

## **DEVELOPMENT PLAN**

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

### **Unitary Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Ms. Irene Lucas CBE  
Chief Executive

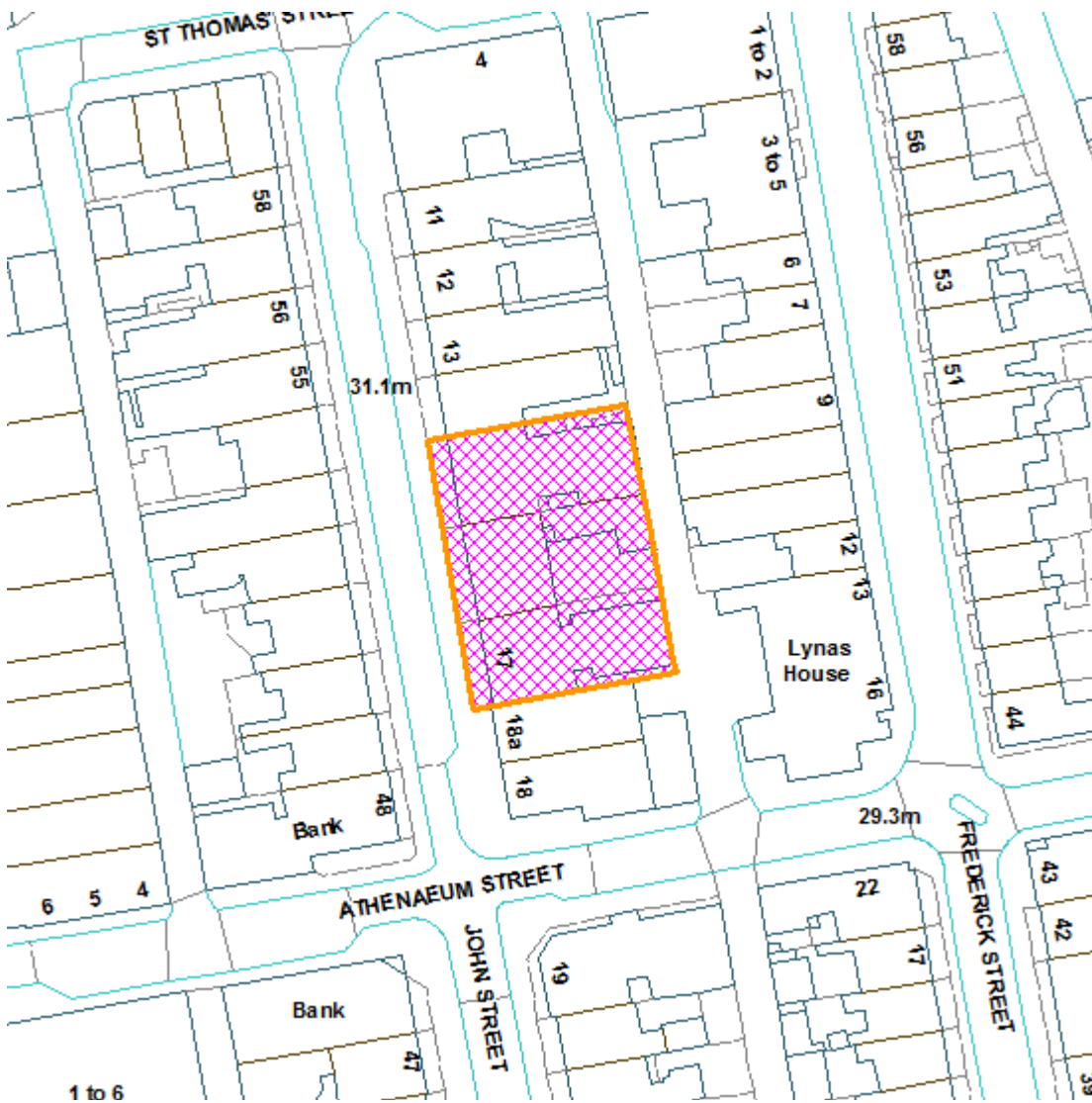
Reference No.: 16/01560/FUL Full Application

Proposal: **Internal and external alterations and change of use from offices (use class B1) to comprise 30 residential apartments (use class C3). (As amended 13.01.2017).**

Location: 15 - 17 John Street Sunderland SR1 1HT

Ward: Hendon  
Applicant: Priestley Homes  
Date Valid: 17 October 2016  
Target Date: 16 January 2017

**Location Plan**



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

The proposal consists of internal and external alterations to facilitate change of use from offices (use class B1) to comprise 30 residential apartments (use class C3) and ancillary accommodations for the student letting market at 15 - 17 John Street , Sunderland.

The properties form part of a terrace of smaller buildings, which were built between 1820 and 1850 and are Grade II Listed. When built, the properties were dwellinghouses, but over time were converted to offices. The buildings are currently vacant and have been since 2010.

The application has also been accompanied by a listed building application (ref : 16/01561/LBC).

Members may recall that the building was granted both planning permission and listed building consent for internal and external alterations and change of use from offices (B1a) to comprise 61 residential (C3) apartments and ancillary accommodation for the student letting market at South Sunderland Development Control Sub-Committee dated 29.09.2015.

The current proposal provides a mix of 1, 2 and 3 bed apartments and is to be maintained by a management company. The proposal also provides external amenity space, cycle storage and clerical space.

Changes to the external appearance include the introduction of slate vents and conservation rooflights within the roofscape, along with additional new windows to serve various apartment units.

The application has been supported by the following documents:

Structural Assessment.  
Supporting Statement on Market Viability.  
Schedule of Works.  
Heritage Statement.  
Transport Statement.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Hendon - Ward Councillor Consultation  
Northumbrian Water  
Flood And Coastal Group Engineer  
Environmental Health  
Network Management  
Fire Prevention Officer

Final Date for Receipt of Representations: **08.12.2016**

## **REPRESENTATIONS:**

Neighbours and Interested Parties

No representations have been received.

Consultees

Network Management

The Network Management Team has been consulted in respect of the proposed development and has advised that the development is within the City Centre with good links to public transport with the railway and metro station nearby.

There is a City Centre Residents Parking Scheme available for residents with cars and the Parking Services Team can advise further in this regard.

It is noted that a secure covered cycle store is proposed.

Public Protection and Regulatory Services.

The Public Protection and Regulatory Services Team has offered comments in respect of ensuring the environmental impact of the construction of the development is adequately managed and mitigated in the interest of the amenity of nearby residents/occupiers. It is recommended that should Members be minded to approve the application a condition is imposed requiring the submission of a Construction Environmental Management Plan (CEMP). The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

Due to the siting of the proposed development in close proximity to John Street the application has been supported by a noise assessment, detailing mitigation required in the design of the building to ensure that future residents are afforded commensurate levels of protection conducive to good sleeping or resting conditions.

Lead Local Flood Authority.

As the development includes no significant change to internal and external dimensions of the property, it is considered there will no change in flood risk and no opportunity for drainage improvements.

Northumbrian Water Limited.

No comments to offer.

Tyne and Wear Fire and Rescue Service.

The Fire Authority has no objections to the proposal, subject to the provisions of the Building Regulations being adhered to.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

B\_4\_Development within conservation areas

B\_6\_Measures to preserve and enhance conservation areas

B\_8\_Demolition of listed buildings

EC\_5\_Sites for mixed uses

H\_18\_Proposals for provision/ conversion of dwellings for multiple occupation

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources

EN\_12\_Conflicts between new development and flood risk / water resources

CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

## **COMMENTS:**

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

- 1) Principle of the Development
- 2) Amenity Issues
- 3) Heritage Issues
- 4) Highway Issues
- 5) Noise
- 6) Drainage

### **1) Principle of the Development**

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 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 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- Development proposals that accord with the development plan should be approved without delay;
- Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  2. specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007.

The site lies within an area wherein the UDP alteration No.2 (Central Sunderland) is the relevant planning policy. Therein, policy EC5B identifies certain areas as Strategic Locations for Change. Acceptable uses within such locations are identified as A2 (Financial and professional services), A3 (Restaurants and cafes), A4 (Drinking Establishments), B1 (Business), C3 (housing), D1 (Non-residential institutions) and D2 (Assembly and leisure). Within such areas, the policy states that the Council will encourage environmental/access improvements and selective mixed use redevelopment which improves connection and integration with the surrounding urban area and with public transport infrastructure.

Proposals for redevelopment are required to:

- Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
- Create linkages between different land uses;
- Take account of the potential of these prominent locations in enhancing the image of the city;
- Accord with UDP Supplementary Planning Guidance 'development control guidelines'.

Policy SA55B.1 of the Council's Unitary Development Plan (UDP) alteration no.2 (Central Sunderland) expands upon policy EC5B of the document and identifies the site as being within a Strategic Location for Change extending to 27.5 hectares covering the Sunnyside area of the City. Uses falling within Use Class C3 - Housing are identified as already contributing significantly to the character of the area and should remain predominant, amongst a mix of other identified acceptable uses.

Furthermore, policy SA67A of alteration no. 2 states that the Council will support proposals for housing development within Central Sunderland and in particular the City Centre where sites are not identified or safeguarded for other purposes.

In this regard, the proposed re-use of the buildings to which this application relates residential accommodation is considered to be acceptable in principle with due regard to policies EC5B, SA55B.1 and SA67A.

With specific regard to the precise nature of the proposed use as student accommodation, it should be noted that the Council has recently produced and adopted an Interim Student Accommodation Policy. The policy states:-

To assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose built student accommodation or the conversion of existing buildings for student accommodation within the city centre and on existing university campuses provided that proposals demonstrate that:

- a) The development meets an identified need in terms of quantity;
- b) The development meets an identified demand in terms of quality;
- c) The development is of a scale and appearance appropriate to its surroundings;
- d) The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;
- e) The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development.

The Interim Policy also sets out potential Section 106 Heads of Terms and planning conditions which may be imposed where planning permission is granted for student accommodation developments.

In terms of potential Section 106 Heads of Terms, these include requiring the developer to submit details of the student residents on an annual basis for monitoring purposes and that the premises shall not be used as hostel accommodation. Potential planning conditions include limiting occupancy of the buildings to students only.

Aiming to justify the proposals, the applicant has provided a Supporting Statement on Market Viability. It is considered that this demonstrates the need for high quality student accommodation in this location. The proposed development is considered to provide high quality self-contained student accommodation with shared communal facilities supporting it. Thus, the proposal is considered to meet a demand for the quality of accommodation which it will provide and also serves to bring a large, presently vacant building back into beneficial use. Being in the City Centre, the accommodation is close to local facilities and easily accessible to both university campuses by a variety of means including on foot, by cycle, by bus and by metro. On this basis, the proposal is considered to accord satisfactorily with the Interim Student Accommodation Policy.

In order to secure the scheme which will see these prominent and substantial buildings brought back into beneficial use, it is considered that the requirement for a management plan can be a condition of any planning permission, should Members be minded to approve the proposal. This will ensure that the aims of the Interim Student Accommodation policy can be fully addressed, as at present, the applicant does not own the buildings and cannot be precise in respect of the detail of the management plan. It is evident that the requirements of the policy can be met, but dealing with this matter by condition will enable full and accurate details to be received, later in the process.

On this occasion, given that the proposal is high quality accommodation, directly targeted at students, it is not considered that a Section 106 Agreement is so as to require the submission of student IDs for the future residents. This requirement is in place in the policy for schemes where it is not entirely clear that students will be the sole occupants of the building, but on this occasion, the applicant's proposals are considered to be such that the Local Planning Authority does not require this control.

In respect of preventing use as a hostel and ensuring that the premises remain as apartments/studios aimed at the student market, this can be achieved through imposition of a planning condition removing any future change of use, which may normally be afforded to a residential dwelling. This will include prevention of change of use of the building to uses falling within Use Class C3b and C4 and would not allow for residential care uses or houses in multiple occupation to be created within the individual units. Hostel accommodation is a Sui-Generis use and given that this proposal is for individual self-contained studio apartments, such a use would represent a material change of use in any case and would require planning permission.

Subject to the imposition of conditions as detailed above, the proposal is considered to be acceptable in principle with due regard to the Interim Student Accommodation Policy.

## **2) Amenity Issues**

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning

Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

Policy H18 of the UDP states that proposals for the conversion of non-residential buildings which are vacant or under-used will normally be approved where they will not conflict with other policies and proposals of the plan. In all cases, proposals must include satisfactory provision for parking, servicing and other design aspects.

An expansion of this guidance is provided at section 4.1 of the Development Control Guidelines Supplementary Planning Guidance (SPG) which identifies general principles for conversion to flats and houses in multiple occupation. Therein, it is stated that proposals must reflect the general character and amenity of the area and those which represent an over intensive form of development will normally be resisted. Planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area. Existing features which contribute to the character of the area should be retained. Depending on the degree of self containment, there may be a requirement to provide communal facilities.

It is further recommended at section 4.2 of SPG that in order to ensure the privacy of neighbours and occupants, habitable room windows should not be unduly overlooked by people going to and from areas of car parking associated with properties. External entrances to flats or houses in multiple occupation should normally be located on the main road frontages.

Section 4.3 of SPG states that each self contained unit or house in multiple occupation must have direct pedestrian access to the front of the property, the allocated car parking area and the bin storage area. Furthermore, the SPG seeks to ensure that any new windows serving living rooms, kitchens, bedrooms or other habitable rooms should not overlook or be overlooked by adjoining properties to an unacceptable degree and should have a reasonable outlook. Main living room windows should have a reasonable outlook and should not be lit solely by roof lights and habitable windows should not be in close proximity to high boundary or gable walls. Bin storage should be at the rear of buildings and easily accessible to residents.

In specific regard to student accommodation, the Interim Student Accommodation Policy sets certain guidelines at paragraph 6.15 as to the quality of accommodation to be provided. Therein, it is stated that:

- I. Bedrooms to offer a choice in size and accommodate a bed, wardrobe and study desk and chair with the minimum size being 10 square metres for a single person, (excluding any en-suite facilities);
- II. Each bedroom shall include at least one window or skylight facing directly outdoors which can easily be opened;
- III. If bedrooms are not en-suite one bathroom and one separate WC with wash-hand basin should be provided for every 5 persons. However, for 6 persons or more one of the WC's with wash-hand basin must be separate, others can be contained within bathrooms;
- IV. Communal kitchens should be a minimum of 7 square metres for 1-5 people sharing, with larger residences requiring more sizeable kitchens;
- V. A communal lounge will be required of a size sufficient to accommodate the number of students in the unit;
- VI. Dining space shall be provided for all students, either separate to or as part of the lounge/kitchen area.



With due regard to the above, the key external features of the building are proposed to be retained and minimal physical alterations are proposed. Communal facilities are proposed by way of retaining the existing grand hall to the rear offshoot at first floor. The smallest studio apartment is 18 square metres, whilst the largest 3 bedroom apartment is 99 square metres. All apartments have windows, with the exception of five of the second floor apartments which are formed in the property's roof space. This is considered to be acceptable, on balance, given that the property is a listed building and that permissible alterations to its fabric are limited.

It is noted that some of the apartments situated in the end offshoots, incorporate windows looking towards the adjacent premises. The distance far below the recommended standards for separation between windows, but on this occasion, given that the proposal relates to conversion of an existing building, which is located in the City Centre, lesser separation distances than may normally be required are acceptable. Similarly, within the development, due to the unusual footprint of the buildings and the rear extensions, there are areas where windows in the proposed apartments look towards each other at close quarters. As set out above, more constrained separation distances are commonplace in central locations, particularly where historic buildings are being converted and on that basis, the separation between windows in adjacent properties and within the proposed development site are considered to be acceptable without unacceptable harm to amenity.

### **3) Heritage Issues**

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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

Policy B4 states that all development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end, the Council will issue planning/design guidance for the various areas from time to time.

Policy B6 states that the City Council will preserve and enhance the character or appearance of conservation areas; measures will include:-

1. Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
2. Encouraging the retention of existing mature trees;
3. Introducing controls over the display of advertisements;
4. Seeking, where appropriate, to control development by the use of Article 4 directions;
5. Giving special attention to the preservation of important views into and out of the area;
6. Restoring highways and verges by use of appropriate materials and planting, encouraging utility companies to respect such works;
7. Reducing the impact of traffic where possible by diversion and traffic calming measures; and
8. Promoting environmental improvement and enhancement measures.

Policy B8 states that there will be a presumption in favour of retaining listed buildings.

Further to the abovementioned policies, the Council has produced and adopted the Sunnyside Conservation Area Character Appraisal and Management Strategy (CAMS). The primary objective of this strategy is to ensure that the special architectural or historic interest of the Sunnyside Conservation Area is preserved and enhanced for the benefit of current and future generations and for the enrichment of the city's built heritage. Management Objective 5 of the CAMS seeks to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is undertaken using the principles of 'informed conservation'. Proposal 5a seeks to conserve the architectural integrity of the historic terraces at the core of the Conservation Area through the application of design guidelines.

This development is considered to be generally acceptable in the consideration of heritage matters. The proposed conversion of the listed buildings for student accommodation will importantly secure the future of vacant and key listed buildings in a long-term beneficial use in a

manner that is on balance sympathetic to its significance, and that will sustain its conservation into the future.

Whilst the Sunnyside Planning and Design Framework SPD encourages commercial uses at ground floor level in John Street, it is accepted from the applicant's supporting statement on market viability that there is a lack of demand for such uses and that the proposed residential use of the entire property represents the most viable option to provide the listed buildings with a sustainable long term future.

On the whole, the scheme demonstrates a sensitive approach to the conservation and adaptation of the listed buildings. The external elevations are to be preserved, with all features retained and repaired or restored as necessary. External interventions are limited and mainly confined to the rear elevations, with the exception of conservation roof lights to the front roof plane. Further details of these roof lights can be ensured through the imposition of a condition should Members be minded to approve planning permission.

Indeed further to consultations with the Heritage Protection team, the proposal to convert the listed building into residential apartments was generally considered to be acceptable, although amendments were sought to ensure that the alterations were sympathetic to the host property. Whilst amendments have been received and are welcomed, alteration to the existing grand hall to the rear offshoot first floor have been omitted and are to be addressed via a further application at a later date.

It is noted that solar panels are proposed on the internal roof slope of the 3 storey offshoot and that these could potentially be quite visible. Information is limited in terms of the detail of this element of the proposal and should Members be minded to approve planning permission, full details on the precise location and form of the panels can be secured through the imposition of a planning condition.

Internally, the buildings have been subject to major changes in the past which have significantly altered much of the historic layout, particularly at ground floor level. Despite this, some important features survive most notably the grand staircase, several fireplaces and timber panelling and plasterwork in parts of the first floor. These features will be left largely exposed throughout the buildings, the layout and size of individual apartments being designed within the existing spaces /rooms of the building, the majority of the subdivision having minimal impact on the listed building.

As mentioned above the most impressive room in the building is the grand hall to the rear offshoot first floor, which features a range of decorative grand classically themed features. This room will importantly remain unaltered during the alterations until a suitable use can be found.

Details of specific internal and external works can be subject to conditions attached to the associated application for Listed Building Consent - see report in connection with 16/01561/LBC.

Subject to the imposition of the conditions set out above on any planning permission and subject to consideration of the accompanying application for listed building consent (reference 16/01561/LBC), the proposal is considered to accord satisfactorily with the aims of paragraphs 131-134 and 137 of the NPPF in respect of heritage issues, as well as UDP policies B8, as well as the Sunnyside CAMS.

#### **4) Highway Issues**

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

As set out above, the Network Management Team has been consulted in respect of the proposed development and has advised that the development is within the City Centre with good links to public transport with the railway and metro station nearby. It is further noted that there is a City Centre Residents' Parking Scheme available for residents with cars and the Parking Services Team can advise further in this regard and that a 16 space secure covered cycle store is proposed as part of this development. The Network Management Team does not object to the application.

Given the characteristics of the site and the nature of the proposed development as detailed above, the proposal is considered to be acceptable in respect of the highway network and the availability of car parking for residents who require it. The proposal is considered to accord satisfactorily with UDP policies T14 and T22.

## **5) Noise**

Paragraph 123 of the NPPF which states that planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

As set out above, the Public Protection and Regulatory Services Team has noted that the proposed development is situated in a busy city centre location and may be subject to relatively high levels of intrusive noise. As such the development should be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded commensurate levels of protection conducive to good sleeping or resting conditions. The Applicant should have regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:2014, Sound insulation and noise reduction for buildings - Code of practice.

The Public Protection and Regulatory Services Team has assessed the noise report provided to support the application and find that providing the measures detailed in the noise assessment with relation to windows and ventilation are implemented as stated in the noise report, the World Health Organisation's recommendations can be met.

Should Members be minded to approve planning permission, a condition can be that the sound proofing measures set out in the noise report are fully implemented during the construction phase

and maintained as such thereafter. Subject to such a condition, the proposal is considered to accord with UDP policy EN6.

## **6) Drainage**

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Policy EN12 of the UDP seeks to ensure that new development will not impede the flow of flood water or increase the risk of flooding elsewhere, nor adversely affect the quality of ground or surface water or other waters.

Further to consultations with the Lead Local Flood Authority it is considered that as the development includes no significant change to internal and external dimensions of the property it is considered there will no change in flood risk and no opportunity for drainage improvements.

## **Conclusion**

The proposed conversion and adaptation of the listed building for residential apartments is considered to be acceptable in principle, the general approach to the works appropriately conserves surviving features and character of the building and due regard has been given to all relevant material planning considerations.

It is recommended that Members approve the application subject to the appropriate conditions as detailed 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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 subjects to the conditions listed below:

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
  
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan received 25.08.2016.
  - Drawing No. P001 Rev A received 25.08.2016, Floor plans as existing.
  - Drawing No. P002 received 25.08.2016, Floor plans as existing.
  - Drawing No. P101 Rev A received 25.08.2016, Floor plans as proposed.
  - Drawing No. P102 Rev B received 13.01.2017, Floor plans as proposed.
  - Drawing No. P003 received 25.08.2016, Elevations as existitng.

- Drawing No. P004 received 25.08.2016, Elevations as existing.
- Drawing No. P103 received 25.08.2016, Elevations as proposed.
- Drawing No. P104 received 25.08.2016, Elevations as proposed.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full written schedule and samples of the materials and finishes to be used for the external surfaces, including slates, slate vents bricks, windows, secondary glazing, aluminium rainwater goods, louvers and sika roof membrane have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework and policy B2 of the Unitary Development Plan.
- 4 Prior to the buildings being brought into use for the purposes hereby approved, the noise mitigation measures specified in the Noise Assessment prepared by LA Environmental Consultants dated September 2016 shall be implemented in full. Once the described measures have been implemented, they shall remain in place at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in order to protect the amenities of future occupiers of the proposed development and to accord with policy EN6 of the Unitary Development Plan.
- 5 The buildings shall not be brought into use and occupied for the purposes hereby approved until a detailed written management plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the management plan shall include details of on site management, measures to control car parking, appropriate sound insulation measures, an on-going programme of maintenance, security, refuse and recycling storage, lighting, cycle storage, a helpline contact for residents, arrangements for postal delivery, laundry and drying facilities, building security plans, fire evacuation plan, weekend arrivals procedures, warden and community liaison arrangements. Thereafter, the development shall operate in complete accordance with the approved details, unless the Local Planning Authority first agrees to any variation in writing, in the interests of residential amenity and to accord with policy H18 of the Unitary Development Plan and the Interim Student Accommodation Policy.
- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order and the Town and Country Planning (General Permitted Development) Order, or any subsequent Statutory Instrument, revoking or altering these Orders, the apartments hereby approved shall be used for the purposes of studio apartments for the student letting market (Use Class C3) only and shall be used for no other purpose, including any other purpose within Use Class C3, without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to accord with policy H18 of the Unitary Development Plan and the Interim Student Accommodation Policy.

- 7 No development shall take place until full details of type and dimensions of conservation roof lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
  
- 8 Notwithstanding the submitted plans, no development shall take place until precise details of the size and positioning of the proposed solar panels as annotated on drawings P103 received 25.08.2016, including product specifications, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework and policy B2 of the Unitary Development Plan.
  
- 9 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 and EN6 of the UDP.



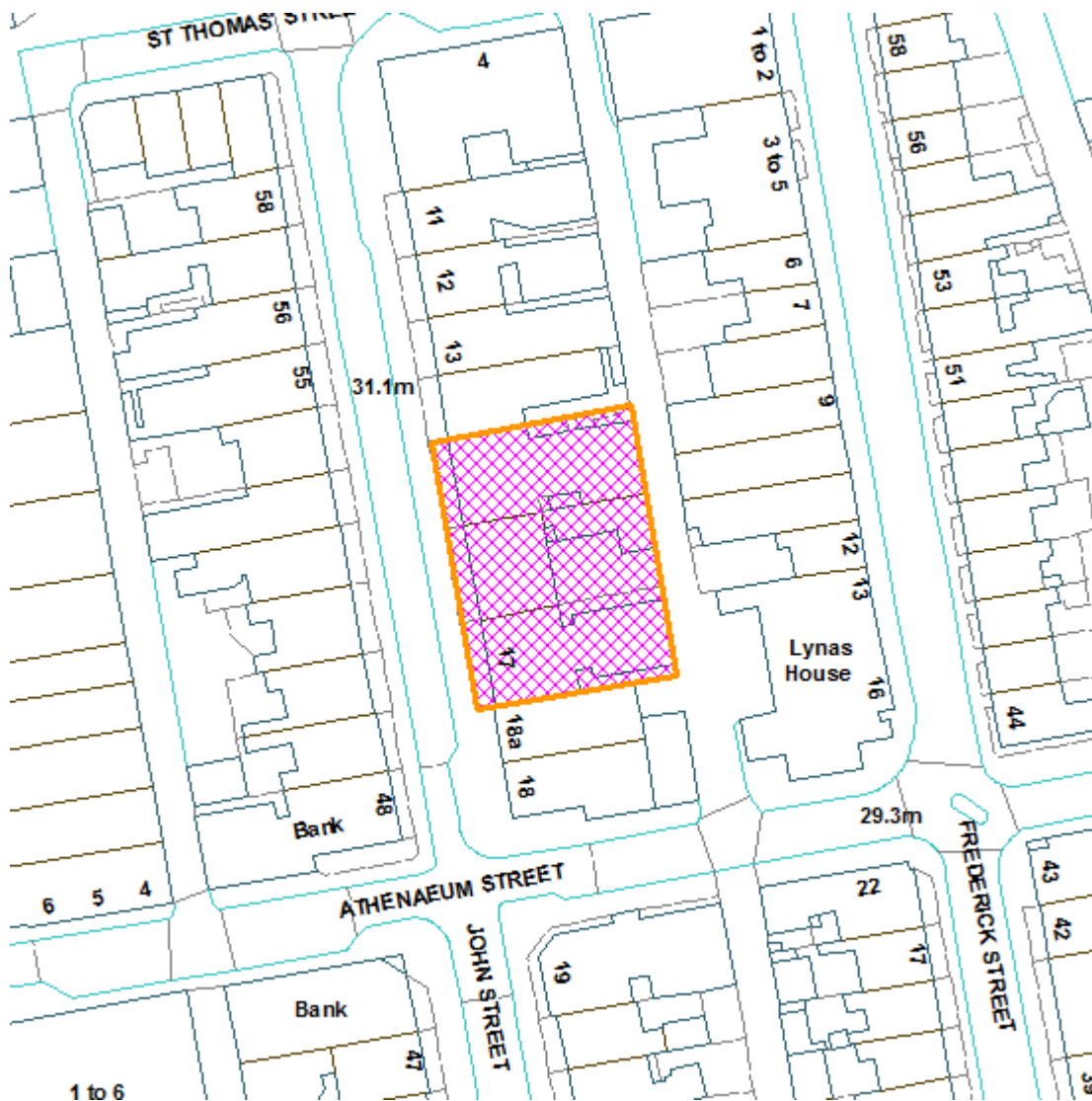
Reference No.: 16/01561/LBC Listed Building Consent

Proposal: **Internal and external alterations to facilitate change of use from offices (use class B1) to residential apartments (use class C3) and ancillary accommodations, including external works.**

Location: 15 - 17 John Street Sunderland SR1 1HT

Ward: Hendon  
Applicant: Priestley Homes  
Date Valid: 17 October 2016  
Target Date: 12 December 2016

### Location Plan



## **PROPOSAL:**

This application relates to the 15-17 John Street in Sunderland City Centre. The properties form part of a terrace of similar buildings, which were built between 1820 and 1850 and are Grade II Listed. When built, the properties were dwellinghouses, but over time, the majority have become offices. The properties to which this application relates (numbers 15-17) are presently disused, having most recently been used as office accommodation.

Listed building consent is sought for works to facilitate the conversion of the buildings to comprise 30 units of residential accommodation and ancillary facilities aimed at the student market.

The proposed works include:

- Alterations to internal partition walls and insertion of new partition walls to form the proposed accommodation;
- Provision of en-suite bathrooms and kitchens, requiring drainage, water services and ventilation;
- Conversion of the attic roof space and addition of conservation roof lights to the front and rear roof planes. The existing narrow staircase giving access to the attic of numbers 15 & 16 to be removed and a new staircase and opening formed;
- Removal of the lift shaft and making good of the floors;
- Removal of external metal ramps from the basement and the fire escapes on the John Street elevation and making good of the light well;
- Alterations to some window and doors within existing openings.

The application is accompanied by an application for planning permission for the proposed development - application 16/01560/FUL.

The application has been supported by a Heritage Statement and a Structural Report.

Members may recall that the building was granted both planning permission and listed building consent for internal and external alterations and change of use from offices (B1a) to comprise 61 residential (C3) apartments and ancillary accommodation for the student letting market at South Sunderland Development Control Sub-Committee dated 29.09.2015.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **08.12.2016**

## **REPRESENTATIONS:**

Neighbours and Interested Parties

No representations have been received.

## Consultees

Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer has offered no comments in respect of the proposals.

## **POLICIES:**

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

B\_8\_Demolition of listed buildings

## **COMMENTS:**

The main issue to be considered in determining this application is:-

Impact upon the Listed Building

Paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Policy B8 of the Unitary Development Plan states that there will be a presumption in favour of retaining listed buildings.

Further to the abovementioned policies, the Council has produced and adopted the Sunnyside Conservation Area Character Appraisal and Management Strategy (CAMS). The primary objective of this strategy is to ensure that the special architectural or historic interest of the Sunnyside Conservation Area is preserved and enhanced for the benefit of current and future generations and for the enrichment of the city's built heritage. Management Objective 5 of the CAMS seeks to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is undertaken using the principles of 'informed conservation'. Proposal 5a seeks to conserve the architectural integrity of the historic terraces at the core of the Conservation Area through the application of design guidelines.

This development is considered to be generally acceptable in the consideration of heritage matters. The proposed conversion of the listed buildings for student accommodation will importantly secure the future of vacant and key listed buildings in a long-term beneficial use in a manner that is on balance sympathetic to its significance, and that will sustain its conservation into the future.

Whilst the Sunnyside Planning and Design Framework SPD encourages commercial uses at ground floor level in John Street, it is accepted from the applicant's supporting statement on market viability that there is a lack of demand for such uses and that the proposed residential use of the entire property represents the most viable option to provide the listed buildings with a sustainable long term future.

On the whole, the scheme demonstrates a sensitive approach to the conservation and adaptation of the listed buildings. The external elevations are to be preserved, with all features retained and repaired or restored as necessary. External interventions are limited and mainly confined to the rear elevations, with the exception of conservation roof lights to the front roof plane. Further details of these roof lights can be ensured through the imposition of a condition should Members be minded to grant listed building consent.

It is noted that solar panels are proposed on the internal roof slope of the 3 storey offshoot and that these could potentially be quite visible. Information is limited in terms of the detail of this element of the proposal and should Members be minded to grant consent, full details on the precise location and form of the panels can be secured through the imposition of a listed building condition.

Internally, the buildings have been subject to major changes in the past which have significantly altered much of the historic layout, particularly at ground floor level. Despite this, some important features survive most notably the grand staircase, several fireplaces and timber panelling and plasterwork in parts of the first floor. These features will be left largely exposed throughout the building, the layout and size of individual apartment/studios designed to accommodate their retention.

The most impressive room in the building is the grand hall to the rear offshoot first floor, which features a range of decorative grand classically themed features. This room will importantly remain unaltered through the current proposal until a suitable long term use can be agreed.

Should Members be minded to grant listed building consent, details of specific internal and external works can be subject to conditions, as set out in detail below.

Subject to the imposition of the conditions, the proposal is considered to accord satisfactorily with the aims of paragraphs 131-134 and 137 of the NPPF in respect of heritage issues, as well as UDP policy B8, as well as the Sunnyside CAMS.

## **Conclusion**

For the reasons set out above, it is recommended that listed building consent should be granted subject to the conditions set out below:

### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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 Listed building consent, subject to the conditions listed below

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
  
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan received 25.08.2016.
  - Drawing No. P001 Rev A received 25.08.2016, Floor plans as existing.
  - Drawing No. P002 received 25.08.2016, Floor plans as existing.
  - Drawing No. P101 Rev A received 25.08.2016, Floor plans as proposed.
  - Drawing No. P102 Rev B received 13.01.2017, Floor plans as proposed.
  - Drawing No. P003 received 25.08.2016, Elevations as existing.
  - Drawing No. P004 received 25.08.2016, Elevations as existing.
  - Drawing No. P103 received 25.08.2016, Elevations as proposed.
  - Drawing No. P104 received 25.08.2016, Elevations as proposed.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full written schedule and samples of the materials and finishes to be used for the external surfaces, including slates, slate vents bricks, windows, secondary glazing, aluminium rainwater goods, louvers and sika roof membrane have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework and policy B2 of the Unitary Development Plan.
  
- 4 No development shall commence until 1:20 or 1:10 scale elevation and section drawings for all new windows, dormers, doors (including new internal doors), architraves, skirtings, showing dimensions and profiles of frames, glazing bars and mouldings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the

development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.

- 5 No development shall commence until full details, including drawings and an on-site sample unit of the secondary glazing system to be installed and the method of fixing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 6 No development shall commence until a section detail drawing showing how new stud walls, suspended ceilings, and fixed furniture will be cut around surviving cornicing, dado and picture rails, timber panelling and skirtings, including a detail showing how timber panelling will be protected behind ensuite bathrooms have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 7 No development shall commence until full specifications and method statements for all masonry repairs and repointing produced by a stone mason have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 8 No development shall commence until sample areas of stone repairs and re-pointing have been carried out on site and made available for inspection and approval in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 9 No development shall commence until sample areas of timber repairs to windows and porticos have been carried out on site and made available for inspection and approval in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 10 Notwithstanding the submitted plans, no development shall take place until precise details of the size and positioning of the proposed solar panels as annotated on drawing P103 received 25.08.2016, including product specifications, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not

be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.

- 11 No development shall commence until detailed written specifications and method statements for internal plasterwork repairs, including lat and plaster walls and ceilings, provided by specialist contractor have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 12 No development shall commence until detailed written specifications and method statements for all structural repairs to the building, provided by specialist contractor have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 13 No development shall commence until detailed written specifications and method statements for all timber treatments, provided by specialist contractor have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 14 No development shall take place until detailed written specifications and method statements for damp proofing treatment, provided by specialist contractor have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 15 No development shall take place until full details of type and dimensions of conservation roof lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
- 16 No development shall take place until a method statement describing how all features of the building will be protected during construction works has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local



Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.

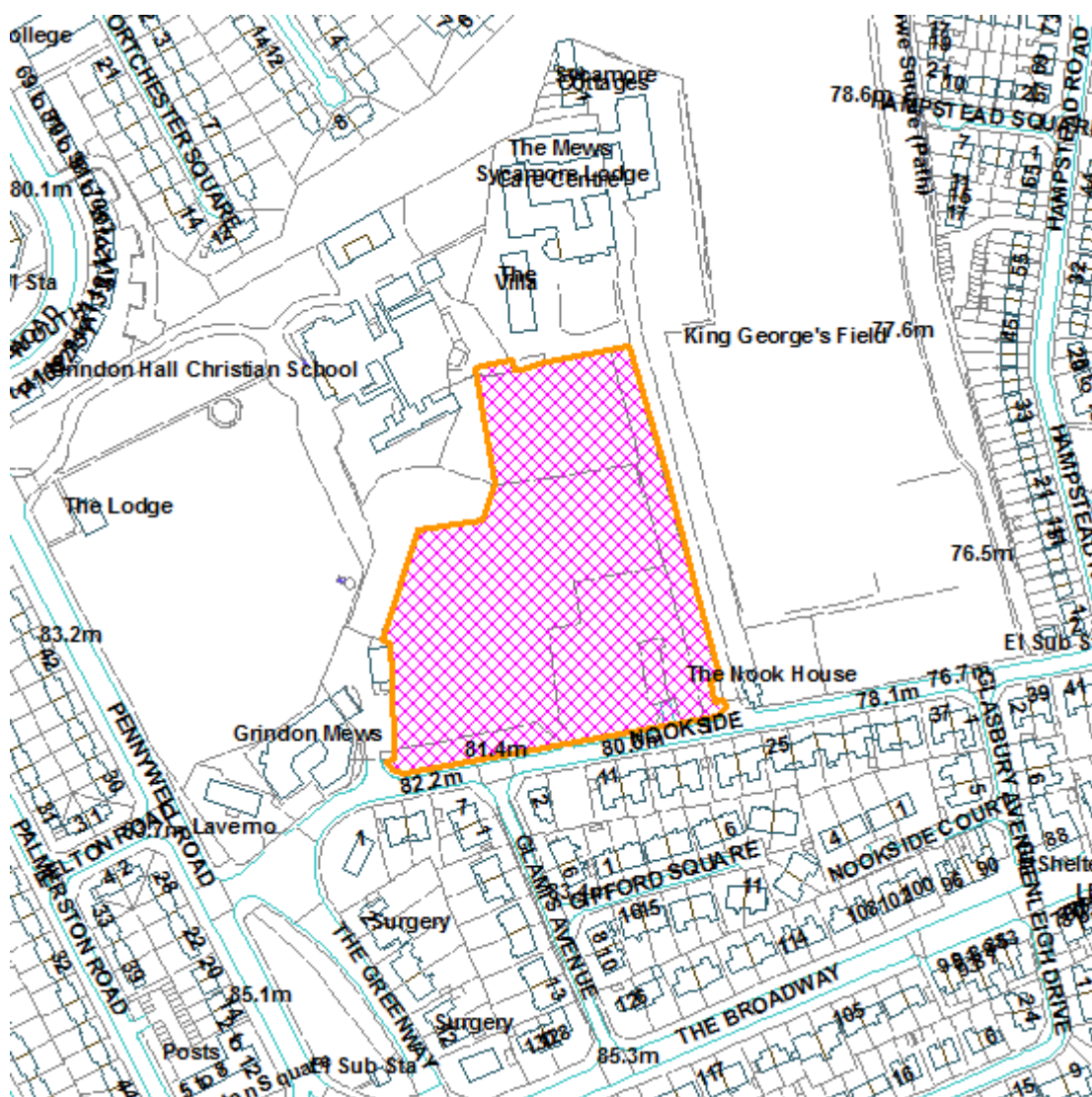
- 17 No development shall take place until details of how routing and outlet of services (i.e. drainage and ventilation for bathrooms and kitchens) will be designed to avoid damage / intrusion into historic features have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.
  
- 18 No development shall take place until full details of how fire protection measures and other building regulation requirements will be incorporated to avoid damage / intrusion into historic features, for example through use of intumescent products. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with paragraph 137 of the National Planning Policy Framework.

Reference No.: 16/02081/SU4 Resubmission (Reg 4)

**Proposal:** **Erection of 75no. dwellings for sale and affordable rent comprising 12no. 2-bedroom bungalows for sale, 8no. 2-bedroom dwellings for sale, 15no. 3-bedroom dwellings for sale, 32no. 2-bedroom apartments for affordable rent and 8no. 1-bedroom suites for people with learning difficulties in partnership with Grindon Mews and associated access and landscaping. (Resubmission) (Amended Proposal received 17.01.2017 - reduction in the number of units from 77 to 75 and revised on-site parking)**

**Location:** Land At Nookside Sunderland  
**Ward:** St Annes  
**Applicant:** Thirteen Group And Keepmoat (Joint)  
**Date Valid:** 8 November 2016  
**Target Date:** 7 February 2017

#### Location Plan



## **PROPOSAL:**

### Site Description

The application site has an area of 1.67 hectares, is situated on the north side of Nookside and is currently vacant, comprising planting, numerous trees, fencing and hardstanding which is being used for car parking, having partly previously accommodated the Nookside Day Centre until it was demolished in 2010.

The site generally slopes upward from east to west and its northernmost section is slightly raised. The south of the site is bordered by boundary walls of either approximately 1m or 2m in height and two vehicular access are currently afforded to the site whilst a further access runs along its east side serving the Sycamore Care Centre to the north. Large mature trees line the southern boundary of the site, there is a dense cluster of mature specimens centrally within the site and the trees in the northern section of the site are protected by a tree preservation order (TPO 158), which also covers the trees which border the site to the west and north and a number of those which line the access to the Care Centre.

Grindon Hall Christian School borders the site to the north and Grindon Mews abuts the western boundary of the site, a care facility for which planning permission has recently been granted to be changed to a short break residential unit for people with disabilities, and Nook Lodge, a supervised living unit, exists to the east. The remainder of the surrounding area is comprised predominantly of dwellings; those opposite the application site on the south side of Nookside are mostly single storey and two storey properties exist on corner plots further to the west.

The majority of the site is Council-owned and the application has been publicised accordingly.

### Proposal

Planning permission is sought for a residential development totalling 75no. units comprising 35no. dwellings for sale (20no. 2-bedroom and 15no. 3-bedroom), 32no. 2-bedroom affordable rented apartments for people over 55 years of age and 8no. 1-bedroom suites for people with learning difficulties. The majority of the units would be two-storey, with the exception of 12no. bungalows which would run along the front of the site, and comprise a mix of detached, semi-detached and terraced properties.

The easternmost of the existing accesses would be utilised and the remaining existing vehicular access would be used only for pedestrian access. A total of 104no. car parking spaces, including driveways and visitor spaces, would be provided throughout the site.

The proposed palette of materials includes Ibstock Wylam Olde Blend brick, terracotta red roof tiles, chalk coloured render and grey/brown cedar weatherboard.

Members may recall that this application was deferred at the Sub-Committee meeting of 03.01.2017 following concerns over the potential for additional car parking along Nookside, impact on trees as a result of the proposed additional parking provision along the driveway of Sycamore Care Centre, health implications in respect of the ground conditions of the site and the impact on the local sewerage network. Since this meeting, the number of units has been reduced by two, the number of on-site car parking spaces has been increased by 14no. and additional details have been provided in respect of the impact of trees, human health and drainage, as set out in the relevant sections below.

This application constitutes a resubmission of application ref. 16/01050/FU4, which was withdrawn following concerns raised by the Council, as Local Planning Authority (the "LPA") in respect of the proposed site access, high density of development and car parking, layout and impact on trees as well as ecology and play provision in lieu of the requested financial contributions. The current application seeks to address such concerns through an amended site access and increase in the width of the internal roads, reduction in the level of car parking, further details of the rationale of the proposed layout, an extended arboricultural impact assessment and a commitment to make the requested financial contributions.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

St Annes - Ward Councillor Consultation  
Fire Prevention Officer  
Northumbrian Water  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Natural England  
Director Of Childrens Services  
Flood And Coastal Group Engineer  
Environmental Health  
Network Management

Final Date for Receipt of Representations: **09.02.2017**

#### **REPRESENTATIONS:**

Neighbours

This application has been publicised by site and press notices and letters to neighbouring properties.

Representations have been received from one neighbouring resident who has raised concerns that the existing road infrastructure along Nookside is inadequate and frequently congested, particularly during peak periods and when matches are played on the adjacent football pitches, and a number of road accidents have taken place including two damaged cars and a head-on collision at the west side of Nookside. Concerns have also been raised over the potential exposure of existing residents to contaminants, in particular airborne fibres.

A representation has also been received on behalf of Sycamore Care Centre wherein no objection is provided, however concerns are raised that the indicative drawing showing 25no. parking bays is excessive and would damage the trees and bluebells which line the drive. The Managing Director of the Care Centre, instead, suggested that the provision of 14no. bays to the southern section of the drive would be more appropriate and also noted that not all of the vehicles which previously parked on the site were associated with the Care Centre.

## External Consultees

Natural England confirmed that it has no comments to offer in this instance.

Northumbrian Water offers no objection and recommend the imposition of a condition requiring the submission and agreement of an appropriate scheme of foul and surface water drainage prior to the commencement of development. Since the previous presentation of this application to the Sub-Committee, Northumbrian Water has provided written confirmation that the local sewerage system will be upgraded at its expense if the project proceeds.

The Tyne and Wear Fire and Rescue Service confirmed that it has no objection subject to adherence to building regulations pertaining to fire safety.

## Council Consultees

Education has advised that, given the availability of places at South Hylton, Academy 360 and Grindon Infant's School, a financial contribution cannot be justified in his instance.

Environmental Health offers no objection but recommends the imposition of conditions requiring the submission of a remediation method statement, verification plan, verification report and means of dealing with unexpected contamination should any be encountered during the carrying out of works on site.

The Flood and Coastal Team confirmed its satisfaction of the proposal subsequent to revisions to the drainage strategy to accommodate additional car parking, subject to the imposition of a condition requiring the agreement of final details of the swale to be provided.

Natural Heritage advised that the proposed development would result in a loss of significant habitat for certain species and will include increased disturbance and predation by domestic cats and therefore requested a financial contribution totalling £46,200 to offset this impact.

Network Management originally advised that it may be necessary to consider refusing this application due to the displacement of vehicles currently parking on the site but subsequently withdrew this objection subsequent to the submission of additional details; further detailed comments have been provided which will be elaborated upon in the "Access and Car Parking" section of this report.

Sport and Leisure has requested a financial contribution for the provision of new play facilities or the improvement of existing play facilities, where appropriate, within St Anne's Ward with funds being utilised to support on-going maintenance of the play park.

Urban Design raised concerns over the high density of the proposal, but advised the rationale behind the location of the one- and two-storey properties has been explained within the updated Design and Assess Statement and is considered appropriate and the revised scheme addresses concerns previously raised of the high level of parking which would be provided within the scheme through the removal of spaces and their replacement with areas of landscaping. Urban Design also raised concerns over the use of 1.8m high close-boarded timber fencing on corner properties, which has since been revised and considered acceptable, and confirmed its satisfaction of the proposed palette of materials.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_24\_Appropriate provision for utility services in building development  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_1\_Improvement of the environment  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_1\_Provision for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_8\_Windfall sites to accord with other policies unless specific benefits are provided  
H\_14\_Negotiation for special needs housing in major developments  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
R\_1\_Working towards environmentally sustainable development  
R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land  
R\_3\_Infrastructure provision, etc. in association with developments  
R\_4\_Incorporation of energy saving measures  
SA\_9\_Allocation of site for new housing (over 10 units)  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

### Policy

Paragraphs 2, 11, 12, 196 and 210 of the National Planning Policy Framework (the "NPPF") emphasise that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise, whilst paragraph 13 confirms that the NPPF is a material consideration in planning decisions.

The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.

Particularly relevant in this case is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield sites).

In addition, the core principles also require the planning system to secure high standards of design and amenity, to take full account of flood risk and coastal change and to contribute towards the conservation and enhancement of the natural environment. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into the policies of the Council's adopted Unitary Development Plan (the "UDP") which have been 'saved' following a direction by the Secretary of State and, with regard to paragraph 215 of the NPPF setting out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The most relevant UDP policies to the current proposal are considered to be B2, B24, CN17, CN18, CN22, EN1, EN10, EN12, EN14, H1, H4, H8, H14, H16, H21, R1, R2, R3, R4, SA9(4), T8, T9, T10, T14 and T22. All of these are considered to be fully compliant with the NPPF with the exception of policies EN10, EN12, H8, H21, R3, T14 and T22 which are considered to be broadly compliant.

## ISSUES

The main issues to consider in assessing the proposal are as follows:

- o Land Use and Sustainability
- o Visual Amenity, Design, Scale, Massing and Appearance
- o Access and Car Parking
- o Residential Amenity
- o Trees and Ecology
- o Flood Risk and Drainage
- o Ground Conditions
- o Education
- o Play Space
- o Affordable and Special Needs Housing

### **Land Use and Sustainability**

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- o specific policies in this Framework indicate development should be restricted.

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

The northern section of the site is allocated by UDP policy SA9(4) for housing whilst the remainder of the site is not allocated for any specific land use by the Council's adopted UDP and, as such, is subject to policy EN10, which requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

UDP policy H1 sets out general criteria for the provision of new housing, including the re-use of vacant and derelict land wherever possible, in accordance with the 8th core planning principle set out by paragraph 17 of the NPPF wherein it is indicated that such sites shall normally be 'brownfield' (i.e. previously developed), whilst UDP policy H8 provides the context for considering

housing proposals that come forward as 'windfall' sites (i.e. sites not previously identified as being available for housing). Reflective of the presumption on favour of sustainable development set out by paragraphs 11 to 16 of the NPPF, policies R1, R2 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, in terms of the re-use of vacant and derelict land, methods of construction and with respect to the functionality of a development.

The application site is considered to be mix of brownfield and greenfield; the parts which previously accommodated the day centre and associated buildings and hardstanding are considered to be brownfield whilst the areas to the north and southeast which did not accommodate development are considered to be greenfield.

The Council's Greenspace Audit and Report 2012 identifies a below average quantity of amenity greenspace within Nookside, at 3.84 hectares / 1000 population compared to 5.34 hectares / 1000 population across the City. However, it is noted that this particular area of Nookside is well served by open space; indeed the application site is flanked by school playing fields to the west and King George's Field to the east. In addition, the quality of amenity greenspace within Nookside is rated as 4.6% higher than the City average and the proposed development retains a reasonable area of open space along its east boundary.

The local area includes a range of uses but is considered to be residential in character whilst the non-residential uses, such as the adjacent school, are compatible with residential development. The site is situated amongst established residential properties with reasonable public transport links and access to local amenities and schools and, as such, is considered to be a sustainable site for residential development.

For such reasons, the site is considered to be appropriate and sustainable for residential development and the loss of open space is considered to be acceptable in this instance whilst the proposed quantum of development is dependent on satisfying the issues set out below.

No specific details of sustainable building have been provided, however there would be a requirement to accord with current Building Regulations which, it is considered, ensures that an appropriate level of sustainable construction would be achieved.

### **Access and Car Parking**

Paragraph 32 of the NPPF 75 states that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

UDP policies T8, T9 and T10 promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes. Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles. Topic 13 of the Development Control SPG expands upon these policies, setting out the LPA's parking standards, and recommends the provision of 1no. off-street parking space per dwelling in addition to 1no. visitor parking space for every 3no. new dwellings.

It is noted that Nookside is a particularly well-used thoroughfare despite its relatively narrow width, forming part of a number of bus routes, and residents have advised that this street is used as a "rat run" which results in high levels of traffic at peak periods during mornings and afternoons. Careful consideration must therefore be given to the highway impacts of the proposed development.



The comments provided by the Council's Network Management section consider the traffic impact of the proposed development in addition to the acceptability of the proposed site entrance, road layout and parking provision whilst commentary is provided on the impact of the proposal on the local bus network and it is advised that details be provided to ensure that there would be no undue disturbance to the local highway network during construction works.

As set out above, since this application was last presented to the Sub-Committee the number of units has been reduced from 77no. to 75no. and the number of on-site car parking spaces has increased by 90no. to 104no. in total, which includes private driveways and visitor parking (garages are not included in this number). The revised parking has mainly been provided opposite the bungalows for Plots 59 and 60, with visitor parking bays reintroduced at the main entrance access road. This level of parking, as confirmed by Network Management, is considered to be acceptable based on mix of social housing units and end users.

Having regard to traffic impacts, this application is supported by a Transport Statement which has been used to assess the traffic impact of the proposed development on Nookside and nearby junctions, including its junctions with Pennywell Road and Holborn Road. An analysis of vehicular trip generation has been undertaken, which identifies that the busiest period will occur during the afternoon peak hour with up to forty two-way trips expected over this hour. A supplemental transport report has also been submitted and reviewed by officers, confirming that the original submission still applies and that traffic movements generated during peak hours which includes journey trips mainly associated with travel to work and school can be accommodated.

As confirmed by Network Management, it is considered that the number of peak hour (worst case) vehicle trips identified is appropriate for this type and scale of development, and the original transport statement confirms that the existing road network can accommodate the traffic generated by the development, which also takes into account that more than 50% of the proposed units would be social housing.

It is noted that the width of the road and footways on Nookside has been raised as an issue by residents, however Network Management has confirmed that the existing road width of 6m on Nookside is suitable and capable of accommodating two-way traffic flow. A 7.3metre wide carriageway is generally a requirement for local distributor roads which are either A or B classified roads, which is not the case for Nookside. The existing footways are 1.8m wide, which is the standard requirement and appropriate for pedestrian use on this street type and this location.

The proposed vehicular site entrance comprises the alteration and improvement of an existing entrance which meets highway design standards and the road network of the development has been revised from as proposed by the previous application to achieve a road width of 5.5 metres which, together with the proposed footway layout, meets adoptable highway design standards.

An existing gated link to Nookside is to be improved as part of the development proposal to provide a public footpath connection through to Nookside. Dropped kerb crossings and tactile paving would be provided on either side of the main vehicle entrance to the development, as well as both sides of Nookside to assist with pedestrian access to bus stops which, as confirmed by Network Management, is considered to be appropriate based on traffic and pedestrian levels associated with the proposed development. The proposal also includes a footpath link through to Grindon Mews to provide a direct link to staff and resources within Grindon Mews Community Resource Centre, which provides an additional means of support to residents planned to live within the proposed over 55's apartments and the learning difficulties suites.

The proposal would displace a number of cars which have been parking on the site on a daily basis, mostly, but not all, in association with Sycamore Care Centre. As many as 15no. vehicles

have been observed by officers on the site at one time, although it is noted that these cars have now largely been displaced and the site no longer appears to be heavily used for parking. In order to mitigate this displacement and prevent additional parking along Nookside and surrounding streets, the applicant has agreed to the imposition of a condition requiring the provision of alternative parking arrangements outside of the application site.

To this end, an indicative plan has been provided and assessed by an independent arboricultural officer and the Council's Network Management section which indicates that 25no. spaces could be provided along the access road to Sycamore Care Centre, which would be surfaced with a plastic geo-grid product to ensure that there would be no undue damage to adjacent trees provided that an appropriate method of installation is used and the geo-grid product is trimmed to provide a clearance of at least 500mm from the stem of any tree. Whilst this plan indicates that 25no. spaces could be provided, given that only 15no. cars have been observed on the site at any one time it is considered that only this number can be justified as a minimum and, as such, should Members be minded to approve this application, it is recommended that a condition should be imposed requiring at least 15no. off-site car parking spaces to be provided, including an appropriate method statement to ensure that no trees are put at risk; it is not considered that this level of parking, using the proposed geo-grid system, would be harmful to the appearance of the driveway of the Care Centre.

There are bus services which operate along this road to serve the local community, with the 39/39A operated as a commercial route by Go North East. No issues have been raised with officers of the Council about delays to services at this location through regular liaison meetings bus operators. The proposal would place additional strain on local bus services through the generation of additional accommodation, particularly in terms of an older demographic which is more likely to rely on public transport. However, this would be offset by contributions toward improving public transport facilities, which would be secured through the relevant consent under the Highways Act 1980 in this instance.

Network Management has also recommended the imposition of a condition, should Members be minded to grant planning permission, requiring a Construction Traffic Management Plan to be submitted and agreed prior to commencement of development, which is considered to be reasonable and necessary to prevent undue obstruction and disruption along Nookside.

### **Visual Amenity, Design, Scale, Massing and Appearance**

One of the core principles of the NPPF (bullet point 4), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Paragraphs 56 and 57 of the NPPF highlight the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, UDP policy H4 advises that housing development should reflect the density of the locality whilst increased densities may be sought, where appropriate, particularly where they relate to a public transport corridor, whilst policy H21 requires the provision of open space within residential developments.

The LPA has additional guidance in the form of the Development Control Supplementary (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice. Paragraph 2.4 of the latter sets out that 'design should reinforce and evolve local characteristics that are positive' and that 'new residential development should not have a negative impact on the features within the townscape and landscape which positively characterise the area'.

Expanding upon UDP policy B2, section 10C of the adopted Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments. This section goes on to advise that, where there is a difference in site levels, the aforementioned distances should be increased by 2m for every 1m in vertical difference in levels.

The proposed development adheres to the above spacing standards in respect of existing properties. Whilst the potential for the headlights of vehicles exiting the site to shine into the windows of properties on the south side of Nookside has been considered, it is noted that this is only likely to take place frequently during mornings, an existing access would be used and, in any event, this is not considered to be a significant concern for residential development of such scale, particularly given this could be mitigated with blinds/curtains or planting.

The proposal broadly adheres to the above spacing standards within the development; where these standards are not met it is considered that these disparities are minor and, as such, an acceptable level of outlook and privacy would be afforded to each dwelling.

Housing at a density of 45 dwellings per hectare is proposed; whilst this is relatively high, it is not necessarily unacceptable, provided that it can be demonstrated that a scheme of appropriate design and layout can be achieved having regard to the constraints of the site. In addition, as set out above, the quantum of development has reduced by two units from as originally proposed.

The previous withdrawn application comprised a significant level of car parking which, was considered, to represent an overly dominant feature within the street which would have negative impact on the overall quality of the development, in particular the substantial row of parking spaces to be provided to the front of units 55-65. When considered in combination with the proposed density of the scheme, it was considered that a particularly built-up environment would ensue which would be at-odds with the suburban nature of the locality. Concerns were also previously raised that inadequate external space would be afforded to the proposed dwellings.

Whilst the current application proposes the same number of car parking spaces, however the number of units has been reduced allowing for the provision of additional landscaping and private gardens and the parking to the front of units 55-65 has been revised to a series of pairs of bays separated by planting, including trees. The revised arrangement is therefore considered to be appropriate and ensures that no parts of the development would be overly dominated by car parking whilst affording appropriate levels of external amenity relative to the proposed housing type.

The predominant scale of housing in the area is between 1.5 and 2.5 storeys therefore the principle of providing bungalows and two storey properties is considered to be acceptable. The LPA suggested to the applicant that building heights should fall toward the north and western edge of the site to ensure that views of, and the outlook from, Sycamore Care Centre would not be compromised and that building heights to the south along Nookside be increased to reinforce key frontages and help enclose Nookside whilst providing a setback allows for the retention of residential amenity to existing properties. However, a comprehensive rationale behind the

location of the 1- and 2-storey properties has been explained within the updated Design and Access Statement which has been reviewed by the Council's Urban Design team and is considered to be appropriate.

The proposed boundary treatments, following an amendment which provides timber and brick boundaries on corner properties, is considered to be acceptable in terms of their height, indicative form and position. Given that no elevational details of the boundary treatment has been provided, should Members be minded to grant planning permission it is recommended that a condition be imposed requiring such details to be submitted and approved prior to the occupation of any dwelling.

## **Trees and Ecology**

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process, including minimising impacts and providing net gains in biodiversity. Paragraph 118 sets out that 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'.

Reflective of such aims, policy CN17 of the UDP encourages the retention of trees which make a valuable contribution to the character of an area and policy CN18 promotes the preservation and creation of habitat for protected species where possible. UDP policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

An Arboricultural Impact Assessment has been provided which provides details of a survey of more than 100no. individual trees, 7no. groups of trees and 3no. hedges within and adjacent to the site. A total of 35no. individual trees, including one A-rated tree and 14no. b-rated trees, in addition to four groups of trees are proposed to be removed and a scheme of landscaping, which includes replanting 32no. trees, has been provided.

It is accepted that 10no. individual trees and 1no. of the groups are to be removed due to structural defects and/or limited life expectancy and, whilst it would be preferable to retain the A-rated tree, given its position in the centre of the site it is accepted that this cannot be realistically retained without significantly altering the proposed development, including the number of units proposed which, the applicant has advised, would compromise the viability of the scheme. Crucially, the trees which line the front and east side of the site, which offer the greatest amenity value given their form and prominent positions, would be retained and the proposed level of replanting would ensure that the arboreal value of the site is retained to an acceptable degree. In addition, as set out above, an independent arboricultural officer has confirmed his satisfaction that bays can be provided along the drive of Sycamore Care Centre without putting the trees which line this drive at risk.

Given that no schedule of planting has been provided, should Members be minded to grant planning permission it is recommended that a condition be imposed requiring the submission and approval of such a schedule prior to the occupation of the proposed dwellings and a further condition should be imposed requiring protection measures to be provided prior to the commencement of development to ensure that no retained trees would become damaged.

In respect of ecology, an Ecological Impact Assessment (September 2016), Habitat Regulations (HRA) Assessment (July 2016), Preliminary Ecological Appraisal and Bat Survey (July 2016) and Breeding Bird Survey (July 2016) have been submitted and assessed by the Council's Natural Heritage section, which are broadly accepted in terms of impacts within the site, subject to the submission of an appropriate landscape schedule and details of location and long-term maintenance of ecological mitigation measures.

Contrary to the conclusion of the HRA screening report, as advised by Natural Heritage, the proposal to provide 75no. dwellings is considered to be a significant number and there is still a possibility that people and their dogs will utilise the coast and impact upon the designated Special Protection Area (SPA) in particular (including functional land), especially in-combination with other developments in the area. The capacity of existing sites such as Barnes Park extension and in particular Grindon Sandhills (proposed Local Wildlife Sites) and Wear riverside locations is also such that it cannot necessarily accommodate additional visitor pressure. The proposed development will result in a loss of significant habitat for certain species and will include increased disturbance and predation by domestic cats.

As per the recommendation of Natural Heritage, it is therefore considered that a contribution for ecological mitigation and enhancement measures is required towards strategic access management and monitoring and sustainable alternative greenspace, which would also benefit the residents accessing green infrastructure locally and near the coast. Such a contribution would address issues associated with the coastal European sites and other non-SPA/SAC sites and species. The total of the required contribution is £45,000 (revised from £46,200 due to the reduction in the quantum of development by two units), based on £600 per dwelling which is the ratio applied for similar approved schemes and the estimated cost of implementing the necessary measures, which would be divided as follows.

Access provision and controls - £5200  
Woodland and grassland improvement - £7400  
Contribution to Ranger Service - £26,600  
Sites of Special Scientific Interest and Local Sites - £5800  
Total - £46,200

The applicant has agreed to making this contribution and an agreement under section 106 of the Town and Country Planning Act 1990 is currently being prepared to this regard.

## **Flood Risk and Drainage**

Paragraph 103 of the NPPF states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats whilst UDP policy B24 advises that appropriate provision for utilities be made.

The Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA)

essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

Upon consultation with the Council's Flood and Coastal Team, as Lead Local Flood Authority, the proposed drainage design, as amended to accommodate the revised scheme, is considered to meet the requirements to provide SuDS and prevent flood risk to and from the development, upon condition that final details of the swale are agreed and adoption of the drainage system is approved by the Council and Northumbrian Water (or an alternative arrangement is made by the developer), to ensure on-going maintenance. In addition, as set out above, Northumbrian Water has provided written confirmation that the local sewerage system will be upgraded at its expense if the project proceeds.

## **Ground Conditions**

Paragraph 120 of the NPPF sets out that, 'to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst EN12, as set out above, is also of relevance in respect of impacts on the quality on ground and surface water. In addition, UDP policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A combined Phase 1 and Phase 2 Geoenvironmental Appraisal has been assessed by the Council's Environmental Health section who recommend the submission of a detailed remediation strategy and a Coal Authority Mining Report or equivalent, which have now been submitted. These documents, together with the concerns raised by local residents in respect of risks of exposure to contaminants, are currently being considered by the Council's Environmental Health section and it is anticipated that this matter will be reported separately to the Sub-Committee at or in advance of the meeting.

## **Education**

Paragraph 72 of the NPPF states that, 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and

- work with schools promoters to identify and resolve key planning issues before applications are submitted'.

In addition, UDP policy R3 states that, where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made.

To this regard, the Council's Education section has advised that, given the availability of places at South Hylton, Academy 360 and Grindon Infant's School, a financial contribution cannot be justified in his instance.

## Play Space

Paragraph 73 of the NPPF indicates that 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.

Policy H21 of the UDP reflects this, setting out the Council's requirements for open space provision within new developments. As the scheme proposes over 40 bed spaces, the applicant is required to provide formal (equipped) children's play space at a ratio of at least 0.2 hectares per 1000 bed spaces or provide a financial contribution to facilitate the provision or enhancement of existing facilities.

The Council's Sport and Leisure section has requested a financial contribution for the provision of new play facilities or the improvement of existing play facilities, where appropriate, within St Anne's Ward with funds being utilised to support on-going maintenance of the play park.

Whilst the proposed development comprises a total of 75no. units, this would include 32no. affordable rented apartments for people over 55s and 8no. units which would accommodate people with learning difficulties. Given that it is less likely that these units would accommodate children, it is not considered that they should be included in the calculation for the play facilities contribution in this instance. On this basis, based on 35no. proposed market dwellings and the Council's usual ratio of £701 per dwelling, a total of £24,535 would be required in this instance.

The applicant has agreed to make this contribution, which will be secured through an agreement under section 106 of the Town and Country Planning Act 1990.

## Affordable and Special Needs Housing

Policy H14 of the UDP advises that housing for special needs should be provided on major housing development sites whilst UDP policy H16 states that the Council will negotiate with developers, on the basis of local needs and site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. However, more recently paragraph 159 of the NPPF requires Local Planning Authorities (LPAs) to understand the housing needs of their area, including affordable housing, by undertaking and preparing a Strategic Housing Market Assessment (SHMA).

The Council's Objectively Assessed Need and Strategic Housing Market Assessment Update (March 2016) identifies a need for 10% affordable dwellings on schemes of 15 dwellings or more, of which 80% should be social rented and 20% intermediate.

A major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area's older population. The number of people across Sunderland area aged 65 or over is projected to increase by 43.2% from 51,900 in 2014 to 74,300 by 2037. Table 5.21 of the SHMA details older peoples' property type preferences, 24.3% of respondents would consider renting from a housing association, 24.9% would consider renting sheltered accommodation and around 17.3% would consider renting extra care. Table 5.18 identifies a lack of affordable older persons' accommodation throughout the city with the greatest need being in Sunderland South. Approximately 76 affordable older persons units are required annually. There is a particular need for apartments and sheltered rented accommodation for older households.

Based on the evidenced within the SHMA it is apparent that there is a need to diversify the range of older persons' housing provision in the city with a particular need for affordable older person's accommodation and, as such, the current proposal to provide 34no. affordable rented apartments, which are aimed for people over 55 years of age, and 8no. suites for people with learning difficulties, is considered appropriate in assisting to meet the housing needs of the City. It is noted that the Council's policy requires only 10% of units to be affordable, which equates to 8no. units in this instance, so this is the maximum number which can reasonably be required, as will be secured under the section 106 agreement. However, given that the developer of the affordable rented units, Thirteen Group, is a registered provider of social housing, the LPA is satisfied that 34no. affordable units will be delivered and the requirement to provide 8no. affordable units ensures that the requisite quantity of units remain affordable in perpetuity, in the unlikely event that these units are sold in the open market in future.

## Summary

For the reasons set out above, the site is considered to be appropriate and sustainable for residential development and the proposal is acceptable in terms of visual amenity, design, scale, massing and appearance. It is considered that the development would be afforded appropriate access and, subject to appropriate conditions, would not prejudice highway safety or the free passage of traffic. The proposal would not adversely affect the amenity of existing residents and the level of amenity which would be afforded to residents of each proposed dwelling is considered to be acceptable. The proposal would not significantly compromise the arboreal value of the site and satisfies flood risk and drainage requirements. The provision of school places in the locality is considered to be sufficient to accommodate the demands of the proposed development and a section 106 agreement is in the process of being made to secure affordable housing in perpetuity and financial contributions to offset impacts and enhance play space and ecology.

However, the ground conditions of the site and the risk which the proposal poses of exposure to contaminants are currently under consideration and will be reported at or in advance of the Sub-Committee meeting.

**RECOMMENDATION:** On the proviso that this outstanding matter can be satisfactorily addressed, it is considered that the proposal accords with the provisions of the UDP and, in the absence of any material considerations to indicate otherwise, it is recommended that Members be minded to grant consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below, which are subject to change pending further assessment of the proposal, and the sealing of an agreement under section 106 of the Town and Country Planning Act 1990 (as amended).

## 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 all received 08.11.2016, unless otherwise stated:

Drawing no. 14004 L01: Location Plan

- Drawing no. 14004 P100L: Site Plan received 10.02.2017
- Drawing no. 14004 P102: Dwelling Plans Plots 1-17, 20 and 21
- Drawing no. 14004 P103: Dwelling Plans Plots 18, 19, 22-33
- Drawing no. 14004 P104: Dwelling Plans Plots 34-42
- Drawing no. 14004 P105A: Dwelling Plans Plots 43-50, Detached Garages of Plots 50 and 51 received 14.12.2016
- Drawing no. 14004 P106: Dwelling Plans Plots 51-69
- Drawing no. 14004 P107: Dwelling Plans Plots 70-77
- Drawing no. 14004 P108: Dwelling Plans Plots 25-32 received 18.01.2017
- Drawing no. 14004 P110: Streetscene Elevations Plots 9-11 and 46-52
- Drawing no. 14004 P111: Streetscene Elevations Plots 01-08, 36-43 and 66-74
- Drawing no. 14004 P113: Elevations Plots 1-10
- Drawing no. 14004 P114: Elevations Plots 11-15
- Drawing no. 14004 P115: Elevations Plots 16-33
- Drawing no. 14004 P116: Elevations Plots 34-42
- Drawing no. 14004 P117: Elevations Plots 42-46
- Drawing no. 14004 P118: Elevations Plots 47-51
- Drawing no. 14004 P119: Elevations Plots 54-65
- Drawing no. 14004 P120: Elevations Plots 66-77
- Drawing no. 14004 P121: Elevations Plots 25-32 received 18.01.2017
- Drawing no. 14004 P125: Roof Plans Plots 1-17, 20 and 21
- Drawing no. 14004 P126: Roof Plans Plots 18, 19 and 22-45
- Drawing no. 14004 P127: Roof Plans Plots 46-77
- Drawing no. 14004 P130: Typical Sections
- Drawing no. 14004 P135: Existing Site Sections
- Drawing no. 14004 P300: Materials Schedule

in order to ensure that the completed development accords with the scheme approved, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 No development shall take place until a plan indicating the provision of parking bays which can accommodate at least 15no. cars, together with a methodology for the protection of any adjacent trees should this involve any digging within a root protection zone, has been submitted to and approved, in writing, by the Local Planning Authority and all bays have been provided in accordance with the approved details. All such bays shall then be maintained and made available for parking at all times and for no other purpose thereafter, in the interest of

highway safety and the free passage of traffic and to comply with policies T14 and T22 of the adopted Unitary Development Plan.

- 4 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority comprising a Construction Traffic Management Plan, which shall include details of construction traffic, site compound and contractor parking, and details of wheel cleaning facilities, days and hours of working, and measures to ameliorate noise, dust and vibration and the development shall be carried out in accordance with the agreed details thereafter, in order to protect the amenity of adjacent occupiers and the adjacent highway network and in order to comply with policies EN5 and T14 of the adopted Unitary Development Plan.
- 5 No dwelling shall be occupied and no construction work of the swale shall commence until full details of the swale and the management of foul and surface water, including construction and landscaping details of the swale, and a timetable for their implementation together with a strategy for their maintenance have been submitted to and approved, in writing, by the Local Planning Authority. No dwelling shall be occupied until the scheme has been implemented in full accordance with the approved details, which shall be maintained in accordance with the approved details thereafter, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding and to comply with paragraph 103 of the National Planning Policy Framework and policy B24 of the adopted Unitary Development Plan.
- 6 No dwelling shall be occupied until details of all walls, fences or other means of boundary enclosure, including a timetable for their erection, have been submitted to and approved, in writing, by the Local Planning Authority and all such boundary enclosures shall be provided in accordance with the agreed details thereafter, in the interests of visual amenity and highway safety to comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 7 The development hereby approved shall be carried out in complete accordance with the mitigation measures detailed in the submitted Ecological Impact Assessment dated September 2016, Habitat Regulations Assessment dated July 2016, Preliminary Ecological Appraisal and Bat Survey dated July 2016 and Breeding Bird survey dated July 2016 and no dwelling hereby approved shall be occupied until details of the location of all ecological mitigation and enhancement features identified in the reports together with a timetable for their provision and details for their long-term maintenance have been submitted to and approved, in writing, by the Local Planning Authority, in order to protect the biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 8 No dwelling hereby approved shall be occupied until a scheme of landscaping, together with a planting schedule and timetable its implementation, has been submitted to and approved, in writing by the Local Planning Authority. All planting, seeding or turfing of the approved details of landscaping shall be carried out in accordance with the agreed timetable and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, in the interests of visual amenity, to protect the biodiversity of the site and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

- 9 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Method Statement (revision A) and drawing ref. AIA TPP revision A dated 02.11.2016 as well as British Standard 3998 (2010): Recommendations for Tree Work, no development shall commence until all tree protection measures set out by this report have been fully installed and all tree protection measures shall remain in place until the development is complete, in order to ensure that no damage is caused to retained trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan.
  
- 10 No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. Such parking areas shall then be retained and permanently reserved for the parking of vehicles and all driveways will be retained to a usable length of at least 4.8 metres, to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies B2, T14 and T22 of the adopted Unitary Development Plan.

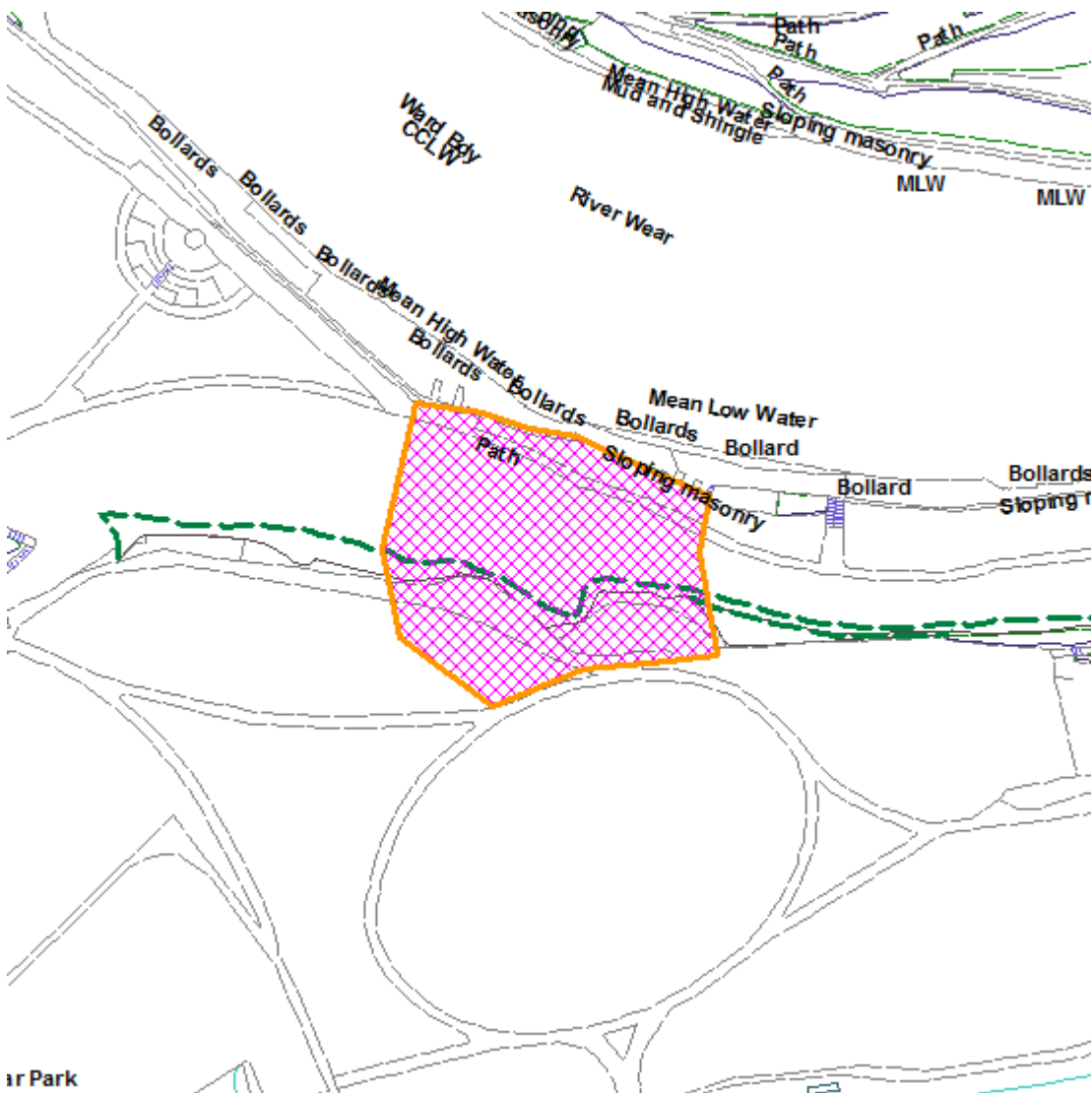
Reference No.: 16/02364/FU4 Full Application (Reg 4)

Proposal: **Erection of a steel staircase and lift enclosure to provide a pedestrian link between the former Vaux Brewery Site and Riverside Park to form the final section of the Keel Line public realm. Structure to include an illuminated pendulum feature. Works to include ancillary landscaping works to land at Vaux site and existing open space at Riverside Park, including stopping up of a highway.**

Location: Land North Of Former Vaux Brewery Site Gill Bridge Avenue Sunderland

Ward: Millfield  
Applicant: Siglion  
Date Valid: 6 January 2017  
Target Date: 3 March 2017

Location Plan



## **PROPOSAL:**

The application being considered is for the construction of a new area of public realm to the north of the former Vaux Brewery site. The development will complete "The Keel Line", an urban design / maritime heritage concept that was developed by the Councils Landscape Architecture Team in collaboration with artist Stephen Broadbent, of Broadbent Studios.

The Keel Line serves an important purpose, namely connecting the existing city centre to the proposed new business district on Vaux. Starting in Keel Square, (App ref 12/02578/LAP) The Keel Line continues over the extent of the Vaux site (App ref 15/02557/HY4), before finally connecting into the site which is the subject of this application. At this northern end of the Keel Line, a promontory feature is proposed on the cliff edge of the Vaux site. Entitled "The Launch" it comprises a viewing platform with a sculptural element below, which will house a staircase, slide and lift to enable pedestrian movement between Vaux and Riverside Park. The viewing platform will be 275sqm in area and will allow the public to take advantage of views across Sunderland and the River Wear. It will provide a new focal point; much in the same way as "Propellers of the City" (App ref 14/01415/LAP) does at the southern end of The Keel Line.

Overall, The Launch will measure approximately 25m in height by 13m in length and width and is reminiscent of the shape of the hull of a ship and the industrial framing of a Lambton Coal-Mining Drop, which used to be present in this location during Sunderland's mining period. Additionally, a pendulum with an illuminated disk has been incorporated into the design, which relates back to the smashing of a champagne bottle and the dropping of a ship to christen its maiden voyage. The Launch is also symbolic of Sunderland as a city, 'launching' itself into the future.

In terms of physical appearance, inspiration has been taken from the shipbuilding heritage of Sunderland, by utilising steel in its construction, with golden expanded metal cladding. The perforations of the cladding appear more "open" towards the top of the structure and "closed" towards ground level.

The proposal also creates spaces /opportunities for future uses around The Launch, such as spaces for shipping containers which could hold active uses such as "pop up" retail, food / drink, sports uses, event / exhibition spaces and landscaped areas with seating.

## **Application Site**

As mentioned above, the application site is on the northern cliff-edge of the former Vaux brewery site, which in itself has outline planning permission for mixed use development and detailed planning permission for infrastructure works, including the 2nd phase of The Keel Line and other Public Realm works (App Ref no 15/02557/HY4). Whilst it was originally envisaged that the Promontory would be approved via the submission of a Reserved Matters planning application, the proposal is the subject of a fresh, stand-alone Full planning application, due to the red line of the site being larger than anticipated. The 0.4Ha brownfield site is bounded by the River Wear and Riverside Park to the north, St Mary's Multi Storey car park to the east, and the wider cleared Vaux site to the south and west. The site is split level in character, with the upper level connecting into the cleared Vaux site and the lower level accessed via Riverside Park.

As already explained the Vaux site is currently cleared and awaiting redevelopment. Riverside Park is at present an underused and underutilised public open space. This is partly due to the fact that the park is located outside of the city centre and is in an area where there has been little

active use since the closure of the shipyards and the more recent clearance of the Vaux site. Currently there is only one access to Riverside Park, from Galley's Gill Road. The Launch will therefore seek to address this, by enhancing connectivity to Riverside Park; via the Vaux site once its built out. It is anticipated that the feature shall generate a higher level of visitor interest and footfall than occurs at present. In terms of delivery, it is envisaged that The Launch will be completed in time for the Tall Ships Race event that is planned for the summer of 2018.

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

- o Plans, including visualisations
- o Planning and Heritage Statement
- o Design and Access Statement
- o Ecological Reports
- o Geo-Environmental Reports
- o Tree Reports
- o Noise Assessment
- o Lighting Assessment
- o Archaeological Assessment

The Application has been advertised accordingly.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

#### **CONSULTEES:**

Southern Area Command - Police  
Southwick - Ward Councillor Consultation  
Millfield - Ward Councillor Consultation  
Network Management  
Environmental Health  
Port Manager  
Tyne And Wear Archaeology Officer  
Environment Agency

Final Date for Receipt of Representations: **20.02.2017**

#### **REPRESENTATIONS:**

Public Consultation

Pre-Submission

Prior to the submission of the application, two public consultation events were undertaken by the applicants for Launch. An event was held with Sunderland Youth Parliament on 8 December 2016, and another consultation event was held on the 13 December 2016 at the Frost Village in Sunderland's Keel Square. Notification of this second event was sent out to local MP's, Ward Councillors, and local business groups and to those who had previously registered to be kept informed via email. Additionally the event was publicised on social media and advertised on Sun FM radio. A video was created especially for the consultation, which showed visualisations and

artistic impressions of Launch and explained how the concept related to the cities shipbuilding and coal mining heritage. Approximately 80 people engaged in the event at Keel Square and overall, positive feedback that was received.

#### Post-Submission

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order (2010 & 2015), that is, by Site Notice and Press Notice. No letters of objection were received in relation to the neighbour consultation exercise.

#### Consultees

With regards Statutory consultees, the following responses were received:-

#### County Archaeologist

Advises that prehistoric remains could be present within the footprint of this application. However these may have been disturbed by the construction of the Lambton Office in the mid-19th century (presumably something to do with Lambton Staiths), which would be of industrial archaeological interest in itself.

They also advise that the Vaux Brewery site has been traditionally cited as the possible location of a Roman fort or signal station. Although Roman pottery has been found in the vicinity, no structural Roman remains have been found during archaeological work to date. Archaeological remains relating to Lambton Drops may also exist on the lower part of the site at the base of the cliff.

#### **POLICIES:**

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

- B\_1\_Priority areas for environmental improvements
- B\_3\_Protection of public/ private open space (urban green space)
- B\_10\_Development affecting the setting of listed buildings
- B\_11\_Measures to protect the archaeological heritage of Sunderland (general)
- B\_20\_Undertake and encourage provision of works of art in major new developments
- CN\_23\_Measures to conserve/ improve wildlife corridors
- EC\_2\_Supply of land and premises for economic development purposes
- EC\_3\_Support for new and existing economic activity
- EC\_4\_Retention and improvement of existing business and industrial land
- EC\_9\_Locations for Hotels and Conference centres.
- EC\_15\_Development or extension of bad neighbour uses
- EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas
- EN\_15\_Promoting / encouraging the reclamation of derelict land for appropriate uses
- L\_2\_Redressing indoor sport/recreation deficiencies through new development/dual uses
- L\_3\_Encouragement to regional recreational developments in appropriate locations
- L\_4\_Standards for outdoor sport and recreation
- L\_5\_Ensuring the availability of Public Parks and amenity open space
- L\_7\_Protection of recreational and amenity land
- S\_13\_Resisting retail development on land allocated for industry
- SA\_59\_Consolidation of Vaux Brewery, North of St. Mary's Way
- SA\_75\_Retention/enhancement of existing public open space

SA\_93\_Enhancement/ further development of footpaths/multi-user routes  
SA\_55\_"City Opportunity Site"on land at Livingstone Road/ Beach Street  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
B\_14\_Development in areas of potential archaeological importance

## **COMMENTS:**

The key planning issues to consider in relation to the application are:-

1. Land-use and Policy considerations
2. Heritage considerations
3. Design and Appearance, including landscaping
3. Ecology (including Habitat Regulations) considerations
4. Health Issues (Noise, Lighting and Ground Contamination)
5. Flood Risk considerations
6. Highways considerations

## **Land-use and Policy considerations**

### National Policy

The National Planning Policy Framework (NPPF) represents Central Government's latest policy guidance and was issued in March 2012. The NPPF establishes the presumption in favour of sustainable development, balancing the economic, social and environmental aspects of development proposals. The NPPF calls for planning to be "a creative exercise in finding ways to enhance and improve the places in which we live our lives".

The NPPF requires proposals to be of good inclusive design for all types of development, including those in public spaces and should respond to the local character and history of the area, whilst not prejudicing appropriate innovation. Paragraph 70 then focuses on the delivery of social, recreational and cultural facilities recommending that planning decisions should positively plan for the use of shared spaces, cultural buildings and meeting places that enhance the sustainability of communities.

Clearly, the ethos behind launch aligns with the above intentions of the NPPF, by creating an opportunity to help enhance this part of the city. Launch will act as an attraction / focal point, which will draw the public from the existing retail core, across the Vaux site in order to take in the views of the river and to interact with the piece itself. It will also enhance connectivity to Riverside Park below, which at present is an underutilised area of open space.

## **Local Policies**

With regards Local Policies, consideration can be given to the following:

Unitary Development Plan (UDP), including Alteration no. 2

These documents form the planning policy basis on which to determine planning applications. The following specific policies of the above documents seek to steer development within the Central Sunderland area:

Policy EC10A



This states that the City Council will support the regeneration of Central Sunderland and will seek to:-

- i) Maximise investment in employment, housing, leisure, tourism and education; and
- ii) Strengthen the retail function of the City Centre retail core.

#### Policies SA55A.2 and SA59

These Policies cover the Vaux site, and seek to secure its regeneration as a key new sector of the City Centre. Clearly, the proposal achieves this, as it is a key component of the masterplan already approved for the site under application reference no 15/02557/HY4. It is considered that the proposal compliments and supports the aspirations for the area through the installation of artwork which symbolises the historic and cultural history of the City.

In addition to the above, the following is also applicable:-

#### Policy B20 - Provision of Public Art

Policy B20 focuses on the delivery of public art with new developments and states that the Council will encourage the provision of works of art, craft or decoration as part of new developments and as part of the enhancement of the built environment and the open landscapes of the city. Again, for obvious reasons, the proposal accords with this policy.

In addition to the above, a number of other non-site specific policies are applicable in the consideration of this application. These are duly cited throughout at the relevant parts of the report.

#### Sunderland Central Area Urban Design Strategy

The Sunderland Central Area Urban Design Strategy Document (UDS) was formally adopted by the City Council as a Supplementary Planning Document on the 25th July 2008. It is intended to:

Inform development control decisions, guiding opportunities as they come forward in the central area

Reinforce emerging planning policy for the central area

Establish design principles and guidance for built form and the public realm against which all proposals within the central area will be assessed.

Accordingly, this document has also been given due consideration in the assessment of the design / impact of the proposal, which is discussed in the "Design and Appearance" section later in this report.

#### **Heritage considerations**

Whilst not within a designated Conservation Area, the site is close to the Wearmouth Bridge and railway bridge, which are both listed structures. UDP policy B10 is of relevance here, as this states that the City Council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The site has a rich history associated with the industrial revolution and the heavy industry that formed a large part of the economy of Sunderland for over 150 years. The subsequent decline of the heavy industry in the north east heavily impacted the city, particularly in its centre, which has

never properly recovered, economically. By making a link to this industrial heritage, the Launch has the opportunity to provide a new landmark attraction for local residents and visitors, further building upon the cultural interests started with Keel Square and the Keel Line, a Maritime Heritage urban design concept developed by the City Councils in-house landscape architecture team in collaboration with Stephen Broadbent of Broadbent Studios.

The Keel Line was developed as a mechanism to connect the retail core of the city centre to the new business quarter on Vaux and to the riverside beyond, which since the demise of the shipbuilding and coal-mining industries has been disassociated with the city centre. The line itself is a celebration of the city's former shipbuilding prowess and achieves this by re-creating the length of the largest ship ever built on the River Wear, namely the Nordic (Naess) Crusader at 291.9m. This length stretches across Keel Square and the extent of the Vaux site towards the cliff edge and the river. Demarcated by a specially illustrated black granite paving feature; the Keel Line includes the names of thousands of the most significant ships built in Sunderland's shipyards dating back to the early 19th century, the period when the city's reputation for shipbuilding excellence really came into its own. Artist Bryan Talbot, author of the graphic novel 'Alice in Sunderland', has designed how the names of the ships are presented along with a series of illustrations. The Launch clearly plays an important role in this concept, by providing a memorable environment and visitor experience for the northern end of The Keel Line and to some extent echoing the former Lambton Coal Drops. As such, the proposal is deemed to be inkeeping within this emerging "old vs new" heritage context.

As mentioned earlier, the County Archaeologist has also commented upon the historical importance of the area and has recommended that archaeological trenching be undertaken within the areas to be excavated for the foundations for the structure, which can be ensured via the imposition of conditions, should members be minded to approve the application. If any archaeological remains are found and where these are at threat from the proposed development, the remains must be fully archaeologically excavated before development can proceed. Again, such measures can be secured via condition.

## **Design and Appearance, including landscaping**

In terms of its appearance and design, an invited design competition was held to design the promontory structure. The selected team consists of designers and artists from a variety of disciplines, ranging from civil and structural engineering, architecture, branding to digital and interactive art. The design emerged through a series of conversations and workshops attended by the team, several of which were held on site.

The applicant describes the Key design features as:

- \* Celebratory conclusion to the Keel Line.
- \* Provides access between the Vaux site and Riverside Park, celebrating the differences in character between the two levels.
- \* Evokes the sense of movement from the site's industrial history.
- \* Using lighting establishes a relationship with the stadium and bridges at night.
- \* Creates a destination - and importantly somewhere visitors will want to keep coming back to.
- \* Embodies 'play' elements - providing enjoyment and engaging the future generations of Sunderland.
- \* Is forward looking - offering possibilities for others to add to.
- \* Remembers that big things were made and launched nearby.

Taking inspiration from the shipbuilding heritage of Sunderland, the design incorporates the shape of the hull of a ship. A swinging pendulum with an illuminated disk has also been incorporated into the design which relates back to the smashing of a champagne bottle and the dropping of a ship to christen its maiden voyage. This element is also reminiscent of a crane, many of which were evident during the shipbuilding period. In addition to these obvious ship building connotations, Launch also incorporates the frame of a Lambton Coal Drop thereby also representing Sunderland's coal-mining heritage. This is considered as being particularly apt, as Riverside Park was where these drops were originally located during Sunderland's peak mining and shipbuilding period.

The design proposes to be accessible to pedestrian visitors with access at the upper and lower levels from adjoining public spaces. Stairs provide the connection along with a passenger lift to all levels. As highlighted within the Central Area Urban Design Strategy, there are few connections between the city centre and the riverside corridor; as such the new connections to Riverside Park are welcomed.

It should also be noted that the Central Area Urban Design Strategy also suggests in order to significantly enhance north-south movement across the River Wear a new pedestrian crossing could be provided in the form of a new high-level bridge that connects the city centre from Vaux site to the Stadium of Light. The location of the promontory precludes this high level bridge, however still allows for a bridge at low level, which would connect Riverside Park with the northern bank of the river.

A series of 'fun' moments have also been incorporated for the enjoyment of visitors as journey down through Launch, including; a viewing platform where the pendulum emerges; a slide down to the park level and some play elements within its surface. At its base, the metal mesh becomes a surface and wraps across the landscape where it ties into areas of grasscrete surfacing, which could be utilised to form an outdoor event space for future events and activities.

Constructed from steel, with golden-coloured mesh-metal cladding Launch allows views through it, from the inside to the river, and also from the outside to its main structure behind. Such views from the outside into the internal structure are considered to be of paramount importance in relation to safety and surveillance issues with the stairwell and the proposed slide. Furthermore the proposal sits within both the natural landscape and the proposed built form of the Vaux development and will be required to complement both. As such samples of all structure and landscape materials will be required to be submitted for approval prior to construction, should Members be minded to approve the application.

It should also be noted from a structural perspective, the technical detail of the structure will require technical approval as a highway structure by the Council's Structural Engineer. This assessment is necessary to ensure the structure is both safe and serviceable and can be controlled via the imposition of conditions, should Members be minded to approve the application.

### **Landscaping.**

From the outset, the redevelopment of Vaux has been seen as an opportunity to create public realm of the highest quality, resulting in the development of the Keel Line concept which is described earlier. As such, particular care has to be given as to the selection of materials and setting out of paving etc, in order to achieve this vision. With this in mind a number of aspects have been identified as requiring further detail in order to ensure a desirable form of development is achieved, as set out below:-

- \* The proposed north facing seating area is close to a high retaining wall where the existing rail is quite low. New higher railings will be required along this section for safety purposes.
- \* Confirmation of the formation levels of the proposed grasscrete, in order to ensure the satisfactory retention of an existing tree.
- \* Confirmation of the levels of run-out for the slide. A safety zone will have to be incorporated in accordance with the slide supplier's recommendations. Responsive Local Services have stopped using rubber crumb safety surfacing due its vulnerability to vandalism and costly reinstatement. They now recommend rubber tiles incorporating grass.
- \* Further details relating to the lower level footpath. At present it is shown too narrow (at approximately 1.5m) as this will not allow sufficient circulation space for visitors to read the text on the Keel Line flags. It is recommended that the faceted grasscrete should be set further back to achieve this.
- \* The inclusion of a slide could possibly lead to issues of surveillance and safety. In a conventional play area, a carer generally stands at the bottom whilst the young child runs to the top. This would mean the child running onto a stairwell which is a public thoroughfare and disappearing from site. With this in mind, discussions are ongoing over this particular element of Launch, in order to ensure such circumstances do not occur, A satisfactory arrangement could be achieved by increasing the visibility throughout the route that the slide user would take.
- \* Further details of planting is required, i.e. stock size and spacings.

To conclude matters relating to design, subject to the imposition of conditions to ensure the above, it is considered that application brings forward a opportunity to establish a city landmark development of the highest architectural and design standards. Such a proposal would open up access to the river from the city and would exploit the currently under-utilised riverside corridor views and vistas.

### **Ecology (including Habitat Regulations) considerations**

The application is supported by a number of ecological reports relating to landscaping, wildlife and the trees in the area, including a Habitats Regulations Assessment (HRA), which provides the necessary Stage 1 evaluation of the proposed development against likely significant impacts on international sites (and the Durham Coast SSSI). The report concludes no likely significant effects alone or in combination on the key features of the designated sites or functional land/waters, and therefore the competent authority (Sunderland City Council) can record the conclusion as such, with no requirement to proceed to Stage 2 Appropriate Assessment.

With regards Local Policies, the following are relevant with regards Ecology and are considered below:-

#### **Policy CN13**

This Policy aims to protect and enhance important views of the cities townscape and landscape. It states that development should be located and designed so that it should not interrupt or prejudice views of recognised value. Additionally opportunities that would enhance views will be considered through the planning process.

Clearly, the proposed scheme will provide the opportunity for visitors and residents to take advantage of key views across the River Wear and the impact of such is discussed in further detail in the Heritage and Design sections found later in this report.

#### Policy CN17

Policy CN17 focuses on trees and states that they will encourage the retention, where possible, of trees hedges and landscape features which are considered to make a valuable contribution to the character of an area. The arboricultural assessment that accompanies the application advises that there are no restrictions protecting the trees on the site; the site is not within a Conservation area and there are no TPOs imposed on any trees within the site.

The report notes that it will be necessary to remove some of the existing trees to facilitate the proposed development and to establish a higher level of arboricultural management for the site. It will be necessary to impose appropriately worded conditions to ensure that the retained trees are adequately protected during the construction phase, should Members be minded to approve the application.

With regards wildlife, Policy CN23 is applicable in this regard, which seeks to conserve and enhance the environment wherever possible, whilst also ensuring appropriate habitat creation measures are sought in order to minimise any detrimental impacts. The submitted Ecological Assessment addresses the key issues associated with the site and phases of development proposed, namely, that the most disturbance will be during the construction phase but this will be temporary in nature and will be reversible to a large extent through the reinstatement and improvement of the park's landscaping following completion of the works. If the proposed development is approved it should be subject to adoption and implementation of the recommendations in the report (sections 4.2 and 5) with regards to ecological mitigation and enhancement measures, in particular with breeding birds, landscape schedule (species detail) and provision of a comprehensive long term Environmental Management Plan (for nature conservation) for Riverside Park.

Post-construction the area is likely to result in a higher level of human disturbance within the park than at present however, and there will be additional lighting in this area emanating from Launch. (A report regarding this has been submitted in support of the application, which is discussed in more detail in the following section). The lighting of Launch is not considered to be likely to affect the function of the River Wear corridor as an ecological network though, particularly for movement of those wading birds upstream of the site. Neither is it seen as being problematic for bats, as species recorded near the City Centre, notably common pipistrelle, are more tolerant of higher light levels than other species such as *Myotis* sp. bats. Given the lack of potential roost sites in close proximity to Launch, availability of dark foraging habitat elsewhere in the Riverside Park, and the maintenance of a dark foraging corridor at river level, the proposal is not considered to be likely to result in disturbance of bat populations.

It is therefore recommended that details of ecological management and maintenance measures are incorporated in a site Environmental Management Plan for the cliff and wider park area, which can be achieved via the imposition of conditions, should Members be minded to approve the application. To conclude matters on Ecology, no adverse impacts on existing habitats or animal species are anticipated. The proposal therefore complies with saved policy CN23.

#### **Health Issues (Noise, Lighting and Ground Contamination)**

From an Environmental Health perspective, a Noise Assessment, Lighting Assessment and Geo-Environmental Study have been submitted in support of the application.

## Noise.

With regards noise, it is understood that naturally generated and amplified sounds associated with the pendulum swing, will occur as follows:

- \* A natural self-generated wind sound as the pendulum swings - this would be deliberately designed to enhance the effect of the pendulum swing;
- \* Amplified noise used to simulate the sound of a pendulum arm being winched up before it is released.

It should be noted that the pendulum will only operate at certain times of the day, which are yet to be agreed. It is envisaged though that such movements will not be occurring constantly, perhaps "on the hour" and at certain other times, say if required for a particular event.

Currently, the nearest sound-sensitive dwellings to the proposed Launch are over 300m away to the south west. However, residential dwellings are to be erected as part of the Vaux redevelopment, and as such, these have been taken as the nearest sound-sensitive receptors. Sound surveys undertaken to establish the sound climate show that the proposed commercial buildings on Vaux will provide significant barrier attenuation, thereby minimising any potential residential sound impacts created by Launch.

## Light.

As the proposal also introduces feature lighting into the area, a lighting assessment has been undertaken, in order to assess any potential impacts. The proposal features a number of sources of lighting namely:-

- \* The pendulum, which will be adjustable in intensity, so as to create drama when required, such as during times of events.
- \* Feature lighting to emphasise the shape of Launch.
- \* General lighting for users / security.

In terms of impact, the most sensitive receptor would be those residential properties that are proposed on Vaux. The lighting report explains that lighting levels will generally be set at a level that does not exceed the recommendations set out in guidance produced by the Institution of Lighting Professionals (IPL). Furthermore, the report suggests that the pendulum be switched off when not active, with a curfew on lighting between 23:00 and dawn. As such, it is not considered that the proposed lighting levels will usually be excessively bright. However, at times of events, such levels will be able to be exceeded, in order to create a focal point / sense of drama. The report likens this brightness to that of an art installation from Trafalgar Square, called Tropicana Sun, which was as bright as 60,000 lightbulbs. It is considered that such changes in lighting levels for infrequent short periods of time will be acceptable as they will help provide a positive and powerful impact to this key regeneration site and will help attract people and increasing dwell time to the area. As such, the lighting levels are considered as being acceptable in this instance and a condition can be imposed, should Members be minded to approve the application, in order to agree the permitted lighting levels.

## Ground Conditions.

With regards ground conditions, a Phase 1 geo-environmental desk study has been undertaken in order to determine the prevailing ground conditions at the site and to identify potential contamination constraints which could impact on the proposed development. It is considered that significant widespread contamination is unlikely to be present on the site; however, low levels of asbestos are present, with the potential for more significant contamination to be present locally.

Due to the nature of the development, the greatest risks are anticipated to occur during construction, when there is a greater potential for soils to be disturbed.

Based on the above, it is considered that contamination is unlikely to present a major constraint to site development once the risk posed by asbestos is mitigated. Appropriate risk mitigation measures will however, be required in order to reduce risks to an acceptable level, including but not limited to further investigation, development of an appropriate asbestos risk management plan, adoption of health, safety and environmental protection measures, provision of sufficient clean cover over any asbestos contaminated soils. Appropriately worded conditions can be attached to any consent issued, to cover such matters, should members be minded to approve the application.

### **Flood Risk considerations**

Whilst the application site is in a critical drainage area, it should be noted a flood risk assessment is not required in this instance, due to the size of the proposal and also due to the fact that the proposal is categorised as a building, but a structure. As discussed in the design section, The Launch has been designed out of perforated cladding materials, which in any event will facilitate ease of drainage.

### **Highways considerations**

Whilst the proposal does not affect a vehicular highway, it will connect into the existing (and proposed) footpath network. UDP Policies T8, T9 and T10 cover such matters and seek to ensure the maintenance upkeep and improvement of the network. Clearly, the proposal accords with such desires as it creates a greater degree of permeability in this location than is currently enjoyed. It is noted that some of the footway will have to be stopped up under the powers of Section 257 of the Town & Country Planning Act 1990.

As the proposed lift, steel staircase and area surrounding the structure will not be maintained as public highway, maintenance details need to be confirmed by the applicant, along with details of balustrading and gating / means of control to ensure that the proposal is both accessible and can be used safely by the public. Furthermore, it is understood that a private management company will be responsible for the management and maintenance of the wider site, and the details of this will need to be confirmed at a later date, prior to completion / operation of the structure or any of the other planned developments for Vaux.

**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:-

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

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

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

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

## Conclusion

As set out in the above report, the proposal is considered to adhere with the relevant UDP policies and, accordingly, it is recommended that Members APPROVE the application under the Town and Country General Regulations 1992 subject to the following draft conditions

**RECOMMENDATION:** it is recommended that Members APPROVE the application under the Town and Country General Regulations 1992 subject to the following draft conditions:

### Conditions:

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



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

- o Dwg no 15033\_PL\_001 Rev 02 Proposed Site Plan
- o Dwg no 15033\_PL\_003 Rev 02 Masterplan
- o Dwg no 15033\_PL\_005 Rev 02 Proposed Roof Plan
- o Dwg no 15033\_PL\_006 Rev 02 Level 0 Plan
- o Dwg no 15033\_PL\_007 Rev 02 Level -1 Plan
- o Dwg no 15033\_PL\_008 Rev 02 Level -2 Plan
- o Dwg no 15033\_PL\_009 Rev 02 Level -3 Plan
- o Dwg no 15033\_PL\_010 Rev 02 Level -4 Plan
- o Dwg no 15033\_PL\_011 Rev 03 Proposed East Elevation
- o Dwg no 15033\_PL\_012 Rev 03 Proposed West Elevation
- o Dwg no 15033\_PL\_013 Rev 03 Proposed North Elevation
- o Dwg no 15033\_PL\_014 Rev 02 Proposed South Elevation
- o Dwg no 15033\_PL\_015 Rev 03 Proposed Section AA
- o Dwg no 15033\_PL\_016 Rev 03 Proposed Section BB
- o Dwg no 15033\_PL\_017 Rev 03 Proposed Section CC
- o Dwg no 15033\_PL\_022 Rev 03 Long Elevation
- o Dwg no 15033\_PL\_023 Rev 03 Section DD Wider Context
- o Dwg no 15033\_PL\_024 Rev 03 Section EE Wider Context
- o Dwg no 15033\_PL\_025 Rev 03 Riverside Park View (West)
- o Dwg no 15033\_PL\_026 Rev 03 Riverside Park View (East)
- o Dwg no 15033\_PL\_027 Rev 03 Riverside Park View (South)
- o Dwg no 15033\_PL\_028 Rev 03 Riverside Park View (South/West)
- o Dwg no 15033\_PL\_029 Rev 03 Riverside Park View (South/East)
- o Dwg no 15033\_PL\_030 Rev 03 Illustrative Materials
- o Dwg EAR1299.GA.002 Rev PL05 General landscape arrangement (Level 0)
- o Dwg EAR1299.GA.003 Rev PL05 General Landscape arrangement (Level -4)
- o Dwg EAR1299.GA.004 Rev PL05 Tree Removal
- o Dwg EAR1299.GA.005 Rev PL05 Indicative Levels
- o Dwg EAR1299.GA.006 Rev PL05 Lighting
- o Phase 1 Geo-Environmental Desk Study RP/252485/00/GEO-001
- o Acoustic Assessment 1007347
- o Lighting Assessment Rev A 1007347
- o Habitat Regulations Supporting Info V1.0 ref 16-091
- o Ecological Assessment V1.0 ref 16-0.91
- o Arboricultural Impact Assessment version AIA 14.12.16
- o Design and Access Statement Rev 03 31.01.17

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

3 Notwithstanding any indication of materials which may have been given in the application, the development hereby approved shall not commence until the following details have been submitted to and agreed in writing by the Local Planning Authority before their use on site:-

- o Samples and specifications of all hard surfacing materials and finishes, including the setting out of the Keel Line and associated features.
- o Samples and specifications of all walls, including retaining walls and structures, fences or other means of boundary enclosure. For the avoidance of doubt, this shall include railings to the proposed north facing seating area.

The development shall then be carried out in accordance with these agreed details, in the interests of visual amenity and to comply with policies B2, B10 and T14 of the adopted Unitary Development Plan.

- 4 Prior to the commencement of development, structural details of The Launch shall be submitted to be Approved in Principle by the City Councils Structural Engineer. For the avoidance of doubt, such details shall be based upon the findings of a detailed ground investigation which will include:-
- Boreholes to investigate ground conditions at depth; in particular rock over the depth of the cliff;
  - Trial pits to investigate the near surface deposits, contamination levels and condition of materials at rockhead;
  - In situ testing to confirm in situ rock properties;
  - Contamination and geotechnical laboratory testing
  - loading calculations, foundation details, anchoring to the cliff face and risk assessment information,

in order to ensure the integrity of the structure and a satisfactory form of development, in accordance with Policy R1 of the Unitary Development Plan.

- 5 Prior to the commencement of landscaping works approved as part of the approved development, details of the finished hard surfacing levels (including grasscrete) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be built in accordance with the agreed details unless otherwise first agreed in writing the Local Planning Authority. In order to achieve a satisfactory form of development and to comply with T14 of the Unitary Development Plan.
- 6 Prior to the installation of the slide feature hereby approved, details of the proposed slide feature shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall include details of the safe surveillance of users, confirmation of the levels of run-out and the setting out of a safety in accordance with the slide supplier's recommendations. Thereafter the slide shall be built in accordance with the agreed details and operated in accordance with such details thereafter, unless otherwise first agreed in writing the Local Planning Authority. In order to achieve a satisfactory form of development and to comply with T14 of the Unitary Development Plan.
- 7 CEMP Construction Environmental Management Plan  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means

to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Hours of construction, including deliveries;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

- 8 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Sunday in order to protect the amenities of the area and to comply with policy EN1 of the Unitary Development Plan.
- 9 Any on site vegetation clearance should avoid the bird breeding season (March to end of August) unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no active nests are present in order to ensure the protection of live nests and to comply with policy CN22 of the Unitary Development Plan.
- 10 As the site is located within an area identified as being of potential archaeological interest, no groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed in accordance with a specification provided by the Local Planning Authority. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and Unitary Development Plan Policies B11, B13 and B14.
- 11 As the site is located within an area identified as being of potential archaeological interest, the structure hereby approved shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 6 has been submitted to and approved in writing by the Local Planning Authority. This is in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and Unitary Development Plan Policies B11, B13 and B14.

- 12 As the site is located within an area identified as being of potential archaeological interest, the structure hereby approved shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. This is in order to enhance understanding of and allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and Unitary Development Plan Policies B11, B13 and B14.
- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 14 to number 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 14 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 15 Submission of Remediation Scheme Unless otherwise agreed by the Local Planning Authority, development must 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that

the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

16 Implementation of Remediation Scheme The remediation scheme approved under Condition number 15 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

17 Unexpected Contamination. 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 14 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 15 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 16 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

18 Prior to the commencement of development, a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site, such details which shall accord with advice in BS 5837 (2005) Trees in Relation to Construction to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

19 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with plans and particulars, which shall accord with advice in BS 5837 (2005)

Trees in Relation to Construction, to be submitted to and approved in writing by the Local Planning Authority the approved fencing shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

- 20 Prior to the completion of the development hereby approved, details of ecological management and maintenance measures (in particular with regard to breeding birds and a landscape schedule (species detail)) shall be submitted to the Local Planning Authority with a comprehensive long term Environmental Management Plan (for nature conservation) for Riverside Park. Once agreed, the plan shall be adopted and implemented in the interests of nature conservation and in order to comply with policy CN18 of the Unitary Development Plan.
- 21 Within six calendar months of the commencement of development, final details of all lighting and street furniture that is to be used throughout the development shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include information relating to the specification, operation and location of items such as feature lighting (including the proposed Pendulum element), lighting columns, CCTV, seating, bins, bollards, directional signage etc. Once agreed, those items shall then be installed prior to the completion of the development, in the interests of visual amenity and highway safety and in order to comply with policies B2, B4, B10, T14 and T22 of the Unitary Development Plan.
- 22 Prior to the completion of the development hereby approved an assessment of all lighting proposed for the development shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include information relating to the specification and operation of the proposed Pendulum element) The scheme shall be installed in full accordance with the agreed details in order to ensure that light as a result of the bridge and associated road works does not cause a statutory light nuisance to nearby residential properties and to comply with policy EN1 of the Unitary Development Plan.
- 23 Within six calendar months of the commencement of development, final details of the full scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this information shall include details of the precise location of all planting, including stock, size and spacings, including those in fixed planters. Once written approval has been issued, those items agreed shall be planted in the subsequent first available planting season, in the interests of visual amenity and to comply with policies B2, B4, and B10 of the Unitary Development Plan.
- 24 Should any of the planting, seeding and soft landscaping comprised in the approved details of condition no. 23 die, or be removed or become seriously damaged or diseased within a period of 5 years from the completion of the development, then these shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning

Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy CN16 of the Unitary Development Plan.

- 25 Vaux / Launch management plan  
Within 6 calendar months of the date of approval, a servicing / management strategy for "The Launch" shall be submitted for approval in writing by the Local Planning Authority. For the avoidance of doubt, details contained within the strategy shall include Stairway and lift opening / closing times and regular maintenance / management measures. At all times thereafter the approved strategy shall be implemented in accordance with the approved details. In the interests of protecting the amenity of the area, highway and pedestrian safety and to accord with policies EN9 and T14 of the Unitary Development Plan.

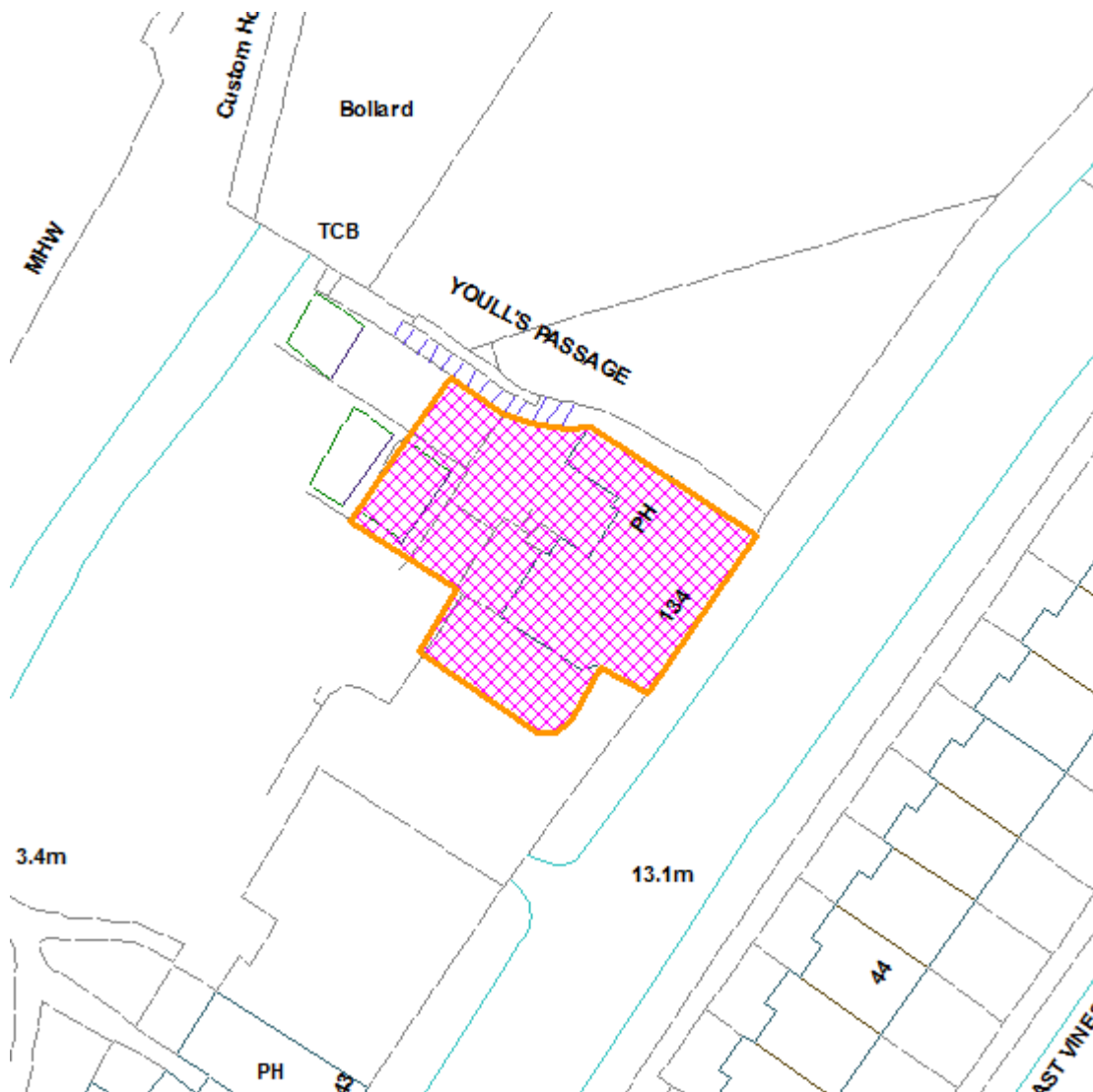
**Reference No.:** 17/00036/VA4 Variation of Condition (Reg 4)

**Proposal:** **Variation of condition 10 (no outdoor music) and condition 11 (restrict hours of seating area) attached to planning application 16/01717/FU4 (Creation of two outdoor seating areas, to include retractable roof and change of use of open space to car park.), to permit playing of amplified music and extended hours of use to new outdoor seating area at rear of premises (Area B on submitted location plan)**

**Location:** The Boars Head 134 High Street East East End SR1 2BL

**Ward:** Hendon  
**Applicant:** The Astrologer Ltd  
**Date Valid:** 10 January 2017  
**Target Date:** 7 March 2017

### Location Plan





## **PROPOSAL:**

The proposal relates to the variation of conditions 10 (no outdoor music) and 11 (restriction on hours of use of seating area) attached to planning application ref. 16/01717/FU4 (Creation of two outdoor seating areas, to include retractable roof and change of use of open space to car park.), to permit playing of amplified music and extended hours of use to new outdoor seating area at rear of premises (Area B on submitted location plan) at The Boars Head public house, 134 High Street East, Sunderland, SR1 2BL.

The proposals affect The Boar's Head public house, a large detached building fronting High Street East in the East End of Sunderland. The main body of the building is three storeys in scale, whilst to its rear and west side are a range of three, two- and single-storey offshoots and extensions, including a conservatory, which projects into a raised external patio. Beyond this, the land falls away very steeply to the Custom House and Corporation Quays on the banks of the River Wear. On its north side, meanwhile, is an area of roughly grassed landscaping in the ownership of the City Council, whilst the south side is bordered by a substantial raised planting bed, also in the Council's ownership.

The building stands within the Old Sunderland Riverside Conservation Area and would historically have formed part of a terrace fronting High Street East. It primarily dates from the 19th century (although it may include remnants of an earlier building), with the extensions added in the 20th century. The north side elevation of the building is flanked by Youll's Passage, a path (currently blocked behind the building) following the course of one of the historic alleyways which linked the High Street with the riverside. The Passage forms the boundary of the Conservation Area, so that the aforementioned area of grassed landscaping falls outside of the boundary.

The building has been vacant for some time and consequently, has fallen in a poor state of repair. Nevertheless, it has continued to make a positive contribution to this section of the High Street and the wider Conservation Area and it exhibits a particularly attractive, partly-tiled shop front. The building is, however, currently in the process of being renovated by the applicant, with the intention of it being re-opened as a public house/bistro and to this end, Members may recall that planning permission for a range of minor alterations and additions to the building was granted by the Development Control (South) Area Sub-Committee on 1st September 2015 (application ref. 15/01250/FU4).

A second application (ref. 16/01717/FU4), which proposed the creation of outdoor seating areas to the south side and rear of the building and the provision of a customer car park to its north side, was then submitted in November 2016 and, as Members may recall, was approved at the recent Sub-Committee meeting held on 13th December 2016.

The current application seeks to vary conditions 10 and 11 of application ref. 16/01717/FU4 which, respectively, serve to prevent the playing of amplified music within the two approved outdoor seating areas and seek to restrict the hours during which the approved seating areas can be used by customers.

Condition 10 currently reads:

'No amplified music associated with the Public House shall be played within the development hereby approved, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the Unitary Development Plan'

Condition 11 currently reads:

'The seating area hereby approved shall not be open to customers between the hours of 23:00 to 09:00, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the Unitary Development Plan'

The applicant is seeking to vary the two conditions so that it would be permissible to play amplified music within the outdoor seating area to the rear of the public house (but not the seating at the side) and so that the rear seating area can be used between the hours of 08:00 and 02:00 (i.e. the intended opening hours of the public house). Again, these extended hours of use would only apply to the seating area approved to the rear of the building and not the seating approved to the south side.

Members should note at this stage that as The Boar's Head is a longstanding public house, there are no planning restrictions which serve to limit its hours of opening and nor are there any restrictions in place in respect of the use of the existing outdoor seating area at the rear of the building.

No other conditions attached to the current planning approval are proposed to be varied as part of this application and in the event Members were minded to approve the application, all other conditions attached to the current planning permission which remain relevant to the development would be imposed in respect of the new permission.

Whilst the public house building is in private ownership, the application relates to land owned by the City Council (i.e. the site of the new seating areas) and as such, the requisite notice of the submission of the application has been served on the Council's Land and Property team.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Southern Area Command - Police  
Hendon - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **17.02.2017**

**REPRESENTATIONS:**

Public consultation - no representations received to date. The period for receipt of representations has, however, not yet expired; details of any comments received prior to the Committee will be provided to Members at the meeting.

**POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

## COMMENTS:

The principle of the wider development proposed by app. ref. 16/01717/FU4 has already been established through the approval that application at the Sub-Committee meeting in December 2016. In determining the initial application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of land use, visual amenity, built heritage, natural heritage and highway and pedestrian safety.

The proposed variation of conditions 10 and 11 of the initial approval seeks permission to allow extended hours of use and the playing of amplified music in respect of the outdoor seating area approved at the rear of the building. The nature of the proposed variations is such that it is only considered to give rise to fresh material issues in relation to the impact of the use of the new rear seating area on the amenity of the locality and in particular, the living conditions of the nearby residential dwellings. As such, it is not considered necessary to revisit the full range of matters previously addressed in the determination of the initial application. For a consideration of the full range of matters listed above, please refer to the report to the Sub-Committee produced in respect of app. ref. 16/01717/FU4.

## RELEVANT PLANNING POLICY

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should proactively drive sustainable economic development and seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Particularly pertinent to the consideration of this application is section 11 of the NPPF, paragraph 109 of which sets out that the planning system should contribute to and enhance the natural and local environment by, amongst other measures, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. With specific regard to noise, paragraph 123 requires planning policies and decisions to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them because of changes in nearby land uses since they were established;
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Also of relevance is the Government's online National Planning Practice Guidance (NPPG) resource, which provides more detailed guidance and further context in respect of the broader policy framework provided by the NPPF. The NPPG states that Local Planning Authorities' decision-taking in respect of development proposals should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved;

The relevant guidance of the NPPF and NPPG as detailed above feeds into policies EN5 and B2 of the Council's adopted Unitary Development Plan (UDP). Policy B2 echoes the NPPF's aim of maintaining appropriate standards of amenity, whilst policy EN5 sets out that where development is likely to significantly increase ambient noise levels, the Council will expect an applicant to carry out an assessment of the nature and extent of likely problems and incorporate suitable mitigation measures in the design of the development.

The two conditions, in their current form, were imposed in the interests of maintaining acceptable standards of residential amenity. In particular, the conditions were designed to ensure that the use of the approved external seating areas would not give rise to unacceptable intrusion and nuisance from noise, either generated by the playing of amplified music or generated more generally by the conversations and activity of customers using the seating areas.

The applicant has, however, requested that the restriction on the playing of amplified music imposed by condition 10 only applies to the seating area to the side of the building and not the rear. In addition, it is requested that the restriction on the hours of use of the seating areas set by condition 11 only applies to the seating area to the side of the building.

In considering the merits of the applicant's proposal, it is recognised that the approved new seating area to the rear of the premises extends towards the quayside and river. The seating area is therefore remote from the nearest residential properties (to the opposite side of High Street East) and is screened from them by the existing public house building. As such, it is considered unlikely that the proposed relaxation of the two conditions would result in the residents of these properties experiencing any significant disturbance from noise.

In addition, it is observed that the new rear seating area is essentially an extension of the existing external seating terrace at the public house which, as noted in the first section of this report, is not subject to any planning restrictions in terms of the hours of its use or the playing of amplified music. As such, even if the two conditions currently imposed on the planning permission were retained in their present form, there would still be no planning control over the use of the existing outdoor seating area and as a consequence, it could still be used by customers until 2am and could still be subject to the playing of music. Given this situation, it is considered that the proposed relaxation of the conditions is unlikely to generate a significantly greater level of noise than could be the case in respect of the use of the existing external seating area to the rear of the public house.

The merits of the proposed variation of the two conditions has been assessed by the Council's Environmental Health team and, having taken the abovementioned circumstances into consideration, it has been concluded that the relaxation of the two conditions is unlikely to give rise to any significant adverse impact on residential amenity as a result of noise. As such, it is not considered to be reasonable or necessary to require the applicant to undertake a noise assessment and consequently, there is no objection to the applicant's proposals.

With regard to the above comments, it is considered that the proposed relaxation on the terms of the use of the external seating area approved at the rear of the public house is acceptable and will not result in any significant adverse impact being caused in respect of the amenity of the nearest residential properties, in compliance with the requirements of paragraph 123 of the NPPF, the NPPG and policy EN5 of the Council's UDP.

Whilst it is considered that a relaxation in the use of the approved external seating area to the rear of the public house is acceptable in amenity terms, it is considered essential that the restrictions imposed by the two conditions continue to apply to the new seating area approved at the side of the building given its proximity to residential properties and it not being screened by the existing public house building. As such, in the event Members are minded to approve the application, it is recommended that the conditions be re-worded to the effect that the restrictions on the hours of use and playing of amplified music still apply to the seating area at the side of the building.

## **CONCLUSION**

The implications of the proposed variation of conditions 10 and 11 of the extant planning permission at the site have been given careful consideration, having regard to the relevant planning policy guidance provided by the National Planning Policy Framework, National Planning Practice Guidance and the Council's Unitary Development Plan. For the reasons set out above, it is considered that the proposed relaxation on the hours of use and playing of amplified music in respect of the new external seating area at the rear of the building will not have a significant adverse impact on the amenity of nearby residential properties.

As such, the proposal is considered to comply with the relevant requirements of the NPPF, NPPG and policies B2 and EN5 of the Council's adopted Unitary Development Plan (1998).

However, as noted in the 'Representations' section of this report, the public consultation exercise undertaken in respect of this application has not yet expired. A Supplementary Report will provide details of any representations submitted by members of the public, together with a recommended decision.

**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:-

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

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

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

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

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

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

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

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

**RECOMMENDATION:** Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to expiry of public consultation exercise and subject to the following conditions:

#### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan received 15 September 2016;
  - Existing Site & Roof Plan, Drawing 1 of 7 received 15 September 2016;
  - Existing North & South Elevations, Drawing 2 of 7 received 15 September 2016;
  - Existing East & West Elevations, Drawing 3 of 7 received 15 September 2016;
  - Proposed Site & Roof Plan, Drawing 4 of 7 received 15 September 2016;
  - Proposed North & South Elevations, Drawing 5 of 7 received 15 September 2016;
  - Proposed East & West Elevations, Drawing 6 of 7 received 15 September 2016;
  - Proposed site & Floor Plan, Drawing 7 of 7 received 15 September 2016.

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

- 3 Prior to the commencement of development details and a sample of the proposed galvanised steel mesh guard below the terrace shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details before the development commences on site and maintained as such thereafter in the interests of visual amenity and to comply with policies B2 and B4 of the UDP.
- 4 Prior to the commencement of development full details of the hedge style screen, sound reduction barrier and parasols shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details before the development commences on site and maintained as such thereafter in the interests of visual amenity and to comply with policies B2 and B4 of the UDP.
- 5 Prior to the commencement of development full details of all lighting fittings and columns across the patios /terrace and down Youll's Passage, and slates/tiles (natural slate preferred) for the conservatory shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details before the development commences on site and maintained as such thereafter in the interests of visual amenity and to comply with policies B2 and B4 of the UDP.
- 6 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with "6.0 RECOMMENDATIONS AND MITIGATION" of DWS' Bat and Bird Risk Assessment, Land Adjacent to The Boar's Head Public House (October 2016). In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.
- 7 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundwork's to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at the relevant times during the undertaking of groundwork's with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundwork's commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF and saved UDP policies B11, B13 and B14.

- 8 The development hereby approved shall not brought into use until the report of the results of observations of the groundwork's pursuant to condition 7 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF and UDP policies B11, B13 and B14.

- 9 Prior to the commencement of development details of the screen and noise barrier to the perimeter of the seating area shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details before the development commences on site and maintained as such thereafter in the interests of visual amenity and to comply with policies B2 and B4 of the UDP.
- 10 No amplified music associated with the public house shall be played within the new seating area at the side of the building (marked as 'Area A' on the location plan submitted with the application), in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the Unitary Development Plan.
- 11 The approved outdoor seating area at the side of the building (marked as 'Area A' on the location plan submitted with the application) shall not be open to customers between the hours of 23:00 to 09:00, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the Unitary Development Plan.
- 12 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policies B2 and EN5 of the UDP
- 13 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies EN1, EN5 and B2 of the UDP.
- 14 Notwithstanding any information provided on the submitted plans and particulars, the development hereby approved shall not commence until samples/schedules of the materials to be used in the construction of the proposed smoking shelter have been submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt, the use of uPVC is not considered to be appropriate and more sympathetic materials are required. The development shall then be carried out in accordance with the agreed details, in the interests of maintaining the heritage significance of the building and Conservation Area and comply with the requirements of policies B2 and B4 of the UDP and paragraphs 128-137 of the NPPF.



---

**Reference No.:** 17/00159/SU4 Resubmission (Reg 4)

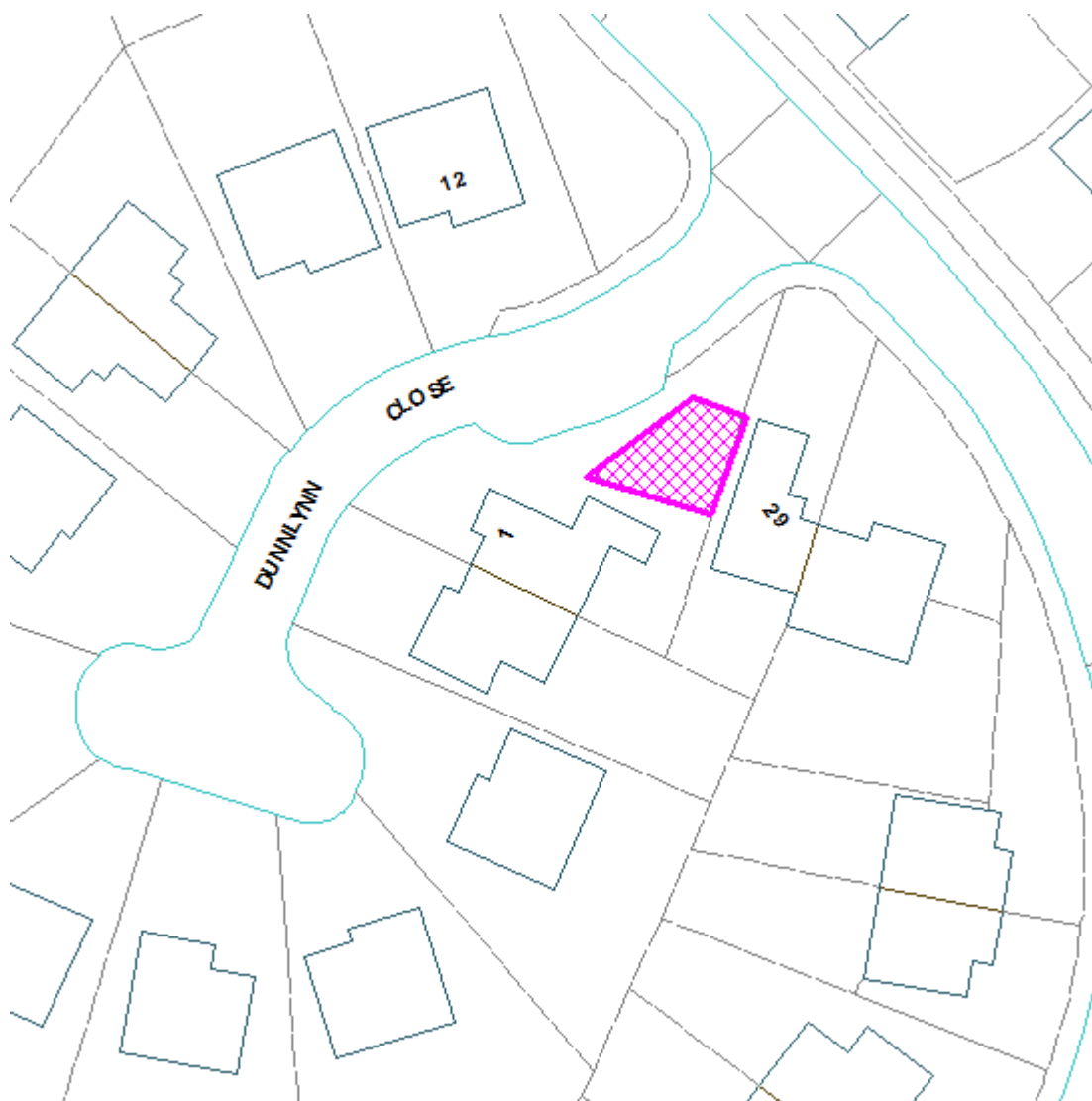
**Proposal:** **Change of use from open space to private garden and erection of a close boarded fence (fence height no higher than existing brick piers). RESUBMISSION**

**Location:** Land Adjacent To 1 Dunnlynn Close East Moorside Sunderland SR3 2SX

**Ward:** Doxford  
**Applicant:** Mr George Donkin  
**Date Valid:** 26 January 2017  
**Target Date:** 23 March 2017

---

### Location Plan



## **PROPOSAL:**

The application site is a small area of Council owned open space adjacent to the applicant's home, 1 Dunlynn Close, a semi-detached property at the entrance to a cul de sac within an open plan residential estate. The wedge-shaped plot sits between 1 Dunlynn Close and 29 Goldlynn Drive which is positioned at right angles to the applicant's house.

The land rises from Goldlynn Drive up into the cul de sac so that the front edge of the land is slightly higher than the side footpath of 1 Dunlynn Close and approximately 1.5m higher than the ground level of 29 Goldlynn Drive, which has a high wall with fence panels along the side boundary that forms the rear boundary of the application site. As the wall returns across the front of the property, the rise in ground levels determine that the wall terminates at approximately 0.9m high.

Similarly, the high side boundary fence and wall of 1 Dunlynn Close responds to the rising land levels and terminates at a height of approximately 1.4m. The front of the application site remains open and the footway which runs along Goldlynn Drive terminates at a 12m long visitor car parking bay directly adjacent to the site spanning its width.

The proposal relates to the change of use of the land to private garden, to be incorporated into the garden of 1 Dunlynn Close. The existing side boundary fence will be removed to provide access to the site and the application includes the erection of a close boarded fence, running from the rear of the brick pillar of the wall adjacent to 29 Goldlynn Drive, to join the rear of the existing brick pillar of the wall along the side of 1 Dunlynn Close. The fence height will vary slightly with the contours of the land but will not exceed that of the existing brick pillars. A border of open space will remain to the front of the fence which will be screened with suitable planting.

The application arises from the withdrawal of an application for a similar proposal for the change of use of the full area of the open space and the erection of a 1.8m fence along the front edge of the site (ref 16/02120/FUL).

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management

Final Date for Receipt of Representations: **27.02.2017**

## **REPRESENTATIONS:**

No representations have been received to date

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

B\_3\_Protection of public/ private open space (urban green space)

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

In assessing the proposal the main issues to consider are the principle of the development, the impact of the development upon highway safety, the appearance of the street scene in general and the effect upon the residential amenities of the neighbouring properties.

UDP Policy B3 states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

The site is considered to be amenity green space which forms part of landscaping scheme that, together with the grassed verges, other similar areas of open space and the open plan nature of the front gardens, was designed to give the estate a green, open feel, contributing greatly to the visual amenities of the area. The application site appears to be too small to serve any meaningful recreational purpose, particularly given its siting adjacent to the allocated visitor car parking; it would appear that its main role would be as amenity open space and it does contribute to the visual amenities of the area.

The open plan nature of the estate serves to blur the distinction between private gardens and open space. In this case, the land is partly enclosed by the side boundaries of the adjacent gardens. Although as a general principle the piecemeal erosion of open space within residential estates should be resisted, given the small scale of the land and its limited contribution as useable open space, it is considered that the change of use of the land in itself is unlikely to compromise the green fabric of the cul de sac.

Policy B2 requires all new development proposals to respect and enhance visual and residential amenity. Although an open plan estate, there are one or two similar examples of side boundary fences that are set back from the footway with planting in front. It is considered that, as there is a strip of open space remaining of at least 1.3m the development will not compromise the openness of the area. The planting to the front of the fence will help to soften the enclosure and it is considered that the development will not harm the visual amenities of the area.

Policy T14 of the UDP stipulates that development should not cause traffic congestion or highway safety problems on existing roads. The fence will be set well back from the edge of the visitor car parking bay and will not impede access and egress to and from parked vehicle. The Network Management team has no observations or recommendations to make. There are therefore no objections from a highway safety point of view and the development is in compliance with policy T14 of the UDP.

Given the above, the proposed use of the land is considered to be acceptable in principle and is unlikely to compromise the open plan nature of the estate and the green fabric of the cul de sac. The proposed boundary enclosure is unlikely to be detrimental to the visual amenities of the area and the development is considered to be acceptable in terms of highway safety. The development is considered to be acceptable.

However, the statutory period for the receipt of representations does not expire until 27 February 2017. It is therefore recommended that Members be minded to approve the application subject to no representations being received.

The application shall be subject to a condition relating to the colour of the fence and the submission of a planting scheme for the area to the front of the fence,

Should any representations be received which raise any issue which is material to the planning merits of the application and not addressed by this report, the application will be referred to a subsequent meeting of the Sub-Committee.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:** The statutory period for the receipt of representations does not expire until 27 February 2017. It is therefore recommended that Members be minded to approve under the Town and Country General Regulations 1992. Should any representations be received which raise any issue which is material to the planning merits of the application and not addressed by this report, the application will be referred to a subsequent meeting of the Sub-Committee

The application shall be subject to a condition relating to the colour of the fence and the submission of a planting scheme for the area to the front of the fence,