

PLANNING AND HIGHWAYS (WEST) COMMITTEE

AGENDA

Meeting to be held in the COUNCIL CHAMBER, CITY HALL on
Tuesday 1st February 2022 at 5.30 p.m.

Membership

Cllrs Blakett, Donaghy, Fagan, Lauchlan, G. Miller (Vice Chair), Peacock, Price, Thornton
(Chair), and Warne

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	-
3.	Minutes of the meeting of the Committee held on Tuesday 4th January, 2022 (copy herewith)	1
4.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Executive Director of City Development (copy herewith).	10

Elaine Waugh,
Assistant Director of Law and Governance,
Civic Centre
SUNDERLAND

24th January, 2022

For further information and assistance, please contact Paul Wood at
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At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held in the Council Chamber, City Hall, Plater Way on TUESDAY 4th JANUARY, 2022 at 5.30 p.m.

Present:-

Councillor G. Miller in the Chair.

Councillors Blackett, Donaghy, Fagan, Lauchlan, Peacock, Price and Warne.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillor Thornton

Minutes of the last meeting of the Committee held on Tuesday 30th November 2021.

1. RESOLVED that the minutes of the last meeting of the Committee held on Tuesday 30th November, 2021 be confirmed and signed as a correct record.

Objection to The City of Sunderland (Hall Farm, Silksworth, Harraton and Oxclose Areas of Sunderland) (20MPH Speed Limit Zone)

The Executive Director of City Development submitted a report (copy circulated) to advise the Committee regarding an objection received, by the Council, in respect of the 20mph speed limit zone order for the proposed introduction of a 20mph zone that is intended in Harraton, and to request the committee to not uphold the objection that cannot be resolved within the constraints of the scheme, as set out within the report

(for copy reports – see original minutes)

Members were briefed on the public engagement in respect of the proposals carried out between 28th August 2021 and 24th September 2021. As part of the public engagement process, documents were issued to local ward councillors and all organisations on the Councils list of statutory consultees, such as the emergency services and bus operators. No objections were received.

Public engagement documents consisting of an explanation of the proposals, response form, and plan of the respective proposed scheme were issued to

all residents and businesses considered to be directly affected by the proposals.

Drawings of the proposals were shown in Appendix A of the report.

The proposals were supported by the majority of residents who returned votes. The details of the responses were;
334 consultation packs were delivered.
109 responses received a 32.6% return.
104 (95.4%) were in favour (Yes against No Votes)
3 (4.6%) were opposed. (No against Yes Votes)
2 returns were received which abstained or were indifferent

From the 17th November 2021 to the 10th December 2021 the Traffic regulation Order (TRO) for the 20mph zone was advertised both on site and in the local press. The advertisement period gives persons who may object to the scheme, the opportunity to raise their objection formally with the Council.

In response to the TRO for the 20mph zone advertisement the council received one objection to the proposal. The objector stated that they were only objecting to the 20mph zone in Harraton, and not the other 20mph zones within the order.

Members' attention was drawn to the summary of objection attached as Appendix B to the report.

The representative of the Executive Director of City Development having addressed questions from Members, consideration was given to the proposal and with the recommendations having been put to the Committee, it was:-

2. RESOLVED THAT:-

- i) The objection to the 20mph zone order, for the proposed CITY OF SUNDERLAND (HALL FARM, SILKSWORTH, HARRATON AND OXCLOSE AREAS OF SUNDERLAND) (20MPH SPEED LIMIT ZONE) not be upheld.
- ii) The objector to be notified accordingly of the decision;
- iii) The Executive Director of City Development to instruct the Assistant Director of Law and Governance to take all necessary steps to make and bring into effect the associated 20mph zone order and;
- iv) The Executive Director of City Development take all necessary action to implement the physical works associated with the 20mph speed limit zone order.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report and circulatory report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

21/01969/FU4 – Construction of three storey building to provide 72 apartments, including parking and turning space and restoration of walled garden. Land at Station Road, Penshaw, Houghton-Le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The Planning Officer informed the Committee of recent correspondence from the Department for Levelling up, Housing and Communities in which it was advised that should Members be minded to approve the Officer recommendation, it would not be approved for a further two weeks whilst the Secretary of State considered if the application should be called in.

The Chairman introduced Ms Laura Oliver, who wished to speak in objection to the proposal. Ms Oliver wished to draw the Committee's attention to the number of specific and affordable over 55s housing there already was within a 3 mile radius of the proposed development. There were 61 specific over 55s sites within 3 miles of the proposed development. 22 of these had availability when contacted, 5 had a short waiting list and 34 they were awaiting information on therefore potentially having availability.

The committee papers stated "The Council is aware that whilst there is an oversupply of sheltered housing in the City, much of this is of poor quality and there is an opportunity to provide high quality accessible accommodation for over 55s"

Ms Oliver commented that the Council themselves admit there is an oversupply of this type of accommodation and she questioned on what evidence this had been deemed as 'poor quality'. Having visited many of the other sites, the buildings were in general, purpose-built, modern and in good state of repair. Gillwood Court as an example was less than 100 metres away from the proposed development, was in good state of repair and had numerous vacant units on a regular basis.

Whilst the council suggest a condition could be attached to the build, limited occupation to over 55s, what happens when they could not fill this huge site. Would the units lay vacant and fall into disrepair as a result of this condition.

Ms Oliver referred to the Transport Statement issued by the developers which she believed was factually incorrect and no mention was given to the nearby school and the issues created by parents parking causing obstructions.

Refuse vehicles, emergency vehicles, delivery vehicles and regular traffic already struggle around this entry point. The developers own landscapers struggled and had to illegally reverse out of the street on to the main road into oncoming traffic. This needed to be urgently addressed before any proposal for this site was approved.

Ms Oliver commented that the committee report stated the application did not propose any measures for reducing traffic noise to residents of Greta Avenue / Station Road or indeed the future residents of the development. As all current sound barriers were proposed to be removed this needed to be addressed and added as a condition to the development if it were to be approved. Previous plans included sound mitigation in the form of acoustic fencing along the site perimeter with the A183 and questioned why this was not included in the current proposal.

Ms Oliver added that they were not opposed to development, but these plans were just not right for this site and went against the Councils own Core Strategy and it could not be justified when the application posed more negatives than benefits it would bring.

The Chairman introduced Ms Annika Martin, who wished to speak in objection to the proposal. Ms Martin commented that having read the numerous documents such as the Core Strategy, SHLAA, the clear policy statements for the site and the heritage privilege for Penshaw House, it was clear to her that these policies and stipulations were not being adhered to.

The Core Strategy stated that the limitation was 11 dwellings for this site yet the proposal included 84 dwellings per hectare. Ms Martin commented that there were numerous other stipulations and issues called out within the agenda report such as the Ecological Consultant advising there would be a net loss. The plans showed insufficient evidence of how this would be addressed and conditions were needed on this.

In relation to the preservation of Penshaw House, the proposal was contrary to the Core Strategy and the proposal of this type and its sheer proximity would have a severe impact upon the building.

Ms Martin also commented that she was staggered to see that Highways were using the transport statement provided by the developers and she could not see how this was an independent assessment and was surely a conflict of interest.

The Chairman advised that a Mr Damien Ogle had registered to speak in objection to the application, unfortunately Mr Ogle was unable to attend the meeting however he had requested that his written statement be read out. Ms Oliver read the statement on his behalf which stated:-

The land for Snowdrop house was purchased from the council 8 years ago with a verbal agreement that it was suitable for development provided that the plans aligned to a certain specification. Namely that Snowdrop house should;

- Be subservient to the grandiosity of the Manor house: to be designed and built in a style that would be befitting of the sites history (ie. A cottage or gatehouse as the land previously served as staff cottages to the Manor house)
- To be no higher than 1.5 stories maximum
- Bricks were to match those of an original wall opposite the Manor house
- Cast stonework, cills and lintels were chosen by the heritage officer to match the ashlar stonework of the Manor house
- All windows and doors were to be of timber construction and white in colour (coloured PVC or Aluminium was not permitted)
- Welsh slate was preferred but a good Spanish slate for the roofline was considered acceptable
- Mortar was to be flush, raked or weather-struck and ideally contain lime
- They were asked to not break the roofline with any form of dormer but we were permitted conservation style velux windows
- The land was sold to them with a covenant that prevents any additional dwellings being added to the plot. This was at the request of the council to maintain the character, spacing and proportions of the site

They were assured at the time that any properties added to the land next to the Manor house would have to follow similar principles and be subordinate to the Manor house. The previously approved plans were sympathetic to the site, of an appropriate density and had the appropriate stipulations made regarding the materials and the finish of the buildings. In passing these plans the team from English heritage and the Councils own Urban Design team referenced the appropriateness of the height, scale, design and massing in relations to the Manor house, stating that the houses and bungalows would sit comfortably in the grounds.

In reference to the recent plans from Vistry Partnerships Mr Ogle was horrified that the design scheme had even made it to the planning stage for consideration. The number of units, scale and massing of the building was incomprehensible and goes against all the former stipulations made of him and the build of Snowdrop House.

In addition, it contradicts the stipulations that the conservation team (English Heritage) and the councils own Urban Design team made in the prior successful application made by Keepmoat homes for a collection of bungalows and semi-detached properties. How could it be that such strict stipulations imposed on he, and Keepmoat homes suddenly seem to be conveniently disregarded.

As someone that wants to see the site developed, Mr Ogle put it to the Committee that the current scheme was grossly inappropriate in design and scale. Two stories would be more than sufficient and would still produce a density above the councils own recommended levels. Mr Ogle believed that the proposed building in its current guise would completely destroy the setting of the Manor house and devalue its status within the parish and wider area. A question we should all be asking is who in their right mind would purchase, develop and maintain such a property when its right up against such a hideous three-story block.

Mr Ogle asked the committee to use common sense and put the people and the community before Vistry partnership's proposal. Yes, there was a need for more housing but there was a right and wrong way to go about it, this was not the answer.

The Chairman introduced James Hall, who wished to speak on behalf of the applicant. Mr Hall advised that the proposal had been carefully considered with attempts to add visual interest to the streetscene on what was a largely vacant derelict site. The proposal was three stories but had been reduced in places to two stories in order to be sympathetic to the neighbouring properties and to try and respect Penshaw House's listing and status.

Access was to be provided from the south east via Greta Avenue and they had signed up to substantial upgrades to this entrance so they hoped this would alleviate residents concerns.

Mr Hall advised that the Housing statement set out that there was a need for accommodation for the over 55's and the developer had listened to Officers and residents during the 5 hour event that was arranged.

The site had been allocated under the emerging strategy for housing which great weight should be given to and this was a high quality scheme in a largely derelict site. The conservation officer and their own independent assessments had identified less than substantial harm to the setting of Penshaw House and there would be significant benefits from the scheme including residents enjoying the walled garden proposed and a diversified offer of housing within the city.

Mr Hall advised that the economic and social benefits for the area outweighed any negatives and requested the Committee approve the officer recommendation.

Councillor Peacock referred to the speakers comments in relation to previous applications at this site and enquired if Officers were confident that this proposal met all the current requirements.

The Planning Officer advised that with regard to previous applications, in planning terms these were defined as major developments and more complex applications have to retain a planning balance. This scheme did not accord with every policy. Pages 32-33 of the report included a table showing the

categories and the balance which needed to be made and it was considered the Economic/social benefits outweighed the negative impacts upon heritage.

Councillor Fagan commented that she understood the weighing up of the pro's and con's, however as there was an excess of accommodation within the City, her concern was what would happen if the developer struggled to get occupiers for the apartments.

Councillor Fagan also raised concerns over the number of trees proposed to be felled and enquired if there would be any planting of new trees to offset this.

The Planning Officer informed the Committee that there were certain types of applications where a developer was required to determine a need, such as retail stores, therefore a housing scheme such as this, there was no requirement for the developer to determine a need. Officers had sought the consideration of the Housing Team and it was stated (pages 18-19 of the report) that across the city there was a demand for this type of accommodation.

With regards to trees, the Planning Officer advised that the applicant had submitted a tree survey, whilst it was acknowledged the trees would not be replaced 1 for 1, within the proposed plan there would be proposed landscaping works and the restoration of the walled garden.

Councillor Blackett referred to Page 18 of the report which stated there was an opportunity to provide high quality accessible accommodation for the over 55's and queried if Vistry, which as confirmed by representatives at the meeting, was a mix of Vistry and Bovis Homes, who had a recent history of problems, if the Planning Officer could be confident that it would be a high quality of work.

The Planning Officer advised that any planning permission, if granted, would be given to the land and not the developer but in terms of quality of the accommodation the Core Strategy requires the developer to meet space standards for dwelling houses and this application has a greater level of floor space than required. In relation to Build quality on the site, the applicant had submitted a construction management plan which the Environmental Health Officer was satisfied with.

Councillor Lauchlan queried if there were plans to look at another point of access/egress as this had concerned him upon visiting the site. The applicants representative advised that there was only one single access to this site, which was Greta Avenue onto Station Road and this was getting extensive improvements to make it a two way system.

The Chairman brought Ms Martin in to request further clarification as to previous applications specific to Snowdrop House and also the 18 bungalows which had to stick to incredible stipulations around soundproofing for example, which weren't being applied to this proposal.

The Planning Officer advised that the application goes back to the Planning Balance as explained earlier with regards to the design of the scheme.

Councillor Lauchlan commented that upon visiting the site it was obvious it was ready for development but his concern was that as there would be over 72 apartments proposed, there was only 50 car parking spaces. As many homes could be 2 car household's, this could result in demand for over 100 cars.

The Highways Officer informed the Committee that they had considered the parking guidelines for a development of this type and under the national requirements, the developer was only required to provide 39 spaces so the developer was actually providing more spaces than the national requirement.

Councillor Peacock commented that it seemed a unique proposal as normally the planning reports stated that all requirements had been met and that this time it was asking Members to make a judgement and weigh up the Environmental, economical benefits despite their being a lesser need and it was being asked to look at overall benefits rather than purely on planning merits.

The Planning Officer advised that the report did identify both positive and negative aspects of the proposal and clarified that this type of development did not require the developer to demonstrate need. The Housing Team had commented that there was a need within the wider city for this type of accommodation and it was ultimately the developer's business risk if there wasn't demand.

The Chairman referred to page 34 of the report, addressing the ageing population that stated the number of older persons aged 65+ years in Sunderland was projected to increase by 42% from 2015 to 2039 and commented that having been Cabinet Member portfolio holder for Health, Housing and Adult Services he could assure that there was absolutely a need for this type of accommodation.

The Chairman also commented that it was a planning balance and wasn't always cut and dried, with local residents concerns absolutely having to be listened to and weighed up against the needs of the City.

Members having fully considered the report, the Officers recommendation was put to the vote, with 4 Members in favour and 4 Members against, the Chairman casting vote was used, therefore it was:-

3. RESOLVED that :-

Members Delegate to the Executive Director of City Development to Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to

- i) The completion of a planning obligation for the provision of 100% affordable housing.
- ii) The resolution of the outstanding matters relating to groundworks to the satisfaction of the Council's land contamination consultant (including any additional and / or amended conditions).
- iii) The 21 draft conditions contained within the report
- iv) The additional condition advised at the meeting that the Secretary of State would consider if the application was to be called in

21/02551/LP3 – Change of use from extra care housing to 1 no. dwelling house. 25 Grasmere Avenue, Easington Lane, Houghton-le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

4. RESOLVED that consent be granted under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to no representations being received within the remainder of the consultation period that raise fresh material planning considerations, and the two conditions contained within the report.

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 45-50).

5. RESOLVED that the items for information as set out in the matrix be received and noted;

The Chairman then thanked everyone for their attendance and closed the meeting.

(Signed) G. MILLER,
(Chairman)

Planning and Highways (West) Committee

1 February 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 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. 20/01309/FUL
4 Turbine Way Sunderland SR5 3NZ
2. 21/02716/LP3
Elemore Golf Club Elemore Golf Course Lorne Street Easington Lane Houghton-le-Spring DH5 0QT
3. 21/02736/LP3
Washington Town Centre Library Independence Square Washington Town Centre Washington NE38 7RZ

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 (019 561 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.

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.

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

Please note that not all of the reports will include background papers in every

category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the 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

1. Washington
Reference No.: 20/01309/FUL Full Application

Proposal: **Erection of 2no. commercial units including new vehicular access and associated parking /service areas.**

Location: 4 Turbine Way Sunderland SR5 3NZ

Ward: Washington North
Applicant: Windsor Engineering LTD
Date Valid: 11 August 2020
Target Date: 10 November 2020

PROPOSAL:

Full Planning Permission is sought for the erection 2 no. commercial buildings for uses within either of B1, B2 or B8 use classes, including new vehicular access and associated parking/services and infrastructure.

The building comprises flexible hybrid space which can be flexibly utilized for workshop / warehouse and office functions. The units have been designed as flexible employment space with warehouse / workshop space and associated offices in part over two storeys.

Office floorspace is identified as approximately 464 square metres, whilst workshop/storage space covers approximately 845 square metres.

20 car parking spaces are provided to the front, including 4 disabled spaces with a further 10 parking spaces; split between units, proposed as overflow to the rear service yard. The total provision of 32 spaces being allocated 50% to each unit. 10 no. secure, covered, cycle spaces inc 4no. secure, covered, motorcycle spaces are to be provided in the front parking area.

The site is located between the Sunderland Highway (A1231) which has a primary frontage and a Nissan test track to the north. The site is accessed

from Turbine Way which abuts Nissan way at the north western corner of the site. The Nissan plant to the north of the site, with its associated wind turbines forms a significant backdrop and terminates long distance vistas through and across the site, notably from the A19.

The overall development site covers an area of approximately 20 hectares and forms a prominent strategic location within this overall employment location. Infrastructure has been constructed within the site to create a layout suitable to accommodate a wide range of business activities in order to create a critical mass of development providing a step change in the local economic activity. The proposed application consists of a single plot (30) @ 0.962 hectares.

The proposal has been supported by the following documents:

- Design and access statement.
- Noise impact assessment.
- Air quality assessment.
- Transport assessment.
- Ecological impact assessment.
- Flood risk and drainage assessment.

TYPE OF PUBLICITY:

Press Notice Advertised 25.08.2020
Site Notice Posted 20.08.2020
Neighbour Notifications

CONSULTEES:

Flood and Coastal Group Engineer
Washington North - Ward Councillor Consultation
Environmental Health
Network Management
Planning Policy
Land Contamination

Final Date for Receipt of Representations: **13.08.2021**

REPRESENTATIONS:

Environmental Health:

Construction Environmental Management Plan: Prior to commencement of works on site a Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for agreement. The Plan shall identify potential impacts upon neighbouring premises and the local environment associated with site clearance and construction and shall identify suitable mitigation measures to minimise those impacts.

Noise from fixed plant. No external fixed plant shall be installed without first being assessed for its impact utilising BS4142:2014. Such plant shall be designed so the noise level is below or equal to the background LA90 noise level (daytime and night time) measured at the nearest sensitive receptor.

Emission to air. Prior to installation, details of any items of plant (other than for space heating) that may result in emissions to air shall be submitted to the LPA for approval. Details shall include any emission abatement equipment and external stacks necessary to achieve appropriate control and dispersion of emissions to air.

Land Contamination:

The following document has been reviewed: Report Ref. Langdale-Smith and Co Limited, Phase 1 Desk Study, Ground Contamination Investigation and Assessment, Proposed Commercial Unit(s) and Parking Development, 4 Turbine Way, Sunderland SR5 3NZ, ref 67 001, dated January 2021.

The Site plan show that a road surface connecting the site to Turbine Way will be created to accommodate HGV access and parking for 32 cars (with some amenity soft landscaping). The report comprises a Phase 1 desk study and incorporates a review of investigative works previously undertaken at the Site, which are detailed in several previously commissioned reports (outlined in Section 1.3 of the report).

Whilst no site reconnaissance visit has been undertaken by the report author, several photos sourced from previous reports indicate the site to comprise an approximately triangular parcel of what appears to be open grassland situated adjacent north of the A1231 carriageway.

Langdale-Smith has described the setting as open unused ground with irregular vegetation distribution and grassy knolls. No comment is provided as to potential sources of contamination. The report provides a tabulated site history (1856 – present) for both onsite and offsite potential sources of contamination. No historical maps are provided for the history to be verified. No potentially contaminative historical or current land uses have been identified onsite.

Several industrial and commercial land uses have been identified within the wider area (>100m from the site) including a former railway, warehouses, aerodrome, works, ambulance station and also a pond/excavation feature. The report also confirms that the construction of the A1231 road adjacent to the south was identified on the 1978-1983 mapping.

The published geology indicates the site to be underlain by superficial deposits comprising the Pelaw Clay Member, (Unproductive Strata), underlain by solid geology comprising the Pennine Middle Coal Measures Formation (mudstone, siltstone and sandstone – Secondary A Aquifer). The site is reportedly not located within a groundwater Source Protection Zone. The nearest surface water feature to the site reportedly comprises the River Wear,

approximately 500m to the southeast of the site. The report makes no mention of invasive weeds.

The unexploded ordnance (UXO) risk is not assessed. No specific consultations with the relevant departments of Sunderland City Council (SCC) & the Environment Agency have been undertaken in the preparation of the report.

Previous Reports Langdale-Smith has undertaken a review of several previously commissioned environmental reports pertaining to both the subject Site and in some cases the parcel of land to the north also. These were authored by Sirius Geotechnical & Environmental Ltd and Aspect Consulting Engineers Ltd between 2007 and 2019. Salient points from the review have been replicated below. Sirius Geotechnical & Environmental Ltd – Supplementary Investigation (2007).

- Made Ground was encountered across the Subject site, between 0.6 - 1.0 m bgl deep;
- Natural Ground is reported to consist of firm to stiff Sandy Gravelly CLAY, reaching depths of 3.7-4.0 m bgl;
- No significant groundwater table was encountered in the exploratory holes;
- No visual or olfactory evidence was noted in the exploratory holes; and
- Ash-rich made ground was recovered in WS2 and WS3 (northern and southern boundaries of the Site, respectively), which Sirius concluded might potentially contain elevated concentrations of PAHs, metals and other contaminants. Sirius Geotechnical & Environmental Ltd – Shallow Mining Investigation (2007).
- Fieldwork comprised the drilling of 9 No. rotary openhole boreholes using air-flush, to between 18.0 m bgl and 36.0 m bgl;
- Coal seams were encountered in RO1 and RO3 (no borehole plan provided) at 22.70 - 23.00 m and 31.45 - 31.85 m bgl, respectively and that, in both cases, the coal seams lie under at least 10 m of competent bedrock; and
- Sirius has concluded that even though these works have not been undertaken on the subject Site, rotary borehole RO8 was taken at approximately 40 m north-west of the northern site limit. The conclusion of this report is that it is possible that shallow mining operations may have occurred across the wider area and that the subject site forms a part of that area. We note that a Coal Authority Coal Mining Report has not been procured and included for review.

Sirius Geotechnical & Environmental Ltd – Geoenvironmental Appraisal (2014).

- The site boundary used in this investigation includes the subject Site and a parcel of land immediately to the north of the site; and
- The report specifies that the area under consideration in this report (which includes the subject site) indicates a very low gas regime, which requires no gas protection measures. We note that no justification has been provided for indicating that there is a very low risk ground gas regime at the site. Aspect Consulting Engineers Ltd – Ground Investigation Report (2019).
- Fieldwork comprised 5 No. trial holes with associated environmental sampling and laboratory analysis for 3 No. soil samples (location not

provided);

- The findings of the report state that there is generally no source of contamination at the site besides an isolated bed described as 'red shale' in Trial Hole 2 (TH2); and
- Aspect has assumed that the contaminated 'red bed' is isolated and is the only potential source of contamination and has proposed its removal as part of site remediation prior to development. A preliminary conceptual model section is included in the report, with potential sources, pathway and receptors identified. The report concludes that a moderate risk exists with regard to direct uptake pathways to future construction workers and visiting members of the public. The report proposes a focused ground investigation to determine the limits of the 'red shale' layer and to inform remediation.

Recommendations The following further information should be requested from the Applicant's Consultant:

- A complete report, including the findings of an up-to-date site walkover, and with all appendices, including historical maps, should be provided for review;
- A Coal Authority Coal Mining Report should be provided for review;
- Confirmation of the potential for invasive species or UXO to be present. No regulatory consultations have been completed to support Langdale-Smith's assessment. It would be considered prudent for the Local Authority/Environment Agency (EA) to be consulted for publicly available information.

We are in agreement that further ground investigation should be undertaken, therefore, subject to the above information being provided, it is recommended that planning conditions requiring a Phase 2 ground investigation, a Remediation Strategy, procedures for managing unexpected contamination, and an appropriate Verification Report are applied to the planning application.

Response:

An updated Ground Contamination Investigation and Assessment Phase 1 – desk study (response) dated March 2021, further to the above comments.

The Coal Authority Response: Material Consideration. I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Preliminary Appraisal Report (Desk Study) (May 2019, prepared by Sirius Geotechnical Ltd), which accompanies this planning application. The report correctly identifies that the application site may have been subject to past coal mining activity, namely probable shallow coal workings associated with a thick coal seam outcrop. Protecting the public and the environment in mining areas 2 On account of the above, and whilst the report confirms that such risks are envisaged to be low, the report confirms that the perceived low

risk should be confirmed by rotary drilling.

The applicant should ensure that the exact form of any intrusive site investigations are agreed with the Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, which may be required in order to ensure the safety and stability of the proposed development.

The Coal Authority Recommendation to the LPA. The Coal Authority concurs with the recommendations of the Preliminary Appraisal Report (Desk Study); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

2. Where the findings of the intrusive site investigations (required by condition 1 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing.

Following approval, the remedial works shall be implemented on site in complete accordance with the approved details. The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions to secure the above.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made. The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works. Protecting the public and the environment in mining areas 3 commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Lead Local Flood Authority:

With regard to 20/01309/FUL and in relation to flood risk and drainage, following the receipt of further information within the attached email dated 08/12/21, we are satisfied with the proposed drainage, therefore it is recommended approval can be given.

Ecology:

The documents provided do not clearly demonstrate a net gain of 10% in biodiversity for the proposed project. There is also a lack of consideration in relation to the loss of grassland which according to the report provided has a Priority habitat status.

Conditions: Should the authority be minded to grant planning permission the following conditions are suggested in relation to Biodiversity Net Gain.

- It is important that the Semi-improved grassland is reviewed and value accurately represented within the metric in order to have a correct baseline value to work from.
- The documents relating to Biodiversity Net Gain should be reviewed and a final report and corresponding metric spreadsheet issued which reflects the proposed plan and which addresses the comments within this response.
- In the scenario that a 10% gain cannot be achieved an appropriate financial contribution should be made to an offsetting scheme which reflects the number of units required to meet a 10% gain in biodiversity.
- A minimum 30-year Management Plan for habitat management both on and off-site with clear aims to reach target conditions. Monitoring is required, to confirm the actual habitat type and condition achieved, and hence the number of biodiversity units delivered, matches that which was predicted.

POLICIES:

CSDP policies SP1, SP3, HS1, HS2, HS3, BH1, BH2, NE2, WWE2, WWE3, WWE4, ST2 and ST3 are relevant to the consideration of the application.

CONSIDERATION OF APPLICATION

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

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

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

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

c) Approve applications that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

- Build a strong, competitive economy (section 6).
- Promote healthy and safe communities (section 8).
- Make effective use of land (section 11).
- Achieve well-designed places (section 12).

- Meet the challenge of climate change, flooding and coastal change (section 14).
- Conserve and enhance the natural environment (section 15) and
- Conserve and enhance the historic environment (section 16).

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

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

COMMENTS:

1. Principle of the Development

The Core Strategy and Development Plan (2015-2033), at policy SP1 (Development Strategy), states that:

" To support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will...develop at least 95ha of employment land"

The Core Strategy and Development Plan (2015-2033), at policy SP3 (Washington), states that

"Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland.

In order to achieve this:

1. economic growth will be focused in identified Employment Areas (Policies EG1 and EG2).

The site is located within an allocated Primary Employment Area (PEA9: Turbine Park) as defined in CSDP Policy EG1: Primary Employment Areas. It provides (at Criterion 1) that PEAs will be safeguarded for B1 (excluding B1a) B2 and B8.

The two commercial units would fall predominately within a B2 use class according to the application form (B1a = 463.5 square metres B2 = 845 square metres). Given that the majority of the internal floorspace would fall within B2, the proposal is considered to align to CSDP Policy EG1.

Although a small element of the proposal includes B1a, it is considered this

can be considered to be ancillary to the principal B2 use which takes up the majority of the floorspace. It is therefore considered the proposal is in alignment with CSDP Policy EG1.

In the absence of any material considerations to the contrary, the principle of the proposed development would accord with the development plan.

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

The application has been supported by a Noise Assessment Report and an Air Quality Assessment by AVAL dated 05.2020 to determine the necessary mitigation measures required during the construction and operational phase of the proposed development.

The reports have been separately assessed by the City Council's Public Protection and Regulatory Services Section and following noted.

Separation distances to residential suggest likely impacts will be low.

Impacts of noise on office accommodation and neighbouring business premises - addressed in Section 4 and Tables 5.1 and 5.2 of the Report. Whilst the table format appears incorrect the conclusion is accepted that exposure at nearest industrial premises will be approx. 68dB(A) due to deliveries.

Given existing character of the area and level of activity this is considered reasonable.

No notes are provided in relation to any proposed equipment to be installed in the industrial units and hence a condition shall be imposed to ensure acceptability.

With specific reference to air quality the conclusions are accepted showing that the development will not lead to any significant adverse impacts, however a condition will need to be attached requiring the submission of a Construction Environmental Management Plan (CEMP) as per the recommendations within the Assessment.

The Environmental Health Officer has advised that "the development is acceptable" and have recommended conditions ensuring the provision of any future plant are controlled (air quality and noise), along with a CEMP to safeguard amenity during construction.

Officers would also advise that the proposed development would not appear to lead to a material loss of amenity for the occupiers of nearby land and properties caused by a loss of daylight or privacy.

In the absence of any material considerations to the contrary, the proposal would accord with policies SP7 (Health and safe communities), HS1 (Quality of life and amenity) and HS2 (noise-sensitive development) of the Core

Strategy and Development Plan (2015-2033); subject to the recommended conditions.

Design

The submitted Design and Access Statement says:

“The proposed building will be a pitched portal framed structure with an underside of internal portal haunch height of 6m. This corresponds to a typical single storey building of this type with enough height to accommodate ancillary 2 storey offices within. The appearance scale and massing of the facility are all in keeping with that of the majority of the facilities constructed within the surroundings of the site.....

The main entrance core is to be constructed with polyester powder coated (PPC) glazed curtain walling and vertical sections of facing blockwork. The main entrance door is to be a PPC aluminium sliding door set within a metal cladding surround. This will frame the entrance and provide a contrast within the curtain walling to help draw attention to the location. A cantilevered glass entrance canopy is proposed to be fixed into the frame surround above the main entrance doors. A recessed area above the canopy and inside the frame will provide a designated signage zone. All signage to be under separate application in due course, as required.”

The office area of the proposed building is to be in metal-cladding and includes coated louvered profile metal cladding under the roof soffits.

Officers are of the opinion that the proposed development would sit comfortably within its context of the wider industrial estate. The plots would provide a two-storey building surrounded by parking / turning space and landscaping. Officers would recommend conditions covering the timing of landscaping works.

In the absence of any material considerations to the contrary, the proposal would accord with policies BH1 (design quality) and BH2 (sustainable design and construction) of the Core Strategy; subject to the recommended conditions.

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

The proposal has been supported by a Transport Assessment by AVAL dated 04.2020. The TA makes the following conclusion:

“the proposed development site is currently vacant and unused, the development will, involve the construction of a new warehouse with office spaces created within the warehouse. The site will also include parking spaces, footpaths and other necessary external modifications needed to ease access to the site. A total of 24 car spaces will be provided by the warehouse, with ample of space available for HGV’s to park at the sides of the warehouse. The development is intended to have a local catchment, with a

key market being people who travel via buses and cars, which is associated with people travelling to and from the proposed development site. For the reasons given in this TS, the proposed development is anticipated to only generate a tiny increase in additional vehicular traffic when compared to the existing conditions. As a result, there should be no reasons on transport, highways or servicing grounds why this proposal should not be acceptable to the determining authority.”

The Network Management Section have reviewed the supporting document and made the following comments:

ACCESS As stated within the application the proposed access to the site was approved under Planning Application ref: 19/00509/FUL. Condition 3 of the Decision Notice for this application states:

“Before the development hereby approved is commenced the details of the means of crossing the Public Right of Way shall be submitted to and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the agreed details in the interests of highway safety and to comply with policy T14 of the UDP.”

It is understood that this condition has not yet been discharged and therefore the same condition should be applied to this application should approval be granted.

PARKING The Transport Assessment (TA) submitted in support of the application states that a total of 24 car parking spaces are proposed to serve the proposed development. However, the submitted Site Plan and Design and Access Statement state that 32 parking spaces are to be provided. It is considered that the 32 spaces as shown on the Site Plan should be provided.

The proposed provision for motorcycle and cycle parking is welcomed.

It is considered that the traffic generated by the proposed development would not have a material impact on the operation of the local road network given the recent improvements that have been undertaken.

In the absence of any material considerations to the contrary, the proposal would accord with policies ST2 (local road network) and ST3 (development and transport) of the Core Strategy; subject to the recommended conditions.

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

Policy NE4 of the CSDP states that, ‘where appropriate, development must 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.

With the above in mind, and placing the concept of net gain in context, there is currently no statutory or policy requirement to deliver a set percentage of biodiversity net gains; rather, at this time, local and national policies seek to ensure that net gains can be secured.

In this case, it is considered that marginal net gains in biodiversity can be achieved by the implementation of on-site enhancement measures and this is considered acceptable in the context of current local and national policy requirements and in the context of the wider benefits of the development proposed by the planning application and its compliance with the site's allocation for new commercial development.

The Council's Ecology consultant has recommended the imposition of a series of conditions designed to secure the mitigation and enhancement measures set out by the applicant's ecology reports and biodiversity net gain proposals. These conditions are contained within the representations section of the main agenda report.

The application has been supported by an Extended Phase 1 and Protected Species Survey updated 03.2021. The report provides a summary of compensation and enhancement measures for both habitat and species mitigation which have been incorporated on supporting landscaping drawings.

In terms of habitat mitigation, new areas of species rich planting will be provided along the northern and southern site boundaries. This will include new areas of wet tolerate planting within and around the SUDs basins and calcareous grasslands in the areas surrounding the basins. Further details of the landscaping proposals are provided within the supporting drawings P-DER-1748-01 and 02. 4.17 These areas will be sympathetically maintained to prevent scrub encroachment. The management will have the effect of preventing encroachment from scrub, a process which is evident within the site at present and will ensure that the new grassland habitats created will persist in perpetuity. Over time therefore this will have the effect of ensuring that no net loss of habitat occurs, and provides opportunity for biodiversity gains as grassland habitats fully establish and mature.

With regards species mitigation, it is recommended that any future lighting scheme is designed with reference to best practice design requirements for bats and that light spill is minimised. To compensate for the small number of potential nest sites that may be lost, bird boxes will be provided within the development.

In the absence of any material considerations to the contrary, the proposal would accord with policy NE4 (Biodiversity and geodiversity) of the CSDP, subject to the imposition of the recommended conditions.

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

The submitted Drainage and Flood Risk Assessment states that the site is located in Flood Zone 1 and is away from known sources of flooding, the proposed land use is compatible with the Flood Zone, however the surface water arising from rainfall on the proposed impermeable areas presents a residual risk and requires mitigation.

To achieve this and avoid flooding of the highway located along the southern boundary and the neighbouring plots a series of attenuation ponds has been

proposed. The ponds will be located in areas not paved, these being at the northern boundary close to the site entrance and the two larger parcels of land at the south eastern and south western corners of the plot. No petrol interceptors have been specified and located at the inlet to the pond to prevent large spills of diesel or oil entering the pond and remaining underground system.

To compliment the overall landscaping for the site and biodiversity aims for the site all planting in public open space SuDS features including swales, basins, ponds and wetlands should be native to Great Britain, ideally of local provenance, and from an accredited source to avoid the introduction of alien species.

The planting objective for SUDS is to establish a robust native vegetation cover as soon as possible that will assist the drainage function and develop into a biodiversity asset. It is important not to plant invasive and vigorous colonising species that will prevent later establishment of a biodiverse wetland community. These include:

- Bulrush (*Typha latifolia*).
- Great pond sedge (*Carex riparia*).
- Reed canary grass (*Phalaris arundinacea*).
- Reed sweet-grass (*Glyceria maxima*).
- Branched bur-reed (*Sparganium erectum*).
- Common Reed (*Phragmites australis*).

Planting proposals should comprise common generalist species that are robust, easily established and give visual interest to local people. Later colonisation by locally occurring species will stabilise the habitat in a few years and contribute to local biodiversity. Note in all cases any planting where a liner has been specified the plant roots should not puncture it and must be planted in crates.

The Lead Local Flood Authority (LLFA) have advised that all elements of the drainage strategy are considered to be acceptable. In the absence of any material considerations to the contrary, the proposal would accord with policies WWE2 and WWE3 of the CSDP subject to an appropriate verification condition.

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

The submitted Phase 1 Ground Contamination Investigation and Assessment states that the current condition of the site represents significant plausible linkages resulting from the plant uptake due to the shallowness of the deposit and the significant concentration of contaminant.

The report continues via stating that a reasonable recommendation would be to conduct a focused ground investigation to determine the limits of the contaminant source in as great a detail as is reasonably practicable.

The City Council's Land Contamination consultants have advised that further

work is necessary, however development is acceptable, this position is echoed by the Coal Authority who also require additional information.

A full commentary of the technical aspects of the reports can be found in the representations section of the agenda report.

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

Conclusion

The principle of the proposed development would accord with the relevant policies found within the development plan.

The detailed impacts of the proposed development, such as impacts upon amenity, biodiversity, groundworks, drainage and highways, also accord with the relevant policies of the development plan; subject to the draft conditions below.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION: Approve subject to draft conditions listed.

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. 00-001, Location/Site Plan dated 17.01.20.

Drawing No. 01-001, Block Plan dated 02.12.18.

Drawing No. 01-002, Floor Plans as proposed dated 02.12.18.

Drawing No. 02-001, Elevations as proposed dated 02.12.18.

Drawing No. 03-001, Unit 1 Section 1 Proposed dated 02.12.18.
Drawing No. 04-001, Indicative Views dated 02.12.18.
Drawing No. 00-001, Proposed Soft Landscaping dated 17.01.20.
Drawing No. P-DER-1748-02 Rev E, External Works and Drainage.
Drawing No. P-DER-1748-01 Rev E, External Works and Drainage.

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. Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

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

writing by the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

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

5. 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.

6. 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.

7. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features in respect of that phase. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

8. Where the findings of the intrusive site investigations (required by condition 7 above) identify that coal mining legacy poses a risk to surface stability, no development shall commence within that phase until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented in complete accordance with the approved details.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

9. No phase of 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(s) shall include details of construction hours, how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. The development shall thereafter be undertaken in accordance with the approved CEMP(s).

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved would not have an unacceptable impact upon amenity.

10. No building shall be brought into use until a detailed noise assessment relating to the operation of that building, including any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises (including scale plans and elevations), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include assessment of any mechanical services, ventilation equipment or external plant. The assessment shall be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards and make reference to World Health Organisation Guideline Values for Community Noise, BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and BS 4142: 2014 Methods for rating and assessing industrial and commercial sound as appropriate. The approved mitigation shall be installed before occupation of the noise-generating building and shall thereafter be retained.

Reason: To ensure, in accordance with policy of HS2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes noise mitigation.

11. With the exception set out below, no unit shall be occupied until a verification report carried out by a qualified drainage engineer in respect of the drainage scheme for that unit and its associated hardstanding has been submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- As built drawings (in dwg/shapefile format) to include Engineering drainage layouts and for SuDS components which comprise Surface Water Attenuation Tanks, Flow control devices, Downstream Defenders, Upflow filters, Pumping Stations and Permeable Paving - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- Details of ownership organisation/adoption & maintenance.
- Individual component details to each Unit shall be submitted when available to enable partial discharge of this condition, and within three months of occupation of each unit, in the manner prescribed above to the Local Planning Authority for its written approval.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS.

12. The development hereby approved shall only be used for purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent order).

Reason: To ensure accordance with the submitted details and in accordance

with policy EG1 of the Core Strategy and Development Plan (2015-2033).

13. Site clearance works will not be undertaken during the bird nesting period (March - September inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken no more than 3 days prior to the commencement of works, in order to ensure no active nests are present which would be affected by the proposals. In the event any active nests are identified at this time, the Ecologist will implement an appropriate buffer zone around the nest into which no works will progress until the Ecologist confirms that the nest is no longer active

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

14. Works will not commence until a suitable lighting strategy (with input from a Suitably Qualified Ecologist) has been submitted to and approved in writing by the council, in order to minimise the potential impacts of the proposals (both during and following on from the completion of works) upon nocturnal species such as bats. This is to ensure the ecological benefits of the proposed habitat creation measures are maximised through the development.

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

15. A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of construction works. The plan should detail contingency measures should the biodiversity 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 BSG ecology assessment. The approved plan will be delivered in accordance with the approved details.

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

2.

Houghton

Reference No.: 21/02716/LP3 Local Authority (Reg 3)

Proposal: **Change of use of former club buildings to a community run garden centre and plant nursery with associated cafe, meeting, heritage interpretation and training facilities. Erection of 4no poly tunnels for plant nursery and plant sales and associated infrastructure/ landscaping.**

Location: Elemore Golf Club Elemore Golf Course Lorne Street
Easington Lane Houghton-le-Spring

Ward: Hetton
Applicant: Sunderland City Council
Date Valid: 30 November 2021
Target Date: 25 January 2022

CONTEXT:

The site of the former Elemore Colliery and spoil heap was reclaimed in the 1990s to allow the development of a golf course within a woodland setting. The 61-hectare site was shaped to blend in with the natural rolling landscape and featured an 18-hole golf course. The golf course is no longer in use, having closed in 2019.

The present application forms the first phase of proposals for the wider golf course area. Future proposals include the creation of a 'Heritage and Eco Country Park' including car parking, grazing areas, miniature railway, woodland planting, wetland creation, play areas and further car parking, with long term aspirations for the creation of camping and education facilities on site.

PROPOSAL:

Planning permission is sought at the former Elemore Golf Course for the change of use of former club buildings to a community run garden centre and plant nursery with associated cafe, meeting, heritage interpretation and training facilities.

To facilitate the above change of use, the existing club house building which has an internal existing footprint of 547 square metres is to be altered in layout to accommodate the following:

- a) Entrance foyer.
- b) Internal storage.
- c) Kitchen.
- d) Meeting room.
- e) WCs.
- f) Office.
- g) Internal cafe and external servery point.
- h) Vehicle and equipment store and associated office.
- j) Horticultural training room.
- k) Garden centre retail area.

The proposed poly tunnel layout will incorporate the following accommodation:

- a) 1no 3 bay 24m x 24.6m plastic skinned commercial poly tunnel with a ridge height of 4.2m.
- b) 1no 1 bay 16.4m x 8.4m rigid roof flexible sided commercial sales poly tunnel with a ridge height of 4.2m.

c) the existing palisade security fence to the service yard will be amended and extended to surround the poly tunnels.
d) a covered link will be formed between the sales poly tunnel and the garden centre retain area. e) a new suds self draining path will be formed between the existing building and the poly tunnels. f) the existing paved path to the building west and north elevation will be widened to 2.4m as access to the garden centre.

The existing building structure will not be amended as a result of the development, with the exception of the creation of 2no. pedestrian door accesses to the building. The poly tunnel heights will be 2.1m to the eaves and 4.2m to the ridge.

The application has been considered through pre-application discussions and local residents have participated in the formulation of the current proposal via a "Let's Talk Sunderland" resident consultation event.

The application has been supported by the following documents:

- Design and access statement.
- Planning statement.
- Flood risk assessment.
- Archaeological report.
- Land contamination report.
- Ecological impact assessment and biodiversity metrics.
- Ecological mitigation and enhancement plan.
- Statement of community involvement.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton - Ward Councillor Consultation
Network Management
Hetton Town Council
Environmental Health
Tyne And Wear Archaeology Officer
Sport England
Flood and Coastal Group Engineer
Planning Policy
Land Contamination

Final Date for Receipt of Representations: **31.01.2022.**

REPRESENTATIONS:

Land Contamination:

Dunelm Preliminary Investigation (Phase 1 Desk Study) Dunelm completed a Phase 1 desk study to evaluate likely ground conditions and significant geo-environmental issues at the site of the former Elemore Golf Course.

The report was informed by a Groundsure report, historical maps, a Coal Mining Report from David Bellis Associates (based on data obtained from the Coal Authority), British Geological Survey (BGS) mapping and historical borehole logs, and site reconnaissance.

No contaminated land information request was made to Sunderland City Council.

The report states it has been produced in accordance with Land Contamination Risk Management (LCRM) guidance. The report states that the site currently comprises a disused former golf club and is used by local residents as a recreational area. The site is irregular in shape and highly undulating throughout, with the exception of the golf course entrance car park in the southeast corner. Tall grasses, mature trees and other vegetation are present across large areas of the site and sections of Made Ground are visible locally at surface associated with the former use as a golf course.

A one-storey building with a macadam covered parking area is present in the southern corner. An informal gravelled car park is located adjacent. A large tank of unknown contents is located within a secured area adjacent to the building. No evidence of staining or leaking was recorded. Occasional fly-tipped waste is indicated as being present throughout.

The eastern section of the site is a grassed area in recreational use. Wooded areas are also present in the east. A small valley crosses the site, leading from 2No. reservoirs in the northeast. The valley had no visible water at the time of the site walkover; however, observations were obstructed due to vegetation growth. The reservoirs are covered by sandstone blocks and nesting goslings were observed.

The development proposals are indicated to comprise a Heritage and Eco Park. It is noted that the Phase 1 desk study covers the whole of the former Elemore Golf Course and fields beyond, whereas the application boundary only includes an area in the south of the Golf Course that includes the areas of car parking, the one-storey building and associated tank, and a grassed area.

The surrounding land use is largely residential in nature. However, electricity substations are recorded within the surrounding residential development and an iron works company is located 10m to the southwest.

The anticipated geology comprises Glacial Till of clay across the southern

section of the site and Glaciofluvial Deposits of sand and gravel in the northern section. The solid geology is recorded as Lower Magnesian Limestone over Coal Measures.

The southeast section of the site is indicated as having been affected by colliery waste, with BGS borehole NZ34NE13885/11 recording colliery waste to a maximum depth of 25.4mbgl.

The report records the bedrock as a Principal aquifer; however, no classification is provided for the superficial deposits.

The site is also recorded as being located within a Zone 3 Source Protection Zone, although there are no recorded groundwater abstractions within 2km. The report states that there are 26No. surface water features recorded onsite. Of these, 2No. are small lakes connected by underground piping located in the northern section of the site.

The site is within a Coal Mining Affected Area and a Mining Report is included as an appendix to the Phase 1 Desk Study. The mining report indicates that the site has been affected by underground workings in seven seams in the western section of the site and six worked seams in the eastern section of the site. The shallowest worked seam in both sections is the High Main at a depth of 124mbgl and is therefore not considered to pose a significant risk to the proposed development.

The Phase 1 desk study indicates that the shallowest seam beneath the site is the Ryhope Little at a depth of 49mbgl. The report states that whilst there is no evidence that the seam has been worked, the possibility of unrecorded workings cannot be ruled out. Two mine shafts (Isabelle Pit and George Pit) are recorded within the southeast section of the wider site (not within the application boundary). The shafts are recorded as having been backfilled in 1978.

There are records of coal mining subsidence claims in the agricultural land to the west of the site, but none within the site boundaries. Historical mapping indicates that the southern section of the site comprised Elemore Colliery from at least 1856. The colliery was made up of the Isabella Pit, the George Pit and the Lady Pit.

Railway infrastructure associated with the colliery was also present within the site boundaries.

The George Pit is not labelled by the late 1890s and is considered to have been possibly backfilled. No significant changes are recorded until the 1950s when the colliery undergoes growth with a gravel pit in the southwestern section of the site and sand pits (125m x 250m in size) are recorded to extend to the northwest from the colliery.

A pond is located in the centre of the gravel pits at this time. By the 1960s, the pit located in the southern section of the site has grown and is labelled as a 'refuse or slag heap'. By the 1970s the railway has been dismantled and the

sand pits have increased in size. The pits are recorded as disused by the mid-1980s and a football ground is located in the place of the active workings in the southeast corner. By 1994 the site has been developed into Elemore Golf Course. The reservoirs in the northeast of the site are recorded by 2001. The report records a historical landfill in the southeast corner of the site (referenced from Groundsure report). The type of landfill and activity dates are unknown. The report further states that there is a possibility that small unrecorded local waste tips may have existed in the vicinity of the site prior to the introduction of waste licensing regulations. These are within the application boundary. The report states that there is no requirement for radon protection measures in future properties at the site.

The site is recorded as being at low risk from UXO.

The report does not reference the potential for invasive weeds to be present at the site.

The report references the site's former use as a colliery and colliery waste site and the tank identified on the site walkover as potential sources of contamination. A list of potential contaminants is presented. Potential sources of ground gas are listed as the recorded landfill site, possible deep made ground, shallow mineworkings and mine shafts. A brief risk assessment concludes that potentially unacceptable risks have been identified and that further action is recommended. A diagrammatical preliminary conceptual model is included in the report, with potential sources, pathway and receptors identified. However, a risk estimation on the potential pollutant linkages is not provided. The report would benefit from a tabulated preliminary conceptual site model in the report text. The report recommends that an intrusive ground investigation is undertaken to verify the assumptions made in the preliminary conceptual site model and to provide data for foundation design.

An outline ground investigation strategy is provided and includes trial pits, percussive boreholes and rotary probe-holes with chemical and geotechnical testing, and installation of monitoring wells to enable subsequent gas and groundwater monitoring.

Recommendations:

At this stage, following the review of the submitted report we are broadly in agreement with the findings of the Phase 1 Desk Study. However, the following additional information is requested to be included in the Phase 2 report from the Applicant's Consultant:

- The Phase 2 ground investigation should be completed and submitted to SCC;
- The Phase 2 report should be specific to the application boundary and should include a section summarising the Phase 1 information specific to the application boundary. This should include confirmation of the presence/absence of surface water bodies/landfill/mining features etc. within the site boundary;
- An invasive weeds assessment is not included in the Desk Study. The

presence/ absence of invasive weeds should be confirmed prior to ground investigation works commencing; and,

- Sunderland City Council should be consulted to obtain contaminated land and petroleum storage information for the site and its vicinity, and the response should inform the scope of the Phase 2 ground investigation.

Planning Conditions CL01, CL02, CL03 and CL04 should be included in the Decision Notice.

County Archaeologist:

In 2020, AD Archaeology produced a comprehensive archaeological desk-based assessment of the proposed development area. In the report it was identified that the proposed development area is located within a landscape associated with a density of prehistoric sites which range from settlements, burial monuments and individual artefactual finds.

The prehistoric sites include, but are not exclusive too, a rectilinear enclosure (HER 13277) which is located 500m to the east of the site, evidence of prehistoric agricultural activity located at Easington Lane Primary School 900m east of the site (HER 19038), enclosure ditches at White Hill Woods 700m east of the site (HER 17540) in addition to a series of prehistoric sites including but not exclusive to Eppleton Quarry and at Bracken Hill and Castle Cairn (HER 249).

The south-eastern extent of the site was developed as Elemore Colliery between 1820 and 1970. In the report it is concluded that the proposed development area has potential for unknown prehistoric features to survive in areas of the site that have not been disturbed by works associated with the former Elemore Colliery or landscaping works associated with the creation of the former golf course in the 1980s. In addition, foundation structures associated with Elemore Colliery may also survive. I have reviewed the documents provided with this application for the change of use of the former golf course in addition to the erection of four poly tunnels and associated infrastructure and landscaping. Based on the site history and the nature of the proposed work, I do not consider that further archaeological investigation is required for this phase of works outline with this application. Archaeological investigation is likely to be required in association with additional works located outside of the current redline boundary.

Environmental Health:

Environmental Health has examined the submitted documentation and considers that the proposed development is acceptable in principle, subject to the requirements set out below. Two conditions are recommended at this time and further information is requested:

Conditions:

Kitchen extraction and odour abatement. Prior to occupation of the premises the applicant shall submit for the agreement of the LPA a scheme of

ventilation and odour abatement to be incorporated into the large training kitchen and food preparation area. The scheme shall identify the abatement system to be installed following completion of an odour risk assessment which should also be reported as part of the submission to the LPA.

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

Additional information required: The method of space and water heating (re boiler room) should be identified. The incorporation of a biomass boiler would require a supporting emissions screening assessment and stack height calculation. Any intention to utilise heat pumps should be supported with the submission of manufacturer's data on noise levels generated by the equipment.

Context:

This is the first phase of an overall redevelopment project relating to the former golf clubhouse and course. This application relates to the development of a proposed garden centre, cafe, meeting and training facilities plus vehicle and equipment store.

Nearest housing is located approx. 95m to the east of the site on Lorne Street, and 150m to the south west.

Noise and air quality: The existing clubhouse will be retained with internal works being undertaken. No significant additional noise sources are identified. No significant external noise sources are anticipated at this time (pending any detail in relation to heating plant) given the separation distances from sensitive receptors.

The transport statement estimates traffic flows (AADT) of 232 vehicles weekdays and 368 weekends, which falls significantly below the screening criteria for an air quality assessment; given the open aspect of the site and the current status in relation to local air quality an air quality assessment is not required.

Clarification is required in relation to the strategy for heating the premises and a request for further information is set out above.

Odour: Two kitchen areas are identified on the plan; a small snack kitchen and a larger training kitchen. It is normal for any large commercial kitchen to be provided with adequate extraction equipment which should incorporate a suitable standard of odour abatement. Several options are available. A proforma risk assessment is provided for the assistance of the applicant together with links to further information. Any scheme should include grease filtration, mechanical extraction and final discharge above eaves level with no

restrictive end cap. The odour abatement technique may be decided upon following completion of the odour risk assessment.

A condition is suggested. Construction Environmental Management Plan (CEMP) Site works appear to be of a limited nature, but some earth works are proposed together with the removal of an existing tank structure and levelling/replacement of the car park surface. A CEMP should be provided setting out the potential environmental impacts arising from site works and identifying suitable mitigation measures to address those impacts, including working times, mitigation of noise and vibration, dust management and management of heavy vehicles. A CEMP may be provided as support to the application or be required by condition for later submission and agreement.

Hetton Town Council:

The Town Council has no comments or objections.

Ecology:

The comments below are made with regard to the following policies, legislation and guidance:

- Core Strategy and Development Plan 2015-2033, January 2020, Sunderland City Council, policies NE1, NE2, NE3, NE4, NE8.
- Unitary Development Plan saved policies CN20, CN21, CN23.
- National Planning Policy Framework 2021 (NPPF).
- Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (The Habitat Regulations).
- BS42020:2013 Biodiversity – Code of Practice for Planning and Development.
- Natural Environment and Rural Communities (NERC) Act 2006.
- The Environment Act 2021.

This response refers to the following documents submitted in support of the above application, which relate to the ecological impacts of the proposals:

- Ecological Impact Assessment – Elemore Golf Course by DWS Ecology, Final version, 19/10/2021.
- Elemore Green Space Planting Plan, Drawing no. LS000187.004, Rev P01, dated 18/10/21.

The above report includes information relating to a series of surveys and assessments completed at the site, and provides an assessment of the potential impacts of the proposals upon protected sites and species, as well as information relating to a Biodiversity Net Gain assessment. Table 1, which provides details relating to the bat activity surveys, indicates that one of the surveys was completed in 2018 however, this is assumed to be a typo, with a 2021 date included (and repeated) elsewhere within the report and which is therefore considered to be correct. On this basis, activity surveys were completed in line with current best-practice guidelines. The surveys recorded a single soprano pipistrelle roosting within the building; the roost will not be

directly affected by the proposed works however, the report notes that the proposals have the potential to cause the disturbance of this feature including by increased lighting levels.

In order to ensure the proposals do not result in a negative effect upon the roost, an appropriate lighting strategy must be devised and implemented, to ensure this feature retains the potential to be used by bats following on from the completion of works. An appropriate lighting strategy should be extended across the site, particularly the areas of tree cover (including the 2 ash trees identified as having bat roost potential) and the hedgerows, to ensure the site remains suitable for use by foraging and/or commuting, as well as roosting bats.

Surveys and assessments detailed within the report relating to other protected and notable species (great crested newts, nesting birds, badger, hedgehog, brown hare, invertebrates) are considered to be suitable and appropriate to the scale of the development. Works should proceed to an appropriately precautionary method statement to ensure the protection of such species throughout the works period.

The report also provides information relating to statutory and non-statutory designated sites within an appropriate buffer zone around the site.

The future Country Park proposal is noted, but lies outside of the scope for the current application. No impacts are predicted upon any of the identified existing designated sites as a result of the proposals.

An area of Japanese knotweed (Schedule 9 invasive non-native species) was recorded during the survey.

A Mitigation and Enhancement Plan (MEP) for the site (DWS, 2021) is mentioned in the EclA report however, this was not available at the time of review. Based on the mitigation strategy proposed in the report and figure named above, the proposed mitigation works are considered to be acceptable to minimise the risk of protected species or sites being adversely affected by the proposals and the supply of the MEP can be secured by condition.

The full Biodiversity Net Gain calculators / metric spreadsheet have not been provided, making interrogation of the results more difficult. However, a series of tables are presented in the report which summarise the BNG assessment, which show an increase of over 10% in biodiversity units on site for the majority of habitats, and an increase of over 140% for hedgerows as a result of the works.

Conclusion: No objection.

Should the proposals be granted planning permission, a series of conditions should be attached to the consent, as outlined below.

Conditions:

- Works will not commence until a Mitigation and Enhancement Plan (MEP) for the site has been submitted to, and approved in writing by the Council.
- Works will not commence on site until a detailed planting scheme and ecological monitoring and management plan has been submitted to, and approved in writing by the LPA. It will detail contingency measures should the habitat creation objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the approved scheme, in line with the habitat creation and enhancement measures detailed within the EclA and planting plan.
- Demolition, vegetation and ground clearance works will not be undertaken within the bird nesting period (March – August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.
- 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.
- Works will not commence until a precautionary method statement has been submitted to and approved in writing by the LPA, which includes the measures to be implemented to minimise the risk of disturbance or harm to / ensure the protection of protected and notable species, and those habitat features to be retained through the works, particularly the hedgerows and trees.
- Works will not commence until a lighting strategy has been submitted to and approved by the LPA, which includes input from a SQE in line with current best practice guidelines, and includes measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats; this includes the confirmed roost, potential roost sites within the two ash trees identified in the EclA report, and the hedgerows and areas of tree cover which border the site.
- Stands of Japanese knotweed will be removed by an appropriately licensed contractor as part of the works.

Lead Local Flood Authority:

With regard to 21/02716/LP3 and in relation to flood risk and drainage, we have no comments to make on the proposals, therefore it is recommended approval can be given.

Sport England:

If the proposal involves the loss of any sports facility then full consideration

should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements:

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location:

or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Planning Policy Response 1:

Based on the proposals submitted, it is considered that the garden centre and café would constitute Main Town Centre uses and therefore a sequential assessment should be submitted in accordance with CSDP Policy VC1: Main town centre uses and retail hierarchy (criterion 6). Notwithstanding this, if it can be demonstrated that the retail elements of the scheme are purely ancillary, a sequential assessment may not be necessary. Out-of-centre developments for main town centre uses will only be supported where they can demonstrate that they have satisfactorily met the sequential test. The floorspace for the retail elements of the scheme are not clear from the application documents, however, should they exceed the local thresholds for the closest centre (Hetton – District Centre 750m²) as set out in CSDP Policy VC2: Retail impact assessments, an Impact Assessment will be required to assess whether the proposals will have a significant adverse impact on the vitality and viability of Hetton District Centre.

Planning Policy Rebuttal:

Planning Policy raise concerns regarding Policies CSDP Policy VC1: Main town centre uses and retail hierarchy (criterion 6) and CSDP Policy VC2: Retail impact assessments.

- *Policy VC1 Main town centre uses and retail hierarchy criterion 6 states; the development of main town centre uses, will be focused within existing designated centres, as set out within the retail hierarchy. Development outside of existing centres will be expected to follow the sequential assessment approach. Planning Policy comments go on to say*

Planning Policy comments go on to say, if it can be demonstrated that the retail elements of the scheme are purely ancillary, a sequential assessment may not be necessary.

- *Policy VC2 Retail impact assessments 1. When assessing applications for edge or out-of-centre retail development (Use Class A1), the*

council will require an impact assessment to be submitted where the development would exceed the following local thresholds: Hetton – District Centre 750m²

The proposed garden centre is intended to provide an ancillary and complementary addition to the range of uses proposed for the change of use of the former Elemore Golf course club buildings. The garden centre is to be community run and all profits along with those from the café and the hub will be invested into the wider Elemore Eco/Heritage Country Park. Without the income from these streams the facility will not be viable. There is not a sequential, more appropriate site to locate the Garden Centre than at the facility it supports.

The internal retail element of the COU is 110sqm, of an internal footprint of 574sqm, whilst the outdoor retail is only 499sqm, together these equate to c.600sqm of an 8000sqm development proposal, these quantum clearly demonstrate that the garden centre is an ancillary element of the development proposal and therefore the development proposal does not trigger the need for a Sequential Assessment or a Retail Impact Assessment.

Planning Policy Response 2:

This response has been prepared in reply to further information provided by the applicant in regard to the requirement for a sequential impact assessment in accordance with CSDP Policy VC1 and a retail impact assessment in accordance with CSDP Policy VC2.

The applicant indicates that the proposed garden centre is intended to provide an ancillary and complementary addition to the range of uses proposed for the former Elemore Golf Course club buildings, generating profits which along with those generated by the café and hub, will be invested into the wider scheme, Elemore Eco/Heritage Country Park. The applicant identifies that the income streams generated from the garden centre, café and hub will support this facility and without these uses, the wider scheme will not be viable. It is agreed that the garden centre is considered ancillary to a wider scheme proposal and the applicant has suitably demonstrated the site is the most appropriate location in this instance, as it provides ancillary use and requires its location to be on the site of the wider scheme proposal in order to operate. CSDP Policy VC1 is met in this regard and a sequential impact assessment will not be required.

The applicant provides the floorspace of the internal and outdoor retail element which totals 609sqm. With a proposed retail floorspace of 609 sqm, the application would not exceed the 750sqm threshold identified in CSDP Policy VC2, therefore a retail impact assessment will not be required for this application. Planning Policy is satisfied that the requirements of CSDP Policy VC2 have been met.

It is noted that Sport England has requested that the proposal should consider paragraph 99 of the National Planning Policy Framework (NPPF) and be in accordance with local policies to protect social infrastructure. It is important in doing so, to acknowledge that the application (21/02716/LP3) will

be part of a wider scheme proposal for the Eco/Heritage Country Park which is not being determined as part of this application. However, the context of the application should be considered as proposals for the change of use of the former club buildings will determine the viability and success of the wider scheme proposal.

Para 99 of the NPPF states *“existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

The applicant details in their Policy Rebuttal submission, that Elemore Golf Course has a “history of previous operators/tenant failing to make it work commercially, without subsidisation” and was extensively marketed to identify a suitable operator to take over the business. However, the golf course was no longer financially viable and without operator/tenant interest, it was closed in September 2019. The history of the site, suggests clearly that the site is surplus to requirements and the viability of a golf course in this location is untenable. Criterion a) of paragraph 99 of the NPPF has been met in this regard.

NPPF paragraph 99 b) states that *any loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.* The applicants background information regarding the site, indicates that alternative suitable uses for the expansive site have been explored and the most appropriate use would be an Eco/Heritage Country Park which would benefit the local community and the wider city area. The expanse of the site means that alternative suitable uses are very limited, however an Eco/Heritage Country Park, supported by ancillary uses as identified in the proposal (21/02716/LP3), would make such a scheme viable and deliverable.

It is agreed that the wider development proposals for Elemore Golf Course would protect, conserve and enhance the quality, community value, function and accessibility of the site, providing an alternative/equivalent recreational facility in line with national policy and NPPF paragraph 99 criterion b) and c).

Third Party Representations:

One letter of representation was received enquiring if cycle stores were to be provided on site. The agent has confirmed that cycle friendly facilities will be provided, to encourage the use of sustainable commuting.

POLICIES:

CSDP policies VC5, VC6, SP7, HS1, HS2, HS3, BH1, BH2, NE1, NE2, NE3, NE4, NE8, WWE2, WWE3, WWE4, ST2 and ST3 are relevant to the consideration of the application.

UDP policies CN20, CN21, CN23, HA9 and LA1 are relevant to the consideration of the application.

CONSIDERATION OF APPLICATION

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

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

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

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

c) Approve applications that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken

as a whole.

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

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

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

- Build a strong, competitive economy (section 6).
- Promote healthy and safe communities (section 8).
- Make effective use of land (section 11).
- Achieve well-designed places (section 12).
- Meet the challenge of climate change, flooding and coastal change (section 14).
- Conserve and enhance the natural environment (section 15) and
- Conserve and enhance the historic environment (section 16).

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

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

COMMENTS:

1. Principle of land use:

The site is located within the Coalfield. CSDP Policy SP6: The Coalfield indicates that the character and settlements within this area will be protected, ensuring their future sustainability. In order to do this Open Countryside and Settlement Breaks will be protected (criterion 1). The site is located within the designation of the Open Countryside and therefore the proposals will need to

be considered in the context of the provisions of CSDP Policy NE8: Development in the Open Countryside.

CSDP Policy NE8 states that limited development may take place within the Open Countryside where it would help to sustain existing businesses, serve to boost the rural economy and assist in rural diversification.

In particular, criterion 1 states that development for horticulture, outdoor recreation and rural business use purposes will be supported where there is a clear need; the scale, nature, design, material and siting of the development is compatible with the existing development and in close proximity to it; and it will not result in a scale of activity that has a detrimental impact on the surrounding area.

With the above in mind there appears to be a horticultural element to this application (polytunnels) and they would support outdoor recreational use of the site, therefore it is considered that the proposals would be in alignment with the policy and as such acceptable.

Criterion 7 of CSDP Policy NE8 further goes on to identify where extensions or alterations of a building will be supported in the Open Countryside. Applications will be supported where development would not result in a disproportionate addition over and above the site of the original building and where it would not adversely affect the form and character of existing buildings and be of design that reflects and complements existing buildings.

The current proposal seeks to reuse and repurpose the existing building and as such would be in alignment with the policy requirements and as such acceptable.

CSDP Policy VC5: Protection and delivery of community facilities and local services seeks to protect and enhance community facilities. Criterion 3 supports the shared use of facilities.

This application forms the first phase of proposals for the wider golf course area. Future proposals include the creation of a 'Heritage and Eco Country Park' including car parking, grazing areas, miniature railway, woodland planting, wetland creation, play areas and further car parking, with long term aspirations for the creation of camping and education facilities on site. The facility will be run and managed by a Social Enterprise Company. In light of the aforementioned, it is considered that the current proposal is in accordance with policy VC5 of the CSDP.

Saved UDP Policy L1 seeks to enhance the quality of life for residents and visitors by providing a range of high standard recreational and community facilities, and promote the dual use of educational and community facilities. The decision maker should consider whether the application meets these requirements, subject to further information being received from the applicant in regard to the floorspace of uses proposed on site.

The site is also covered by UDP Policy HA9.4, which supports Elemore Golf

Course being developed as regional recreational resource. It should be noted at the time that the UDP was prepared that this policy related to the ongoing use of the site as a golf course and this policy was prepared within this context. However, notwithstanding this, it is considered that the proposals would assist in repurposing the site as a recreational resource and would therefore broadly be alignment with this policy.

In summary, the proposal seeks to re-use an existing building and promote and provide a community facility within a site that has been mothballed since 2019. The proposal is policy compliant and the principle of the development is considered to be acceptable.

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

Residential 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 unacceptably impact on the amenity of future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

The proposal is a change of use of an existing building and therefore not considered likely to adversely impact upon the residential amenities of nearby properties. Further to consultations with the City Council's Public Protection and Regulatory Services conditions relating to odour abatement from potential cooking facilities have been requested to remove any concerns relating to kitchen extraction. With the addition of a CEMP condition to control the conversion phase of the building the proposal is considered to accord with the objectives of the above policies and is considered to be acceptable in this respect.

Visual Amenity

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

In this respect it is considered that the proposed external alterations to the premises are minimal and are unlikely to adversely impact upon the character of the host property or the visual amenities of the street scene in general.

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

The proposed development is supported by a Transport Statement. Following review it is considered that the proposed garden centre use will generate less traffic than its previous use as a golf course and will not impact on the safe operation of the highway.

The site will accommodate 55 parking spaces of which 5 will be provided for accessible parking.

This level parking is deemed to be sufficient to accommodate both staff and visitors to the garden centre. It is noted that electric car charging points are proposed as part of plans for the wider development as a country park.

It is recommended that a planning condition be attached to secure the development of a detailed travel plan with targets based on surveys to be undertaken at a future date.

Based on the above, there are no objections to the development on highway grounds, the proposal is considered to be in accordance with policies ST2 and ST3 of the CSDP.

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

The current proposal and the future plans of the wider site as referred to in the Planning Statement, would significantly contribute towards the maintenance and improvement of green infrastructure in Hetton, whilst opening the site to an increased and managed regime of ecological management and visitor attraction, therefore fulfilling the requirements of policy provisions of CSDP Policy NE1.

CSDP Policy NE2 sets out the provisions that proposals must accord with, in order to protect biodiversity and geodiversity. Policy NE2 states that development must, where appropriate, demonstrate how it will provide net gains in biodiversity and avoid or minimise the impacts on biodiversity and geodiversity. The wider masterplan for the site indicates a significant increase in value of the site in terms of biodiversity and geodiversity and appropriate conditions can secure the long term establishment and management of both existing and future flora and fauna within the site.

The proposal forms part of a wider area of informal greenspace and is located within a district green corridor, therefore the provisions of Policy NE4: Greenspace applies. CSDP Policy NE4 seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure. Whilst it is acknowledged that the

current proposal only seeks to transform the existing buildings on the site, the long term aim of the facility, is considered to achieve the aims of the aforementioned policy requirement.

CSDP Policy NE9: Landscape character seeks to protect, conserve and enhance landscape character across the city and does not support development proposals that cause significant adverse impacts on an area. It is recognised that the former golf club has been left to pasture since its closure, however it is also noted that via management of the site the overall landscape can provide a variety of improved landscapes to the residents/community and visitors to the area. It is also noteworthy that the existing site is now falling into disrepair and the unkempt land may soon significantly detract from the existing value it provides.

CSDP Policy NE11: Creating and protecting views advises development proposals should take account of views into, out of and within the development and should be designed to preserve or enhance key local views and vistas. The current proposal does not seek to introduce a form of development that would conflict with the aims of the policy NE11.

Whilst the current proposal may not have significant impacts upon the ecological balance of the wider site as part of the masterplan development, the proposal is considered to provide enhancements to the existing infrastructure that would provide the hub for future phases. The current proposal is considered to be cognisant of future phases and ecological conditions have been imposed to manage the future development of the wider site.

The proposal is considered to be compliant with policies NE1, NE2, NE9 and NE11 of the CSDP.

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

The Environment Agency's Flood Map for Planning, shows the site to be located within Flood Zone 1, land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding less than 0.1%, therefore floodrisk from fluvial sources is considered to be low.

The development covers a total area of 0.8 ha and is primarily a change of use application for the existing building with a new polytunnel growing area, which will drain into a new SUDS pathway, as shown on the proposed layout.

In light of the existing drainage infrastructure, and the introduction of a soakaway for the water collection from the polytunnels, the proposal is considered to be compliant with policies WWE2 and WWE3 of the CSDP.

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

Policy HS3 'Contaminated Land' of the adopted CSDP states that where

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

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

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

Conclusion.

It is considered that the proposed development would be acceptable in principle at this location, and that it would be acceptable in relation to its design and visual impact (including on amenity green space) subject to the compliance with / discharge of recommended conditions. It would have no unacceptable impacts on residential amenity, highway safety, and ecology, or in relation to contamination subject to the discharge of and compliance with recommended conditions. It is therefore considered that the proposed development would accord with the relevant policies within the adopted CSDP and the saved policies within adopted UDP, as well as guidance within the National Planning Policy Framework (NPPF).

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the 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:

Drawing 101 Existing Ground Floor Plan.
Drawing 102 Existing Detail Plan dated 22.02.2021.
Drawing 103 Existing Detail Plan dated 22.02.2021.
Drawing 104 Existing Property Model.
Drawing 105 Existing Property Elevations.
Drawing 201 Proposed Ground Floor Plan.
Drawing 202 Proposed Ground Floor Plan dated 30.04.2021.
Drawing 203 Proposed Ground Floor Part Plan dated 30.04.2021.
Drawing 204 Proposed External Property Model.
Drawing 205 Proposed Elevations dated 30.04.2021.
Drawing 206 Poly tunnel plan and elevations dated 04.05.2021.
Drawing LS000187 001 Location Plan dated 07.10.2021.
Drawing LS000187 002 Existing Site Plan dated 07.10.2021.
Drawing LS000187 003 Proposed Site Plan dated 07.10.2021.
Drawing LS000187 004 Planting Plan dated 18.10.2021.

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. Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

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

- where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

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

5. 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.

6. 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.

7. Works will not commence until a Mitigation and Enhancement Plan (MEP) for the site has been submitted to, and approved in writing by the Council.

Reason: In order to protect the biodiversity present on the site and its surroundings during construction works and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan.

8. Works will not commence on site until a detailed planting scheme and ecological monitoring and management plan has been submitted to, and approved in writing by the LPA. It will detail contingency measures should the habitat creation objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the approved scheme, in line

with the habitat creation and enhancement measures detailed within the EclA and planting plan.

Reason: In order to protect the biodiversity present on the site and its surroundings during construction works and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan.

9. Demolition, vegetation and ground clearance works will not be undertaken within the bird nesting period (March – August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan

10. 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.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan

11. Works will not commence until a precautionary method statement has been submitted to and approved in writing by the LPA, which includes the measures to be implemented to minimise the risk of disturbance or harm to / ensure the protection of protected and notable species, and those habitat features to be retained through the works, particularly the hedgerows and trees.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan

12. Works will not commence until a lighting strategy has been submitted to and approved by the LPA, which includes input from a SQE in line with current best practice guidelines, and includes measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats; this includes the confirmed roost, potential roost sites within the two ash trees identified in the EclA report, and the hedgerows and areas of tree cover which border the site.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan

13. Stands of Japanese knotweed will be removed by an appropriately licensed contractor as part of the works.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan.

14. Prior to occupation of the premises the applicant shall submit for the agreement of the LPA a scheme of ventilation and odour abatement to be incorporated into the large training kitchen and food preparation area. The scheme shall identify the abatement system to be installed following completion of an odour risk assessment which should also be reported as part of the submission to the LPA.

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

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

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

16. A detailed Travel Plan will be required to be submitted to and agreed in writing with the LPA, with targets based on surveys to be undertaken at future agreed dates, within 6 months of the opening of the facility.

Reason: To ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

3. Washington
Reference No.: 21/02736/LP3 Local Authority (Reg 3)

Proposal: **Replacement of 1.2 m high concrete railings and metal hand rail to the parapet walls of the building with 1.2 metre high metal stud wall, finished with cement smooth cladding which will extend to cover the render panelling below the parapet wall. Also replacement of existing metal windows overlooking the library roof with double glazed metal windows.**

Location: Washington Town Centre Library Independence Square
Washington Town Centre Washington NE38 7RZ

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 9 December 2021
Target Date: 3 February 2022

PROPOSAL:

The application relates to works at Washington Town Centre Library, Independence Square, Washington.

The application site is located within Washington Town Centre. To the north of the site lies The Galleries shopping centre and Washington Library was constructed as part of the development of the New Town centre in the 1970's and is of concrete construction.

The proposed works include the replacement of the 1.2 m high concrete

railings and metal hand rail to the parapet walls of the building, with a 1.2 metre high metal stud wall, finished with cement smooth cladding, which will extend to cover the render panelling below the parapet.

It is stated within the Design and Access statement submitted with the application that the pre-cast concrete railings and metal hand-rail are spalled and defective.

It is also proposed to replace the existing metal windows overlooking the library roof with double glazed metal windows.

Sunderland City Council manages the Library and consequently, the application has been submitted by a City Council Building Surveyor.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington Central - Ward Councillor Consultation

Final Date for Receipt of Representations: **29.01.2022**

REPRESENTATIONS:

The application has been advertised by way of site notice and no representations have been received in response to this consultation.

COMMENTS:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the Policies contained within the adopted Core Strategy and Development Plan (CSDP) and, where applicable, the 'saved' Policies contained within the Unitary Development Plan (UDP).

In respect of this proposal, the relevant CSDP policy is BH1 (Design and amenity). Policy BH1 seeks to ensure that development achieves high quality design and positive improvement to the locality.

The National Planning Policy Framework (NPPF) was mostly recently updated in July 2021 and is a material consideration in the determination of

planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF policies pertinent to this application are found within Chapter 12, which sets out that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings', whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

With regard to the directions provided by the aforementioned policies, the proposed development seeks to remove the broken and defective concrete railings and metal hand-rail and replace with a more modern style of cladding, in order to maintain and refresh the existing building.

Detail of the colour of the proposed cladding has been requested by the applicant, in order to ensure it will relate well to the existing building. This detail will be reported to Members ahead of the Planning Committee.

With regard to the new double glazed windows, the metal frames would match the windows within the host building and would not, therefore, appear incongruous.

The proposals raise no other amenity concerns given the building's location in Washington town centre.

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

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 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:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- 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;
- 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:

- Tackle prejudice, and
- 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: Members be MINDED TO GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to confirmation of the colour of the cladding and 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:

Location plan, received 22.11.21

Site plan, received 22.11.21

Existing elevations, drawing number WSL0002, received 22.11.21

Proposed elevations, drawing number WSL0001, received 22.11.21

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 materials to be used in the development hereby approved shall be those stated within the submitted application form and on the submitted plans, unless the Local Planning Authority first agrees any variation in writing.

Reason: in the interests of visual amenity and to comply with policy BH1 of the CSDP.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01566/FUL	Jean Stratton Potts	Agricultural land improvement and remediation of sink holes, utilising imported soil materials and creation of temporary works access.	18/08/2021	17/11/2021
Copt Hill	Land South Of Low Haining Farm Stonegate Houghton-le-Spring			
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved) (amended/updated information received October 2021).	17/11/2014	16/02/2015
Hetton	Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/00134/LP3	City Development	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
Hetton	Evolve Business CentreCygnet WayRainton Bridge SouthHoughton-le- SpringDH4 5QY			
21/01174/SUB	Gentoo Group Limited	Erection of 84 residential dwellings (Class C3)	17/05/2021	16/08/2021
Hetton	Land South West OfCragdale GardensHetton-le- HoleHoughton-le- Spring			
21/00603/FUL	Persimmon Homes (Durham)	Construction of 275 dwellings (use class C3).	22/04/2021	12/08/2021
Hetton	Land East OfNorth RoadHetton-le- HoleHoughton-le- Spring			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land AtLambton LaneHoughton-le-Spring			
17/02445/FUL	Persimmon Homes Durham	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.	21/12/2017	22/03/2018
Houghton	Land North Of Coaley LaneHoughton Le SpringNewbottle			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01446/FUL	Karbon Homes	Erection of 36 dwellings with associated works, including relocation of a substation (additional information uploaded 07.10.2021).	24/09/2019	24/12/2019
Houghton	Land Off Hutton Close And Ninelands Houghton Le Spring			
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham CompanyHawthorn HouseBlackthorn WaySedgeleth Industrial EstateHoughton-le-			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01409/FUL	Russell Foster Tyne and Wear Sports Foundation	Change of use from playing fields to private garden.	02/08/2021	01/11/2021
Houghton	The Russell Foster Football Centre Staddon WayHoughton-Le- SpringDH4 4WL			
21/00605/OU4	C/O Agent	Application for Outline Planning Permission with all matters reserved for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace	16/03/2021	15/06/2021
Washington North	Land To The East OfInfiniti DriveWashington			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01805/FUL	Mr Colin Noble	Construction of 4 new dwellings.	23/08/2021	18/10/2021
Washington North	Land At2 Wylam Close Stephenson Washington NE37 3DR			
21/02898/FU4	Esh Construction Limited And Gladglider Projects Limited	Extra care Housing Development incorporating the erection of a three storey building to provide 84no extra care units (Use Class C2) and 13no. bungalow dwellings (Use Class C3), ancillary support services, associated parking, drainage and landscaping and two new pedestrian / vehicular accesses onto Moorway	12/01/2022	13/04/2022
Washington West	Land West Of Moorway And South Of Havannagh Road, Washington.			