management Plan and Demolition Method Statement.

In relation to affordable housing, it is acknowledged that the applicant intends to deliver a level of affordable housing which exceeds both local and national policy requirements. The applicant's intention to deliver this affordable housing is not questioned and such an exceedance of policy requirement would normally represent a significant positive aspect of the development. As set out earlier, however, due to its delivery via grant funding, the affordable housing proposed by the developer cannot be secured through the planning application process (s106 agreement) and the significant negative viability position means the scheme is unable to support affordable housing itself. The position, therefore, is that were the application to be approved, there is no inherent guarantee that any affordable housing would be delivered within the development. The legal agreement would, however, include a viability retesting clause which would mean the applicant is encumbered to deliver on-site affordable housing in the event the retesting demonstrates that the scheme can support it.

As highlighted in the table, it is considered that this situation should be treated as a negative aspect of the scheme given the arrangement would not address local and national policy objectives in terms of securing affordable housing through the planning process.

This negative aspect of the scheme must, however, be weighed against the positive aspects of the scheme and as set out in the table above, there are several significant benefits arising from the proposed development which must be given positive weight in the determination of the application.

Given the NPPF's focus on the delivery of new housing, it is considered that significant positive weight should be given to the contribution the development will make to housing delivery in the city. Significant positive weight should also be given to the fact the new housing will support the Council's strategic objective of regenerating and transforming the Urban Core of the City, by introducing a new resident population to support the City Centre's vitality and viability. The development will also be delivered at a brownfield site which is identified for housing by the SHLAA and draft A&D Plan and which occupies a highly sustainable, central location with excellent access to shops, services and leisure facilities and which can be readily accessed via public transport and other sustainable modes of transport. Furthermore, the scheme will also deliver accessible housing at a level which exceeds the Council's adopted policy requirement.

Additionally, as per the advice of paragraph 199 of the NPPF, great weight should be given to the conservation of heritage assets; in this case, and as stated by Historic England and the Council's Built Heritage officer, the development will in fact enhance the significance of the

Ashbrooke Conservation Area and it will also improve the setting of several Listed buildings around the site and the Registered Historic Park of Mowbray Park. It is considered that this enhancement of designated heritage assets should be given 'great' positive weight in the determination of the planning application.

Positive weight should also be attributed to the design quality of the development, including the public open spaces and areas of play being provided within the scheme and the improvements to local pedestrian and cycle connections being delivered.

The scheme will also deliver net gains in biodiversity, although these will be modest in scale.

Finally, the development will support new employment opportunities, with an estimate of up to 115 full time equivalent roles created and 135 roles generated indirectly through supply chains. There will also be benefits to businesses and services within the City Centre given the increase in residential population. Again, these benefits should be afforded positive weight in considering the merits of the application.

Many of these benefits directly align with the Council's Strategic Priorities as summarised above, particularly those relating to development taking place in the right locations, supplying a range of housing, supporting the Urban Core, protecting heritage and promoting sustainable transport and healthy living. The proposals also align with the City Plan objective of delivering more homes in the City. Again, it is considered that the development's ability to support the Council's stated Strategic Priorities and an objective of its City Plan should be given positive weight in the decision-making process.

In conclusion, it is considered that in this case, the significant benefits of the proposed development, especially in terms of housing delivery at a highly sustainable central location, the scheme supporting the regeneration and transformation of the Urban Core and the enhancement of heritage assets, should be seen to outweigh the absence of affordable housing being secured through the planning application process.

It is ultimately 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 Urban Core (policies SP2 and SP8 of the CSDP). The development is considered to represent the 'sustainable development' sought by the NPPF and the conflict with 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.

As noted earlier in this report, the additional public consultation undertaken following the receipt of the Supplementary Environmental Statement does not expire until 4th April 2022. Any further representations received after the publication of this report will be reported to Members ahead of the Committee meeting. Additionally, the applicant's planning agent is undertaking some additional analysis of sunlight/daylight impacts on existing residential properties, to inform the final position relative to that consideration.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members Grant Consent for the proposed development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the expiry of public consultation, the completion of the agreement under s106 of the Town and Country Planning Act and subject to the imposition of 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: MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the expiry of public consultation period, receipt of planning agent's analysis of sunlight/daylight impacts, the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions below:

GENERAL CONDITIONS

1. The development for which full planning permission is hereby granted must commence not later than three years beginning with the date on which permission is granted.

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

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

Existing Site location plan, drawing no. VIS SCC-HTA-A-DR_0001 Rev H
Existing site and levels plan, drawing no. VIS-SCC-HTA-A-DR_0005 Rev G
Existing Site Sections A-A, B-B, C-C, drawing no. VIS-SCC-HTA-A-DR_0010 Rev G
Existing Site Sections D-D, E-E, F-F, drawing no. VIS-SCC-HTA-A-DR_0011 Rev G
Constraints Plan, drawing no. VIS-SCC-HTA-A-DR_0020 Rev G
Demolition Plan, drawing no, VIS-SCC-HTA-A-DR-0015 Rev H
Proposed Site Ground Floor Plan and Levels, drawing no. VIS-SCC-HTA-A-DR-0100 Rev H
Proposed Site First Floor Plan, drawing no. VIS-SCC-HTA-A-DR-0101 Rev H
Proposed Site Roof Plan, drawing no. VIS-SCC-HTA-A-DR-0105 Rev H
Proposed Site Sections, drawing no. VIS-SCC-HTA-A-DR-0110 Rev I
Proposed Site Plan, drawing no. VIS-SCC-HTA-A-DR-0120 Rev H
Block A Plans, drawing no. VIS-SCC-HTA-A-DR-0200 Rev H
Block B Plans, drawing no. VIS-SCC-HTA-A-DR-0205 Rev H
Block C Plans, drawing no. VIS-SCC-HTA-A-DR-0210 Rev H
Block D Plans, drawing no. VIS-SCC-HTA-A-DR-0215 Rev H
Block D Plans, drawing no. VIS-SCC-HTA-A-DR-0216 Rev H
Block A Section, drawing no. VIS-SCC-HTA-A-DR-0220 Rev H
Block B Section, drawing no. VIS-SCC-HTA-A-DR-0221 Rev H
Block C Section, drawing no. VIS-SCC-HTA-A-DR-0222 Rev H
Block D Sections, drawing no. VIS-SCC-HTA-A-DR-0223 Rev H
Block A Elevations, drawing no. VIS-SCC-HTA-A-DR-0230 Rev I
Block B Elevations, drawing no. VIS-SCC-HTA-A-DR-0231 Rev H
Block C Elevations, drawing no. VIS-SCC-HTA-A-DR-0232 Rev H
Block D N&E Elevations, drawing no. VIS-SCC-HTA-A-DR-0233 Rev H
Block D S&W Elevations, drawing no. VIS-SCC-HTA-A-DR-0234 Rev H
Apartment Type 1B2P A, drawing no. VIS-SCC-HTA-A-DR-0300 Rev G
Apartment Type 1B2P B, drawing no. VIS-SCC-HTA-A-DR-0301 Rev G
Apartment Type 1B2P C, drawing no. VIS-SCC-HTA-A-DR-0302 Rev G
Apartment Type 2B4P A, drawing no. VIS-SCC-HTA-A-DR-0310 Rev G
Apartment Type 2B4P B, drawing no. VIS-SCC-HTA-A-DR-0311 Rev G
Apartment Type 2B4P C, drawing no. VIS-SCC-HTA-A-DR-0312 Rev G
Apartment Type 2B4P D, drawing no. VIS-SCC-HTA-A-DR-0313 Rev G
Apartment Type 2B4P E, drawing no. VIS-SCC-HTA-A-DR-0314 Rev G
Apartment Type 2B4P F, drawing no. VIS-SCC-HTA-A-DR-0315 Rev G
Apartment Type 2B4P G, drawing no. VIS-SCC-HTA-A-DR-0316 Rev G
Apartment Type 2B4P H, drawing no. VIS-SCC-HTA-A-DR-0317 Rev G
Apartment Type 2B4P I, drawing no. VIS-SCC-HTA-A-DR-0318 Rev G
Ashbee Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0400 Rev G
Elmslie Plans and Elevations – Type 1, drawing no. VIS-SCC-HTA-A-DR-0401 Rev H
Sandy Plans and Elevations – Type 1, drawing no. VIS-SCC-HTA-A-DR-0402 Rev H

Bloomfield Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0403 Rev H
Mylne Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0404 Rev H
Burnett Plans and Elevations – Type 1, drawing no. VIS-SCC-HTA-A-DR-0405 Rev H
Becket Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0406 Rev H
Elmslie Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0407 Rev H
Sandy Plans and Elevations – Type 2, drawing no. VIS-SCC-HTA-A-DR-0408 Rev H
Burnett Plans and Elevations – Type 2, drawing no. VIS-SCC-HTA-A-DR-0409 Rev H
Illustrative Landscape Plan, drawing no. VIS-SCC-HTA-L-DR-900 Rev H
Illustrative Landscape Sections, drawing no. VIS-SCC-HTA-L-DR-901 Rev H
Planting Plan & Palette, drawing no. VIS-SCC-HTA-L-DR-902 Rev H
Hard Surfaces Plan, drawing no. VIS-SCC-HTA-L-DR-903 Rev H
Demolition Phasing Plan
Construction Phasing Plan, drawing no. VIS-SCC-HTA-A-DR-0120 Rev G
Existing and proposed works to Mowbray Park plan, drawing no. VIS-SCC-HTA-A-DR_0132 Rev G
Demolition Commencement Logistics Plan
Construction Commencement Logistics Plan
Traffic Route Plan
Project Environment Plan
Construction Environmental Management Plan (and associated appendices)
EclA & BNG Metric
Landscape Management Plan
Noise Assessment

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 given within the application, construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence 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 design quality and to comply with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan.

4. The development hereby approved shall be carried out in full accordance with the sustainable design and construction measures set out within the 'Energy and Sustainability Statement' (AES Sustainability Consultants Ltd, November 2021) submitted with the application.

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

5. No development permitted by Schedule 2, Parts 1, 2 and 14 of the current Town and Country Planning (General Permitted Development) Order, or any subsequent legislation which revokes and re-enacts the provisions of those Parts of that Order, shall take place to or within the curtilage of any of the dwellings or apartments or at any other location within the development hereby

approved without planning permission firstly being obtained from the Council as Local Planning Authority.

Reason: in order to ensure any future extensions, alterations or other development within the site respects the amenity of residents within and adjacent to the development and is appropriate for its historic setting and to comply with the objectives of policies BH1, BH7 and BH8 of the CSDP.

DEMOLITION AND CONSTRUCTION

6. All demolition and subsequent site construction works shall be undertaken in full accordance with the submitted Demolition Method Statements for the Civic Centre and Mowbray Park Link Bridge (by MGL Group) and Construction Environmental Management Plan (by Vistry Partnerships), including associated appendices (the submitted Project Environment Plan, Traffic Route Plan, Asbestos Removal Method Statement, Demolition Commencement Logistics Plan and Construction Commencement Logistics Plan).

Reason: to minimise effects on local amenity during demolition and construction works and to comply with the requirements of policy HS1 of the CSDP.

7. The hoardings erected around the perimeter of the site during demolition and construction works shall, as a minimum, be of at least 2.4m height and have a superficial mass of at least 10kg/m², in accordance with the guidance provided by BS5228:2009 (Control of noise and vibration on construction and open sites).

Reason: to minimise effects on local amenity during demolition and construction works and to comply with the requirements of policy HS1 of the CSDP.

8. The site gates in the temporary site hoardings adjacent to St. George's House shall only be used as emergency access/egress to the site for the duration of demolition/construction works and must not be used as a main site access at any time.

Reason: to minimise effects on local amenity during site works and to comply with the requirements of policy HS1 of the CSDP.

9. No mobile crusher or screen shall be introduced to the site and operated without first providing a copy of the relevant environmental permit to the LPA. The location of the crusher must then be agreed with the LPA and where necessary, measures incorporated to minimise the off-site impact of noise arising from its operation.

Reason: to ensure the operation of a crusher and screen does not adversely affect local amenity, in accordance with the requirements of CSDP policy HS1.

10. No works of demolition or construction shall be undertaken outside of the site working hours set out in the submitted Construction Environmental Management Plan (i.e. 08:00 – 16:30 weekdays and 08:00 – 13:00 on Saturdays) without firstly notifying the LPA and obtaining its written agreement that such works can take place. Any such notification must include details of the proposed date(s) and time(s) of 'out of hours' working, the nature of the works to be undertaken and the measures proposed to be put in place to acceptably mitigate and minimise impacts on the amenity of the area. Any 'out of hours' working agreed by the LPA shall be

undertaken in accordance with the agreed mitigation measures and any further mitigation measures deemed necessary and agreed with the LPA.

Reason: to ensure 'out of hours' working does not unacceptably affect local amenity, in accordance with the requirements of CSDP policy HS1.

11. No piling shall be undertaken until details of the proposed methodology, location of the piling activity and proposed noise and vibration mitigation measures have been submitted and approved by the LPA. All piling activity shall then take place in accordance with the agreed details.

Reason: to ensure piling activity does not unacceptably affect the amenity of the locality and to comply with the requirements of CSDP policy HS1.

NOISE

12. The dwellings hereby approved shall not be occupied until the 1.8m high boundary wall to plot 69 and noise mitigation measures recommended by the submitted Noise Assessment report (NJD Environmental Associates, December 2021) have been installed in accordance with the recommendations. For the avoidance of doubt, the recommended measures are set out within section 7 and 8 and figures 13 to 19 of the report.

Reason: to ensure occupiers of the development are afforded satisfactory living conditions in relation to noise and to comply with the objectives of policy HS3 of the CSDP.

NETWORK RAIL

13. All demolition and construction work adjacent to Network Rail's infrastructure must be undertaken in accordance with demolition and construction methodologies and details of earthworks and excavations, the use of crane, plant and machinery, drainage and boundary arrangements agreed with Network Rail's Asset Protection Project Manager. Where required by Network Rail, the developer shall enter into a Basic Asset Protection Agreement with Network Rail, to ensure the operational safety of the railway during these works.

Reason: in order to protect rail infrastructure during works and to comply with the objectives of policy SP10 of the CSDP.

14. Prior to the occupation of any dwellings within the development, details of a trespass proof fence to be erected adjacent to the site's boundaries with Network Rail land shall be submitted to and approved in writing by the LPA in consultation with Network Rail. The submission shall include proposals for the timing of its installation and its future renewal and maintenance and for the avoidance of doubt, the proposed fencing must not result in damage to Network Rail's existing boundary treatment. The fencing shall then be erected and maintained in accordance with the agreed timings and details.

Reason: in order to minimise the risk of trespass to rail infrastructure and to comply with the objectives of policy SP10 of the CSDP.

15. Prior to roads within the development being brought into use by motor vehicles, proposals for the design and installation of suitable vehicle incursion measures, designed to prevent incursion onto Network Rail infrastructure, shall be submitted to and agreed in writing by the LPA in

consultation with Network Rail. The agreed measures shall then be installed prior to the roads within the being brought into use by motor vehicles.

Reason: in order to minimise the risk of vehicle incursion onto Network Rail infrastructure and comply with the objectives of policy SP10 of the CSDP.

LAND CONTAMINATION

16. No development other than demolition and site clearance/preparation works shall be commenced until the submitted Phase II Geo-Environmental Appraisal/Contamination and Geotechnical Review report has been amended/updated/expanded to satisfactorily address the comments provided by the Council's Land Contamination Consultant response (dated 31st January 2022). For the avoidance of doubt, the following is required to be addressed:

- An additional intrusive investigation should be carried out to further characterise the shallow soils for potential re-use and/or waste classification for offsite disposal and specifically to delineate the hydrocarbon contamination identified in the car park area. The ground investigation must conform to the requirements of BS10175:2011+A2:2017.
- A suitable controlled waters risk assessment should be included within the submitted report. This should consider the potential presence of contaminants in the shallow Made Ground, the fact there are low permeability deposits between the Made Ground in the north west of the site and the aquifer, the proposed development (i.e. piled foundations), as well as the sensitivity of the aquifer in this area.
- Following completion of the supplementary investigation and satisfactory delineation of the hydrocarbon "hotspot", a Remediation Strategy will be required as per current YALPAG guidance to set out objectives and methodology for the remediation of the site.
- A Verification Report in accordance with current YALPAG guidance will be required following completion of the remediation works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies HS3 and WWE4 of the CSDP.

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

17. No development other than demolition and site clearance/preparation works shall be undertaken until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

HIGHWAYS

20. No apartment blocks or individual dwellings shall be occupied until the resident parking space(s) for the apartments or dwellings, as applicable, have been constructed and made available for the use of occupiers. Within six months of the final dwelling within the development

being occupied, all visitor parking provision must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off-street parking of vehicles and to comply with policy ST3 of the CSDP.

21. Prior to its installation, final details of the foot/cycle path connection leading to/from the northern boundary of the site (across 'West Park') shall be submitted for the approval of the LPA. For the avoidance of doubt, the path shall be a minimum of 3m wide, be able to accommodate cycle use and be appropriately lit (taking into account matters such as amenity and ecology). The footpath shall then be installed in accordance with the agreed details and maintained as such thereafter.

Reason: to ensure the path is of an appropriate design and standard for the development and to comply with the objectives of policies ST1 and ST3 of the CSDP.

22. All new footpaths and cycle routes within the development, including the new footpath connection between City Green and Cowan Terrace through the grounds of apartment block D, must be installed in accordance with the submitted details and made available for public use as soon as reasonably practicable and their use must not be restricted, other than for essential repair and utilities works, at any time without the prior agreement of the LPA.

Reason: in order to ensure an appropriate footpath connection is delivered and to comply with the objectives of policies ST1 and ST3 of the CSDP.

23. Dwellings and apartments within Phase C of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not be occupied until final servicing, bin storage and collection arrangements for dwellings within this phase of the development have been submitted to and approved in writing by the LPA. Servicing of the dwellings within this phase of the development shall then be undertaken in accordance with the agreed details.

Reason: in the interests of amenity and highway safety and to comply with the objectives of policy ST3 of the CSDP.

24. Prior to the one-way roads within the development being opened to public use, details of proposed measures to direct cyclists around the one-way system shall be submitted to and approved in writing by the Local Planning Authority. The approved measures must then be installed in accordance with the agreed details prior to the roads being made available for the use of motorists and cyclists.

Reason: in order to ensure, as far as reasonably practicable, that cyclists observe the one-way system and comply with the objectives of policy ST3 of the CSDP.

25. Prior to the occupation of apartments or dwellings within any phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan), final details of the design, location and timing of the installation of cycle storage facilities for the

dwellings within that phase shall be submitted for the approval of the Local Planning Authority. The submitted details must be informed by the strategy provided with the planning application and cycle storage must then be installed in accordance with the details and timings agreed via the discharge of this condition.

Reason: in order to ensure appropriate cycle storage provision is provided and to comply with the objectives of policy ST3 of the CSDP.

26. Prior to the occupation of apartments or dwellings within any phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan), final proposals of the specification, location and timing of the installation of electric vehicle charging points within that phase shall be submitted for the approval of the Local Planning Authority. The submitted details must be informed by the strategy provided with the planning application and the charging points must then be installed in accordance with the details and timings agreed via the discharge of this condition.

Reason: in order to ensure appropriate electric vehicle charging provision is provided and to comply with the objectives of policy ST3 of the CSDP.

27. Prior to the occupation of any dwellings within the development, a Framework Travel Plan shall be submitted for the approval of the Local Planning Authority. The submission should include proposed details, form and timings of travel surveys to be undertaken, for the written approval of the Council's Sustainable Transport officer. The surveys shall then be undertaken in accordance with the agreed details and all car use reduction, monitoring and action plan measures and initiatives set out in the agreed Framework Travel Plan must be adopted in full and in accordance with the timescales set out within the Plan.

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

ECOLOGY

28. All demolition and construction works at the application site shall be undertaken in accordance with the 'Ecological Considerations' and 'Ecology & Biodiversity' sections of the submitted Construction Environmental Management Plan and section 6.0 (Recommendations and Mitigation) of the submitted Ecological Impact Assessment report (Dendra Consulting, February 2022).

Reason: in order risks to ecology and biodiversity at the site are minimised during demolition and construction works and to comply with the objectives of policy NE2 of the CSDP.

29. All avoidance, mitigation, compensation and enhancement measures as detailed within section 6.0 of the submitted Ecological Impact Assessment report (Dendra Consulting, February 2022) report must be implemented and adopted in accordance with the report's recommendations throughout the approved development.

Reason: in order to ensure that the development of the site includes appropriate ecological avoidance, mitigation, compensation and enhancement measures and to comply with the objectives of policy NE2 of the CSDP.

30. No contractors shall commence works at the site until those contractors (including, but not being limited to arborists, demolition contractors and building contractors) have received a 'toolbox talk' from a suitably qualified ecologist, to ensure they are aware of the legislation relating to relevant protected species, the working methods to be implemented and the procedures to follow in the event of any protected species being recorded on site during the works period.

Reason: in order risks to ecology and biodiversity at the site are minimised during demolition and construction works and to comply with the objectives of policy NE2 of the CSDP.

31. Works on any buildings assessed as having bat roost suitability must only be undertaken following a precautionary method statement produced by a suitably qualified ecologist.

Reason: in order to minimise risks to protected species and comply with the objectives of policy NE2 of the CSDP.

32. Works, including building and vegetation clearance, must not be undertaken within the bird nesting period (March – September inclusive) unless a checking survey by a Suitably Qualified Ecologist has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE after 3 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 minimise risks to nesting birds and comply with the objectives of policy NE2 of the CSDP.

33. Construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence until a plan has been submitted to and approved in writing by the Council prior to the start of works in that phase, which confirms details regarding the specification, location and timing of installation of the bat and bird boxes to be installed in the phase area, in line with the recommendations of version 1.4 of the Ecological Impact Assessment report (Dendra, February 2022). The bat and bird boxes shall then be installed in full accordance with the approved details.

Reason: to ensure appropriate mitigation and enhancement measures are delivered and to comply with the objectives of policy NE2 of the CSDP.

34. Construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence until the lighting strategy for each phase has been submitted to and approved in writing by the LPA in consultation with Network Rail. The strategy shall include input from a Suitably Qualified Ecologist in line with current best practice guidelines and include measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats; this will include dark zones along those habitat corridors designed to benefit

wildlife, in line with the ecological documents submitted in support of the planning application, as illustrated through the provision of lighting contour (isolux) plans. Lighting adjacent to Network Rail infrastructure must also be designed and located to ensure it does not dazzle or confuse train/Metro drivers. All lighting within the development shall then be installed and maintained in accordance with the approved details.

Reason: in order to ensure new lighting at the site is sensitive to ecology, biodiversity and rail safety and to comply with the objectives of policies SP10 and NE2 of the CSDP.

35. Notwithstanding the submitted boundary details, gaps measuring at least 13 x 13cm must be created and then maintained in all boundary features.

Reason: to ensure the site remains permeable to species such as hedgehog and comply with the objectives of policy NE2 of the CSDP.

36. No works, including demolition, shall commence on site unless checking surveys for protected species has been undertaken by a SQE within one month prior to the start of works. In the event any such species/features are identified at this time which would be affected by the proposals, works will only proceed under the guidance of the SQE, and once a license has been obtained from Natural England, as advised by NE and/or the SQE.

Reason: in order to minimise risks to protected species and comply with the objectives of policy NE2 of the CSDP.

37. Prior to the completion of the 30th residential unit within the development, a Habitat Management Plan will be submitted to and approved in writing by the LPA. The approved plan shall then be delivered in accordance with the approved details. For the avoidance of doubt, the submitted plan shall include:

- details of legal funding mechanisms by which long term implementation of the plan will be secured by the developer;
- details of the planting strategy to be implemented, which must be in line with the details included within version 3 of the BNG metric (dated 28/02/22), submitted in support of the planning application. Priority within the planting scheme should be given to native species, which are ideally of local provenance, and/or those of known value to wildlife, in order to maximise the ecological benefits of the habitat creation and enhancement works;
- details of management and monitoring works to be completed;
- contingency measures should the biodiversity aims and objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme in line with the habitat creation and enhancement measures detailed within the ecological reports, including target condition information within the BNG assessment.

Reason: in order to ensure the proposed ecological enhancements are delivered in accordance with the submitted details and to comply with the objectives of policy NE2 of the CSDP.

DRAINAGE

38. Prior to any development other than demolition and site clearance/preparation works commencing, a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the LPA in consultation with Northumbrian Water

and the Lead Local Flood Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: to ensure arrangements relating to the disposal of foul and surface water are appropriate and to comply with policy WWE5 of the CSDP.

39. Prior to any development other than demolition and site clearance/preparation works commencing on site, specific details of the timing of the submission of a SuDS verification report(s), to be carried out by a suitably qualified person, and the extent of the SuDS features covered in the report(s), must be submitted to and approved by the LPA. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

For the avoidance of doubt, the verification report(s) 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.

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.

LANDSCAPING

40. The development hereby approved shall be undertaken in complete accordance with the recommendations within the submitted 'Arboricultural Impact Assessment' (Dendra, December 2021). All recommended tree protection measures shall be installed in accordance with the timings and specifications recommended by the Assessment and at the locations shown on the accompanying Tree Protection Plan and must remain in situ in accordance with the recommendations of the Assessment and Plan for the duration of demolition and construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

41. 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.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

42. Prior to any tree and shrub planting, seeding or turfing included within the submitted landscaping scheme being undertaken, final details of species, sizes and densities and shall be submitted for the approval of the LPA in consultation with Network Rail. For the avoidance of doubt, trees at prominent locations within the development should be planted as large specimens to deliver instant amenity benefits. Final planting proposals should also be informed by the recommendations of the Ecological Impact Assessment and Biodiversity Net Gain proposals submitted with the planning application, whilst planting adjacent to Network Rail's boundary must not impact upon operational railway safety and should be informed by Network Rail's guidance (contained within their consultation response dated 26.01.2022). All planting, seeding and turfing shall then be undertaken in accordance with the approved details.

Reason: in the interests of visual amenity and to comply with policies SP10, NE2, NE3, BH1, BH3, BH7 and BH8 of the CSDP.

43. Prior to any trees within areas of hard surfacing being planted, details of the planting techniques to be utilised to ensure the trees reach full life expectancy shall be submitted for the approval of the LPA. The planting of trees within hard surfaced areas must then be undertaken in accordance with the approved details.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

44. The management and maintenance of landscaping within the development must be undertaken in full accordance with the submitted Landscape Management Plan (Vistry Partnerships, March 2022), unless otherwise agreed in writing with the LPA.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

45. No dwellings shall be occupied within the development until final details of the proposed form and location of play equipment within the development has been submitted to and agreed in writing with the LPA. The submitted details must include proposed measures for the ongoing maintenance of the equipment and a timetable for its installation. The approved equipment must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure the on-site play provision within the development is acceptable and to comply with the objectives of policy NE4 of the CSDP.

46. No dwellings shall be occupied within the development until final details of the design and location of all street furniture within the development has been submitted to and agreed in writing with the LPA. The submitted details must include proposed measures for the ongoing maintenance of the furniture and a timetable for its installation. The approved furniture must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure street furniture within the development is of acceptable design and to comply with the objectives of policies BH1, BH3, BH7 and BH8 of the CSDP.

47. No hard surfaces to roads and footpaths within the development shall be installed until details of the materials to be used in their finished hard surfaces has been submitted to and approved in writing by the LPA. The roads and footpaths within the development shall then be surfaced in accordance with the submitted details.

Reason: in the interests of visual amenity and to comply with policies BH1, BH3, BH7 and BH8 of the CSDP.

48. No dwellings within each phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall be occupied until final details and specifications, including elevational drawings, of the proposed boundary treatments for that phase, have been submitted to and approved in writing by the LPA. The boundary treatments within the development shall then be installed in accordance with the submitted details.

Reason: in the interests of visual amenity and to comply with policies BH1, BH3, BH7 and BH8 of the CSDP.

Reference No.: 21/02550/FUL Full Application

Proposal: **Erection of 16 No. x 1 bed bungalows for older people - social housing within the city**

Location: Former Site Of Coutts And Findlater Ltd Hudson Road Sunderland SR1 2LJ

Ward: Hendon
Applicant: MCC Homes Ltd.
Date Valid: 26 November 2021
Target Date: 25 February 2022

PROPOSAL:

INTRODUCTION

Planning permission is sought for the erection of 16 no. one bedroom bungalows on land at the former site of Coutts and Findlater Ltd, at Hudson Road in Sunderland.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is broadly rectangular shaped and previously developed land, positioned at the edge of Sunderland City Centre. It was formally the site of Coutts And Findlater Ltd, however this commercial use has now been removed from the site in its entirety, and the site is now grass seeded. It has a gradual west to east slope across the site and is enclosed along the northern and eastern boundaries by a low timber fence. Despite being positioned within a location at the edge of Sunderland City Centre, the immediate vicinity of the application site is primarily residential.

THE PROPOSED DEVELOPMENT

The proposed development seeks planning permission for the erection of 16 no. one bedroom bungalows. It is described as being for older people to provide a form of social housing within the city. The applicant's agent has stated that the bungalows would be occupied by people over the age of 55.

The applicant MCC Homes is a land development company, with their key focus being to provide affordable housing, and social housing to support those with additional needs. Application details state that a Registered Provider (Sunderland City Council) is involved in the scheme and will be purchasing the units.

The proposed bungalows would be 2.3 metres in height to the eaves and 5.5 metres in maximum height. They would be constructed with red brick walls (Wienerberger 'Oakwood Multi) or similar, a Marley dry ridge and dry verge tiled roof (charcoal grey in colour), white UPVC windows and French doors, dark grey RAL 7016 composite doors, white UPVC fascias and soffits, deep black flow guttering, and treated timber posts.

Each bungalow would have a lounge / kitchen, a bedroom, a bathroom and a level access entrance porch.

Proposed front boundary treatment would comprise 0.9 metre high power coated railings, rear boundary treatment would comprise a 2.4 metre high wall in brickwork to match that of the proposed dwellings and with galvanised roller shutter doors, and side boundary treatment would comprise a 1.8 metre high close boarded timber fence with capping rail.

Hard landscaping within the application site would include black tarmac car parking spaces for each bungalow and Marshall grey paving slabs. Soft landscaping areas would be grass seeded.

Recyclable and non-recyclable waste would be stored to the rear adjacent to the proposed driveways.

The application has been supported by the following documents:

- Design and Access Statement by Cummings Architects Ltd (dated 26/10/2021) received 01/11/2021
- Phase 1: Desk Top Study Report by Geo Environmental Engineering (dated 22/09/2021) received 01/12/2021
- Phase 2: Ground Investigation Report by Geo Environmental Engineering (dated 09/12/2021) received 09/12/2021
- Soil Remediation Scheme by Geo Environmental Consulting Ltd (dated 15/10/2021) received 01/11/2021
- Noise Assessment for Planning by Ark Environmental Consulting Ltd (dated October 2021) received 01/11/2021
- Habitat Regulations Assessment Screening Report by dendra (dated 20/05/2021) received 01/11/2021
- Greenfield Run-off Rate estimate by HR Wallingford (dated 04/08/2021) received 21/02/2022
- Flood Risk Assessment by Ark Environmental Consulting Ltd (dated March 2022) received 10/03/2022
- Surface Water Drainage Statement and Maintenance Plan (dated 09/03/2022) received 11/03/2022
- NWL Pre-application enquiry (dated 18/11/2021) received 21/02/2022
- Micro Drainage details received 01/11/2021
- Construction Environmental Management Plan received 01/11/2021
- Construction Phase Plan (dated 26/10/2021) received 01/11/2021
- Ecology Impact Assessment by Dendra (dated 24/02/2022) received 24/02/2022
- Habitat Plan received 28/02/2022
- Biodiversity Matrix received 28/02/2022

PLANNING HISTORY

There is no planning history of relevance to the determination of this planning application.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **31.03.2022**

REPRESENTATIONS:

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

The following consultees were consulted on the application.

- Director of Children's Services
- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Built Heritage and Regeneration (the Conservation Team)
- Planning Policy
- Urban Design
- Environmental Health

- Transport Development (the Local Highway Authority)
- Landscape Officer
- Tyne and Wear Archaeology Officer
- Nexus
- Housing People Services
- Northumbria Ambulance Service
- North Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Natural Heritage
- Watermans (Land contamination)
- Three Ward Councillors

Press notice expiry date: 28/12/2021

Site notice expiry date: 21/12/2021

Neighbour notifications expiry date: 21/12/2021

Consultation expiry dates: 14/12/2021, 17/02/2022, 28/02/2022, 21/03/2022, 29/03/2022 (Local Highway Authority comments were due by this date but were received on 03/03/2022) and 31/03/2022 (Lead Local Flood Authority comments were due by this latest date but were received on 14/03/2022)

Neighbour Notification Responses

None received

Internal consultee responses

Environmental Health

First representation

The proposal is acceptable in principle subject to the following condition:

- Prior to the commencement of construction the applicant shall submit for the agreement of the Local Planning Authority a noise assessment together with a specification of all mitigation measures necessary to ensure the site and internal noise climates meet the guidelines set out in BS8233:2014 and WHO Community Noise Guidelines. Where necessary the noise assessment shall incorporate an examination of noise levels associated with the operation of any external fixed plant and shall recommend suitable mitigation measures where appropriate.

The following appraisal may also be useful for the applicant when preparing additional works and information:

- The noise statement is a desk top study and not a noise assessment. Specific site layout / specifications relating to the building envelopes (e.g. glazing and ventilation) must be informed by the outcome of a noise assessment. The noise assessment shall be undertaken by a suitably qualified and experienced specialist and shall include an assessment of all noise sources impacting the site. Measured levels shall meet the good standard set out in BS8233:2014 and WHO Community Noise guidelines in relation to internal habitable rooms and external leisure/relaxation areas. Where those standards

cannot be met suitable mitigation measures must be specified and implemented. In terms of the suggested condition relating to fixed plant noise, it is suggested that the noise assessment considers heating or ventilation proposals for the dwellings and where necessary undertakes an assessment using BS4142 as part of the overall exercise. At this time, it is not clear what plant or equipment would be installed, but it would be anticipated that only the inclusion of air source heat pumps or a central biomass boiler would require such an assessment.

- The Construction Environmental Management Plan (CEMP) sets out the management structure and responsibilities, environmental policy, and a range of commitments relating to the method of working during site development. Working hours are identified as 08.00 to 16.30 weekdays, and 08.00 to 13.00 Saturdays. The CEMP and Construction Phase Plan (CPP) are accepted as properly addressing normal requirements. The applicant's attention is drawn to two matters:
- A note is included on the use of a piling rig, but no mention of piled founds. Should piling be necessary then a suitable methodology must be selected that minimises the impacts of noise and vibration upon neighbouring properties, and operating times must be restricted.
- A crusher is also noted. This can only be operated if it has its own environmental permit and will operate with water suppression. Crushers are particularly noisy and again operating times should be restricted and the crusher located in an appropriate part of the site distant from dwellings; or provided with a suitable mobile noise barrier. A copy of the permit must be forwarded to the LPA (and Environmental Health).

Case Officer Comments:

The applicant was requested to provide confirmation regarding whether a piling rig and crusher would be used. They responded by stating that a crusher would not be used, and requested that piling (if it was to be used) be controlled by way of a condition attached to any planning permission. The Council's Environmental Health Officer was requested to make further comment.

Second representation

Both matters could be informatives attached to any planning permission. The crusher notification is a requirement under the Environmental Permitting System (and so controlled by a separate regulatory regime), and it is in the applicant's own interests to address the piling methodology.

Planning Policy

The site is subject to saved Unitary Development Plan (UDP) Alteration No. 2 Policy SA55B.1. This sets out that the City Council will encourage the continued development of the Sunnyside area as a lively, mixed-use, urban quarter with a high-quality physical environment. In addition, the allocation sets out a range of acceptable uses which includes residential (C3 Housing). The allocation also states that the City Council wishes to encourage a greater concentration of living opportunities associated with a mixed-use development ethos for Sunnyside and Tavistock areas. Proposals for conversion, redevelopment and infill to provide these uses are particularly encouraged, having regard to the Policy SA74A (which relates to the evening economy).

Policy SP2 'Urban Core' is relevant and indicates that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by (inter alia) promoting mixed use development in the Areas of Change. For Sunnyside, that relates to supporting residential mixed-use development. Although the proposed development does not relate to a mixed-use scheme, it is

considered that it would support the objectives of the policy by providing additional residential development in a wider area which is predominately mixed use.

Policy SP8 'Housing Supply and Delivery' of the adopted CSDP indicates that the Council will achieve its housing target by (inter alia) the development of windfall sites. The application site is considered a windfall site. Policy H1 'Housing Mix' of the adopted CSDP provides (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location. Criterion 2 also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows.

The proposed development would be a wholly affordable scheme. Policy H2 'Affordable housing' states that all proposals of 10 or more dwellings (or on sites of 0.5 hectares plus) should provide at least 15 percent affordable housing. Criterion 2 states that affordable homes should be retained in affordable use in perpetuity. It should therefore be ensured that the dwellings are held in affordable tenure in perpetuity in alignment with the policy.

Criterion 3 of Policy NE4 'Greenspace' of the adopted CSDP sets out criteria regarding the need for major residential development to provide for the equivalent of minimum of 0.9 hectares for every 1,000 bed spaces unless a financial contribution for the maintenance / upgrading to neighbouring existing greenspace is considered more appropriate.

Criterion 2 of Policy NE2 'Geodiversity and biodiversity' of the adopted CSDP states that development that would have an impact on the integrity on European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. Consideration should be given to the identified mitigation set out within the published Habitat Regulations Assessment Mitigation Strategy. Criterion 1 of Policy NE2 states that proposals, where appropriate, must demonstrate how it will provide net gains in biodiversity.

Policy BH1 'Design quality', Policy BH2 'Sustainable design and construction' and Policy HS1 'Quality of life and amenity' of the adopted CSDP are all relevant. Policy ST2 'Local road network' and Policy ST3 'Development and transport' are also relevant providing criteria in relation to highways impact and access.

Conservation Team

The Conservation Team has no objections, as there would be negligible heritage impacts. Whilst the site is near to several non-designated heritage assets, including in close proximity to the attractive Emmanuel Community Church, it already sits within a mixed urban setting, and so the proposed development would have negligible impact on the local historic environment.

Flood and Coastal Team (the Lead Local Flood Authority)

Following the submission of further additional information that has been reviewed and assessed, this application can be approved with a standard verification condition applied similar to that below.

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

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

- As built drawings (in dwg/shapefile format) for all SuDS components including hydrobrake - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance including confirmation of Section 104 agreement with NWL for adoption of attenuation pipe.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA."

Case Officer Comments: Several consultee response were received from the Lead Local Flood Authority, and so it is only the most recent consultee response which is summarised above.

Transportation Development (the Local Highway Authority)

First representation

Location - The properties would be situated just outside of the Central Parking area with good links to public transport, (bus, rail, and metro).

Stopping up - It would appear that there are areas of adopted highway within the applicant's red line plan. It may be necessary to overlay the proposed site plan onto the Sunderland City Council highway adoption records so that it can be ascertained if a stopping-up is required.

Parking - 16 proposed in-curtilage parking spaces are considered satisfactory.

Vehicular access - The back lane appears narrow; the applicant should therefore provide an auto-track drawing demonstrating that vehicles can access the proposed parking spaces satisfactorily from the back lane.

Servicing - Clarification is required in relation to servicing and delivery arrangements.

Construction Environmental Management Plan (CEMP) - The CEMP is generally acceptable, however the statements contained within Section 4.3 - Site Parking are contradictory. The applicant should clarify 'otherwise parking will need to be off-site' and 'the parking of construction vehicles and private vehicles on highways outside of the construction area is not permitted'.

Cycle parking - The applicant should consider secure, covered cycle parking for the development.

Electric Vehicles - To encourage the uptake of electric vehicles the applicant should consider electric vehicle charging points, or alternatively wiring suitable for an electric vehicle charging point.

Second representation

Vehicular access - The swept path drawing demonstrates that a large car cannot reverse between the extents of the roller shutter pillars; the applicant should therefore be advised to widen the vehicular entrance.

Construction Environmental Management Plan (CEMP) - The submitted CEMP is satisfactory.

Third representation

It would appear that the larger vehicles are still overrunning the boundary features to the parking space, however it is acknowledged that the applicant has widened the access to the garage and it appears that the grass verge could be utilised for manoeuvres into the garage if required. It may mean more vehicle manoeuvres; however, this is not a highway safety issue given that it is a back lane. The swept path analysis is therefore satisfactory.

Case Officer Comments: The Local Highway Authority was made aware that:

- The applicant's agent has confirmed that bikes can be stored anywhere within the curtilage of the properties. However, given that the bungalows would be for the over 55s it is not anticipated that there would be much demand for them.
- There would be no electrical car charging points.
- The properties would be serviced to the rear in terms of bin collections.

Fourth representation

This is satisfactory

Education Officer

No education requirements with this application.

Landscape Officer

No response provided

External Consultee responses

Tyne and Wear Archaeology Officer

There are no historic environment records directly associated with the proposed development area. There are however several undesignated heritage assets listed including warehouses (HER 1737 and 1738), Bethany Memorial Chapel (HER 16762), United Methodist Chapel (HER16689) and Emmanuel Free Church (HER 13596). The proposed development area is not located within a conservation area. Historic maps and satellite imagery show that the site was previously occupied by a large brick warehouse and a series of terrace houses. These structures appear to have been demolished between 2008 and 2012. There have been no previous archaeological investigations undertaken at the site except for the site's inclusion within Sunderland Heritage Action Zone (Event 4779) which summarises the results of an assessment of aerial photographs ranged in date from 1924 to 2017.

A ground investigation report has been submitted with this application. The report demonstrates the presence of made ground comprised of demolition rubble at depths between c.0.70m and 2.40m below the current ground level. Parts of intact brick walls were

encountered. Beneath the made ground/demolition rubble, a layer of relict topsoil was identified in test pits 01, 02, 04, 05, 07, 08, 09 and 11. The deposit is described as follows: 'comprised soft to firm sandy silty clay and sand with fine roots, fragments of coal, brick, pottery, sandstone which also exhibited a slight organic peaty odour'. The relict topsoil was identified in test pits that seem to have been located outside of the footprint of the former buildings and beneath the subsequent demolition layer. It is likely that the relict topsoil was associated with the former buildings. It is proposed that the bungalows would be located towards the northern half of the site, most of this area was previously developed for terrace housing and a warehouse. The ground investigation works have also demonstrated the presence of a layer of demolition rubble and relict foundations associated with the structures that were recently demolished. With the exception of test pit 1, the relict topsoil was found in the test pits that were mostly located towards the southern extent of the site, where only limited works are proposed as part of this application.

Based on the scale and scope of the proposed works, it is considered that no archaeological investigation will be required if the proposed works are approved.

Northumbrian Water

No response provided

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Nexus

No comments to make in relation to the proposal

Housing People Services

No response provided

Northumbria Ambulance Service

No response provided

Northumbria Police

First representation

Northumbria Police support the principle of bringing brownfield sites back into viable use and particularly where the alternative use of such space is somewhat ambiguous.

- No objections to the proposal save for the alleyway between plots 6 and 7. Due to fact that the eastern block (plots 7 to 16) would be slightly canted in relation to the other block, this would have the effect of narrowing the alleyway to the frontage onto Hudson Road. This alleyway would not be gated to the front elevation relying instead on gates to the rear gardens of the two plots. This is not ideal because it potentially allows a "bad

actor" to have unobserved access to the rear of the plots. The alleyway should be gated as close to the front building line as possible, ideally in a manner consistent with both the street palate and in a manner that affords surveillance down the alleyway (i.e. open railing design without climbing aids) to a 1800mm height and the gate should be lockable with both plots being provided with keys. The alleyway should be lit.

- Given the proximity to the City Centre and the nature of the area, the properties could potentially be at risk from foraging criminality and therefore it would benefit from achieving accreditation to the Secured by Design (SBD) scheme. Approved Document Q and the SBD certification scheme are closely aligned and therefore any additional costs in achieving the higher SBD standard are now minimal, but it would ensure that the component parts (doors and windows), boundary treatments and external lighting were of a sufficient British Standard. SBD has been proven to reduce burglary and crime rates by up to 75% on new build developments.

Case Officer Comments: The applicant has agreed to erect a 1.8 metre high timber gate to the front of the alleyway between plots 6 and 7. However they would not be seeking accreditation to the Secured by Design scheme. Northumbria Police were made aware of this.

Second representation

We welcome the proposed inclusion of the gate, and whilst we consider it short sighted to not pursue Secured By Design, we are content with this outcome.

Natural Heritage

First representation

Holding objection

Insufficient information provided to allow an assessment to be made in relation to the potential impacts of the proposed development upon ecological interests of the site and the surrounding area. The presence of protected species within or adjacent to a development site, which may have the potential to be affected by works such as those proposed, is a material planning consideration. Therefore, surveys following current best practice guidelines need to be completed by a suitably qualified ecologist.

Whilst the contributions to the Coastal Mitigation Service are considered to be appropriate and proportionate to the scale of potential impacts upon the coastal European designations, and should be secured via an appropriate legal agreement, an Ecological Impact Assessment (EclA) and Biodiversity Net Gain assessment need to be submitted prior to planning consent being granted, to ensure that the proposed development would be compliant with all relevant ecological legislation, policies and guidance.

Second representation

The associated avoidance, mitigation, compensation and enhancement strategy as detailed in Section 6 of the Ecological Impact Assessment should be implemented in full in order to minimise the residual risk of adverse impacts upon such species, and to ensure the potential benefits of the proposals for protected and notable species are implemented in full through the works.

The Biodiversity Net Gains assessment indicates that the proposals will result in a net loss of 67.83% of the biodiversity units on site. It is unlikely to be possible to achieve a net gain in

biodiversity units on site. However, based on the nature of the habitats present (species-poor grassland created via seeding a previously developed and cleared site, which was managed as amenity grassland until relatively recently, and hard standing) and the site's very limited potential suitability to support protected species, it is considered that the measures included within Section 6 of the Ecological Impact Assessment will increase the site's suitability for a range of protected and notable species. Subject to the suggested measures being implemented, it is accepted that the proposed redevelopment works will result in the enhancement of the site for biodiversity and further habitat works are not considered to be necessary.

The CEMP provides broad measures relating to requirements to conduct pre-start checks for nesting birds. The measures included are considered to be largely suitable based on the nature of the habitats present.

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

- Financial contributions to the Habitat Regulations coastal mitigation strategy - agreed and secured through appropriate legal agreements.
- Works will not commence until a protected species method statement produced by a suitably qualified ecologist has been submitted to, and approved in writing by the LPA, which details the checks and working methods to be implemented through the works, in order to ensure the protection of protected and notable species during site clearance and construction works
- Implementation of avoidance, mitigation, compensation and enhancement measures as detailed within section 6 of the Ecological Impact Assessment.
- Works, including all vegetation clearance, will not be undertaken within the bird nesting period (March - September inclusive) unless a checking survey by a suitably qualified Ecologist has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated after 3 days. In the event any active nests are identified, an appropriate buffer zone will be implemented into which no works will progress until there is confirmation that the nest is no longer active.
- A plan will be submitted to and approved in writing by the Council prior to the start of works, which confirms details regarding the specification and location of bat and bird boxes to be installed.
- Gaps measuring at least 13 x 13cm will be created or maintained in all boundary features, to ensure the site remains permeable to species such as hedgehog.

Watermans (Land contamination)

First representation

The Phase 1 Desk Top Study is broadly agreed with. However, additional information is required in relation to the submitted Phase 2 Ground Investigation - in relation to potential contaminants of concern associated with the previous use of the site as a Cabinet Works, an abandoned asbestos pipe, made ground and ground gas risk. The submitted Remediation Strategy has been based on the results of the Phase 2 Ground Investigation, which at this stage is not considered to be satisfactory. Remediation options need to be confirmed, with the Remediation Strategy updated including, if necessary, in relation to ground gas. It is recommended that conditions be attached to any planning permission relating to the submission of a Phase 2 Ground Investigation, a Remediation Strategy, a Verification Report, and in the event of any contamination being found that was not previously identified.

Case Officer Comments: The applicant's agent was made aware of the above comments and stated that they would like to address the issues (if possible) prior to the determination of the planning application. Additional information was subsequently submitted.

Second representation

Further ground investigation works remain outstanding.

- The area currently used for the storage of building equipment, and the area of notable burning should be targeted by the proposed additional ground investigation.
- The applicant should confirm their proposals for the management of risks associated with an abandoned asbestos pipe during proposed construction works.
- An updated assessment is required based on the additional gas monitoring to be undertaken.
- PID screening of soil samples and Volative Organic Compound (VOC) testing should be undertaken as part of an additional ground investigation. It is also requested that investigation of the area of burning is included within the scope of additional ground investigation.
- The potential risk due to UXO was considered in the undertaking of the ground investigation. The applicant should confirm whether any UXO mitigation measures will be implemented during the construction works

No objections to the proposal subject to conditions being attached to any planning permission in relation to a Phase 2 Ground Investigation, a remediation strategy, a verification report, and the event of any unexpected contamination being found that was not previously identified.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;

5. Impact on ecology;
6. Impact on flooding and drainage;
7. Impact in relation to land contamination;
8. Impact on archaeology;
9. Greenspace and
10. Planning obligations.

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, and it emphasises the need to develop in sustainable locations.

Policy SP2 'Urban core' of the adopted CSDP states that the Urban Core will be regenerated and transformed into a vibrant and distinct area, including by diversifying the residential offer to create sustainable mixed communities.

Policy VC1 'Main town centre uses and retail hierarchy' states that the city centre and town centres will be the principal locations for major retail, leisure, entertainment, cultural facilities and services.

Saved Policy SA55B.1 of the Unitary Development Plan (UDP) states that the City Council will encourage the continued development of the Sunnyside area as a lively, mixed-use, urban quarter with a high quality physical environment. It states that various uses including housing already contribute significantly to the character of the Sunnyside area, and that they should remain prominent. It states that new development should be of a scale and design that would complement the existing scale and character which prevails within Sunnyside.

Paragraph 86 of the National Planning Policy Framework (NPPF) (July 2021) states that planning policies should f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The application site is located within the existing built up urban area. The proposed development would contribute to meeting a housing need, in a sustainable location with good access to public transport given that it is in a City Centre location. It would contribute to the residential offer in the City Centre and contribute to its wider mixed-use nature.

It is considered that the proposed development would accord with Policy SP1 and Policy SP2 of the adopted CSDP and saved Policy SA55B.1 of the UDP. It would also not conflict with the objectives of Policy VC1 of the adopted CSDP.

Housing Policies

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

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location and that dwellings on developments of 10 or more should meet building regulations in relation to accessible and adaptable dwellings. It also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing.

The application site is considered to be a windfall site. It would provide an acceptable density of development at this location, and it would contribute to meeting affordable housing needs providing a housing type, tenure and size that would be appropriate for this location. The proposed bungalows would be designed to be accessible and adaptable in accordance with building regulations, and would provide a choice of suitable accommodation for older people.

The proposed development is described as being a scheme providing solely social housing. However only two bungalows are required to be classed as affordable dwellings (15% of the development) in order to make the development acceptable. The applicant has entered into a Section 106 agreement with the Council which confirms that the proposed development would deliver two affordable dwellings in accordance with Policy H2 of the adopted CSDP.

Subject to the completion of a Section 106 legal agreement to secure the provision of two affordable dwellings, it is considered that the proposed development would accord with Policy SP8, Policy H1 and Policy H2 of the adopted CSDP.

Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity, and on non-designated heritage assets

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- Create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- Be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- Deliver acceptable standards of amenity;
- Promote natural surveillance;
- Clearly distinguish between public and private spaces;
- Create visually attractive and legible environments;
- Maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- Not detract from important views of buildings, structures and landscape features;
- Create safe, convenient and visually attractive areas for servicing and parking;
- Maximise durability and adaptability throughout the lifetime of the development;

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets (including non-designated heritage assets) based on their significance in accordance with national policy, and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

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

The Council's Development Management Supplementary Planning Document (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

Paragraph 126 of the NPPF (July 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF 2021 states that the National Design Guide and the National Model Design Guide should be used to guide decisions on applications in the absence of local produced design guides or design codes. Paragraph 203 of the NPPF (July 2021) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's Conservation Team have stated that they have no objections to the proposal in relation to its impact on any non-designated heritage assets including the attractive Emmanuel Community Church which is within close proximity to the application site.

It is considered that the proposed development would deliver an acceptable small housing scheme (meeting national spacing standards) which would relate well to its surroundings, and which would provide residents with reasonable living conditions. The proposed development would be of an acceptable density, with the proposed bungalows being of an acceptable scale, massing, layout, appearance and setting which would respect and enhance the positive qualities of nearby properties and the locality. They would be constructed in acceptable external building materials which would complement the existing built form in the vicinity.

Boundary treatments throughout the development would be acceptable, including low 0.9 metre high metal powder coated railings to the front adjacent to Hudson Road, brick walls and roller shutters to the rear and a 1.8 metre high fence to the sides. Hardstanding of tarmac and grey paving slabs would also be acceptable.

It is recommended that a condition be attached to any planning permission to control that the proposed bungalows, boundary treatments and hard landscaping be constructed in accordance with the external building materials / details as specified on submitted drawings. A condition is also recommended to require proposed bin stores for each dwelling to be completed on-site and retained henceforth for their designated purpose.

A condition is recommended to require the proposed development to be constructed in accordance with the ground levels and finished floor levels as detailed on submitted drawings.

With regard to sustainability, the applicant's Design and Access Statement has stated that all materials would be sourced locally to minimise impacts on the environment. The bungalows would be designed to current Building Control standards, and wherever possible selected construction elements would have a low embodied energy and offer good opportunities for recycling at end of life. It is therefore considered that the proposed development would incorporate sustainable design and construction.

Northumbria Police have raised no objections to the proposed development following the inclusion of a 1.8 metre high timber gate to the front of the alleyway between Plots 6 and 7.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact, and impact on the non-designated heritage asset. As such it would accord with Policy BH1, Policy BH2, Policy BH7 and Policy BH8 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (July 2021).

3. Impact on residential amenity

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

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

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

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

The nearest neighbouring residential properties to the application site are positioned to the north, namely 23, 24, 25, 26 and 27 Hudson Road. The main front elevations of the proposed bungalows on plots 1-6 would be positioned approximately 16.5 metres from the main front elevations of these dwellings to the north.

A 16.5 metre separation distance is below the spacing thresholds as set out within the Council's Development Management SPD. However, there is a public road and two public footpaths positioned between the existing dwellings and the proposed bungalows. The front windows of existing dwellings facing the application site are already overlooked at ground floor from the public domain. The same would be the case for the proposed bungalows. It is therefore considered that the proposed bungalows would have no unacceptable impacts on the amenities of the occupiers of existing dwellings in relation to privacy. Future occupiers of the proposed bungalows would also be afforded an acceptable level of privacy.

Given separation distances, it is considered that the proposed bungalows would have no unacceptable impacts on the amenities of the occupiers of existing dwellings in relation to outlook and over dominance, or overshadowing. It should also be noted that no representations have been received from the owner / occupiers of any neighbouring properties. Future occupiers of the proposed bungalows would also have no unacceptable impacts in relation to outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development in principle. However, they have suggested that a condition should be attached to any planning permission to require the submission of a noise assessment. This is because specific site layout / specifications relating to the building envelope (e.g. glazing and ventilation) must be informed by the outcome of a noise assessment. The original condition suggested by the Council's Environmental Health Officer was worded 'prior to the commencement of the development hereby permitted'. However, following further discussions with the Council's Environmental Health Officer it was agreed that it should be worded 'prior to the occupation of the development hereby permitted' given that noise mitigation relates to future occupiers of the bungalows. It is recommended that such a condition be attached to any planning permission.

The Council's Environmental Health Officer has advised that the submitted Construction Environmental Management Plan (CEMP) and Construction Phase Plan are acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted CEMP.

The Council's Environmental Health Officer commented on the use of a crusher and piling during construction (see their consultation response summarised above). The applicant's agent has confirmed that a crusher would not be used and requested that piling (if it is to be used) be controlled by way of a condition attached to any planning permission. The Council's Environmental Health Officer subsequently advised that conditions would not be necessary in relation to these issues. A crusher notification is a requirement under the Environmental Permitting System (and so controlled by a separate regulatory regime), and it is in the applicant's own interests to address piling methodology. It is recommended that an informative be attached to any planning permission to remind the applicant of these issues.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore considered that the proposed

development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Impact on highway and pedestrian safety

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

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

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the application site is in a sustainable location with good access to public transport nodes, and that following the submission of a swept path analysis it has been demonstrated that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety (including vehicles manoeuvring into the car parking spaces to the rear). They have advised that the submitted Construction Environmental Management Plan (CEMP) is acceptable. They have advised that the storage of cycles within the curtilage of the bungalows would be acceptable, and that electrical charging points would not be necessary in this instance. They have also advised that part of the adopted highway may need stopping up, as there appear to be small parcels of adopted highway within the applicant's red line adjacent to Hudson Road.

It is recommended that a condition be attached to any planning permission to require the proposed development to be undertaken in accordance with the submitted CEMP. It is also recommended that a condition be attached to any planning permission to require the car parking spaces and bin storage areas for each bungalow to be provided, made available for use and retained henceforth for their designated purpose (prior to the development being brought into use).

It is recommended that an informative to applicant be attached to any planning permission to remind the applicant that part of the adopted highway may need to be stopped up. It is also recommended that an informative to applicant be attached to any planning permission to encourage the applicant to provide electric vehicle charging points as part of the proposed development.

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

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

The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling tariff of £557.14.

The application site is positioned within 7.2km of European designated sites. Therefore, the applicant is required to enter into a Section 106 legal agreement in order for the Council to secure the required payment (£557.14) to mitigate recreational impacts generated by the proposal. The applicant has agreed to this.

As part of the planning application an Ecological Impact Assessment by Dendra has been submitted, along with a habitat plan, and a biodiversity matrix. The Ecological Impact Assessment concludes that habitats on the site are of limited ecological value. It concludes that potential impacts of the proposed development are the loss of non-priority habitat, potential risk to disturb bird's nests during vegetation clearance (although potential bird nesting opportunities are limited to ground nesting species, which are considered unlikely in this urbanised environment), and the loss of foraging habitat for (and potential to kill) hedgehogs during vegetation clearance and site construction works. It concludes that no further survey work is recommended. It recommends that works should be undertaken outside of the bird breeding season (March to August) unless the site is checked by a suitably qualified ecologist. It recommends mitigation in relation to hedgehogs, to ensure that suitable sized gaps / holes are provided in all fencing so that the site is permeable for hedgehogs, and to ensure that construction working methods prevent the killing or injuring of hedgehogs. It recommends that compensation and enhancements measures should be undertaken through use of native species hedgerows instead of wooden fencing (where possible), grass and lawned areas being sown with native species / covered with a species rich native lawn turf, and the planting of native trees; and by provided enhancements in the form of bat and bird boxes.

The Council's Ecology advisor has raised no objections to the proposed development subject to the compliance with suggested conditions, and subject to securing the financial contribution in relation to HRA mitigation (see their consultation response summarised above).

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement for an applicant to provide 10% biodiversity net gains. However, in accordance with Policy NE2 and Paragraph 180 of the NPPF, the Local Planning Authority requires biodiversity net gains to be provided as part of a proposed development wherever possible.

In this case, the proposed development would result in the loss of biodiversity. The Council's Ecology advisor has stated that given the small size of the site, and the nature of the scheme, it is unlikely to be possible to achieve a net gain in biodiversity units on the application site. However, they have advised that based on the nature of the habitats present (species-poor grassland) and the site's very limited potential suitability to support protected species, the measures included within Section 6 of the submitted Ecological Impact Assessment will increase the site's suitability for a range of protected and notable species. Measures included within Section 6 of the Ecological Impact Assessment are:

- Mitigation measures relating to hedgehogs, with fences including suitable sized holes to allow for continued movement of hedgehogs, and construction working methods being adopted to prevent the killing or injuring of this species.
- Compensation measures - where possible using native hedgerows instead of wooden fences, sowing any open grassed and lawned areas with a species rich native grass mixture or using a species rich native lawn turf, planting of native trees, and trees / dense mixed scrub to the eastern side of the site.
- Enhancement measures relating to the installation of Swift brick nest boxes (incorporated into the bungalows or fixed to the surface) and integrated bat boxes (Schwegler bat tubes, Ibstock bat boxes or similar).

On this basis, the Council's Ecology advisor has stated that the proposed development would result in the enhancement of the site for biodiversity and so further habitat works would not be necessary.

As advised by the Council's Ecology advisor, although the proposed development would not specifically provide any net gains in biodiversity, there are opportunities within the application site to increase the site's suitability for a range of protected and notable species, as set out within Section 6 of the submitted Ecological Impact Assessment. It is therefore recommended that a condition be attached to any planning permission to require the proposed development to be undertaken / implemented in accordance with the mitigation, compensation and enhancement measures as set out within Section 6 of the Ecological Impact Assessment. As recommended by the Council's Ecology advisor, it is recommended that a condition be attached to any planning permission to require the submission of a plan confirming details of the specification and location of bat and bird boxes to be installed and the timing for their installation (prior to the commencement of development). It is also recommended that a condition be attached to any planning permission to require gaps to be created and maintained in all boundary features (13 cm by 13 cm) to ensure that the application site remains permeable to hedgehog.

In addition to the above, the financial contribution to be provided for HRA mitigation also has the potential to provide some off-site biodiversity enhancements.

The other comments made by the Council's Ecology advisor are noted. However, the habitats on the application site are non-priority habitats, and there was no evidence as part of the Ecological Impact Assessment of any bats, birds or hedgehogs (or any other protected species)

on the site. It is therefore not considered to be necessary nor reasonable to require the applicant to submit a protected species method statement.

Bats and birds are afforded statutory protection. The Ecological Impact Assessment concluded that there was no suitable habitat on the application site for bats, and no evidence of bird's nests. It is therefore not considered to be necessary nor reasonable to control the avoidance measures relating to nesting birds as set out within Section 6 of the Ecological Impact Assessment by way of a condition attached to any planning permission (as suggested by the Council's Ecology advisor). Instead, it is recommended that an informative to applicant be attached to any planning permission to remind the applicant of the statutory protection afforded to birds, and the need to undertake construction works outside of the bird breeding season (unless the site is checked by a suitably qualified ecologist).

Subject to the compliance with the recommended conditions, and subject to the compliance with the S106 legal agreement relating to HRA mitigation, it is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP, and guidance within the NPPF.

6. Impact on flooding/drainage

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

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

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

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development would reduce run-off from the site, and so reduce flooding to other areas. It states that the proposed development would connect foul discharge to the public foul sewer via existing connections. The surface water drainage strategy for the proposed development, would comprise permeable paving for hardstanding areas, and an underground attenuation structure to be adopted by Northumbrian Water.

Northumbrian Water have not provided a consultation response. The Council's Lead Local Flood Authority have raised no objections to the proposed development in relation to flooding and surface water drainage. They have recommended that a condition be attached to any planning permission relating to the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme.

Given the comments from the Council's Lead Local Flood Authority, it is considered that the surface water drainage strategy for the proposed development would be acceptable. It is recommended that the condition as suggested by the Council's Lead Local Flood Authority be attached to any planning permission.

The FRA concludes that the maximum peak foul discharge generated by the proposed development would be minimal, and so unlikely to cause any capacity concerns within the public sewer network. The proposed development connecting foul discharge to the public foul sewer via existing connections would therefore be acceptable.

It is considered that the proposed development would have no unacceptable impacts in relation to flood risk / foul and surface water drainage, subject to the discharge of and compliance with the recommended condition. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WWE5 of the adopted CSDP.

7. Impact in relation to land contamination

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

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

A Phase 1 Desk Top Study report and a Phase 2 Ground Investigation report have been submitted as part of the application. However, the Council's Contaminated Land advisors have stated that further ground investigation works are required (see their consultation response summarised above). They have therefore raised no objections to the proposed development, subject to conditions being attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report (including the details of the further ground investigation works), the submission of a remediation strategy, and the submission of a verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land advisors, it is recommended that these conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

8. Impact on archaeology

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

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

9 Greenspace

Policy NE4 'Greenspace' of the adopted CSDP seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report by requiring all major residential development to provide:

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

The planning application is for a major residential development (it exceeds 10 or more dwellings) and so useable greenspace is required on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate. In this case, given the size of the application site it would not be possible to provide useable greenspace, and so the applicant has agreed to provide a financial contribution. This will be secured via a Section 106 legal agreement.

10. Planning Obligations

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document.

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

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP, and provides guidance in relation to other policies of the adopted CSDP including Policy H2 and Policy NE4 (summarised above).

Paragraph 55 of the NPPF (July 2021) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010)):

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

As set out elsewhere in this report, the following would be required and secured via a Section 106 legal agreement:

- 15% of the development to be affordable dwellings (and so 2 of the 16 bungalows);
- £8,914.24 financial contribution for Habitat Regulations Assessment mitigation (£557.16 per dwelling).
- £1,091.52 financial contribution for improvements to alternative open space provision with the Hendon ward.

The requested financial contributions towards HRA mitigation and to upgrade open space within the Hendon ward are considered to be necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development. The affordable housing clause of the agreement sets out the applicant's commitment to delivering 15% affordable housing scheme, in accordance with Policy H2 of the adopted CSDP. As such, it is considered that these contributions would satisfy the tests set out at Paragraph 57 of the NPPF (July 2021) and Regulation 122(2) of the CIL Regulations.

The applicant has agreed to the financial contributions and provision of affordable housing provision as detailed above, and these will be secured via an agreement under Section 106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application the Section 106 legal agreement will be completed upon approval of the application under consideration.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

Conclusions

The proposed development would comprise a social housing scheme for older people (55 years and over), in a sustainable, built up City Centre location, with good access to public transport links. It would contribute to the residential offer in the City Centre and contribute to its wider mixed-use nature. It would provide an acceptable density of development, and it would contribute to meeting affordable housing needs, with two bungalows being secured as affordable via a Section 106 legal agreement. It would provide a housing type, tenure and size that would be appropriate at this location and so it would be acceptable in principle.

Subject to the compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts on any non-designated heritage asset or when viewed from the public domain.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to the submission of a noise assessment to inform site layout / specifications relating to the building envelopes (e.g. glazing and ventilation), and also to require the development to be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP). Subject to the discharge of and compliance with conditions relating to the submission of a noise assessment and a CEMP, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the bungalows with an acceptable standard of amenity.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on highway and pedestrian safety or in relation to flooding / drainage and contamination. It would have no unacceptable impacts in relation to ecology, subject to conditions to mitigate and compensate for impact on biodiversity and to provide biodiversity enhancements, and subject to a financial contribution for Habitat Regulations Assessment mitigation (in relation to European designated sites along the coast) being secured via a Section 106 legal agreement. It would also have no unacceptable impacts in relation to greenspace, subject to a financial contribution for improvements to alternative open space within the Hendon ward being secured via a Section 106 legal agreement.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document and the National Planning Policy Framework (July 2021). It is therefore considered to be an acceptable form of development.

RECOMMENDATION:

It is recommended that Members Grant planning permission, subject to the recommended schedule of conditions and the completion of a Section 106 legal agreement.

Conditions:

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

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

- Drawing No. 01 Rev * (existing site plan) received 01/11/2021
- Drawing No. 02 Rev A (proposed site plan) received 03/03/2022
- Drawing No. 03 Rev * (proposed bungalow floor plan) received 01/11/2021
- Drawing No. 04 Rev * (proposed bungalow elevation) received 01/11/2021
- Drawing No. 05 Rev A (site elevation) received 14/03/2022
- Drawing No. 04 Rev B (Proposed Drainage General Arrangement) received 21/02/2022
- Drawing No. 10 Rev * (affordable housing plan) received 04/03/2022
- Drawing including side gate elevation received 06/01/2022
- Drawing No. 100-P-001 Rev A (Swept Path Analysis) received 08/02/2022

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

3 The external building materials of the development hereby permitted shall be in accordance with the details as specified on Drawing No. 02 Rev A (proposed site plan) received 03/03/2022, Drawing No. 4 Rev * (proposed bungalow elevation) received 01/11/2021, Drawing No. 05 Rev A (site elevation) received 14/03/2022, the drawing including the side gate elevation received 06/01/2021, and with roof tiles charcoal grey in colour, rear boundary treatment of brickwork to match that of the proposed dwellings and galvanised roller shutter doors. Unless the Local Planning Authority first agrees any variation in writing.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 The development hereby permitted shall be constructed in accordance with the ground levels and finished floor levels as detailed on Drawing No. 4 Rev B (proposed Drainage General Arrangement) received 21/02/2022, read in conjunction with the off-site datum points on Drawing No. 01 Rev * (existing site plan) received 01/11/2021.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

5 Prior to the occupation of the development hereby permitted, a noise assessment together with a specification of all mitigation measures necessary (to ensure the site and

internal noise climates meet the guidelines set out in BS8233:2014 and World Health Organisation (WHO) Community Noise Guidelines, shall be submitted to and approved in writing by the Local Planning Authority, and mitigation measures shall be implemented. Where necessary the noise assessment shall incorporate an examination of noise levels associated with the operation of any external fixed plant and shall recommend suitable mitigation measures where appropriate. All mitigation measures shall then be maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of future occupiers of the proposed bungalows and occupiers of neighbouring properties in relation to noise impacts, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

6 The development hereby permitted shall be constructed in accordance with the Construction Environmental Management Plan (CEMP) V2 by MCC Homes (dated 06/01/2022) received 07/01/2022.

To ensure the environmental and traffic impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the first occupation of the development hereby permitted, the vehicle parking bays and bin storage areas, as shown on Drawing No. 02 Rev A (proposed site plan) received 03/03/2022, shall be completed on-site and made available for use. The vehicle parking bays and bin storage areas shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the commencement of the development hereby permitted, specific details of the timing of the submission of a verification report(s), which is to be carried out by a suitably qualified person, and the extent of the Sustainable Urban Drainage (SuDS) features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- o As built drawings (in dwg/shapefile format) for all SuDS components including hydrobrake - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption and maintenance including confirmation of Section 104 agreement with NWL for adoption of attenuation pipe.

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to reduce the risk of flooding, and to comply with Policy WWE2 and Policy WWE3 of the adopted Core Strategy and Development Plan.

9 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems;
 - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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

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

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

the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11", and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

13 The development hereby permitted shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures as detailed within Section 6

'Recommendations and Mitigation' of the Ecological Impact Assessment by Dendra (dated 24th February 2022) received 24/02/2022.

In order to mitigate and compensate for the proposed development resulting in a loss of biodiversity on site, to provide biodiversity enhancements on site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

14 Prior to the commencement of the development hereby permitted, a plan confirming details of the specification and location of bat and bird boxes to be installed, and the timing for their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall then be installed in accordance with the approved plan, and then retained and maintained henceforth for the lifetime of the development.

In order to provide biodiversity enhancements within the site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

15 The development hereby permitted shall include suitably sized holes / gaps (13 cm by 13 cm) within boundary treatment, to ensure that the site remains permeable to hedgehogs. These holes / gaps shall be retained and maintained henceforth for the lifetime of the development.

In order to mitigate the impact of the proposed development on hedgehogs, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

Reference No.: 21/01825/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing building and erection of 19no bungalows for the over 55's.**

Location: Princess Of Wales Centre Hylton Road Sunderland SR4 8AE

Ward: St Annes

Applicant: McCoy - MCC Homes Ltd.

Date Valid: 18 August 2021

Target Date: 17 November 2021

Introduction

The above Application for Planning Permission proposes

Demolition of existing building and erection of 19no bungalows for the over 55's.

at

Princess of Wales Centre, Hylton Road, Sunderland

The site lies to the west of the city centre, between High Barnes and Pennywell. The surrounding land uses include dwelling houses and a shopping parade to the north west. The site itself has a rectangular plan form, covering around 4,570 square metres. The site contains a redbrick one-two storey detached building recently occupied by the Alzheimer's Society. The existing access arrangements are from Hylton Road; bounded on either side by a metal railing fence.

The proposed development involves demolishing the existing building and constructing 19 one and two bedroom bungalows; each with a gross internal area of around 50-66 square metres. The proposed construction materials are indicated as being red bricks, upvc windows and concrete roof tiles. The existing access would be widened to around 5.5 metres; including a 1.8 metre footpath.

Publicity

Neighbour notifications were sent to 40 nearby properties.

Press notice (Major development): 2 September 2021.

Site notice (Major development): 10 September 2021.

Consultees

Ward Cllrs for St Annes

Chair & Vice-Chair of Planning & Highways (East)

Council consultants / officers: Archaeology (Tyne & Wear), ecology (Eco North), Environmental Health, land contamination (Watermans), Lead Local Flood Authority, Local Highway Authority, planning policy,

Regional: Ambulance Trust, Fire & Rescue, Police Architectural Liaison, Northumbrian Water

National: Highways England, Natural England,

Final Date for Receipt of Representations: **07.03.2022**

Representations

There have been two representations received which are given consideration in the report.

Policies

Core Strategy and Development Plan (2015-2033)

Supplementary Planning Document: Development Management

Comments

Principle of the Development

The Core Strategy, at policy SP1 (Development Strategy), includes wording which says that "growth and sustainable patterns of development" will be delivered by "delivering the majority of development in the Existing Urban Area" and "emphasising the need to develop in sustainable locations".

The proposed development would make a contribution towards the above policy by providing development within the Existing Urban Area. The site can also be given consideration as being sustainable lying within the built-up area of the city; close to many of the services for everyday living (such as the shopping parade just to the north west and bus routes on Hylton Road).

The Core Strategy, at policy SP4 (North Sunderland), includes wording which says that "North Sunderland will continue to be the focus for regeneration and renewal". The proposed development would make a contribution to the policy in question by developing a currently vacant site.

The Core Strategy, at policy SP8 (Housing supply and delivery), includes wording which says that "the Council will seek to exceed the minimum target of 745 net additional dwellings per year", achieved by the "development of windfall sites" and the "development of small sites". The proposed development would make a contribution to the policy in question by providing housing on a small, windfall site.

The Core Strategy, at policy H1 (Housing mix), includes wording which says that residential development should "create mixed and sustainable communities" by "contributing to meeting affordable housing needs, market housing demand and specialist housing". The policy continues by saying that residential development should provide "a mix of house types, tenures and sizes which is appropriate to its location" and should also "ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows"

The proposed development would make a contribution towards the above policy by providing 19 new build bungalows.

The Core Strategy, at policy H2 (Affordable homes), includes wording which says that any development for 10 or more dwelling houses should "provide at least 15% affordable housing" to be "provided on-site" and retained in affordable use in perpetuity". The policy also says that affordable homes should be "indistinguishable in terms of appearance from the market housing".

The proposed development would make a contribution towards the above policy by providing two affordable bungalows on site; secured via planning obligation. The affordable homes would also be the same house types as the balance of the site.

The Core Strategy, at policy ID2 (Planning obligations) includes wording which says that planning obligations "will be sought to facilitate the delivery of affordable housing". The proposed development would make a contribution to the policy in question by providing two affordable bungalows.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a "Low Carbon Framework". The Framework says "Sunderland is committed to playing its part in tackling the global climate change emergency" and that "we are proposing to embed climate change and carbon neutrality throughout our city". The Framework specifically says that

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

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

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

In the absence of any material considerations to the contrary, the principle of the proposed development accords with the relevant policies of the development plan.

Amenity

In terms of air quality, the Environmental Health Officer (EHO) has advised that "the Council has not declared any AQMAs (Air Quality Management Areas) and it is not anticipated that local air quality in the vicinity will require such action".

In terms of amenity, the Development Management Supplementary Planning Document (SPD), at section 5.23, provides standards for external distances; including that there should be a "minimum of 21m from any point of facing windows".

To the north, the proposed bungalows would be around 23 metres from the dwelling houses on the other side of Hylton Road.

To the east, the proposed bungalows (excluding the canopy to the front) would be around 22-23 metres from the gable end of 11 Halvergate Close (the northern most dwelling house when facing east), around 22-23 metres from the front of 7 & 9 Halvergate Close (the dwelling houses to the east) and would not face onto the gable of 6 Halvergate Close (the southern most dwelling house when facing east).

To the south, the proposed bungalows would be around 7.75 metres from the gable end of the dwelling house to the south (14 Hainford Close).

To the west, the proposed bungalows would be around 24-26 metres from the back of the dwelling houses on Palgrove Road.

The separation distances for the proposed development would therefore accord with the SPD; except when facing south. The matter will be given consideration in the planning balance at the conclusion of the report.

In terms of noise, the submitted Noise Statement says that there are "no existing activities surrounding the site that indicate a noise environment on the site requiring additional mitigation". The Statement continues by saying that the "layout of the scheme ensures that the closest habitable elevation is >16.0m distance from Hylton Road" and that "Standard Building Regulations will apply in terms of glazing and insulation to address the design requirements for noise"

The Environmental Health Officer (EHO) has advised that they consider the "proposed development is acceptable in principle"; subject to a condition for a submission of a site specific noise assessment (including any recommended mitigation). The EHO has also recommended a further condition for a Construction Environment Management Plan (CEMP).

In terms of material considerations, there has been a representation received which draws to attention the increased noise from demolition, building work and traffic; especially for people who work nightshifts. A further representation says that they "do not want the noise of building developments". Planning Officers would, however, draw to attention that these matters during the construction phase can be managed as best as practically possible through adherence to a CEMP; as advised in the paragraph immediately above by the EHO.

In terms of further material considerations, there has been a representation received which says that the demolition could lead to "increased risk of mice and rodents from the demolition". Planning Officers would, however, draw to attention that these matters during the construction phase can be managed as best as practically possible through adherence to a CEMP.

In terms of further material considerations, there has been a representation received from a dwelling house to the east which says that the proposed development would "obstruct day lighting coming over the area into my garden" and that they "would like no restriction on enjoying my garden front and back". Planning Officers would, however, draw to attention that the proposed development when facing eastwards accords with the separation distances specified within the Development Management SPD.

In the absence of any other material considerations to the contrary, the proposal would accord with policy HS1 (Quality of life and amenity) and HS2 (Noise-sensitive development); subject to the recommended conditions. The exception would be the distance to the property to the south, which will be given consideration in the planning balance at the end of the report.

Community Facility

The glossary of the Core Strategy defines a community facility as a "facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

Given the last known use of the site by Alzheimers Society, the provisions of policy VC5 (Protection and delivery of community facilities and local services) are therefore relevant. The policy says that community facilities and local services will be protected by

"resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses".

The text following the policy says that to justify the loss of a community facility the "Applicant will be required to provide written evidence that they have marketed the facility for at least 24 months".

The Application does not include any information covering the loss of a community facility.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy VC5 of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Design

The submitted Design and Access Statement says that the "scale of the development will be sympathetic to the immediate surroundings" and the "elevational treatment will feature quality materials". The Statement continues by saying that the "grounds of the properties will be open to give feeling of space"

The Design Statement also says that

"The bungalows have been designed to provide the floor area required under the nation space standard with HT1 being a 1 bedroomed 2 person bungalow with 50m² and HT2 being a 2 bedroomed 3 person house with 66m²."

The Police Architectural Liaison have advised that they are "content with the proposed development".

The Tyne & Wear Fire & Rescue Service have advised that they have "no objections to this proposal". They have also asked if the proposed development would be "timber framed construction" and have drawn attention to a report which comprises an excerpt from the Building Regulations. Planning Officers would advise that the matters in the immediately preceding sentence would be dealt with at the Building Regulations stage and should not be given weight in the determination of the planning application.

Planning Officers more generally consider that the proposed development would sit comfortably within the immediate context of two storey buildings and the wider built-up area.

In the absence of any material considerations to the contrary, the proposed development would accord with policy BH1 (Design quality) of the Core Strategy; subject to the recommended conditions.

Drainage

The submitted Flood Risk Assessment says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Assessment further says that "it is proposed to connect the foul discharge to the public foul sewer via the existing connections".

The submitted Surface Water Drainage Design Statement and Maintenance Plan says that there would be a storage tank partly beneath the access road with a "hydrobrake vortex flow control unit". The flow would be "significantly lower than the 10 l/s max rate stipulated by NWL (Northumbrian Water Limited)" and would "combine with the surface water flows" at a nearby manhole "creating a single combined off-site connection to the public sewer. The Statement and Plan also says that a "suitable management company will be appointed" to "undertake the inspection, repair and maintenance regime and maintenance regime for the proposed foul and surface water drainage systems"

The Lead Local Flood Authority have advised that "we are satisfied with the proposed drainage scheme, therefore it is recommended approval can be given".

Northumbrian Water have advised that they "have no issues to raise", provided the proposed development "is approved and carried out within strict accordance with the submitted document entitled Flood Risk Assessment"

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

Ecology

Planning Officers would initially draw to attention that the Natural Environment and Rural Communities Act 2006, at Section 40, says the "public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

The submitted Preliminary Ecological Appraisal says that the site has five habitat types, namely buildings, built up areas and garden, developed land, sealed surface, modified grassland and lines of trees. The Appraisal says that there are "no priority habitats and no controlled invasive plant species" and that "no impacts on statutory and non-statutory nature conservation sites are predicted". The Appraisal continues by saying that "all buildings and trees within the site were assessed as holding negligible potential to contain roosting bats".

The Appraisal further considers that the "impacts of the proposals are likely to be minimal"; albeit there could be "destruction of an active birds nest" and "loss of a small area of disused urban greenspace / community garden, of low ecological value". The Appraisal recommends mitigation; including the timing of works avoiding the bird nesting season, a wildlife friendly landscaping scheme and the provision of bird and bat boxes within buildings and trees.

The Appraisal has further undertaken a biodiversity offsetting calculation using the Defra Biodiversity Metric 2.0 which shows a "net habitat area loss of 0.11 biodiversity units (-29.7%)".

The Council's ecology consultant has advised that

"The report provides a robust assessment of the potential impacts of the proposals upon key designated sites and protected species. Further information should be provided regarding the landscape proposals and BNG (Biodiversity Net Gain) to ensure the proposed habitat retention, creation and management measures are appropriate to the scale of the impacts."

The Agent has not submitted any landscape proposed or any BNG. The matter will be given consideration in the planning balance below.

Natural England have advised that "further information required to determine impacts on designated sites". They have said a "Habitats Regulations Assessment will be required for this proposal" and "an agreed appropriate contribution towards the Strategic Access Management and Monitoring (SAMM) measures, operated by Sunderland City Council to address designated site impacts from increased recreational disturbance". They have further said "without this information, Natural England may need to object to the proposal" and "please re-consult Natural England once this information has been obtained".

Planning Officers would draw to attention that the Council has, as part of the evidence base for the draft Allocations & Designations Plan, commissioned a consultant to prepare a Recreation Mitigation Strategy. The Strategy "sets out a strategy for mitigation to address impacts resulting from new housing growth" and recommends a developer contribution per dwelling house of £557.14. The contribution would provide for a "package of mitigation measures" including "dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring". The Agent has indicated that they are willing to enter a planning obligation to secure the contribution in question. Planning Officers therefore consider that the successful completion of such a planning obligation would resolve the concerns raised by Natural England.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy NE2 of the Core Strategy; subject to the planning obligation and the recommended conditions.

Energy Efficiency

The submitted Design & Access Statement says that

"All properties will be designed to current building control standards.

Materials used in the construction will be, where possible, locally sourced and selected in order to minimise the effects on the environment. Wherever possible, selected construction elements will have a low embodied energy and offer good opportunities for recycling at end of life."

The Statement does not, however, describe any specific measures that could be secured via a planning condition.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy BH2 (Sustainable design and construction) of the Core Strategy. The matter will be given consideration in the planning balance at the end of the report.

Greenspace

The Core Strategy, at policy NE4 (Greenspace) says that the Council will "protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure" by "requiring development to contribute towards the provision of new and / or enhanced greenspace where there is an evidenced requirement".

The Greenspace Audit, submitted as part of the evidence base for the Core Strategy, says the St Anne's Ward has a low quality and quantity of amenity greenspaces.

The Application does not propose a contribution towards the improvement of local greenspace.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy NE4 of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Groundworks

The submitted Preliminary Geo-Environmental Risk Assessment says that "due to geological setting the site is not considered to be at risk of shallow coal mining related geohazards" and that groundwater "is not anticipated to be present". The Assessment says that "a risk level of low is determined appropriate for this development area"; albeit that "it would be prudent to complete a Phase 2 Ground Investigation".

The submitted Ground Investigation Report says that following intrusive works "a risk level of low to moderate is currently appropriate for this development area". The Report recommends remediation including "remove contaminated made ground" and the provision of a "clean cover system". The Report also says that "ground gas protection measures are not required".

The Council's land contamination consultant has recommended that "additional information is requested from the Applicant's consultant" for both the Phase 1 and Phase 2 report. The consultant has, however, also stated that "it is recommended that planning conditions CL01, CL02, CL03 and CL04 are included in the decision notice". These conditions relate to further characterisation of contamination (CL02), remediation and verification (CL03) and unexpected contamination (CL04).

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

Heritage

The Tyne & Wear Archaeologist has advised that the "hospital is shown on Ordnance Survey third edition map of circa 1919" and that a "basic photographic survey should be undertaken prior to the demolition of the extant 20th century structure as the structure has some social significance in terms of the history of health and social care in Sunderland".

Planning Officers would therefore draw to attention that, notwithstanding the condition recommended by the Archaeologist, the proposed development would involve the demolition of an undesignated heritage asset of social importance to the City.

In the absence of any material considerations to the contrary, the proposed development does not accord with policies BH7, BH8 and BH9 of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Highway

The submitted Design & Access Statement says that "vehicle and pedestrian access will (be) from Hylton (R)oad using existing entrance" and that the "access road will be designed and constructed to Sunderland City Council adoptable standards". The Statement also says that "6no. accessible parking bays have been included".

The Local Highway Authority have provided a series of comments which are repeated below together with a Planning Officer response *in italics* thereafter:

"Comments

It is understood that the development is to be adopted by Sunderland City Council therefore the following comments apply:

ACCESS / SECTION 38 & 278 WORKS

The existing vehicular access would require improvements to meet adoptable standards, the entrance will therefore require widening to 5.5m; footpaths internal to the development should measure 1.8m wide, costs to be met by the applicant. The applicant should be advised to contact: Graeme.Hurst@sunderland.gov.uk to discuss the highway works and Section 38 / 278 agreement with the Council.

Planning Officer response: The Agent has submitted an amended plan including a label saying "widen access to 5.5m with 1.8m wide footpath". Planning Officers understand that the Local Highway Authority considers the amended plan to meet these requirements. The balance of the paragraph immediately above can be included as an informative.

PEDESTRIAN SAFETY

A separate access should be provided into the development for pedestrians and the access should connect to pedestrian provision within the site.

Planning Officer response: The Agent has submitted an amended plan including a label saying "widen access to 5.5m with 1.8m wide footpath". Planning Officers understand that the Local Highway Authority considers the amended plan to meet these requirements.

PARKING

Parking should be in accordance with Sunderland City Council, Development Management (Supplementary Planning Document) and in addition visitor parking bays should be clearly identified on a site plan. Secure, covered cycle parking should be provided, and provision made for electric vehicles.

Planning Officer response: Planning Officers understand that the Local Highway Authority considers the parking meets these requirements.

PARKING - INTERNAL LAYOUT

Parking bays 11 - 14 appear restraint.

Planning Officer response: The Agent has submitted an amended plan which amends the parking arrangements for these spaces. Planning Officers understand that the Local Highway Authority considers that the amended plan resolves these concerns to the extent that they would not be a reason for refusing the Application.

SWEPT PATH ANALYSIS

A swept path drawing should be provided showing the turning movements of a pantechnicon within the site, (11.2m in length).

Planning Officer response: The Agent has submitted a swept path analysis and the Local Highway Authority have advised that the "drawing appears satisfactory".

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to the commencement of work on site the applicant shall submit for the approval of the LPA an environmental management plan that shall address the potential impacts of demolition and construction. The plan shall identify suitable mitigation measures in relation to noise and vibration, dust and other air pollutants, and site lighting where appropriate.

Planning Officer response: The above paragraph could be included as a condition.

Planning Officers believe the above shows that the Local Highway Authority do not have any objections to the proposed development; subject to the recommendation conditions / informatives.

Highways England, the operator of the A19, have advised that they "offer no objection".

In terms of material considerations, there has been a representation received drawing to attention that "Hylton Road is already a busy road" and that the "development could pose a risk to both residents property and residents alike with the increased risks of road traffic collisions". The representation also draws to attention existing parking problems within the area. Planning Officers would, however, draw to attention that the commentary within the highway section of the report above shows that the Local Highway Authority do not seem to have any objections to the proposed development. The Local Highway Authority have taken into account both access and parking matters.

In the absence of any other material considerations to the contrary, the proposal accords with policies ST2 and ST3; subject to the recommended conditions.

Trees

The trees running along the northern, eastern and western boundary of the site are protected by a Tree Preservation Order ("City of Sunderland Tree Preservation Order 112 at Havelock Hospital, Hylton Road, Sunderland").

The submitted Arboricultural Impact Assessment says that a "total of 15 trees were surveyed" and that 12 are of "moderate" value (i.e. trees of a moderate quality with an estimated life expectancy of at least 20 years) and three of "low value" (i.e. trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 15cm).

The Assessment continues by saying that "two moderate value trees require removal to facilitate the development" and that the "crown of all trees should be lifted to 5.2m where necessary". The Assessment also recommends mitigation including new tree planting, sensitive hardstanding construction, sensitive foundation excavation, ground protected measures and protective fencing. Planning Officers would draw to attention that the proposed development does not propose new trees planting; which means that the first suggestion in the immediately preceding sentence should not be given weight in the planning balance.

The Assessment also says that "potential post development tree / resident conflicts such as encroachment, shading, leaf fall, honeydew, etc usually arise from the erection of residential properties close to large trees" and that for the proposed development "such impacts still exists" because the "trees are of a large, mature size and will subject the dwelling to all of the potential post development impacts".

Planning Officers, in summary, would advise that the proposed development involves felling protected trees of a moderate value and that there could be post development pressure to prune and / or fell the remaining protected trees.

In the absence of any material considerations to the contrary, the proposed development does not entirely accord with policy NE3 (woodlands / hedgerows and trees) of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Summary

The principle of the proposed development accords with the relevant policies of the development plan and would provide two affordable dwelling houses (secured via planning obligation).

The table below summarises the residual impacts arising from the construction and operational phases of the proposed development; subject to the recommended conditions. The table also identifies the weight to be given to the positive and negative impacts; using the scale of negligible, minor, moderate, significant and substantial (**noted in bold**). The reasons for the weighting can be seen in the commentary following the table.

	Positive	Neutral / Negligible	Negative
Economic	Short term jobs during construction. Minor benefit Medium to long term benefit for local facilities (such as the shopping parade to the north west). Moderate benefit		
Environmental		<u>Affordable Housing</u> A policy compliant	<u>Amenity</u> Proposed development would not accord with separation

		<p>level of affordable housing has been proposed.</p> <p><u>Amenity</u> Air quality, EHO says that "Council has not declared any Air Quality Management Areas"</p> <p>Proposed development accords with separation distances with DM SPD; except for property to the south.</p> <p>Noise, EHO says "development acceptable in principle"; subject to a condition for detailed noise survey.</p> <p><u>Design</u> Proposed development sits comfortably within its context. No objections from Fire Service or Police.</p> <p><u>Drainage</u> Proposed development includes a detailed drainage system. LLFA are "satisfied with the proposed drainage" and Northumbrian Water "have no issues to raise"; both subject to conditions.</p>	<p>distances within DM SPD for property to the south. Negligible harm</p> <p><u>Ecology</u> Absence of a detailed landscape plan (for habitat retention, creation and management measures). Net loss of 0.11 biodiversity units (-29.7%). Minor harm</p> <p><u>Energy Efficiency</u> Application does not specify any measures that could be secured via planning condition. Minor harm</p> <p><u>Greenspace</u> St Anne's Ward has a low quantity and quality of amenity green space. The Application does not propose a financial contribution. Moderate harm</p> <p><u>Heritage</u> Demolition of non-designated heritage asset. Minor harm</p> <p><u>Trees</u> Felling of two protected trees of moderate quality. Potential for post development pressure to fell / prune remaining protected trees. Minor harm</p>
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		<p><u>Groundworks</u></p> <p>Ground Investigation Report finds a "low to moderate risk" and recommends remediation. The Council's land contamination consultant recommends detailed conditions.</p> <p><u>Highway</u></p> <p>Proposed development widens the existing access and provides parking / turning. The Local Highway Authority do not appear to have any objections. Highways England have said they "offer no objection".</p>	
Social	Proposal would provide bungalows. Significantly beneficial		Loss of community facility. Minor harm

The reasons for the weight given to the positive and negative aspects of the proposed development can be seen below.

In terms of the amenity for the dwelling house to the south, the property in question has one window on the gable end which appears to serve secondary space (such as a stairwell). The proposed development, as a series of bungalows, would not have the same level of impact as a two or three storey dwelling house. Planning Officers therefore consider the magnitude of the adverse impact would be **negligible**.

In terms of ecology, the concerns relate to an absence of positive features within the development; rather than any direct or indirect harm to protected or priority species. Planning Officers would draw to attention that Biodiversity Net Gain does not yet form a legal requirement. A condition seeking the submission of a detailed landscape plan can also mitigate

the extent of these concerns. Planning Officers therefore consider the magnitude of the adverse impact would be **minor**.

In terms of energy efficiency, the concerns relate to an absence of positive features beyond those required by the Building Regulations. Given that another regulatory control will still ensure a modern level of energy efficiency, Planning Officers consider the magnitude of the adverse impact would be **minor**.

In terms of greenspace, some of the proposed bungalows do not appear to have much garden space and the Ward has been identified as having a low quality and quantity of greenspace. The Application does not propose a contribution to mitigate these impacts. Planning Officers therefore consider the magnitude of the adverse impact would be **moderate**.

In terms of heritage, the balance of the hospital buildings have already been demolished. The Tyne & Wear Archaeologist has recommended a condition for a photographic survey which would mitigate the extent of these concerns. Planning Officers therefore consider the magnitude of the adverse impact would be **minor**.

In terms of trees, the proposed development includes felling of two protected trees identified as being of moderate quality. There could also be potential post development pressure for further felling / pruning from the occupiers of the proposed bungalows. Planning Officers would, however, advise that the concerns in the immediately preceding sentence could be mitigated to an extent by the recommended condition seeking details of a management company. Planning Officers therefore consider the magnitude of the impact would be **moderate**.

In terms of loss of community facility, the building has been vacant for some time and the current condition means that any potential occupier for such a use would probably need to undertake a refurbishment exercise at their own expense. Planning Officers would further draw to attention that the site lies within the built up area of the city, close to the bus services on Hylton Road; which means that existing residents and potential occupiers of the bungalows can access other community facilities. Planning Officers therefore consider the magnitude of the impact would be **minor**.

The positive impacts are generally economic and social.

In terms of the economic benefits, there would be short term jobs during construction. Given that these jobs would be short terms in nature, Planning Officers consider the magnitude of the impact would be **minor**.

There would be further economic benefit, in the form of support for local facilities thereafter (such as potential additional custom for the nearby shopping parade and passengers for bus routes). Planning Officers consider the magnitude of these longer term benefits to be **moderate**.

In terms of social benefit, these would generally be the provision of bungalows, a house type specifically sought by the housing policies within the development plan; which exceed the standards sought by the National Designated Space Standards. The submitted Design & Access Statement further says that the proposed development would "deliver accessible housing". Planning Officers would draw to attention that the weight given to these social benefits should be informed by the City Plan which says that by 2030 there will be "more and better housing", "access to equitable opportunities and life chances" and "people enjoying independent lives". Planning Officers therefore consider that the magnitude of these social benefits would be **significant**.

In summary, Planning Officers consider that the adverse impacts from the proposed development are minor / moderate; whereas the benefits are significant. The planning balance therefore indicates that planning permission should be granted.

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 Regulations 1992 (as amended), subject to

- Completion of a planning obligation for the provision of mitigation for the protected coastline and two affordable house on site;
- The draft conditions 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:
 - Proposed Drainage Layout Plan (Drawing No 04, Rev *);
 - Proposed site plan (Drawing No. 03, Rev B);
 - floor plan HT1 (Drawing No. 04, Rev *);
 - floor plan HT2 (Drawing No. 06, Rev *);
 - proposed elevations HT1 (Drawing No. 05, Rev *);
 - proposed elevations HT2 (Drawing No. 07, 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.

- 3 The construction phase of the development hereby approved shall be undertaken in accordance with the plans below
 - Tree Protection Plan, as found within Appendix 1 of the submitted Arboricultural Impact Assessment (Report ref: MCC-PofWCentre_AIA1.1)

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

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

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

- 5 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include details of how noise and vibration, lighting, dust and other airborne pollutants arising from demolition, site clearance and construction works will be controlled and mitigated.

The CEMP shall also include:

- location of site compound and materials storage areas and use of solid boundary hoardings (where required, to mitigate generation of dust and noise);
- working times; site lighting (to ensure that the positioning and rating of any floodlighting does not result in spill or glare impacting neighbouring dwellings);
- HGV routing including the avoidance of vehicle queuing and engine idling; use of fixed plant such as generator sets and compressors (including compliance with BS5228:2014 for silencers and noise enclosures);
- control of noise and vibration;
- control of dust and other airborne pollutants (including measures to control dust from masonry cutting) and to mitigate carry over of materials onto the highway (and including provision of water sprays);
- prohibition of burning of waste materials;
- contact details;
- location of sensitive receptors (including residential premises which should highlight the need for additional measures near to those premises to minimise impacts of noise and dust);
- arrangements for communication with residents.

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

Reason: To ensure, in accordance with policies HS1, ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not have an unacceptable impact upon amenity during the construction phase.

- 6 No development shall commence until a Protected Species Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate the minimisation of any residual risk of species, such as bats, being adversely affected by the proposals. The construction phase shall thereafter be undertaken in accordance with any mitigation recommended within the approved Statement.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the construction phase avoids adverse impacts upon biodiversity.

- 7 No development (other than demolition, excluding any groundworks) shall commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

- 8 No development (other than demolition, excluding any groundworks) shall commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

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

- 9 No development (other than demolition, excluding any groundworks) shall commence until specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person and the extent of the SuDS features to be covered in the report(s), have been submitted to and approved by the Local Planning Authority.

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

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

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the Core Strategy and Development Plan (2015-2033).

- 10 No development shall take place above damp proof course until a Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall report measured and predicted noise levels as they affect the proposed dwelling houses and associated amenity areas. The Assessment shall also, where the recommended internal and external noise guidelines as set out in BS8233:2014 cannot be achieved, identify suitable mitigation measures. No dwelling shall be occupied until any approved mitigation has been fully provided and thereafter retained.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved include noise mitigation.

- 11 No development shall take place above damp proof course, until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be undertaken within the first planting season following the completion of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and NE2, the development hereby approved provides high quality design and biodiversity gains.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

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

- 13 No bungalow hereby approved shall be occupied until the works, labelled as "widen access to 5.5m with 1.8m wide footpath" on the Proposed Site Plan (Drawing No 03, Rev B), have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a safe and convenient access.

- 14 No bungalow hereby approved shall be occupied until the parking and turning space, shown on the Proposed Site Plan (Drawing No 03, Rev B), have been fully provided. The parking and turning space shall thereafter be retained, kept free of obstruction and only used for parking and turning in association with the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a safe and convenient access.

- 15 No bungalow shall be occupied until the bat and bird boxes, as shown on Figure 6 found within the submitted Preliminary Ecological Appraisal (Report Ref: MCC_PofWCentre_PEA1.1), have been fully provided. The bat and bird boxes shall thereafter be retained.

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

- 16 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

17. No bungalow shall be occupied until a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the management arrangements for all areas of the site; including a maintenance programme

for the retained trees. The site shall thereafter be managed in accordance with the approved Plan.

Reason: To ensure, in accordance with policy NE3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved preserves protected trees.

18. The bungalows hereby approved shall only be occupied by those aged over 55.

Reason: To ensure (1) the occupation of the proposed development accords with the details submitted and (2) consideration can be given to whether any planning obligations would be necessary if the development were occupied by those aged under 55 (in accordance with policy ID2 of the Core Strategy and Development Plan).

Reference No.: 22/00161/LP3 Local Authority (Reg 3)

Proposal: **Construction of a new road linking Blandford Street, Brougham Street and Maritime Terrace with associated landscaping.**

Location: Land At Blandford Street Sunderland

Ward: Millfield

Applicant: Sunderland City Council

Date Valid: 17 February 2022

Target Date: 14 April 2022

PROPOSAL:

INTRODUCTION / BACKGROUND

Planning permission is sought for the construction of a new road linking Blandford Street, Broughman Street and Maritime Terrace with associated landscaping, within Sunderland City Centre.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site, which is Council owned, extends to approximately 0.0285 hectares (0.0704 acres). It is currently vacant, with high security boundary treatment adjacent to Blandford Street and Brougham Street. It previously included a retail unit as part of a terrace fronting Blandford Street, which was occupied by the retail shop Peacocks (formerly 1-4 Blandford Street). The applicant's agent has advised that the building was leased to and occupied by Peacocks at the time that it suffered excessive fire damage in early 2019. The building was then demolished following this fire damage, as it was not fit for repair, hence why the site is now vacant.

The application site is positioned between the western end of Blandford Street to the south and with Brougham Street to the north. Maritime Street runs southwards from the end of Blandford Street and connects with Holmeside. The surrounding area is predominantly commercial in nature, with 'The Bridges' shopping centre positioned to the north.

THE PROPOSED DEVELOPMENT

The proposed development is for the construction of a new road linking the west end of Blandford Street, Broughman Street and Maritime Street, and includes associated landscaping. The proposed development includes:

- New road surfacing to link Blandford Street, Broughman Street and Maritime Street as part of a wider infrastructure improvement scheme to create a one-way clockwise gyratory system within Sunderland City Centre;
- A proposed footway link between Maritime Street and Brougham Street to the east of the proposed road; and
- Landscaping to the east and west of the proposed road.

The applicant's agent has confirmed in writing that the proposed new bell mouth would be constructed in tarmac, and the footway would be constructed in paving (Kobra granite flag

paving) to match the surrounding streets. The proposed carriageway to the southern part of the application site would be of paving to match the surrounding new highway works.

The proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyratory Scheme as well as the proposed Holmeside Multi-storey Car Park (MSCP). Application details state that a separate planning application will be submitted for the proposed Homeside MSCP in due course.

The proposed gyratory system would turn traffic from Holmeside onto Maritime Street and, using the new road link, Brougham Street and Waterloo Place would become one way to create the clockwise gyratory system, returning traffic to Holmeside. The gyratory system would operate from the proposed Holmeside MSCP on the south side of Holmeside with westbound traffic from this point onwards consisting of buses, taxis, access to properties and access for loading/unloading only. The overall masterplan for improving the Holmeside infrastructure and vehicle movements, would create a more pedestrian focussed environment helping to link Sunderland Station with the taxis on Brougham Street and Blandford Street, and the new MSCP that is proposed on Holmeside.

The planning application has been supported by the following documents:

- Planning Statement by DPP Planning (dated January 2022) received 27/01/2022.
- Stage 1 Road Safety Audit Report TCF Holmeside Bus Priority & Gyratory (dated 17/01/2022) received 27/01/2022.
- Road Safety Response Report by Sunderland City Council (dated 28/01/2022) received 08/03/2022
- Transport Statement by Sunderland City Council (dated October 2021) received 08/03/2022.
- Initial Assessment of Operation Noise by NJD Environmental Associated (dated January 2022 (received 27/01/2022)
- Initial Air Quality Assessment Holmeside MSCP (dated January 2022) dated 27/01/2022.
- Archaeological Watching Brief by Archaeological Services Durham University (dated December 2021) received 27/01/2022.

PLANNING HISTORY

2020 - Planning application Ref: 20/00879/FUL approved - Formation of a new gable wall to 5 Blandford Street following the demolition of the neighbouring property.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Network Management
Network Management
Environmental Health
Planning Policy

Tyne And Wear Archaeology Officer
Nexus
Northumbria Police
Public Rights Of Way Officer
Millfield - Ward Councillor Consultation

Final Date for Receipt of Representations: **05.04.2022**

REPRESENTATIONS:

Publicity

The occupiers of neighbouring properties adjoining and to the south were sent neighbour notification letters. A site notice was posted to the south of the application site along Blandford Street, and to the north east along Brougham Street.

Application details state that the applicant has engaged with the local community as part of the proposals for the wider area.

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Tyne and Wear Archaeology Officer
- Nexus
- Northumbria Police
- Rights of Way Officer
- Three Ward Councillors

Press notice expiry date: 05/04/2022

Site notice expiry date: 28/03/2022

Neighbour notifications expiry date: 21/12/2021

Consultation expiry date: 15/03/2022

Neighbour representations

Sunderland Civic Society c/o 11 The Oaks, Sunderland, SR2 8EX

Objection for the following reasons:

- Reservations regarding whether the gyratory scheme is needed or desirable. The gyratory and specifically the link road subject of this planning application should be resisted.
- Blandford Street is pedestrianised with only limited vehicular access between the pedestrian access to The Bridges on Crowtree Road and Waterloo Place. The introduction of a cross-road link between Holmeside and Brougham Street will fragment this shopping environment (and effect its quality) and lead to a reduction in pedestrian safety.
- It will to some extent detach Blandford Street from the main shopping core and could lead to a reduction in pedestrian flows to the street.
- Over the last 30 to 40 years Blandford Street has gone from being a street of independent retailers offering a wide range of specialist outlets to a street comprising

mainly charity and discount outlets (and so has lost vitality and viability). The current proposal could speed the decline of Blandford Street, which still has a potentially important role to play within a smaller and more compact city centre.

- The application should be refused and instead a new pedestrian link to The Bridges created across the sites of 1 - 4 Blandford Street, linking to the mall which joins Brougham Street west of the application site. This would enhance the permeability of the centre for shoppers, and potentially help rejuvenate the fortunes of Blandford Street. In this scenario, the vacant site could be landscaped to provide an attractive small square, thereby adding to, rather than detracting from, the amenities of Blandford Street.
- If the proposed development is approved, the footpath currently proposed on the east side of the new road between Blandford Street and Brougham Street should be re-positioned to the west side - to improve pedestrian safety as pedestrians would cross a less busy part of Brougham Street, and also be positioned in closer proximity to the north/south mall of The Bridges.

Owner / occupier of 1, Sunderland, SR1 1AB (no specific address provided)

No vehicle tracking is provided, this needs to be included on the planning website. The Road Safety Audit should also consider the vehicle tracking.

There should be some form of Transport Assessment to support the application, as there is clearly going to be a material change to traffic flows in the area. Guidance on Transport Assessment states that if >30 vehicles in the peak hour or more than 100 per day then a Transport Assessment is required. The development creates a new road link and will generate these trips as new movements along Maritime Terrace.

This whole application is disingenuous - it is making Vine Place and Holmeside one-way - this is particularly important to bus services. This is a fundamental change to how practically all bus services operate across Sunderland - this needs significantly more consideration. It also needs to be sold honestly to the public with a full consultation of bus operators/users. What is the alternative route for eastbound bus services? There is not one. This route would be better served for eastbound services.

The Council is currently in the process of selling off the Civic Centre site to a private developer. This is a missed opportunity for the City. Whilst it is understandable that the site is being sold off for development, it must have been a requirement for that scheme to include a bus link from Cowan Terrace to Burdon Road. This could reinvigorate Park Lane interchange. If this was provided it would be understandable to make Vine Place / Holmeside one-way.

Undertake the appropriate consultation and assessment required to support the proposals. Consider this properly across a City Centre strategy. Do not miss out on the Civic Centre link road before it is too late. As a whole package there could be a positive solution here that hits the targets of this scheme without causing massive impacts on bus operators and users.

Case Officer Comment: Vehicle tracking has since been submitted, along with a Transport Statement.

Consultees

Transportation Development (the Local Highway Authority)

First representation

The proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyrotory Scheme as well as the new Holmeside Multi Storey Car Park (MSCP).

- Transport Statement (TS) - The applicant states that a Transport Statement has been provided, however there is no TS attached to this planning application, therefore the Transport Statement is required.
- Auto-track drawing - An auto-track drawing demonstrating vehicle movements should be provided for the site.
- Road safety audit - It is noted that a Stage 1 Road Safety Audit has been undertaken and the applicant should consider the items raised.
- Legal Orders - Traffic Regulation Orders may be required.

Case Officer Comments: The applicant's agent responded to the above points with the submission of an auto-track drawing, along with a response to items raised in the road safety audit. Transportation Development were subsequently re-consulted on this additional information.

Second representation

Transport Statement - It has been demonstrated that the proposed development would not have a detrimental effect on the existing transport network through Linsig modelling of the existing and proposed layouts. The collision records for the previous five years have been reviewed in the report and it is anticipated that the introduction of the gyrotory system and the omission of eastbound traffic on Holmeside would offer a significant improvement to pedestrian safety. The Transport Statement is therefore agreed with.

Stage 1 Road Safety Audit Response Report - This is agreed with.

Swept path analysis - This appears to be satisfactory

Environmental Health

Environmental Health has assessed the submitted documentation and considers that the proposed development is acceptable.

The submitted Air Quality Assessment relates to the wider highway re-organisation together with the Holmeside Multi-Storey Car Park (MSCP), and not simply the proposed development subject of this planning application. The assessment conclusion is that the proposed use of the new link road from Blandford Street to Brougham Street would have a negligible air quality impact. This is accepted.

The submitted Noise Assessment relates to the wider highway re-organisation together with the Holmeside MSCP, and not simply the proposed development subject of this planning application. The conclusion in relation to the proposed development subject of this planning application is that whilst Maritime Street exhibits an increase in noise of 3.3dBA, there are no known residential receptors in the vicinity, and the resultant noise exposure is significantly below the qualifying criteria set by the Noise Insulation Regulations of 68dB LA10 18hr. Noise Insulation Regulations assessments are a matter for the Local Highway Authority.

Planning Policy

The application site is located within the Urban Core. Policy SP2 'Urban core' of the adopted Core Strategy and Development Plan (CSDP) indicates that proposed development in the Urban Core should:

- Make improvements to connectivity and pedestrian movement in the Urban Core;
- Provide a high quality of public realm to create attractive and usable spaces;
- Protect and enhance heritage assets; and
- Ensure high standard of design that integrates well with the existing urban fabric.

Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP is considered relevant. It indicates that accessibility to and movement through the Urban Core will be enhanced by:

- Discouraging the use of streets by through vehicular traffic;
- Increasing priority for pedestrians and cyclists in the Primary Shopping Area;
- Improving the cycle network;
- Improving 'legibility' and signage for pedestrians;
- Providing for operational access for businesses;
- Improving the provision of car parks around the ring road;
- Reducing the 'barrier' effect of the ring road in relation to adjacent areas;
- Improving the attractiveness of Park Lane Interchange; and
- Working with rail industry partners to:
 - Improve the connectivity of Sunderland to other major centres; and
 - Supporting redevelopment and improvement of Sunderland Station.

In relation to the policy above, it is noted that the proposal would introduce through vehicular traffic at Maritime Street. Whilst it is recognised that the proposals would not be fully compliant with all aspects of Policy ST1, it is considered that the wider regeneration benefits from the proposals would outweigh this. The wider masterplan for this part of the City Centre would help to facilitate improvements to the wider public realm including bus priority measures on Holmeside and one way access at Brougham Street and Waterloo Place.

Policy ST2 'Local road network' and Policy ST3 'Development and transport' of the adopted CSDP are relevant policies in relation to highway impact. The design of the public realm and road should be considered against Policy BH3 'Public realm' of the adopted CSDP, and Policy BH1 'Design quality' of the adopted CSDP sets out useful planning policy in relation to design. The amenity issues associated with the proposal should be considered having regard to Policy HS1 'Quality of life and amenity' of the adopted CSDP.

Tyne and Wear Archaeology Officer

The application site is associated with the eastern extent of Maritime Place, almshouse (HER 13739) which is shown on Wood's plan of 1826. The site is also located just outside of the boundary of Bishopwearmouth Village (HER 163). An archaeological watching brief was conducted during the excavation of three geotechnical trenches at the proposed development site. No archaeological deposits were recorded, and no artefacts were recovered. Additional planned trenches were not excavated due to the presence of services and hoarding. Based upon the observations made during the archaeological monitoring undertaken during the excavations of the geotechnical trenches, and based on the scope of the proposed works, no further archaeological monitoring is required in association with the proposed works.

Lead Local Flood Authority

No comments to make in relation to flood risk and drainage.

Nexus

No response provided

Northumbria Police

No response provided

Rights of Way Officer

No response provided

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

1. Principle of the proposed development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway safety;
5. Impact on archaeology

1. Principle of the proposed development

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partner and key stakeholders will ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of

existing communities through the growth and regeneration of Sunderland's sub areas including the Urban Core, and by delivering the majority of development in Existing Urban Areas. Policy SP2 'Urban core' of the adopted CSDP states that the Urban Core will be regenerated and transformed into a vibrant and distinctive area. Development in the Urban Core should i. make improvements to connectivity and pedestrian movement in the Urban Core; and ii. provide a high quality public realm to create attractive and usable spaces.

Policy VC1 'Main town centre uses and retail hierarchy' of the adopted CSDP states that the vitality and viability of centres within network and hierarchy will be maintained, with the city centre (and town centres) being the principal locations for major retail, leisure, entertainment, cultural facilities and services.

Policy VC3 'Primary shopping areas and frontages' of the adopted CSDP states that Primary Shopping Areas should be the focus of all retail development, and that proposals for non-A1 use within primary shopping areas will normally be resisted if they would result in more than 15% of each Primary Frontage thoroughfare in Sunderland City Centre being in non-A1 retail use. It states that where proposals for non-A1 use within Primary Frontages will exceed this threshold, they will only be considered acceptable where it can be demonstrated that the premises have been vacant and marketed unsuccessfully for A1 uses for a period of at least 24 months.

Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP states that accessibility and movement through the Urban Core will be enhanced by 1. discouraging the use of streets by through-vehicle traffic; and 2 increasing priority for pedestrians and cyclists in the Primary Shopping Area.

The proposed development would seek to improve physical infrastructure to meet identified needs within the Existing Urban Area of Sunderland City Centre. It would make improvements to connectivity / pedestrian movement in the Urban Core and improve the public realm by developing a vacant site including a landscaping scheme (see 'Design and visual impact' below). It is therefore considered that the proposed development would accord with Policy SP1 'Development strategy' and Policy SP2 'Urban Core' of the adopted CSDP.

The application site is positioned within a Primary Shopping Area, with Blandford Street being a Primary Shopping Frontage. The Council's Planning Policy Officer has confirmed in writing that based on a Retail Survey conducted in the Summer of 2021, approximately 50% of this Primary Shopping Frontage thoroughfare is currently within non-A1 retail use (and so significantly more than 15%). The land use of the application site remains within Use Class A1, although it is a matter of fact that it no longer includes a retail unit.

The proposed development would have no unacceptable impacts on the existing vitality and viability of Sunderland City Centre, given that the application site does not currently include a retail unit. It would therefore not conflict with Policy VC1 of the adopted CSDP. However, the proposed development would comprise a non-retail use (a link road, footpath and associated landscaping) within the Primary Shopping Area, and along a Primary Shopping Frontage thoroughfare with significantly more than 15% being in non-A1 retail use. In addition, the applicant's agent has advised that as the application site was not previously Council owned, they cannot confirm whether or not it was marketed for other retail uses and / or for how long. To this extent the proposed development would not accord with Policy VC3 of the adopted CSDP.

The proposed development would create a link road for through-vehicle traffic, and so to this extent it would also not accord with Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP.

Notwithstanding the above policy conflicts, material considerations in the decision-making process are the fact that there is no longer a retail unit on the application site and so it no longer functions as an A1 use, and the significant benefits associated with the proposed development as part of a wider unique scheme seeking to improve connectivity / accessibility and pedestrian movement within the Urban Core of Sunderland City Centre.

The application site is required to facilitate the wider improvements to the Holmeside infrastructure and vehicle movements, including facilitating the gyratory system and bus priority measures, and it would create a more pedestrian focussed environment. It would seek to improve connectivity / accessibility within the Urban Core of Sunderland City Centre, improving pedestrian accessibility and safety, and would have the potential to attract greater footfall to Blandford Street and Brougham Street. Without the application site these wider improvements / benefits would not be possible. Whilst there would be a loss of an A1 land use along a Primary Shopping Frontage, given the benefits associated with this wider unique scheme which the proposed development forms a part, and the fact that no existing retail unit would be lost as part of the proposed development, in the planning balance it is considered that these material considerations would be sufficient to outweigh any conflict with Policy VC3 and Policy ST1 of the adopted CSDP.

Concerns have been raised in a representation in relation to the impact of the proposed development on the existing shopping environment, detaching Blandford Street from the main shopping core and as such leading to a reduction in pedestrian flows to the street. Whilst this point is noted, it is considered that providing a link between Blandford Street and Brougham Street would be more likely to increase pedestrian flows, especially given the greater connectivity with the Bridges Shopping Centre to the north.

It is considered that the proposed development would be part of a wider unique scheme that would provide significant benefits to Sunderland City Centre, and so given the material considerations set out above, in the planning balance it would be an acceptable form of development.

2. Design and visual impact

Policy BH1 'Design quality' of the adopted Core Strategy and Development Plan (CSDP) relates to design quality and advises that to achieve high quality design and positive improvement, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. Landscaping should be provided as an integral part of the development to enhance the upgrade the public realm where appropriate and viable.

Policy BH3 'Public realm' of the adopted CSDP states that proposed areas of public realm will create attractive, safe, legible, functional and accessible public spaces. They should be constructed of quality, sustainable and durable materials which enhance the surrounding context.

The proposed development would be positioned on a parcel of land which is currently not used for any purpose. It currently has an appearance which is not visually attractive when viewed from the public domain, with a high visually permeable metal fence adjacent to Brougham Street and a more solid high boundary adjacent to Blandford Street. The proposed development would remove these boundary treatments and provide a link road with landscaping. It is considered that it would provide visual enhancement to the public realm to this part of Sunderland City Centre, especially with the inclusion of the proposed landscaping.

It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the details as specified in the planning application. It is also recommended that a condition be attached to any planning permission to ensure that the landscape scheme within the planning application red line and on Council owned land adjacent to the site be implemented.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy BH1 and Policy BH3 of the adopted CSDP in relation to its design and visual impact.

3. Impact on residential amenity

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

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

No residential properties are positioned in close proximity to the application site which is primarily within a commercial area. Given the nature of the proposed development, and separation distances to nearest residential properties, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of any residential properties in relation to privacy, outlook and over dominance or overshadowing.

The Council's Environmental Health Officer has considered the submitted noise assessment and air quality assessment. They have raised no objections the proposed development in relation to noise and air quality emissions. Given the comments from the Council's Environmental Health Officer it is considered that the proposed development would have no unacceptable impacts on the amenities of any residential properties in relation to noise and air quality. It is therefore considered that the proposed development would accord with Policy HS1 and Policy BH1 of the adopted CSDP in relation to impact on residential amenity.

4. Impact on highway safety

Policy ST2 'Local road network' of the adopted CSDP states that the local road network will be protected for safe and efficient movement in accordance with the road hierarchy of i. distributor roads; ii. Category 1 roads; iii. Category 2A roads; and iv. Category 3 roads. It states that to ensure development has no unacceptable impact on the local road network, proposals must be assessed and determined against current standards for the category of road, having regard to the capacity, safety and geometry of the highway network; and that they must not create a severe impact on the safe operation of the highway network.

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

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety. They have

advised that the proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyratory Scheme as well as the new Holmeside Multi Storey Car Park. The submitted Transport Statement has demonstrated that the proposed development would have no unacceptable impacts on the existing transport network, and that the introduction of the gyratory system and the omission of eastbound traffic on Holmeside would offer a significant improvement to pedestrian safety. They have advised that the submitted Road Safety Audit and the Swept Path Analysis are acceptable, and also that Traffic Regulation Orders may be required.

A representation has been submitted (no specific address) raising concerns in relation to the proposed development. These concerns relate to information not being submitted (vehicle tracking which should be considered by the Road Safety Audit, as well as a Transport Assessment); and in relation to the wider road improvement scheme which the proposed development forms a part including the need for a full consultation with bus operators / users, and a missed opportunity for a bus link relating to the Civic Centre site. A representation has also been submitted from the Sunderland Civic Society raising concerns regarding the proposed development impacting negatively on Blandford Street in relation to pedestrian safety. They have suggested an alternative proposed development could be to create a pedestrian link (with landscaping) on the application site; or if the proposed development is granted, to re-position the footpath to the west side of the application site in the interests of pedestrian safety.

The concerns and suggestions raised in representations are noted. However, additional information has been submitted in the form of a swept path analysis and a Transport Statement, and as stated Transportation Development has raised no objections to the proposed development in relation to vehicle and pedestrian highway safety matters (agreeing with the conclusions within the submitted Transport Statement).

The alternative scheme and amendment to the current proposal suggested by the Sunderland Civic Society are noted. However, a pedestrian link across the whole of the application site would mean that the wider scheme would not be possible. The applicant's agent has also confirmed in writing that the most appropriate position for the pedestrian footpath is to the east side of the proposed link road (to position it on the west side would involve pedestrians having to cross into a loading bay and then use a narrow sub-standard footway which would not be safe).

The applicant's agent has confirmed that extensive consultation was undertaken prior to the submission of the planning application including with local bus companies. They have confirmed that local bus companies raised no concerns in relation to the wider road improvement scheme.

A link road / bus link associated with the Civic Centre site is not of relevance to the determination of this planning application, which relates to the proposed link road and associated works within the red line boundary only.

Given the comments from the Council's Transportation Development it is considered that the proposed development would cause no unacceptable impacts in relation to highway safety. It would therefore accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on Archaeology

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

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

Conclusion

The proposed development would comprise a non-retail use (a link road, footpath and associated landscaping) within the Primary Shopping Area, and along a Primary Shopping Frontage thoroughfare with significantly more than 15% being in non-A1 retail use. In addition, the applicant's agent has not been able to confirm whether or not it was marketed for other retail uses and / or for how long. To this extent the proposed development would not accord with Policy VC3 of the adopted CSDP. The proposed development would also create a link road for through-vehicle traffic, and so to this extent it would not accord with Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP.

Notwithstanding the above policy conflicts, material considerations in the decision-making process are the fact that there is no longer a retail unit on the application site and so it no longer functions as an A1 use, and the significant benefits associated with the proposed development as part of a wider unique scheme to facilitate improvements to the Holmeside infrastructure and vehicle movements.

The wider improvements to the Holmeside infrastructure and vehicle movements, would including facilitating a gyratory system and bus priority measures, and it would create a more pedestrian focussed environment. It would seek to improve connectivity / accessibility within the Urban Core of Sunderland City Centre, improve pedestrian accessibility and safety within the City Centre, and have the potential to attract greater footfall to Blandford Street and Brougham Street. Without the application site these wider improvements would not be possible. Whilst there would be a loss of an A1 land use along a Primary Shopping Frontage, given the benefits associated with this wider unique scheme (which the proposed development forms a part), and the fact that no existing retail unit would be lost as part of the proposed development, in the planning balance it is considered that these material considerations would be sufficient to outweigh any conflict with Policy VC3 and Policy ST1 of the adopted CSDP.

The proposed development would improve the appearance of this part of the public realm along Blandford Street with the inclusion of a landscape scheme, and it would have no unacceptable impacts in relation to highway safety or archaeology. The Council's Transportation Development (The Local Highway Authority) has agreed with the conclusions of the submitted Transport Statement which states that the wider scheme (which the proposed development forms a part) would provide significant improvements to pedestrian safety within the City Centre.

Overall, it is considered that the proposed development as part of a wider unique scheme to facilitate improvements to the Holmeside infrastructure and vehicle movements, would provide significant enhancements to Sunderland City Centre. It would be an acceptable form of development, and so it is recommended that planning permission be granted subject to the schedule of conditions as set out in the report.

RECOMMENDATION:

In accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), it is recommended that Members Grant Consent subject to the recommended schedule of conditions.

Conditions:

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

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

- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_058-S1 Revision P02 received 27/01/2022
- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067 S1 Revision P02 (Planning General Arrangement) received 08/03/2022
- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_068 S1 Revision P01 (Swept Path Analysis) received 08/03/2022

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

3 The development hereby permitted shall be constructed with a tarmac bell mouth road, a paved footway to match the surrounding streets, and a carriageway of block paving, as specified and illustrated on Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067-S1 Revision P02 (Planning General Arrangement) received 08/03/2022. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.

4 Prior to the development hereby permitted being brought into use, a scheme of soft landscaping (read in conjunction with indicative landscape scheme illustrated on Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067-S1 Revision P02 (Planning General Arrangement) received 08/03/2022) shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved landscape scheme shall be carried out in the first planting season following the development hereby permitted being brought into use, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

To ensure a satisfactory form of development, in the interests of visual amenity and to comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/00264/LP3 Local Authority (Reg 3)

Proposal: **Replacement of existing external hard standing area and minor public realm works comprising 2no. paddlestone walls with fixed timber bench seat and 4no. planting beds.**

Location: Land North Of Dykelands Road And West Of The A183 Whitburn Road
Seaburn Sunderland

Ward: Fulwell
Applicant: Sunderland City Council
Date Valid: 21 February 2022
Target Date: 18 April 2022

PROPOSAL:

The application proposal involves the erection of two paddlestone walls within area of public realm adjacent to the footway at the junction of Dykelands Road and Whitburn Road. Given the land level differences between the public realm area and the Dykelands Road footway the walling will have a maximum height of 1.7m but in the main will be between 0.6m and 1.05m. In terms of the length the curved wall along Dykelands Road and Whitburn Road is approximately 15m, whilst the Whitburn Road wall is approximately 10m. Hardwood timber seats are proposed to side of the walls facing into the public realm, away from coast. Alpine and crevice planting is also proposed within 4 planting beds at either ends of both sets of walls.

The application site is part of an existing hardstanded public realm area that already incorporates existing street furniture, including seated wooden tables and benches. A substation is located to the north-west separating the site from a restaurant and amusements. To the east is Whitburn Road, which is undergoing wider public realm enhancement works and which this proposal comprises part thereof. These wider public realm works benefit from being permitted development by virtue of Class A (development by highways authorities) of Part 9 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application before Members only requires planning permission as the walling, although set back by virtue of the relatively wide footways, is higher than 1m adjacent to the vehicular highway.

In conjunction with the plans, elevations and proposed materials drawings the application has also been supported by:

- Planning, Design and Access Statement;
- Flood Risk Assessment;
- Land Contamination Planning Requirements.

The Applicant and Landowner is Sunderland City Council so the application falls to be determined by Members of Planning and Highways East Committee.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Fulwell - Ward Councillor Consultation
Network Management
Northern Electric
NE Ambulance Service NHS Trust
Northumbria Police
Fire Prevention Officer
Environment Agency
Land Contamination

Final Date for Receipt of Representations: **11.04.2022**

REPRESENTATIONS:

The application has been publicised by way of neighbour notification, including Ward Cllrs, as well as the erection of a site notice. Following this consultation exercise no letters of representation have been received.

In terms of the consultee responses the following have been received:

- Northern Powergrid

Under the provisions of the Electricity Act 1989 Northern Powergrid have no objections on the provision that their rights are not affected and they will continue to enjoy rights of access to their apparatus. The Northern Powergrid included a copy of the Mains Records for the area, as well as references to key safety publications for working near their apparatus. This consultation response has been relayed to the Applicant for their information and consideration and will be again highlighted via an informative on the decision notice, should Members approve.

- Environment Agency

The EA confirmed no objections to the proposed development. The development is classed as water-compatible development which is acceptable in Flood Zones 2 and 3 and it is not considered to increase the risk of on or off-site flooding. The EA also advised the Applicant/ Local Planning Authority to liaise with the emergency planners and emergency services. This response has again been relayed to the Applicant for their information and it is understood that liaison has begun with the relevant services.

- Council's Emergency Planning Team

The Council's Emergency Planning team have commented on the proposal by highlighting that in any emergency planning, evacuation or shelter incidents arrangements and responses will be put in place on the day using the Council's standard evacuation and shelter guidance documents, including responses by the emergency services who would normally call/ lead in such instances.

- Tyne and Wear Fire and Rescue Service

The Fire Authority have responded by confirming that they have no objections, subject to the provisions detailed in their standard 'Building Regulations - B5' report/ statement. It is considered that the commentary within this report is more directed toward the construction of

buildings rather than public realm work proposed by this application proposal. Moreover, as will be detailed in the following highway considerations section, the application site is not considered to materially alter the accessibility to and from the site. Nevertheless, the Fire Authority's report has been relayed to the Applicant and will be again highlighted via an informative on the decision notice.

- Ambulance and Police:

The consultation period expires on the 11 April and any comments received shall be reported to Members at the meeting. However, considering the responses received from the consultees to date (see above) it is not anticipated that in the event that responses are received they will be of such material consequence to the consideration of the development. A development that only requires permission by virtue of its height.

- Contamination

The Council's land contamination advisor agrees with the conclusions presented in the submitted report and have recommended that conditions pertaining to the implementation and verification of the remediation strategy and reporting of any unidentified contamination, if encountered.

- Highway Engineers

The Council's highway engineers offered no objection to the application proposal.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
L_12_Promotion of the recreational and tourist potential of the coast and riverside

COMMENTS:

ISSUES TO CONSIDER

In assessing the proposal, the main issues to consider are:

1. Principle of Use
2. Amenity
3. Highway Safety
4. Contamination
5. Flood Risk and Surface Water Drainage

1. Principle of Use

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'. Saved UDP policies EN10 and L12 are relevant to the application site.

Policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality; whilst Policy L12 states that the Council will promote the recreational potential of the Coast by improving access and encouraging development which provides for the needs of visitors.

It is considered that as part of the wider public realm improvements the proposed development meets and satisfies the requirements of the above policies. It enhances the existing public realm and facilitates the improved use of the space. Consequently, from both a principle and land use perspective the application proposal is considered acceptable and in accordance with the Development Plan.

2. Amenity

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not be unacceptably impacted. Policy BH1 encourages high quality of design and positive improvement, whilst Policy BH3 seeks to ensure existing and proposed areas of public realm are well designed and accessible.

The proposed development will improve the existing public realm and hardstanded area by creating an attractive publicly accessible space that will act as a meeting/ congregating space adjacent to the junction with Dykelands Road and Whitburn Road and the nearby tourist destinations. The use of aesthetically pleasing and natural materials, both in terms of the walling, benches and landscaping will complement the more recent work undertaken elsewhere within area, echoing that found at the Dykelands Road Car Park and along the promenade.

It is therefore considered that the proposal accords with the objectives of these policies and is considered in respect of its amenity impacts.

3. Highway Safety

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode.

The Council's highway engineers have offered no observations or objections to the application proposal. The proposed walling is limited in height and is set back from the vehicular junction with Dykelands Road and Whitburn Road. The site is already enclosed by existing on street bollards along the edge of footways to the vehicular highway of Dykelands Road and Whitburn Road. It is therefore not considered that the erection of the walls will materially alter the existing highway, public realm or the accessibility of the site to pedestrians and other road users.

It is considered that the proposal is acceptable and in accordance with Policy ST3.

4. Land Contamination

CSDP Policy HS3 requires that appropriate remediation is undertaken when developing contaminated land.

The application submission was supported by a report entitled 'Land Contamination Planning Requirements'. The report confirms that the application site has been subject to desk-top and site investigation studies as part of the wider Seaburn Masterplan works. The residual land quality risks and conclusions are measures to be agreed and implemented in the event of any unidentified contamination being encountered on site, while all materials removed from site for disposal shall be subject to relevant waste legislation and Duty of Care records, and all soil/ fill materials imported shall be subject to YALPAG requirements for testing.

On review of the submitted report the Council's land contamination advisor has confirmed their agreement with the conclusions and in the event that Members are so minded it is recommended that the standard verification and unidentified contamination conditions be included on the decision notice.

5. Flood Risk and Drainage

CSDP Policy WWE2 requires that in order to understand flood risk and coastal management considerations planning applications will be required to demonstrate via a Flood Risk Assessment (FRA) that development will not increase flood risk on site or elsewhere, and if possible reduce the risk of flooding.

The submitted FRA confirms that the application site is located at the border between Flood Zones 1, 2 and 3. The report assesses the proposed development as having low probability and impact of flood risk from tidal, fluvial, artificial drainage, overland/ surface water and ground water. It notes that Cut Throat Dene is culverted below ground at the site and that the seawall is located on the opposite side of Whitburn Road. It considers that possible impact at the site of infrastructure failure if the seawall fails or if the culvert suffers blockages to be a medium impact but with a low probability of occurring, thus concluding that the scheme is a viable form of development.

In conclusion and given that the vulnerability classification of the development (amenity open space) is 'water compatible', as stated in Annex 3 of the National Planning Policy Framework and as confirmed by the EA in their consultation response, the application submission has demonstrated an acceptable form of development and is acceptable in terms of flood risk, in accordance with Policy WWE2.

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

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below as well as notes reiterating the commentary from the Environment Agency, Fire Authority and Northern Powergrid.

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below:

Conditions:

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

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

- Location Plan - Seaburn Wall, SPR-SCC-ELS-P2-DR-L-30_013 Rev C01;
- Existing Site Plan and Sections, SPR-SCC-ELS-P2-DR-L-30 014 Rev C01;

- Proposed Site Plan - Seaburn Wall, SPR-SCC-ELS-P2-DR-L-30_015 Rev C01;
- Proposed Layout Plan Sections and Elevation, Drawing No. SPR-SCC-ELS-P2-DR-L-30_016 Rev C01;
- Section 2.2 Residual Land Quality Risks and Conclusions of report 'Land Contamination Planning Requirements (doc ref. SPR-CDL-XX-XX-RP-GE-60200, 20 January 2022).

In order to ensure that the completed development accords with the scheme approved and to comply with policies BH1 and HS3 of the Core Strategy and Development Plan.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

Reference No.: 21/02941/SUB Resubmission

Proposal: **Erection of dormer bungalow including new boundary walls/ access gates. (Re-Submission)**

Location: Land At Rears Of Bede Street, Benedict Road And St Andrews Terrace
St Andrew's Terrace

Ward: St Peters
Applicant: Mr Kevin Mcvey
Date Valid: 29 December 2021
Target Date: 23 February 2022

APPLICATION SITE

The application site is a triangular shaped piece of land that sits to the rear of properties on Benedict Road and St Andrew's Terrace accessed from the rear lane of Bede Street. The western corner of the site contains a detached garage that is excluded from the application site. The remaining land has mainly reverted to grassland and has a small container placed within the south east corner of the site. The land is bounded by high brick walls to the north and east adjacent to the adjoining gardens, and a high timber fence along the rear lane boundary to the south west. The site is located within a mature residential suburb consisting mainly of rows of terraced and semi-detached two storey houses.

PROPOSAL

The proposal is for the erection of a detached bungalow with dormer windows in the roof space to provide a first floor. The property will provide an entrance hall, open plan living/kitchen space, bedroom, bathroom, and on the ground floor with one bedroom and a bathroom on the first floor. The L-shaped building will be positioned towards the north east corner of the site leaving a small amount of amenity space to the south east. Access to the site will be from the rear lane via an opening in the boundary wall leading to the car parking area towards to the south west of the site.

The application represents a resubmission of a similar application that was refused and dismissed at appeal in June 2021. The current proposal differs from that refused in that the building will be slightly wider on the east-west axis and slightly shorter on the north-south axis. The roof is now proposed to be hipped all round and the ridge has been replaced with a flat roofed section, effectively lopped, to reduce the height by 1.5m. The internal layout also differs slightly.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
Land Contamination

Network Management
Environmental Health
Northumbrian Water

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

REPRESENTATIONS:

CONSULTEE RESPONSES

Policy - no objections in principle

Land Contamination - further information required by condition

Ecology - HRA contribution required

Environmental Health - no objections

REPRESENTATIONS

Twenty-six letters of representation have been received, 19 in support of the proposal and 7 objecting to the development.

The main reasons for support for the proposal are;

- The development would make use of the land which is otherwise neglected, overgrown and used as a dumping ground,
- The development would smarten up the area,
- The development would provide a bungalow, a type of property which is in demand in the area,

The objectors' main concerns are;

- The development would be too close to the adjacent housing resulting in overshadowing of the properties,
- The development would have an overbearing impact upon and a loss of outlook from the neighbouring housing,
- The development will result in overlooking of the adjoining property windows and gardens,
- The rear lane is inadequate for additional traffic including refuse collection and service vehicles,
- The development will lead to increased demand for parking in the rear lane, resulting in a danger to other drivers and pedestrians
- The development is out of keeping with the character of the area,
- The development does not comply with the Council's residential spacing standards policies,
- The submitted traffic survey is not representative as it was carried out during Covid restrictions.
- A similar development has been refused permission previously and there are no new circumstances to allow the current proposal.

COMMENTS:

ISSUES TO CONSIDER

The proposal raises the following issues;

- Principle of development
- Highway safety
- Land contamination
- Ecology
- Design and amenity

- Principle of Development

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

In this regard, given that the surrounding area is predominantly residential in nature, the proposed development accords with the objectives of this policy.

- Highway Safety

Policy ST2 of the CSDP sets out the requirement for proposals to ensure that development has no unacceptable adverse impact on the Local Road Network.

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

In this case, one incurtilage parking space would be required for the proposed dwelling. Based on the submitted details, this would appear to be capable of being achieved.

The application was accompanied by a Highway Statement which concludes that there is no reason to believe that the development would affect the accident record for the area and that

there are no issues with the visibility at the junctions of the back lane with Benedict Road and St Andrews Terrace.

The proposed dwelling would be accessed via the adopted back lane of Bede Street. The back lane is approximately 5 metres wide, has street lighting, but however no safe pedestrian access, i.e. footpath provision, and the lane is not wide enough to provide a 1.8 metre footpath. In response to consultation on the previously refused application, the Transportation Development team commented that in terms of vehicular access it is evident that there are other vehicle accesses on the back lane and therefore the principle is acceptable. However, in terms of pedestrian access, no other properties have their main pedestrian access from the back lane. It is considered that, due to the vehicular activity on the back lane and no inter visibility between pedestrians and vehicles reversing in and out of existing accesses, this could result in unsafe conditions for pedestrians accessing the proposed dwellings as they have no alternative to using the back lane.

One of the reasons for refusal was thus that “The proposed development would lead to the attraction of vehicles to and from the site and in the absence of a safe pedestrian route to the proposed property, and by reason of the back-lane nature of the development, the development would lead to the creation of conditions hazardous to pedestrian and highway safety contrary to policy ST3 of the CSDP”.

When considering the appeal, however, the Inspector noted that “the back lane is relatively wide, has a 30mph speed limit, streetlighting and is straight, flat and has relatively good visibility. When using the access from Benedict Road, pedestrians would be required to walk along a relatively short section of the back lane. Taking these identified factors into account, combined with the findings of the submitted Highway Statement, I do not consider that pedestrians accessing the dwellings would be put at unacceptable levels of risk. I therefore conclude that the proposed development would not have an unacceptable impact on pedestrian or highway safety. It would comply with Policy ST3 of Sunderland CSDP which requires, amongst other things, that development should provide safe and convenient access for all road users and not endanger the safety of pedestrians.”

There are no new circumstances that would give cause to Officers to challenge this view, therefore the proposal is considered to be acceptable from a highway safety point of view, and in accordance with policies ST2 and ST3 of the CSDP.

- Land Contamination

Policy HS3 of the CSDP states that, when development is considered to be on contaminated land, development should: ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which could cause unacceptable risk to health or to the environment; identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and future site users are adequately quantified and addressed; ensure appropriate mitigation measures are identified and implemented which are suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

Policy M3 states that development should give consideration to hazards arising from past coal mining, in particular land instability and mine gas. Where a development is located within an area with a mining legacy, an applicant will be required to prepare and submit a Coal Mining Risk Assessment and/or carry out site investigations, as necessary.

The application was duly accompanied by a Phase 1 Desk Study report. The Environmental Health team have commented that overall, the report provides a concise and pragmatic assessment of the site. However, an UXO risk assessment should also be undertaken prior to undertaking any intrusive ground investigation. It is therefore considered appropriate for the inclusion of conditions on any forthcoming approval relating to the submission of a Phase II Ground Investigation report and if necessary, a Remediation Strategy/Verification Plan and Verification Report, in addition to a condition relating to unexpected contamination.

The proposal would therefore be in accordance with policies HS3 and M3 in this respect.

- Ecology

Policy NE2 of the CSDP requires development to demonstrate how it will provide net gains in biodiversity and avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy. It also states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

The site is identified as being within 6 km of two designated European habitat sites. In this regard it may be necessary to carry out a Habitat Regulations Assessment to accompany any planning application to determine whether the proposal would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the proposal modified to avoid any adverse effects. The LPA, as the Competent Authority, can approve the proposal only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the proposal, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

The application was accompanied by an Ecological Impact Assessment which concludes that, due to the small size of the development and the distance of the development away from the protected European habitat sites, no direct impacts are envisaged, however there is the potential for indirect impacts from increased recreation at the coast. The report proposes a financial contribution towards the Coastal Mitigation Service to mitigate against these potential impacts.

The report also recommends a series of measures to avoid negative impacts upon biodiversity, such as avoiding clearance works during the bird nesting season, and enhancement measures, such as incorporating an integrated bat box into the scheme.

In response to consultation, the Council's Ecology Team has recommended that any forthcoming approval should be subject to a suitable condition designed to secure the recommendations of the Ecological Impact Assessment report, including measures to deal with invasive non-native species, landscaping to mitigate the loss of grassland/ruderal habitat and the additional enhancement recommendations for biodiversity net gain.

Additionally, in order to address likely negative impacts on the European Sites, any forthcoming approval should be subject to a section 106 agreement to secure a financial contribution of

£557.14 per residential dwelling/unit towards the mitigation set out in the Sunderland Recreation Mitigation Strategy (to accompany the Allocations and Designations plan) November 2020.

The proposal would then be in accordance with policy NE2 of the CSDP in this respect.

- Design and Amenity

Policy BH1 of the CSDP states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

In order to achieve and retain acceptable levels of space, light and privacy, paragraph 5.23 of the Development Management Supplementary Planning Document sets out recommended standards for spacing between dwellings as follows:

- main facing windows, 1 or 2 storeys - minimum of 21m from any point of facing window;
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey;
- main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window;
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey, e.g. 3 storeys 19m.

In this case, the site lies to the rear of a number of properties that would face the new building. The dwelling is proposed to be positioned approximately 1.5m from the boundary to the north and 2m from the boundary to the east. The distances that could be achieved between the rear elevations of the existing properties and the proposed dwelling would be 10.5m to the north and 10m to the east at most, contrary to paragraph 5.23 of the Development Management Supplementary Planning Document and policy BH1 of the CSDP.

The boundary walls separating the existing properties and the application site vary in height between about 2.5m and 2.8m. The proposed dwelling would be some 2.1m high to the eaves and 5m to the ridge. The boundary wall would screen the ground floor, but approximately 2.3m - 2.5m of roof would be visible above the height of the wall.

The previous application was for a property that would reach approximately 6.5m above ground. At such close distances to the existing properties, this was considered likely to have an overbearing impact upon the occupiers of these properties, particularly when viewed from the garden areas which in some cases are only approximately 6.5m long and would also result in a loss of outlook from these properties, to the detriment of their residential and visual amenities.

The previous application was therefore also refused for the following reason; "The proposal would be detrimental to the amenities of the adjacent residential properties by reason of visual intrusion, loss of outlook, overshadowing and consequent loss of daylight and as such would be contrary to policy BH1 of the City Council's adopted Core Strategy and Development Plan and Section 10C of the Council's 'Residential Design Guide' Supplementary Planning Document."

When considering the appeal, the Inspector noted that "the development would....be clearly visible above the existing boundary treatment. Although for the most part, the roof would slope away from the surrounding properties, its pitch is such that it would appear overbearing and oppressive when viewed from the surrounding properties, particularly the gabled section which would be directly visible from 17 Benedict Road.

Due to the orientation of the proposed development positioned almost directly to the south of the properties on St Andrew's Terrace and the west of those properties on Benedict Road there would likely be a reduction in the levels of light to these properties that would cause a moderate degree of harm. I am not presented with any substantive evidence that would lead me to conclude that the impact would be to the extent that the reduction in light that would be caused would not cause harm.

Therefore, due to its height and siting, the proposed development would cause significant harm to the living conditions of the occupants of surrounding residential properties with regard to outlook and light.”

The current application has been accompanied by a Shadow and Light Report. The study uses 3D modelling to carry out shadow simulations upon 27-32 St Andrews Terrace and 15 and 17 Benedict Road. The study concludes that 27 and 28 St Andrews terrace will experience a slight change, 29-32 will experience a moderate change, whilst 15 and 17 Benedict Road will experience a moderate to severe change.

The study then looks at how the development will affect the amount of daylight and sunlight that the properties will receive using two documents, BS 8206 part 2 and Building Research Establishment (BRE) document Site layout Planning for Daylight and Sunlight - a Guide to Good Practice by PJ Littlefair. The study states that “it can be seen.....that the potential problems of over-shadowing are highlighted in all itemised buildings with building D [15 and 17 Benedict Road] potentially the worst affected”.

The vertical sky component is assessed for all properties and appears to meet the thresholds within the BRE, however only building D is assessed for the probable sunlight hours and the study concludes that “the proposed building should not significantly affect the experience of sunlight to users of the surrounding buildings”.

Whilst it is acknowledged that the hipping and lopping of the roof of the proposed building will reduce its height and its impact to some extent, the Shadow and Light Report confirms that it will still cause overshadowing of the neighbouring properties; 15 and 17 Benedict Road “will experience a moderate to severe change”. The proximity of the building to the existing properties will still result in it appearing as overbearing and oppressive and the neighbouring residents will still experience a loss of outlook.

For the reasons given above, it is therefore considered that the proposal will be detrimental to the amenities of the adjacent residential properties by reason of visual intrusion, loss of outlook, overshadowing and consequent loss of daylight, contrary to paragraph 5.23 of the Development Management Supplementary Planning Document and policy BH1 of the CSDP.

The proposal is therefore considered to be unacceptable in this regard.

The previous application was also refused for the following reason; “The design and scale of the proposed building would be out of keeping with the character of the surrounding two storey semi-detached and terraced properties. The confined nature of the plot and the character of the development are considered to be overdevelopment of the site to the detriment of the character and the visual amenities of the area, and the living conditions of the potential occupiers, and contrary to policy BH1 of the CSDP”.

The design and scale of the proposed building is not substantially different to the original proposal, albeit the internal layout has been rearranged. The Inspector found that the “proposed development would not be a key feature of the street-scene nor would it be readily seen in

conjunction with the established two storey terrace and semi-detached properties... Although the proposed development would depart from the established make-up of the surrounding area, for the reasons outlined above, I do not find that it would cause unacceptable harm”.

Additionally, the Inspector considered “that the proposed development would provide acceptable living conditions for future occupants with specific regard to outlook, and would, as a result, comply with the requirement of Policy BH1 of the Sunderland CSDP that developments ensure a good standard of amenity for all existing and future occupiers of land and buildings”.

The proposal does not differ significantly in this respect and there are no new circumstances that would give cause Officers to challenge this view, therefore the proposal is considered to be acceptable in terms of its impact upon the character and the visual amenities of the area, and the living conditions of the potential occupiers, in accordance with policy BH1 of the CSDP.

CONCLUSION

The proposed development has been found to be acceptable in principle and, subject to suitable conditions and a legal agreement, capable of being acceptable in terms of ecology and land contamination issues. It should provide acceptable living conditions for future occupants and is not considered to result in an overdevelopment of the site. The development is also unlikely to result in conditions that are prejudicial to pedestrian and highway safety.

However, it is considered that it will result in the overshadowing of and a loss of outlook from the neighbouring properties, to the detriment of the residential amenities of those occupiers.

The proposal is thus considered to be unacceptable and Members are therefore recommended to refuse planning permission for the reasons set out below.

RECOMMENDATION: REFUSE the application for the reason given below:

Reasons:

1 The proposal would be detrimental to the amenities of the adjacent residential properties by reason of visual intrusion, loss of outlook, overshadowing and consequent loss of daylight and as such would be contrary to policy BH1 of the City Council's adopted Core Strategy and Development Plan and paragraph 5.23 of the Development Management Supplementary Planning Document.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00091/FUL	Matthew Gray	Demolition of existing petrol filling station and convenience store. Erection of a new convenience store with associated works and access.	31/01/2022	28/03/2022
Barnes	Grindon Broadway Service Station The Broadway Grindon Sunderland and SR4 8LP			
22/00293/FUL	Mr Carlo Franchi	Proposed change of use from C3 to C4	01/03/2022	26/04/2022
Barnes	21 Hawarden Crescent Sunderland SR4 7NQ			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00355/FUL	Mr Derek Butler - ROC Family Support Limited	Change of use from residential (C3) to residential children's home (C2) and demolition of garage.	04/03/2022	29/04/2022
Doxford	Fir Tree Lodge Hall Drive Silksworth Sunderland SR3 2PG			
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road Seaburn SR6 8AD			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00208/PSI	Monkwearmouth Developments Ltd	Demolition of existing buildings and full planning permission for the	08/02/2022	21/04/2022
Fulwell	Monkwearmouth HospitalNewcastle RoadSunderland	construction of a Public Service Infrastructure (Class E Office) development with ancillary cafe and new surface level car park, with associated landscape and infrastructure proposals. (Resubmission)		
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper MillOcean RoadSunderland			
19/02053/FUL	Mr Stephen Treanor	Change of use from offices (Use Class B1) to 10 no. student apartments; subject to condition 3 which prevents any other occupation of the building without the prior consent of the Local Planning Authority	17/12/2019	17/03/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/02054/LBC	Mr Stephen Treanor 25 John StreetCity CentreSunderlandSR1 1JG	Internal works to facilitate change of use to 10 student apartments.	05/12/2019	30/01/2020
Hendon				
21/02435/FUL	MR VAS MUKHTAR Rowlandson House 1 And 2Rowlandson TerraceSunderlandSR2 7SU	Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.	18/10/2021	13/12/2021
Hendon				
21/01645/FUL	Mr A Swallowwell 59 Fawcett StreetSunderlandSR1 1SE	Proposed conversion of first, second floor and roof space to facilitate 14no residential apartments, including rear extension to increase roof space, new rear fenestration, glazed roof lanterns, new rooflights and street fronting access.	12/07/2021	11/10/2021
Millfield				

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00173/FU4	Siglion Developments LLP	Detailed planning application comprising 16 no. residential units with associated landscaping and access.	18/02/2022	20/05/2022
Millfield	Land To The North Of Saint Marys Way City Centre Sunderland			
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00531/FUL	Tim Witty - UK Land Estates	Erection of two units selling food and drink (within Use Classes E(a) and Class E(b)), with associated access arrangements, landscaping and car parking.	11/03/2022	06/05/2022
St Annes	Pennywell Industrial Estate Sunderland			
22/00399/FUL	Euro Garages Limited	Demolition of existing petrol station and construction of a drive through restaurant and associated works.	16/02/2022	13/04/2022
St Michaels	Barnes Service Station Durham Road Sunderland SR2 7RB			
22/00192/FUL	MTA Land Investments Ltd	Conversion of restaurant (Use Class E(b)) to provide student accommodation with 15no. studios and 1no. accessible studio, and 1no shopping unit (Use Class E(a)), with external alterations to the elevations.	01/03/2022	31/05/2022
St Michaels	Former Louis Cafe Park Lane City Centre Sunderland SR1 3NX			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00488/LP3	Sunderland City Council	Change of use of existing open space for the siting of a storage unit for beach wheelchairs to include hardstanding and ramped access.	08/03/2022	03/05/2022
St Peters	Land Adjacent To Adventure Sunderland Marine Walk Sunderland Roker S R6 0PL			
21/01001/FU4	Bernicia	Erection of 69no affordable homes with associated infrastructure and landscaping (additional landscaping and drainage info received).	26/04/2021	26/07/2021
Silksworth	Land East Of Primate Road Sunderland			
21/02627/FUL	CJ Taverns	Demolition of public house and construction of 14 dwelling houses and a three storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane	10/01/2022	11/04/2022
Silksworth	The Cavalier Silksworth Lane Sunderland SR3 1AQ			