

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 19/00608/FUL Full Application

Proposal: Demolition of existing canteen and food technology block, erection of a 58 unit extra care facility (Use Class C2) with associated car park and landscaping including removal of trees.

Location: Former Church High School Mowbray Road Sunderland SR2 8HY

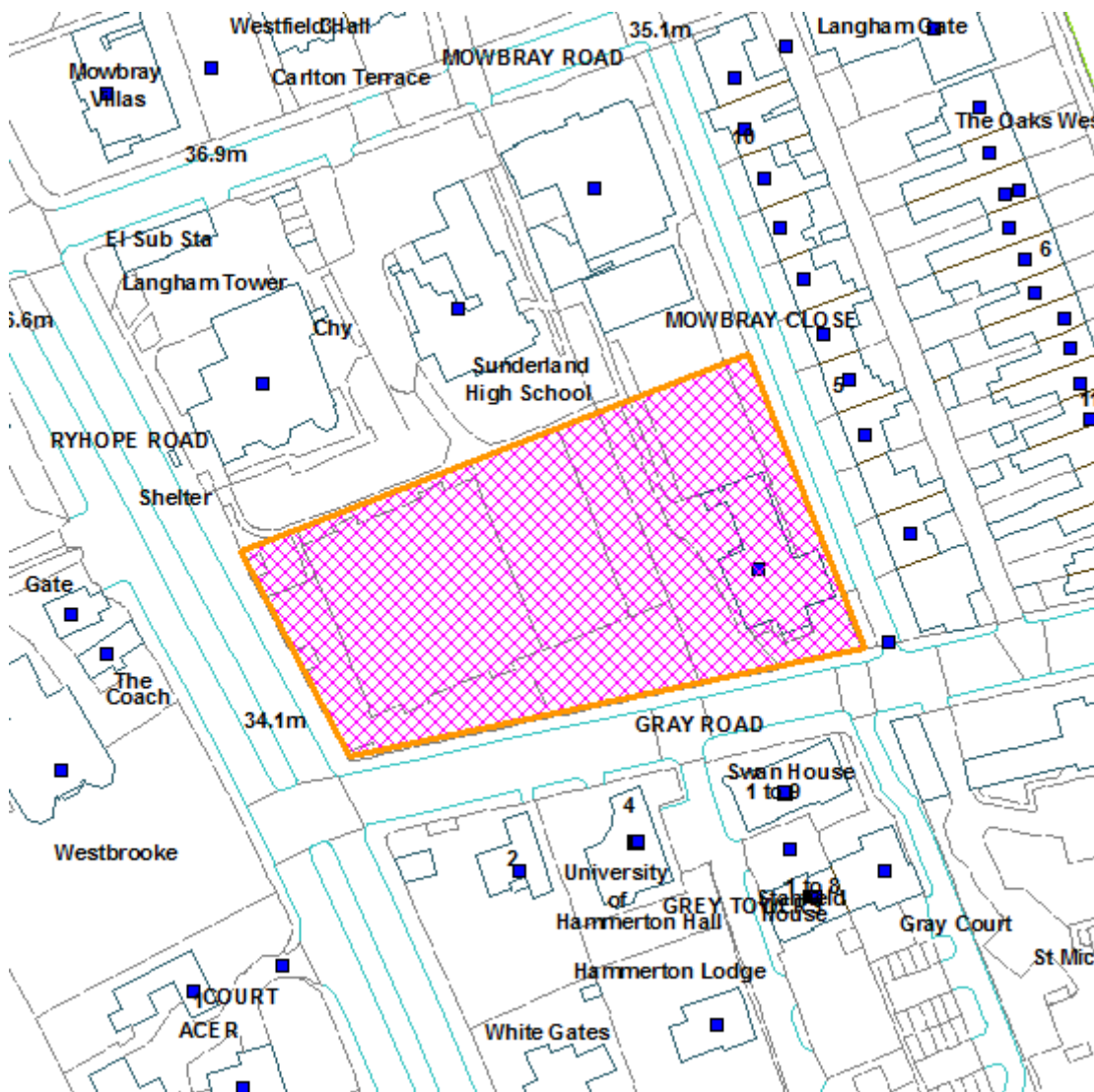
Ward: Hendon

Applicant: YourLife Management Services Ltd

Date Valid: 23 April 2019

Target Date: 23 July 2019

Location Plan



PROPOSAL:

The proposal relates to the demolition of existing canteen and food technology block, erection of a 58 unit extra care facility (Use Class C2) with associated car park and landscaping including removal of trees at the former Church High School, Mowbray Road, Sunderland.

Members may recall that a similar application was approved at Sunderland South Development Control Sub Committee dated 04.06.2018 following the submission of a revised scheme. The retirement living plus project is proposed to be revised, the change comprising 1 No. additional apartment increasing the scheme to a total of 58 retirement living apartments in association with a revision of the overall mix of apartments from 36 No 1 bed and 21 2 bed apartments to 35 No 1 bed and 23 No.2 bed apartments. The change follows a client review of scheme viability.

The design incorporates the additional apartment at ground floor level within the overall footprint of the building. This is achieved through minor internal layout alterations at ground floor level. The proposal provides an externally located mobility scooter store. The elevational treatment remains largely unaltered with the exception of the north west elevation in which the upper floor dormer to apartment 52 is repositioned in order to line through with lounge doors beneath.

Situated within Ashbrooke Conservation Area, approximately 0.6 miles from the city centre, the school was closed in 2016 following a fall in enrolment numbers.

The wider 1.38ha campus comprises 5 buildings and sports pitches. The two most notable of these are the highly impressive and prominent Grade II listed Langham Tower, built on the 1890s and Carlton House, a Grade II listed Tudor styled Villa, dating back to 1850. These, along with St Cuthbert's House (unlisted) are located to the north of the application site and are not subject to this application.

As well as involving the demolition of the canteen / food technology block (built in the 1950's), in order to accommodate the facility, the proposal will involve the removal of the sports pitches which were associated with the school. This area will then be used to accommodate the requisite car parking provision for the scheme. Currently, this southern portion of the wider campus is enclosed by stone walling approximately 2 metres in height. In order to create a new independent access by which to access the facility, an opening will have to be formed by removing sections of this wall. Within the site, a further stone wall will also have to be removed in its entirety to accommodate the development. Historically, this section of wall would have formed one of the original boundaries between the back garden of Carlton House and St Cuthbert's House and as such the existing extant Listed Building Consent ref 17/02110/LBC remains applicable.

In addition to the above, a significant number of trees are situated around the site, primarily along the boundaries and also within the site, in particular along the common boundary between the main school grounds and the canteen building, where a long central row of sycamore and lime stand. In total 19 trees are identified for removal. Initial landscaping proposals do however show that the majority of trees are to be retained and a sympathetic landscaping scheme has been devised that incorporates and supplements the existing vegetation.

Whilst the current proposal seeks to provide a new consent for the site, it is noteworthy that the developers are now on site implementing the existing permission, until the determination of the current application.

In terms of the development itself, the proposal will provide approximately 5,500 sq metres of extra care accommodation across 4 floors, comprising 56 no. self-contained apartments, linked by corridors accessed from a secure entrance. Communal facilities in the form of a bistro/resident's lounge, function room, guest suite, laundry and refuse room are located at the heart of the extra care scheme, all accessible without residents having to leave the building.

In addition to having to meet the functional requirements, the proposal also has to respond positively to the surrounding site context and its sensitive relationship with significant buildings within the conservation area.

The planning submission has been supported by the following:

- Plans, including visualisations
- Planning and Heritage Statement
- Design, Access and Sustainability Statement
- Ecological/Tree Reports
- Geo-Environmental Reports
- Viability Assessment
- Lighting Assessment
- Archaeological Assessment
- Statement of Community Involvement
- Flood Risk Assessment
- Housing Needs Report

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Southern Area Command - Police
Environmental Health
Director Of Childrens Services
Northumbrian Water
English Heritage
Hendon - Ward Councillor Consultation
Tyne And Wear Archaeology Officer
Fire Prevention Officer
Southern Area Command - Police
Flood And Coastal Group Engineer
Sport England

Final Date for Receipt of Representations: **19.06.2019**

REPRESENTATIONS:

Historic England - No comments to offer.

Sport England - The proposed development does not fall within either our statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case.

Tyne and Wear County Archaeologist - The site is of potential archaeological interest. A prehistoric cist (stone lined grave) was apparently found at Langham Tower in the 1920s along with prehistoric flint tools. There is therefore a possibility that further prehistoric remains may exist on the site, although the construction of modern buildings is likely to have caused disturbance.

The stone boundary walls were archaeologically recorded in 2018. This report should have been submitted with the application (please see attached).

Archaeological work required:

1 I require a hard copy of the building recording report of the stone boundary walls plus the individual jpegs on CD for the Tyne and Wear Historic Environment Record.

2 Archaeological watching brief in case further prehistoric remains exist. A watching brief area plan has been submitted with the application but this does not equate with the footprint of the new building and does not include the proposed car park and all of the areas of soft landscaping.

In the first instance, all ground works should be archaeologically monitored until it is ascertained if any parts of the site have archaeological potential. I attach a specification for the watching brief.

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks 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 relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks 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 199 of the NPPF, Draft Core Strategy Policies E4 and E5 and saved Unitary Development Plan Policies B11, B13 and B14.

Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to the above condition 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 199 of the NPPF, Draft Core Strategy Policies E4 and E5 and saved Unitary Development Plan Policies B11, B13 and B14.

Northumbrian Water - No issues to raise, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Layout". In this document it states that foul and surface water will discharge to the existing sewer between manholes 8902 and 9902, with the surface water being restricted to 2.7l/sec.

Lead Local Flood Authority (LLFA) - The LLFA are satisfied with the information provided and the application can be approved subject to accordance conditions.

Tyne and Wear Fire and Rescue Service - No objections.

Public Protection and Regulatory Services - Environmental Health has considered the submitted documentation and considers that the proposal is acceptable, subject to the inclusion of appropriately worded conditions in respect of;

- o A verification report
- o Unexpected contamination
- o Construction environmental management plan.

POLICIES:

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

B2 - Scale, massing layout and setting of new developments
B4 - Development within conservation areas
B6 - Measures to preserve and enhance conservation areas
B10 - Development affecting the setting of listed buildings
B11 - Measures to protect the archaeological heritage of Sunderland (general)
B12 - Preservation of scheduled ancient monuments
B13 - Sites and monuments of local importance affected by development
B14 - Development in areas of potential archaeological importance
CN17 - Tree Preservation Orders and replacement of trees
CN22 - Developments affecting protected wildlife species and habitats
EN10 - Proposals for unallocated sites to be compatible with the neighbourhood
EN12 - Conflicts between new development and flood risk / water resources
EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising
T22 - Parking standards in new developments

COMMENTS:

In determining the application, the main issues to consider are:-

- Habitat Regulations Assessment (HRA)
- Principle of Development
- Design/Impact upon the Listed Buildings and Conservation Area
- Archaeology
- Residential Amenity
- Highways
- Ecology/Trees and Wildlife
- Flood Risk and Surface Water Drainage
- Land Contamination

Habitat Regulations Assessment (HRA)

The United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wildlife flora and fauna (the Habitats Directive).

These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitat Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and the overall network of sites is termed Natura 2000. It is offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. An HRA is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority (LPA) as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Policy CN19 of the Unitary Development Plan (UDP) requires the protection of designated and proposed European and Ramsar sites and accordingly, a HRA Screening Opinion accompanies the application. The information submitted concludes that as there are a number of substantial parks and recreational spaces closer to the application site than the European Sites (which are at their closest 1.8km away) it is more likely that any new residents will be attracted to these, in part due to the elderly nature of the residents and as such, there will be no significant impact. On this basis, the proposals can be screened out from proceeding to full Appropriate Assessment under the Habitat Regulations.

Principle of Development.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

The site of the former High School is not allocated for any specific land use in the UDP and as such is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principle use of the neighbourhood. Also from a housing-specific perspective, local policies H1 and H4 are of particular relevance. These seek to secure the re-use of vacant and derelict land wherever possible by permitting developments which reflect the density and character of the area.

In light of the above, the re-use of the land for residential purposes in a predominantly residential area is considered to be acceptable in principle.

Design/Impact upon Listed Buildings and Conservation Area.

The application site is located within Ashbrooke Conservation Area and is of particularly high heritage significance and sensitivity within a very distinctive and characteristic part of Ashbrooke Conservation Area, and within the settings of 2 listed buildings. The most significant of these is the architecturally flamboyant and visually prominent Langham Tower, the Arts and Craft style of which is clearly influenced by Norman Shaw's Cragside. Carlton House is the other listed building in a more restrained domestic Jacobethan style, but unusual in its local historic context its style

and appearance quite unlike any other buildings in the Conservation Area. Both these Villas were originally set within large landscaped grounds that were curtailed by 20th century developments and more recently the multi-use games courts for the High School. The other key heritage assets adjacent the site is St. Cuthbert's Hall, unlisted but an attractive building that makes a positive contribution to the conservation area.

Langham Tower, Carlton House and St. Cuthbert's Hall have been sold to private developers who are converting and returning these key assets into beneficial use.

The proposed development site takes in the southern parts of the original gardens to the three buildings. With this in mind, it is imperative that the development respects the settings of these heritage assets, especially key views of the listed buildings, and achieves a design quality that responds to both the historic importance of the site and its surroundings, and the form, scale and massing, and architectural qualities of surrounding heritage assets.

With regard the new building, consideration has to be given to the following National Planning Policy Framework (NPPF) paragraphs which specifically relate to conservation areas/built heritage and are therefore applicable in the consideration of the application:

Paragraph 192 - The desirability of new developments making a positive contribution to local character and distinctiveness.

Paragraph 196 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

Paragraph 200 - Opportunities for new developments in conservation areas and within the settings of listed buildings to enhance or better reveal their significance are all particularly relevant in the consideration of the merits of the proposed development.

In addition, on a local level, UDP policies B4, B6 and B10 are relevant, due to the location of the site. These state in part:

B4 - 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.

B6 - the council will preserve and enhance the character or appearance of conservation areas; measures will include:

- (i) Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
- (ii) (encouraging the retention of existing mature trees;
- (iii) Giving special attention to the preservation of important views into and out of the area;

B10 - the city council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In accordance with B4 above, the City Council have produced Supplementary Planning Guidance in the form of The Ashbrooke Conservation Area Character Study. This is a material consideration when considering applications for development in the conservation area. The main policy therein for consideration in determining this proposal is Policy ASH4, which (in part) states:

All forms of new development should:

- o Preserve and reinforce the distinctive pattern of historic development, including street patterns, open spaces, plot boundaries and boundary treatments.
- o Preserve and reinforce the distinctive landscape character of the area. Any new landscaping should be designed as an integral part of the overall development, providing an attractive setting for the new buildings whilst also respecting the existing landscape.
- o Relate well to its specific site, taking into account the physical constraints, such as the positioning of trees. The building(s) should sit within the site in a sensitive and elegant way.
- o Maintain key views and vistas within, into and out of the conservation area.
- o Preserve the landscape setting of key Ashbrooke villas and terraces and other buildings of historic importance.
- o Reinforce the distinctive architectural character of the conservation area through an informed understanding of distinctive building forms and styles, features and materials. Pastiche forms of development and the superficial echoing of historic features in new buildings should be avoided.
- o Reinforce the scale and massing of surrounding buildings. Terraced housing is the main building type in Ashbrooke and generally 2 - 3 storeys high. It is essential that new development is not out-of-scale with existing buildings by way of its height, floor levels, size of windows and doors and overall bulk.
- o Reinforce existing building lines and the orientation of existing development. The predominance of terraces in Ashbrooke gives a strong alignment of building frontages and this should be respected by new development.

Further to consultations with the City Council's Heritage Protection Section the following comments have been received;

The overall scale and massing of the care home has always raised concerns that the development could have an overbearing impact on the setting of the two listed buildings and conservation area. However, significant improvements to the architectural design of the proposed building as part of the scheme's development leading to the previous approval has on balance led to the scheme having a neutral to marginally positive impact on the settings of the listed buildings and character and significance of the Ashbrooke Conservation Area.

The current proposal includes a natural stone entrance feature that significantly enhances this prominent elevation. It also includes the introduction of new materials, design features and detailing such as render and timber boarding, and isolated feature projecting stone window surrounds. The overall effect is a more arts and crafts influenced traditional design approach to respond to the architecture and character of Langham Tower and other nearby Arts and Crafts houses along Gray Road.

The proposed building displays variations in height and a number of building line set backs in an attempt to create an impression of linked villas, particularly along the frontage to Gray Road.

The overall effect of the proposal is a more "Arts and Crafts" influenced design, which is considered to respond to the architecture and character of Langham Tower and other nearby houses along Gray Road making a positive architectural response to its siting and surroundings. With reference to the form of landscaping and planting proposed, further to consultations with the City Council's Landscape Design Services Section, the proposals are considered to be appropriate to the location and considered to be acceptable.

In summary, the proposal for the development of an extra care home within the former grounds of Langham Tower and Carlton House is considered, when balancing its imposing scale and

massing against its architectural design to have a neutral to marginally positive impact on the settings of the listed buildings and character and significance of the Ashbrooke Conservation Area, subject to appropriate high quality external materials being used. The proposal is largely consistent with the NPPF paragraphs 192 and 200, and together with its demonstrable public benefits, the proposals are on balance considered to be acceptable.

Archaeology

Policies B11, B12, B13 and B14 of the UDP all relate to archaeology with B14 stating that:

"Where development proposals affect sites of known archaeological importance, the city council will require an Archaeological Assessment/Evaluation to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them."

In this particular instance, given the constraints of the site and modifications to the previously approved watching brief, it is considered that an updated watching brief is sought. Such matters will satisfactorily resolve archaeological matters and can be secured via the imposition of conditions, should Members be minded to approve the proposal.

Residential Amenity

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. As an expansion of the requirements of UDP policy B2, the Council has produced the Residential Design Supplementary Planning Document (SPD), which sets out the relevant spacing standards and design criteria. In terms of the inter-relationship between the site and surrounding properties, section 10 sets out the specified standards, which would require a 26 metres separation distance at 3 storey level between main facing windows, increasing to 31 metres for 4 storeys, unless it can be demonstrated that a reduced standard is acceptable. In this instance, the closest properties are those on Mowbray Close, some 24-25 metres away. Given that the proposed building is considered to be 3.5 storey (with rooms in the loftspace) the required standard is not met. However, in this instance the proposal is considered to be acceptable, as demonstrated on the submitted visualisations, the high boundary walls in this location, and existing and proposed tree planting along the site boundary, will help to break-up any views between windows and maintain an acceptable level of amenity.

Ecology/Trees/Wildlife

The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. On a local level, Policy CN22 of the UDP seeks to protect animal or plant species afforded special protection by law. Policy CN17 of the UDP encourages the retention of trees. Accordingly the application is accompanied by a suite of ecological reports, including a full Arboricultural Impact Assessment and the necessary survey information for the wildlife which is present. A range of mitigation and enhancements measures are recommended, such as:-

- o Inclusion of plants and shrubs of benefit to wildlife such as flowering, nectar rich or fruit bearing species.
- o Hedgehog domes, bat and bird boxes to be installed within the site boundary to account for the loss of sheltering opportunities for these species and will also provide enhancement.
- o Any lighting scheme proposed will avoid unnecessary light spill onto garden areas and boundaries.

- o Logs from tree works could be retained and placed within shrubbery post development to provide dead wood habitat for invertebrates and other wildlife.

Having been assessed by the City Council's Ecologists, the proposal on a whole, (whilst recommending the removal of a number of trees) are considered on balance to provide commensurate range of mitigation and enhancement measures, provided appropriately worded conditions are imposed in respect of the following, should Members be minded to approve the application:-

- o Tree protection measures during construction.
- o Protection measures for breeding birds during construction.
- o Landscape and management plan.
- o A lighting design strategy for biodiversity, in light of the installation of bird, bat and mammal boxes.

Highways and Car Parking

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. The proposal provides 36 parking spaces accessed via a new entrance to be formed via Gray Road. As the proposed 55 apartments are to be occupied by the elderly, it is considered unlikely that a significant proportion would be car owners and that the car park will mainly be used by staff and visitors. As such, the parking arrangements are considered to be acceptable in this instance and in accordance with policy T14.

Flood Risk and Surface Water Drainage.

Policy EN12 of the UDP is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

Policy EN12 states that:

"In assessing proposals for development (including change of use), the City Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
2. Not 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.

Policy EN12 is considered to be broadly compliant with the NPPF with an emphasis firmly placed upon ensuring developments follow the site specific flood risk assessment procedure.

Accordingly, the application is accompanied by a flood risk assessment and drainage strategy, which demonstrates that the development is not at significant risk to flooding. It recommends that external areas should fall away from the building to provide protection from flooding and that permeable paving be used which will lead to underground water storage. These details are acceptable to both NWL and LLFA and can be secured via an appropriately worded condition, should Members be minded to approve the application.

Land Contamination

Policy EN14 of the UDP relates to the ground conditions and states in part that:
"Where development is proposed on land which there is reason to believe is either:

- (i) Unstable or potentially unstable;
- (ii) Contaminated or potentially at risk from migrating contaminants;
- (iii) Potentially at risk from migrating landfill gas or mine."

Accordingly, a Phase 1, Phase II Investigation and Supplemental Investigation, Remediation Strategy and Validation Report have been submitted and considered by PPRS.

The findings of the report state that in the view of the incomplete validation of the site remediation and the risk that further unsuitable soils will be exposed during development, it would be advisable to include conditions for submissions of a completed Verification Report and Unexpected Contamination.

In addition to the above PPRS have also requested a condition be imposed should Members be minded to approve requiring the applicant to submit a Construction Environment Management Plan.

Conclusion

Having fully considered the proposal, the alterations to the extant consent that is currently on site are acceptable and subject to the conditions listed the application is considered to be compliant with relevant national and local planning policy.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to draft conditions below.

Conditions:

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

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

Drawing No. NE-2431-05-AC-001 REV B, Location and Development Plan dated 01.18.
Drawing No. NE-2431-05-AC-002 REV L, Layout Plan dated 01.18.
Drawing No. NE-2431-05-AC-035 REV B MSS Details dated 01.18.
Drawing No. NE-2431-05-AC-102 REV B Substation Materials Plan dated 01.18.
Drawing No. NE-2431-05-AC-120 REV E Ground Floor Plan dated 01.19.
Drawing No. NE-2431-05-AC-121 REV D First Floor Plan dated 01.19.
Drawing No. NE-2431-05-AC-122 REV D Second Floor Plan dated 01.19.
Drawing No. NE-2431-05-AC-123 REV E Third Floor Plan dated 01.19.
Drawing No. NE-2431-05-AC-051 REV K Elevations dated 09.18.
Drawing No. NE-2431-05-AC-053 REV J Elevations dated 01.18.
Drawing No. NE-2431-05-AC-052 REV L Elevations dated 09.18.
Drawing No. NE-2431-05-AC-054 REV D 3D Images dated 01.19.
Drawing No. NE-2431-04-LA-001 REV C Landscape Proposals dated 05.17.

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 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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Pollution Control Team;
- o 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;
- o Hours of construction, including deliveries;
- o Control measures for dust and other air-borne pollutants;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o 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.

4 Notwithstanding any indication of materials which may have been given in the application, the development shall not commence above damp proof-course level until a full schedule and samples of the materials and finishes to be used in all external surfaces, including, bricks, stone, slates, render, windows and doors, rainwater goods, and hard and soft landscaping materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include precise details of the windows and doors in the form of 1:10 scale drawings including cross-section details and window sample or sample section of window, for approval. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

5 Once the materials pursuant to condition 4 have been approved in writing by the Local Planning Authority, sample panels of the agreed bricks and stones fully bedded and pointed shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of any works above damp proof course level. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

6 Notwithstanding any indication of materials which may have been given in the application, the development shall not commence above damp proof-course level until a drawing showing full elevational and sectional details of all boundary walls and railings throughout the site 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 these approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

7 Prior to the commencement of any works (including demolition) to any boundary walls on site, a Method Statement from a reputable stone mason for part demolition of the boundary wall to Carlton House and the boundary wall to Gray Road, (including how walls will be carefully dismantled, stones salvaged and stored for reuse, the reconstruction of gate piers to Carlton House garden, and the construction of return walls for new entrance from Gray Road) shall be submitted to and approved in Writing by the Local Planning Authority. For the avoidance of doubt, these details shall include full details of where salvaged stone will be used in landscaping scheme, and details of mortar mix and finish of lime pointing to walls. Thereafter, the development shall not be carried out other than in accordance with the approved details In the interest of in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

8 Once the details pursuant to condition 7 have been approved in writing by the Local Planning Authority, sample panels of the new return walls to Gray Road entrance, fully bedded and pointed, shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of the works to the wall. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

9 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks 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 relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks 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 199 of the NPPF, and saved Unitary Development Plan Policies B11, B13 and B14.

10 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (9) 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 199 of the NPPF, Draft Core Strategy Policies E4 and E5 and saved Unitary Development Plan Policies B11, B13 and B14.

11 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

12 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.

13 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the approved plans and particulars 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 UDP.

14 The development hereby approved shall be undertaken in accordance with the Lighting Drawing dated 01.02.2019 in order to ensure a satisfactory form of development is achieved and to accord with Policy CN17 of the UDP.

15 Following the 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 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 UDP.

16 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 UDP.

17 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Layout" dated 24th July 2017. The drainage scheme shall ensure that foul and surface water flow discharge to the combined sewer between manholes 8902 and 9902, with surface water being restricted to 2.7l/sec, in order to prevent the increased risk of flooding from any sources and in accordance with policy EN12 of the UDP.

18 The area indicated on the submitted plans for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the building becomes operational. The area shall then be readily available for such use at all times thereafter and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.

19 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage/servicing/collection of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

20 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site without prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.

Reference No.: 19/01000/LP3 Local Authority (Reg 3)

Proposal: Application for the erection of a electricity substation associated with approved planning application ref: 17/02418/HY3 which provided permission at the site for the erection of B2, B8 and ancillary B1 uses.

Location: Former Littlewoods Home Shopping Group Commercial Road Sunderland

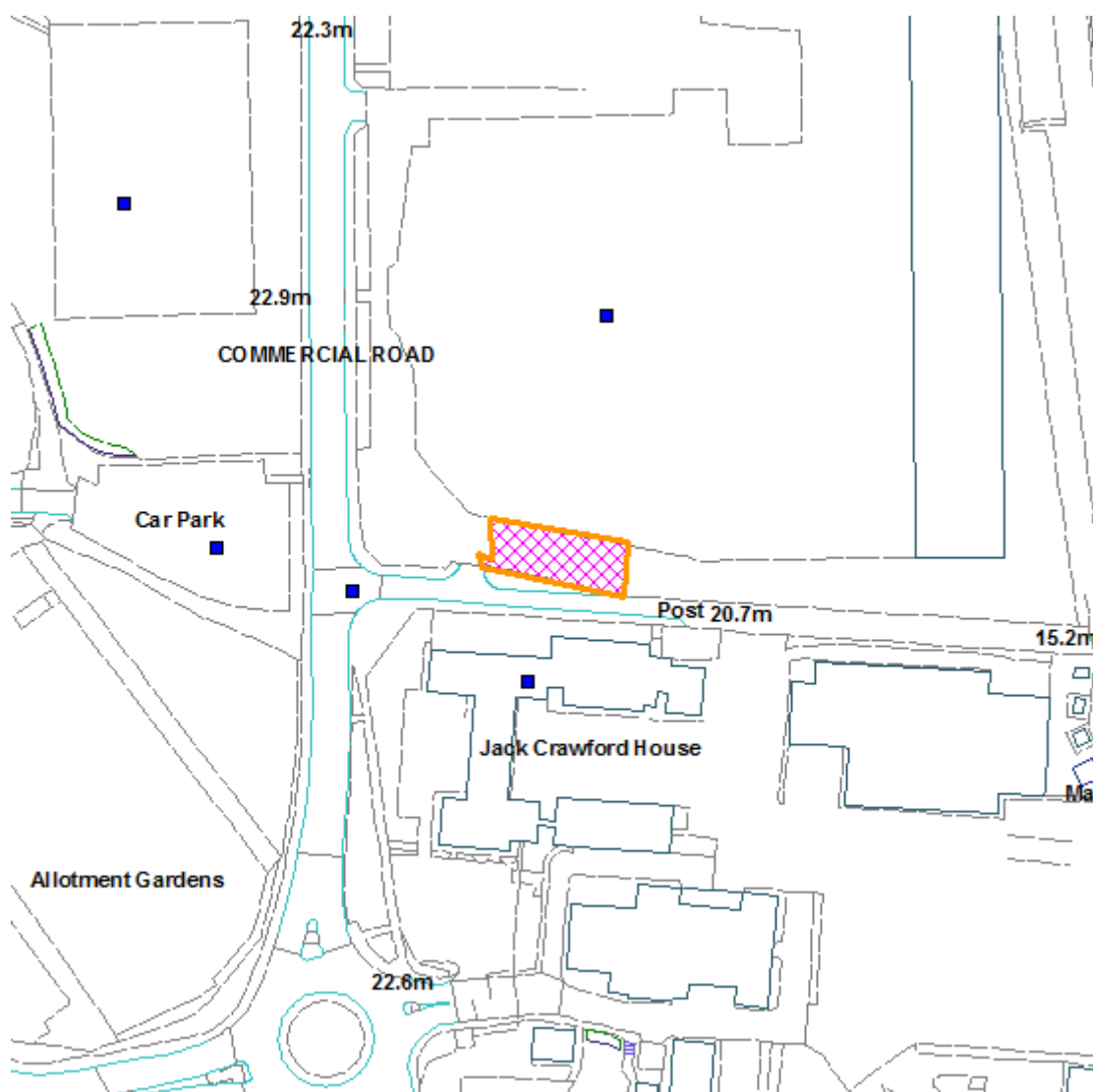
Ward: Hendon

Applicant: Sunderland City Council

Date Valid: 13 June 2019

Target Date: 8 August 2019

Location Plan



PROPOSAL:

The application seeks full planning permission for the construction of an electricity substation at the former Littlewoods Home Shopping Group, Commercial Road, Sunderland.

The application form notes that the proposed development would be to serve the recently approved industrial development on the site (ref: 17/02418/HY3).

The proposed substation would be located towards the south of the site; with measurements of circa 4m (width), 4m (depth) and 3m (height) and materials including brick walls and roof tiles.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Environmental Health
Hendon - Ward Councillor Consultation
Network Management
National Grid Transco

Final Date for Receipt of Representations: **18.07.2019**

REPRESENTATIONS:

None received from public.

POLICIES:

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

SA1
EN5
EN14
B2

COMMENTS:

Principle of the Development

The proposed development would serve a recently approved industrial development on the site (ref: 17/01418/HY3). In the absence of any material considerations to the contrary, the proposal would accord with both policy SA1 of the UDP and EG2 of the submitted Core Strategy and Development Plan. The principle of the development can therefore be supported, and consideration should be given to any detailed impacts; these can be seen below.

Amenity

The siting of the proposed development towards the south of the site means that there would not be a material loss of day light or outlook for the occupiers of nearby land and buildings. The Environmental Health Officer has also not raised any concerns around noise. In the absence of any material considerations to the contrary, the proposal would accord with policies EN5 and B2 of the UDP.

Design

The proposed substation would be a relatively small addition to the site and would be viewed against the backdrop of the committed industrial development. In the absence of any material considerations to the contrary, the proposal would accord with policy B2 of the UDP.

Ground works

The Environmental Health Officer has advised that conditions should be attached covering unexploded ordnance and topsoil. In the absence of any material considerations to the contrary, the proposal would accord with policy EN14 of the UDP; subject to the recommended conditions.

Highways

The proposed substation would be accessed off Promenade and the Highway Authority have raised "no observations". In the absence of any material considerations to the contrary, the proposal would accord with policy T14 of the UDP.

Conclusion

The principle of the development and the associated detailed impacts accord with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

Conditions:

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

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

Location Plan
Substation (Drawing No. 4179/420)
General Arrangement Plan (Drawing No. 4179/308 A)
Standard Distribution Substation Drawing (Ref no. C993717)

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 No development shall commence until a Preliminary UXO assessment has been submitted to and approved in writing by the Local Planning Authority. Any mitigation proposed within the assessment shall thereafter be incorporated into the development hereby approved.

Reason: To ensure accordance with policy EN14 of the Unitary Development Plan.

4 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

5 The development hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall demonstrate that any topsoil which has been imported onto the site has been carried out in accordance with up-to-date YAHPAC guidance.

Reason: To ensure accordance with policy EN14 of the Unitary Development Plan.

3.

Reference No.: 19/01101/FU4 Full Application (Reg 4)

Proposal: Erection of 4 storey 120 bed hotel (Use Class C1) and 4no. ground floor retail units (Use Classes A1/ A3/ A4) with service yard to rear, layby to St Mary's Way, stopping up of original highway, public realm works and demolition of existing buildings.

Location: Land Adjacent To Keel Square 52 - 55 High Street West Sunderland SR1 3DP

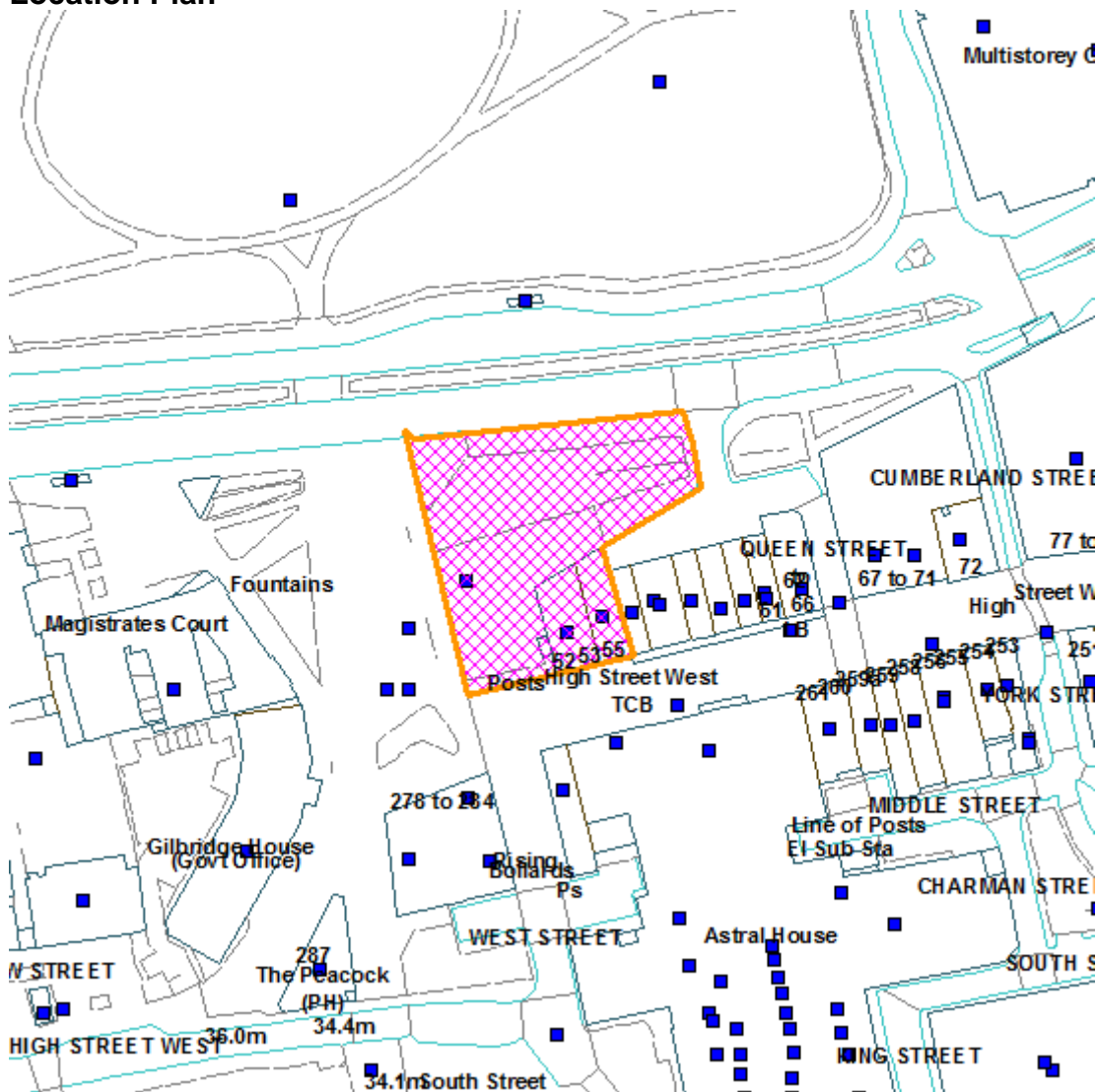
Ward: Millfield

Applicant: Cairn Group

Date Valid: 1 July 2019

Target Date: 30 September 2019

Location Plan



PROPOSAL:

The application seeks full planning permission for the construction of a four-storey mixed use building on land to the east of Keel Square, Sunderland.

The site lies on a piece of open land covering approximately 3,750 square metres within the City Centre, to the east of Keel Square. The proposed development would involve the demolition of buildings to the south east of the site, namely 52, 53 and 55 High Street West. The proposed development also proposes stopping up of existing highway and public realm works.

The proposed building itself would include circa 2,727 square metres of retail floor space at ground and first floor level and 5,430 square metres of hotel at second and third floor level. The retail space would be spread across four units (inclusive of mezzanine at first floor) and the hotel would provide 120 rooms (split as 58 standard, 56 twin, two executive and four accessible). The space identified as the hotel also includes a gym, media lounge and meeting rooms. The dimensions of the proposed building would be circa 57.5m (width), 35m (depth) and 16m (height); with construction materials of sandstone / terracotta effect walls.

The pedestrian access for the proposed retails units would be off Keel Square / High Street West; whilst the pedestrian access for the hotel would be off Keel Square. The access for servicing would be off St Mary's Boulevard.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

NE Ambulance Service NHS Trust
Fire Prevention Officer
Environment Agency
Northumbrian Water
Millfield - Ward Councillor Consultation
Network Management
Southern Area Command - Police
Flood And Coastal Group Engineer
Business Investment
Environmental Health
Tyne And Wear Archaeology Officer
Historic England

Final Date for Receipt of Representations: **31.07.2019**

REPRESENTATIONS:

Four representations received, from residents of 28 Park Avenue, Roker; Cash Generator, 58 High Street West; Olympia Beauty and Fitness, 56A High Street West; and 32 Hawthorn Walk, Newcastle-upon-Tyne.

POLICIES:

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

Core Strategy and Development Plan (2019): VC3, VC6

Supplementary Planning Document: Minster Quarter Masterplan (2017)

Sunderland Central Area Urban Design Strategy (2008)

Unitary Development Plan (Alteration No. 2): B2A, S2A, SA55A.2

CN19 - Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

B4 - Development within conservation areas

B10 - Development affecting the setting of listed buildings

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

COMMENTS:**Principle of the Development****Retail**

The UDP (Alteration No. 2) shows the retail core of the City running through the site on an axis running north east - south west. The associated policy, S2A, states that "new retail development will be directed to the retail core". The proposal would therefore be contrary to the policy through the provision of new retail development outwith the retail core.

The UDP (Alteration No.2) identifies a "Comprehensive development site" comprising the Former Vaux / Galleys Gill / Farringdon Row site. The north western corner of the site lies within the comprehensive redevelopment site and the associated policy, SA55A.2, states that acceptable uses include "A1 Retail (of an ancillary scale and function)". The proposed retail comprises circa one third of the proposed development covering circa 2,727 square metres and could therefore not be given consideration as being ancillary.

The above provisions are re-iterated in the "Sunderland Central Area Urban Design Strategy (June 2008)" (CAUDS).

The Council has, however, subsequently submitted a Core Strategy and Development Plan (Core Strategy); which has recently been the subject of an Examination in Public (EiP). The policies map shows the site as lying within the proposed "Primary Shopping Area". The associated policy, VC3, states that "these areas should be the focus of new retail development".

The Framework, at paragraph 48, states that

"Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

In terms of the above, the Core Strategy satisfies (a) through being at a very advanced stage of preparation, (b) a lack of unresolved objections and (c) being prepared in accordance with the Framework.

The conclusion section below will discuss the weight to be given to these policies.

Hotel

The UDP (Alteration No. 2) shows the site as lying within the "City Centre Boundary". The associated policy, S2A, identifies hotels as a town centre use that should be located within the City Centre Boundary.

The policies map for the Core Strategy shows the site as lying within the "Urban Core boundary". The associated policy, VC6, states that "development of tourism proposals will generally be supported, particularly new hotel development in the Urban Core".

The Core Strategy policy can be given significant weight for the same reasons given in the retail section above.

In terms of material considerations, the adopted Supplementary Planning Document "Minster Quarter Masterplan" (March 2017) identifies the site as a "development site" for a "Hotel with ground floor retail". The Masterplan states the site will

"provide the initial focus for new commercial development through the development of a hotel (Use class C1) that will help meet a recognised shortage in hotel accommodation in the city whilst providing ground floor units (Use classes A1, A3, A4) fronting on to Keel Square and High Street West".

Conclusion

The retail element of the proposal does not accord with the UDP (Alteration No. 2); nor the CAUDS. The proposal does, however, accord with the Core Strategy which can be given significant weight when determining the application. Officers would advise that, notwithstanding the conflict with the adopted development plan, the retail element of the proposal can be supported given the very advanced stage of the Core Strategy, the lack of unresolved objections to the policies in question and the consistency with the Framework.

The hotel element of the proposal would accord with the UDP (Alteration No. 2), the Core Strategy and the Minster Quarter Masterplan (March 2017).

There would be a more general contribution overall towards policy EC10A of UDP (Alteration No. 2) which states the Council will "support the regeneration of Central Sunderland".

In the absence of any other material considerations to the contrary, the principle of the proposed development can be supported. Officers would advise that consideration needs to be given to any detailed impacts and these can be seen below.

Amenity

The proposed development, given its location adjoining Keel Square facing roads / thoroughfares, would not lead to a loss of either day light or privacy for the occupiers of nearby land and buildings.

The submitted Noise Survey advises that "noise levels affecting the proposed development have been measured at different positions" and "it is calculated that the minimum facade sound insulation provision is required to meet the IHG Acoustic Performance Specification". The proposed ventilation strategy comprises the installation of "AD-F System 4, mechanical supply and extract with heat recovery (MVHR).

The comments of the Environmental Health Officer are awaited and an update will be provided to Members in due course.

Design

The Minster Quarter Masterplan specifically identifies, at 5.2, the key considerations for the site are

"The scale and massing of the building must respond to the scale of adjacent buildings in particular the Magistrate building and the proposed Vaux development.

The building frontage will need to provide the main interface and activation onto Keel Square, therefore the elevation should allow transparency and explore ground floor opportunities for bar/cafe overspill to create activity.

High Street West is a main retail street within the city centre and therefore the buildings elevations fronting onto High Street West should be designed to provide interest and again maximise activity (particularly at ground floor level). Consideration should be given to how the building turns the corner to encourage pedestrians from and into the square and the proposed Vaux developments.

A large expanse of the building will front onto St Marys Way, again it is recommended that this element of the development should include additional fenestration to create additional overlooking and surveillance onto St Marys Way and the proposed Vaux site developments."

The submitted design and access statement states that

"Starting from a U-shaped block which fully develops the ground floor footprint of the site, the building creates a strong edge to all three main faces and encourages a specific movement strategy around the site; enhancing and defining the edge of the square, an important public space.

The design of the hotel is a fitting addition to the civic square with its scale and mass in line with neighbouring buildings. The hotel does not obstruct or intrude into existing operations of High Street West shops. Its implementation respects the existing uses and movement around the site.

This landmark will complete the enclosure of Keel Square, and is a direct reflection of the ambition and identity of the city. This is a bespoke hotel, a unique design not to be found elsewhere."

The Council's Urban Design Team have commented that

"Overall the scheme is considered to be acceptable, the design of the hotel is of high quality and will provide an attractive contemporary building at a key City Centre location, helping to further frame the key civic space of Keel Square as well as reinforcing the north-eastern boundary of Bishopwearmouth Conservation Area. The height, scale, proportions, detailing, materials and architectural style respond well to listed buildings in the vicinity, as well as the high quality landscaping of Keel Square."

In terms of material considerations, Sunderland Civic Society have stated they are not convinced that the design of the proposal would secure high quality development. The detailed comments include concern that the "design would be unlikely to create the kind of quality environment we would hope for" and that they "do not consider the present scheme to adequately exploit the environmental potential offered by the site".

A further representation received states that "the design looks poor quality" and that "the very best is not necessarily what's on the table at the moment".

Officers would, in terms of the above representations, draw to attention that the use of the site for retail and a hotel has been identified within the adopted Minster Quarter Masterplan. The Masterplan further provides detailed guidance for the design of any scheme on the site and the proposed development has the support of the Council's Conservation and Design scheme. Officers would therefore consider that refusing the application on the grounds of design would not be reasonable.

There has also been a representation received stating "it is a well designed and good looking building".

In the absence of any other material considerations to the contrary, the proposed development accords with policies B2A, the provisions of the Minster Quarter Masterplan and the general provisions of the CAUDS.

Drainage

The submitted Flood Risk Assessment identifies the site "to be at low risk from all forms of flooding". The Assessment continues by identifying that "water from the roof will be collected and discharged at a controlled Greenfield rate of 5 l/s" and "external paving will have a porous construction". The statement concludes by advising that "off-site flooding will not be increased and safe access and egress will be maintained."

The Lead Local Flood Authority has suggested that "further detail should be provided before a suggestion for approval can be given".

Northumbrian Water have requested a condition.

The agent has been made aware of the above request and an update to Members will be provided in due course.

Ecology

The submitted Habitats Regulations Assessment identifies that there are three European sites within 6km of the site - namely the Durham Coast SAC, Northumbria Coast SPA and Northumbria Ramsar. The Assessment continues by stating that "there are no effects on European sites of the project in isolation, due to the nature and location / context of the development." The Assessment concludes that "the project will have no likely significant effect either alone or in combination with other plans or projects".

The Council's Ecologist has advised that they have "no objections to the proposal". The Ecologist has also prepared an assessment of likely significant effect on a European site which has screened out likely significant effects on the above sites.

In the absence of any material considerations to the contrary, the proposal would accord with policy CN19 of the UDP.

Groundworks

The recently submitted Phase II Geo-Environmental Assessment identifies that "no remediation is considered necessary to facilitate the proposed development" and the site "is considered to be stable with respect to mining". The Assessment also states that "gas protection measures are not considered necessary".

The comments of the Environmental Health Officer and the Environment Agency are awaited and an update will be provided to Members in due course.

Heritage

The submitted Heritage Statement identifies that the heritage assets which could be affected by the proposal include Bishopwearmouth Conservation Area, Sunderland Magistrates Court (Grade II) and the Peacock Public House (Grade II). These heritage assets all lie to the west of the site. The Statement, at 4.22, appears to conclude that there would be less than substantial harm to the significance of heritage assets and that the benefits of the proposed development would outweigh the harm to heritage assets. The Statement contends that the benefits include a "significant improvement upon the low quality and / indistinctive buildings making up the remainder of the local area and skyline" and the "'finishing off' of Keel Square".

The submitted Archaeological Evaluation states that "results from the site inspection and evaluation trench indicate that the area has been heavily disturbed by existing utility services" and "no further works are recommended".

The Council's Conservation Officer has advised that they consider the proposed development would "reinforce the north-eastern boundary of Bishopwearmouth Conservation Area" and that the "height, scale, proportions, detailing, materials and architectural style respond well to listed buildings in the vicinity". The Conservation Officer has also advised that the proposed development "responds sensitively to its historic context".

Historic England have advised that "they do not wish to offer any comments".

The comments of the Tyne & Wear Archaeologist are awaited and an update will be provided to Members in due course.

The above shows that whilst the agent considers there would be less than substantial harm to heritage, the Conservation Officer considers the proposal would "respond sensitively to its historic context". Given the advice of the Conservation Officer and in the absence of any material considerations to the contrary, the proposal would accord with policies B4 and B10 of the UDP and the Bishopwearmouth Conservation Area Character Appraisal and Management Plan (subject to the recommended conditions).

Highways

The submitted Transport Statement identifies that the lies in "a sustainable location with significant opportunities for access to be made by sustainable modes of travel". The Statement further identifies that "servicing and delivery vehicles will access the proposed servicing area immediately east of the site via the existing priority junction from the A183" and that "a Service Management Plan will be agreed? include restriction on the size, number and timing of deliveries".

The Statement concludes that "there are no reasonable grounds for refusal of the proposed redevelopment on transportation grounds".

The Local Highway Authority has advised that "the location of the development is within the City Centre and is readily accessible by walking, cycling and public transport". They have also made comments covering construction and servicing and deliveries.

There has been a representation from Cycling UK requesting that a planning condition be attached ensuring that bicycles of those staying overnight can be stored in the proposed store room. Officers would advise that the suggested condition would not be necessary to make the proposed development acceptable in planning terms.

In the absence of any material considerations, the proposal would accord with policies T2A of the UDP (Alteration No. 2) and T14 and T22 of the UDP.

Other

The Fire & Rescue Service have raised issues that are covered by the Building Regulations; rather than planning.

Conclusion

Principle of the Development

The retail element of the proposal does not accord with the UDP (Alteration No. 2); nor the CAUDS. The proposal does, however, accord with the Core Strategy which can be given significant weight when determining the application. Officers would advise that, notwithstanding the conflict with the adopted development plan, the retail element of the proposal can be supported given the very advanced stage of the Core Strategy, the lack of unresolved objections to the policies in question and the consistency with the Framework.

The hotel element of the proposal would accord with the UDP (Alteration No. 2), the Core Strategy and the Minster Quarter Masterplan (March 2017).

There would be a more general contribution overall towards policy EC10A of UDP (Alteration No. 2) which states the Council will "support the regeneration of Central Sunderland".

In the absence of any other material considerations to the contrary, the principle of the proposed development can be supported.

Detailed impacts

In terms of design, ecology and highways, the proposal accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

In terms of amenity, groundworks and heritage, the comments of the relevant consultees are awaited and an update will be provided to Members in due course.

In terms of drainage, the agent has been made aware of the need to submit additional / amended information and an update will be provided to Members in due course.

Given the above, it is recommended that Members be minded to Grant Consent for the development; subject to the draft conditions below and subject to the following:

(1) Amenity: The receipt of a positive consultation response from the Environmental Health Officer and for any recommended conditions to be accordingly added to the decision notice.

(2) Drainage: the receipt of additional / amended drainage information and the receipt of a positive consultation response from both the Lead Local Flood Authority and Northumbrian Water and for any recommended conditions to be accordingly added to the decision notice.

(3) Groundworks: the receipt of a positive consultation response from both the Environmental Health Officer and Environment Agency and for any recommended conditions to be accordingly added to the decision notice.

(4) The receipt of no representations during the remainder of the consultation period which raise material planning issues.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Members be MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the satisfactory resolution of matters relating to amenity, drainage and ground conditions; and subject to the expiry of the public consultation period for the application and the draft conditions listed below:

Conditions:

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

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

Proposed location plan (drwg no. L01 C)
Proposed site plan (drwg no. L02 C)
Proposed level 00 floor plan (drwg no. G00 E)
Proposed level 01 floor plan (drwg no. G01 C)
Proposed level 02-03 plan (drwg no. G02 C)
Proposed level 04 roof plan (drwg no. G04 C)
Proposed elevations (drwg no. G10 C)
Proposed sections AA & BB (drwg no. G20 B)
Proposed sections CC & DD (drwg no. G21 B)

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 No development shall commence until a construction management plan / scheme of work has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details to control the building works, site activities and associated traffic management. The development shall thereafter be undertaken in accordance with the approved plan.

Reason: To ensure, in accordance with policy T14 of the UDP, the development hereby approved does not cause traffic problems.

4 No development shall take place above damp proof course level until details / samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policy B2, B4 and B10 of the UDP, the development hereby approved relates harmoniously to the adjoining areas, preserves the character and appearance of the nearby Conservation Area and does not adversely affect the character and setting of nearby listed buildings.

5 The development hereby approved shall not be brought into use until a service management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the co-ordination and management of service vehicles for both the proposed hotel and ground floor retail units.

Reason: To ensure, in accordance with policy T14 of the UDP, the development hereby approved makes provision for the loading and unloading of commercial vehicles.

6 The development hereby approved shall not be brought into use until a detailed full travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a review within two of the development first being brought into use.

Reason: To ensure, in accordance with policies T14 and T22 of the UDP, the development hereby approved would be accessible by both private and public transport.

7 The landscaping shown on the proposed level 00 floor plan (drwg no. G00) shall be undertaken in the first planting season following the practical completion of the development hereby approved and shall thereafter be maintained for a period of at least five years.

Reason: To ensure, in accordance with policy B2 of the UDP, the development hereby approved relates harmoniously to the adjoining areas.