

Extraordinary Meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE

AGENDA

Monday 26th April, 2021 at 4.00 p.m.

This meeting will be held remotely. Joining details will be emailed to all participants.

The meeting will be livestreamed for the public to view on the Council's YouTube channel, 'sunderlandgov' at:-

<https://youtu.be/aQ-q58uQTtc>

Membership

Cllrs Bewick, Butler (Chair), D. Dixon, M. Dixon, Doyle, Essl, Foster, E. Gibson, Hodson, O'Brien, Scanlan, P. Smith, Stewart, Waller, A. Wilson and D. Wilson

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

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

16 April, 2021

Item 3

Planning and Highways (East) Committee

26 April 2021

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 20/00705/FUL
Site Of The Buffs Old Mill Road Southwick Sunderland SR5 5TP
2. 21/00038/LP3
Land To West Of Silksworth Way And North Of City Way Sunderland
3. 21/00121/FU4
Land To The North Of St. Mary's Way, Former Vaux Brewery Site Plater Way Sunderland

COMMITTEE ROLE

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

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 20/00705/FUL Full Application**Proposal:** **Demolition of former club building and associated structures. Erection of 5 no. 3 bed homes and 11no. 2 bed bungalows and alterations to access road onto Old Mill Road.****Location:** Site Of The Buffs Old Mill Road Southwick Sunderland SR5 5TP**Ward:** Southwick**Applicant:** MCC Homes Ltd**Date Valid:** 25 June 2020**Target Date:** 24 September 2020

PROPOSAL:

Proposal: Planning permission is sought for the demolition of former club building and associated structures to facilitate the erection of 5 no. 3 bed homes and 11no. 2 bed bungalows and alterations to access road onto Old Mill Road, Southwick.

Site Description: The brownfield site is located on the former buffs club and derelict land to the rear which was a day care centre at Southwick, Sunderland. The site is irregular in shape. The site is enclosed on 3 side by existing residential semi-detached properties. On Old Mill Road the site is largely open with a section located behind St Andrews church.

The site has been vacant for a considerable period of time and is now detracting from the overall appearance of the immediate street scene. Partial demolition has already been undertaken following instruction for the City Council's Building Control Section.

The pub has been closed from mid 2019 when it was becoming a local nuisance for local services as such the landlord lost his license. As a community building the pub actively sought for alternative uses to prevent long term loss.

The old day centre at the back of pub was demolished over fifteen years ago and has been in the council ownership ever since. MCC Homes in consultation with the local authority has purchased the land and the former pub with a view to offer affordable housing on the site.

The proposal has undertaken pre-application discussions with the Local Planning Authority prior to submission.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Natural England
Environmental Health
Lead Local Flood Authority
Land Contamination
Network Management
Natural Heritage
Southwick - Ward Councillor Consultation
Northumbrian Water
Northumbria Police
NE Ambulance Service NHS Trust
Fire Prevention Officer
Director Of Childrens Services
Northern Electric
North Gas Networks

Final Date for Receipt of Representations: **27.04.2021**

REPRESENTATIONS:

No letters of representations were received following the expiry of the neighbourhood consultation period.

Natural England : The application could have potential significant effects on:

- Northumbria Coast Special protection Area (SPA).
- Northumbria Coast Ramsar.
- Fullwell Quarry Site of Special Scientific Interest (SSSI).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location. Without this information, Natural England may need to object to the proposal.

Natural Heritage : Regarding Habitats Regulations Assessment and potential indirect effects from the proposed development on the qualifying features of coastal European Sites and the Ramsar Site;

1.A Section 106 or similar agreement with the applicant/developer must be a condition of development and include a pre-commencement per dwelling developer contribution of £539.35 towards Strategic Access Management and Monitoring (SAMM) measures, which equates to a total contribution of £8,629.60 for the proposed 16 units.

2.Reference the Addendum to the Preliminary Ecological Appraisal October 2020 report by RH Ecological Services; details of proposed off-site ecological mitigation and enhancement measures and associated developer contribution should be agreed and secured via a Section 106 or similar agreement.

3. The applicant, their agents and successors should adopt and deliver recommendations summarised in the Actions and Mitigation section (page 46) of the Preliminary Ecological Appraisal April 2020 report with regard to control and removal of invasive and non-native plant species, open excavations and materials stockpiling during construction, and the Addendum to the Preliminary Ecological Appraisal October 2020 report by RH Ecological Services.

Northumbrian Water Limited: Having assessed the proposed development against the context outlined above, NWL have the following comments to make:

An enquiry was received by Northumbrian Water from the applicant for allowable discharge rates and connection points into the public sewer for the proposed development and it is noted that the subsequent response to this enquiry has been submitted with the planning application.

In this document it states a restricted surface water flow of 5l/s may enter our network at one of two possible points of connection. However the applicant states in their Drainage Assessment at point C that Northumbrian Water will permit 7l/s into the network. If further communication and agreement has been made regarding an increase in the discharge rate we would like to see this. Until then we request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Further to the above consultation response dated 15th July 2020. NWL advise that a water main crosses part of the site. This asset may be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus. NWL will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site.

Lead Local Flood Authority : With regard to 20/00705/FUL and in relation to flood risk and drainage following submission of further information, the LLFA have undertaken a review and suggest that the application can be approved with a standard verification condition like the one below should Members be minded to approve the application.

“Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.

Construction details (component drawings, materials, vegetation).

Health and Safety file.

Details of ownership organisation, adoption & maintenance.

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

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

Northern Powergrid : No objections.

Northern Gas : No objections.

Northumbrian Police Liaison Officer : The proposed layout and the scale of the development I do not believe there is a need to comment fully. Any development that brings a brownfield site into viable use is to be welcomed and whilst there is one ambiguous space between Plots 9 & 10 which gives access to the rear boundary of two homes in Oaklands Crescent this is a significant improvement on the existing situation.

Tyne and Wear Fire and Rescue Service : No objections.

Land Contamination: The submitted reports are to support a residential led development.

- Report Ref. 2018-3717 Phase 1: Desk Study Report (Preliminary Risk Assessment), Proposed Residential Development, Land at Old Mill Road, Southwick, Geo-Environmental Engineering Ltd, July 2019.
- Report Ref: GEO2019-3717 Ground Contamination Letter Report for the Proposed Residential Development, Land at Old Mill Road, Southwick, Sunderland, Geo-Environmental Engineering Ltd, 29th July 2019.
- Report Ref. 2019-3717 Phase 2: Ground Investigation Report (Preliminary Risk Assessment), Proposed Residential Development, Land at Old Mill Road, Southwick, Geo-Environmental Engineering Ltd, 17th June 2020.
- Report Ref. 2018-3717 Remediation Strategy Proposed Residential Development, Land at Old Mill Road, Southwick, Geo-Environmental Engineering Ltd, 17th June 2020. Please find below a summary of the findings of the report, comments and recommendations.

Phase 1 Report Geo-environmental Engineering Ltd undertook a Preliminary Risk Assessment in general accordance with CLR11 and BS10175:2011, including undertaking a walkover survey in May 2019.

The report was undertaken to support a future residential development at the Site. At the time of the report the site consisted of varying land uses including a Club, a private garden, an area of vehicle storage and an undeveloped area fenced off from the remainder of the site.

The report states there was no evidence of any historical or current above ground or below ground fuel storage and although vehicles were being stored to the rear of the existing club, no visual and / or olfactory evidence of contamination was noted.

The report has been written based on data supplied within a Groundsure (Geo and Enviro Insight) dated May 2019 and appended to the report. The assessment included a review of historic maps, geological desk based sources, hydrogeological sources, preliminary qualitative risk assessment and development of a tabulated conceptual site model identifying all contaminate linkages. A review of historic maps did not identify site uses considered likely to have caused significant contamination. However, the presence of a raised mound is considered the likely source of Made Ground which could potentially be a source of contamination.

Surrounding uses mainly consisted of quarry's and a pond which were recorded as infilled. The nearest located 133m south east. These features have been identified as a possible source of ground gas. There are no surface water features on site or within 250m of the site. The geology is stated to comprise general cohesive Drift deposits of Glacial Till and the Pelaw CLAY Member.

Made Ground is not indicated as being present within the site. Bedrock consists of the Permian Roker Formation comprising dolomite (limestone). The Roker Formation is classified as a Principal Aquifer by the Environment Agency.

The site does not lie within a groundwater Source Protection Zone.

The report states that the site falls within a Coal Authority (CA) Mining Reporting Area with information accessed from the CA online database confirming there are no CA records of mine entries, shallow coal mine workings, shallow coal seams and areas of opencast mining at the site or in the near vicinity. The report states the site is not within a CA defined Development High Risk Area.

After qualitative risk assessment the site was considered to present a low risk with respect to ground contamination and a negligible risk with respect to ground gas and controlled waters. A Phase 2 ground investigation was recommended however to confirm ground conditions. Further to consultations with Watermans there is a general agreement to these conclusions however Watermans advise greater emphasis be placed on the potential for Made Ground to be a source of contamination and a potential risk to current and future site users.

Phase 2 Report. This report details a Phase 2 ground investigation undertaken at the Site by Geo-environmental Engineering Ltd. The works were undertaken in phases and eventually consisted of 16No. mechanically excavated trial pits across the site to a depth of between 1.00 and 2.35m bgl, laboratory testing on recovered soil samples, and Tier 1 Generic Quantitative Risk Assessment (GQRA) to determine potential ground contamination, ground gas risks to the proposed residential end users (Human Health). The report states the works were undertaken in accordance with CLR11, BS5930:2015, BS1377:1990 and Eurocode 7.

The report details previous ground investigation as documented in letter report dated 29th July 2019. It is noted however that only qualitative assessment was undertaken with respect to ground gas risk.

The risk to controlled waters has not been assessed.

The ground investigation encountered Made Ground to depths of between 0.7m to 1.6m bgl. No visual and / or olfactory evidence of any fuel/oil type contamination or landfill material was recorded. The Made Ground consisted of dolomite gravel, sandy gravelly brick fill, metal, concrete, organics and glass. Ash and clinker was also identified in locations within soft landscaping. Natural drift deposits were only encountered in six locations consisting of soft to firm occasional stiff gravelly clay. Soil samples were screened against a suite of determinants including asbestos, metals, PAH, TPH and BTEX.

Only Made Ground soils were tested.

No targeted sampling or testing of the natural drift deposits was undertaken based on a lack of visual/olfactory evidence of contamination and no visible presence of anthropogenic debris was noted.

Soils chemical analysis was compared against a residential with home grown produce criteria as derived by CLEA. These included C4SL and S4UL criteria as developed by LQM and CIEH. Based on the assessment elevated arsenic concentrations was noted in one location and elevated lead concentrations in four locations at depths between 0.2 and 0.8m bgl. Geo-environmental Engineering consider the Made Ground materials tested across the site are currently considered to pose a potential risk to the proposed end users. However, the report states that no further risk assessment of remediation or mitigation measures is required. It is considered that this is an error in the report based on the remaining conclusions. Six of the fourteen soil samples returned elevated concentrations of Speciated PAH's with four of these in areas of future soft landscaping. These elevated levels therefore represent a potential risk to the future residents in areas of soft landscaping. Geo-environmental recommend further risk assessment, remediation or protection measures are required to ensure the future suitability of the site for future residential development.

All of the samples have proven negative for asbestos fibres, with NAD (no asbestos detected) being reported by the laboratory. This is in addition to not visually identifying any pieces / fragments of ACM's at surface or within the materials recovered from across the site.

From the testing completed, elevated concentrations of Arsenic, Lead and PAH's have been identified within the made ground materials on site. The presence of these elevated concentrations potentially represents a risk to the proposed residential end users within the areas of soft landscaping and as such, a Remediation Strategy is required to determine the proposed methodology for appropriately dealing with the contamination identified.

Geo-environmental Ltd confirm no risk of ground gas based on a qualitative assessment.

No controlled waters assessment is included and no rationale or justification for this approach is provided in the report, however in consideration of the conclusions of the Phase 1 it is noted that the risk is considered negligible and in light of the below remedial recommendations and below ground cohesive geology it is agreed that the risk to controlled waters is considered to be acceptable.

Remediation Strategy Report : Following the completion of the Phase 2 report and based on the recommendations, Geo-environmental Ltd compiled a remediation strategy report including remediation options appraisal. The Phase 2 report identified lead, arsenic and several PAHs at concentrations exceeding the generic assessment criteria within Made Ground soils at Site.

Geo-environmental Ltd state that due to these results as well as other factors such as past historical development at the site if the Made Ground is to remain in areas of soft landscaping surrounding the proposed property then they potentially represent a risk to the future end users.

Future building cover or areas of hard landscaping will break the contaminate pathway.

An options appraisal was undertaken, following this Geo-environmental Ltd have made recommendations on the remediation strategy to be implemented. The strategy includes introduction of a clean cover layer within all areas of soft landscaping or private gardens as part of the future residential development. Geo-environmental Ltd suggest a 600mm thickness of cover layer is designed including a 150mm stone 'no dig layer' and geotextile membrane.

Geo-environmental Ltd confirm that the design of the cover layer has been formulated in parallel with the YALPAG "Verification Requirements for Cover Layers guidance (formerly the YAHPAC).

Further recommendations made by Geo-environmental Ltd include, provision of a watching brief during earth works to identify potential unforeseen contamination and or asbestos containing materials (ACM) and on site validation of the cover layer including verification report in accordance with YALPAG. Any materials removed from site, or moved around site may be subject to a Materials Management Plan (MMP) in accordance with CL:AIRE Definition of Waste Code of Practice (DoWCoP). Selection of soils for the clean cover layer should be made based on suitably derived chemical criteria designed to protect the end users and or additional sensitive receptors. Details of this will be expected to be included in any additional reports such as the remediation verification report.

Recommendations : At this stage, following the review of the submitted report(s), it is considered the submitted evidence adequate to discharge any contaminated land planning conditions relating to site/ground Investigation and submission of remediation strategy only.

In accordance with the recommendations of the Remediation Strategy the following would be required to be submitted following completion of the remediation and in advance of site occupation:

- All recommendations as detailed in the Geo-environmental Ltd Remediation Strategy.
- Including validation of clean cover layer and submission of a verification report covering the entire site and in accordance with YALPAG by a suitably qualified and competent consultant/engineer.
- This should include design of cover layer and selection of appropriate remediation criteria; chemical testing; photo evidence of cover layer installation; details of all soils disposed of or brought into site, including appropriate testing; and details of any watching brief. Further considerations that the applicant may need to consider include:
- Sourcing of suitable soils for use in soft landscaping.

Public Protection and Regulatory Services

Noise: Required: Details of noise attenuation related items per plot as set out in Tables 8 and 9 and Appx C of the noise report. Noise details not yet submitted.

Further to receipt of the above the following confirmation has been received to substantiate the submitted noise report.

- *Windows to front elevations units 1-5 are 10mm Glass – (6 – 16) mm Air Cavity – 4mm Glass*
- *Windows to rear units 1-5 and all units 6-16 are 4mm Glass – (6 – 16) mm Air Cavity – 4mm Glass*

And the ventilation to all units is Titon SF Xtra Standard Vent + Standard Canopy.

Construction Environmental Management Required: To ensure the environmental impact of the site clearance and construction phases of the development are adequately managed and mitigated, the Applicant should provide a construction environmental management plan which has regard to the impact of noise and vibration, lighting, dust and other airborne pollutants, and vehicular traffic arising from site works.

The applicant needs to provide a plan that addresses in detail the potential issues associated with site clearance and the construction of the dwellings. As a guide this should address, but not be limited to, the following:

- Identification of the location of sensitive receptors (neighbouring residents and Church)

- Site working times
- Use of solid boundary hoardings where appropriate
- Location of site compound and position / use of site lighting
- Controls over wagon movements, including avoidance of queuing and engine idling, and sheeting of loads
- No burning of materials or vegetation
- Noise and vibration control measures, including location of any generator or compressor sets, use of mobile noise barriers, selection of quiet plant, maintenance
- Dust control measures, particularly any necessary to deal with any contaminated materials identified during the site works, provision of water, cleaning of roadways and highway.

Note that it is considered that the use of a mobile crusher on this site would adversely impact neighbouring residents.

POLICIES:

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

EN10: Compatibility of Development.

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

SP8: Housing supply and delivery.

H2: Affordable homes.

ST2: Local road network.

ST3: Development and transport.

HS1: Quality of life and amenity.

HS2: Noise sensitive development.

HS3: Contaminated Land.

BH1: Design Quality.

BH2: Sustainable design and construction.

NE1: Green and blue infrastructure.

NE2: Biodiversity and geodiversity.

NE4: Greenspace.

WWE3: Water management.

COMMENTS:

LEGISLATION, PLANNING POLICY AND GUIDANCE

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

Planning policy background:

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Development Plan :

The Council adopted the Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document should be used when considering development proposals. It should also be noted that whilst the CSDP should be used as the starting point, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations Plan. A full schedule of policies which have been saved is contained within Appendix 1 of the CSDP.

CONSIDERATIONS:

The main issues to consider in the consideration of this application are:

1. Principle of development;
2. Highway engineering considerations;
3. Healthy and safe communities, including ground conditions and noise and vibration;
4. Design and layout;
5. Natural heritage, landscaping/ arboriculture and drainage considerations;
6. Viability and Section 106 considerations.

1.Principle of development:

The site is not allocated for development or fall within any designations within the adopted development plan. With this mind policy EN10 of the saved Unitary Development Plan is relevant.

Policy EN10 states in part that:

“Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood.

With the above in mind, it is noted that the predominant land use in the immediate area is residential and the site is surrounded on three sides by residential curtilage.

CSDP Policy SP8: Housing Supply and Delivery sets out that Council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year, one method of achieving this housing target is by the development of windfall sites. The site would be considered a windfall site for the purposes of housing delivery and would contribute towards meeting the Council's housing requirement.

CSDP Policy H2: Affordable Housing states that all residential developments over ten homes or 0.5 hectares should provide at least 15 percent affordable housing. This would equate to 2.4 homes. The Planning Obligations Supplementary Planning Document (SPD) (2020) sets out that affordable housing contributions will be rounded up when 0.5 or more or downwards otherwise. On that basis 2 units of affordable housing would be required. Affordable housing is

generally expected to be provided on site, however exceptionally off-site provision or a financial contribution may be acceptable.

The applicant has confirmed that whilst it is envisaged that 100% of the properties are to be provided for affordable rent following, a S106 will be entered into to secure the minimum policy requirements.

Part of the site formally provided a social club which is considered a community facility. As a consequence, CSDP Policy VC5: Protection and Delivery of Community Facilities and Local Services applies. It sets out that the loss of community facilities should be resisted unless either; a replacement facility is provided, or the community facility's loss is justified as it is no longer needed. Supporting paragraph 8.34 sets out a range of evidence that may be required to support the loss of community facility application. Furthermore, CSDP paragraph 8.35 states the Council will require any planning application involving the loss of any community facility, or land last used for community purposes, to be supported by written evidence justifying its loss.

With the above in mind supporting information has been provided by the applicant stating that the Buffs pub had been a growing concern for both the Local Authority and the police for a number of years due to numerous incidents around public safety and anti social behaviour affecting the wider community.

In December 2018, Sunderland City Council's licensing committee ruled in favour of Northumbria Police application to revoke the license for the premises and the building was closed. The building was subsequently marketed for rent for alternative uses but was unable to attract any viable options.

Following pre-application discussions with the current applicant and the City Council's Local Planning Authority and Land and Property Section the entire site was acquired in February 2020 to provide affordable housing for the elderly. A subsequent agreement has also been established in principle that should planning approval be granted, Sunderland City Council will reacquire the site to manage the social housing provision in perpetuity.

With the above in mind, it is recognised that the proposal seeks to bring back to use a currently dilapidated site for the provision of social rented housing aimed specifically to the over 55's and as such is fully compliant with the aims of the CSDP policies for delivering housing across the city.

2.Highway engineering considerations

A focus of the NPPF (Paragraph 108) is on sustainable transport, with planning applications needing to ensure that impacts on the transport network in terms of capacity, congestion and highway safety are acceptable. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;

- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Policy ST3 requires that development should provide safe and convenient access for all road users; should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

With vehicular access taken from the east of the site, the applicant has confirmed following consultations with the Network Management Section that the entrance of the site will be 5.5 metres wide allowing access in both directions and that the corner radii is 6 metres and there is a 1.8 metres wide footpath provided.

The applicant has also confirmed that the site will be constructed to an adoptable standard.

The layout of the proposal has also been amended to accommodate comments relating to parking and is now considered to be satisfactory.

In conclusion, it is noted that the proposed development provides sufficient on-site parking and would generate minimal traffic on the local road network. Therefore, on the basis of the above it is not considered that the proposed development would have material impact on the operation of the local road network or on road and pedestrian safety. Consequently, the proposed development is acceptable and in accordance with CSDP policies ST2 and ST3 and Transportation Development therefore has no objection to the planning application.

3. Healthy and safe communities, including ground conditions and noise and vibration.

The NPPF, at Paragraph 180, seeks to ensure that development proposals should not contribute to unacceptable levels of noise and that they reduce to a minimum, potential adverse impacts.

Paragraph 178 requires decision taking to ensure the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, whilst Paragraph 179 highlights that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

CSDP Policy HS1 requires development to take account of the amenities of adjoining properties and incorporate remediation and management measures. Policy HS2 requires that any noise generating development close to noise sensitive uses will be assessed to determine the impact on existing uses. Policy HS3 seeks to ensure appropriate remediation is undertaken when developing contaminated land.

Noise: The application is accompanied by a Noise Assessment by Nova Acoustics dated 13.05.2020. screening statement which has been prepared by NJD in June 2020.

Outline mitigation measures have been recommended in Section 4.4, including glazing and ventilation. These recommendations should be sufficient to achieve appropriate internal noise levels for the criteria stated. A ProPG assessment has shown the site falls into NRC 2 'Medium risk'. As there are multiple residential dwellings in similar proximity to the main noise sources, it is thought that provided good acoustic design is implemented then the amenity of future occupants can be fully protected.

Construction Environmental Management Plan (CEMP). The initial consultation response provided by Environmental Health requested that a Construction Environmental Management Plan (CEMP) covering matters such as how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated, be imposed as a condition on any grant of planning permission.

Given the proximity of residential properties it is advised that, to minimise impacts of site clearance and construction upon the local environment and nearby neighbours, a Construction Environmental Management Plan (CEMP) should be submitted for agreement with the LPA prior to commencement of site works.

An updated CEMP dated 16.03.2020 has been submitted and covered all matters necessary, including, site working hours, site access and egress, site parking, construction vehicular movement and materials delivery and storage, highway cleanliness, site security, waste management and matters relating to dust control and noise and vibration control.

Further to consultations, it is recommended that should Members be minded to approve the proposal a conditions is imposed that requires development to be implemented in full accordance with the CEMP document.

Ground conditions.

Section 15 : Conserving and Enhancing the Natural Environment of the NPPF states, in part within paragraph 170, that the planning system should contribute to and enhance the natural and local environment by:

e) preventing 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 178 is concerned with preventing unacceptable risks from land instability and contamination.

CSDP Policy HS1 Quality of life and amenity requires developments demonstrate that they do not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation.

Whilst CSDP Policy HS3 Contaminated Land requires development to ensure all works can be undertaken without the escape of contaminants, via addressing potential measures to mitigate and demonstrate suitable remediation can be undertaken.

Further to acknowledgement of all the relevant land contamination reports submitted as described in the land contamination consultation response it is accepted that subject to an appropriate verification report, the site is required to provide a clean cover system to any soft landscaping areas and a validation report to confirm this. The full report will include watching briefs and test on any new soil's to be brought to site.

In conclusion, the application submissions have been assessed in respect of its potential impacts on the amenities of the area and whether there are any noise, dust, air quality

sensitivity issues whilst also demonstrating the site is suitable for redevelopment. It is considered that subject to the imposition of the relevant conditions the application is acceptable and in accordance with CSDP policies HS1, HS2 and HS3.

4.Design and layout.

CSDP policy BH1 seeks to achieve high quality design and where possible incorporate sustainable design and construction methods (policy BH2).

With the above in mind, the site has been brought forward following pre-application discussions and a consideration of land values and potential grant funding via Homes England to ensure delivery.

The grant funding is subject to viability, and subject to an acceptable submission following the granting of planning permission. Each of the above have been considered prior to the current layout submission and reflect the needs of this brownfield site to be brought forward for development.

With the above considerations in mind and following pre-application discussion, the design of the site reflects the following.

Design - The proposed design has been guided by the following:

- Minimise impact of any new dwellings on existing properties with min 21m privacy distances;
- Provide strong street frontage to Old Mill Road, in filling the existing gap;
- Reuse the existing access;
- Develop a derelict brownfield site for high quality housing to assist Sunderland City Council in meeting its housing land supply;
- Deliver affordable family housing to the area;
- Deliver a scheme which benefits from the sustainability credentials of the site.

Accommodation - the development will provide 5x 3 bedroom family houses and 11x2 bed bungalows

Layout - The nature of the site has dictated a cul-de-sac:

- The scheme has been designed to reflect the existing street patterns and urban grain of the existing dwellings.
- Consideration has been taken with regards to overlooking of the new properties to that of the existing so that the proposal will have a minimal impact on the privacy of the existing residents.
- The road layout has been developed to adoptable standards, and it is proposed that the access road and in-line visitor parking bays will be offered to Sunderland City Council for Local Authority adoption.
- All dwellings have a secure private rear garden in accordance with Secured by Design Gold Criteria principles.
- Bin stores have largely been located to the rear of the properties, so the front elevations are not compromised in any way.
- All properties will have 1 parking space within their curtilage.

Scale-The scale of the development is considered to be sympathetic to the immediate surroundings. The local architectural style is characterised by a simple material pallet. The elevational treatment of the proposed new dwellings will feature quality materials.

Landscaping-The front of the properties will be open to encourage a small community feeling and provide a place of shared involvement of space, there will be small area of soft landscaping next to the visitor parking spaces.

With all of the above in mind, it is considered that given the site is to provide affordable housing and is anticipated to be delivered in part via Home England grant monies, it is acknowledged that the provision of bungalows to be socially rented and aimed towards the elderly demographic population, the design is considered to be both appropriate and acceptable.

In summary, it is recommended that the redevelopment of this brownfield site, is considered to be a significant improvement to the both the visual appearance of the area and a positive response to the negative impacts upon the residential amenity that the site previously provided to surrounding residential amenity.

5.Natural heritage, landscaping/ arboriculture and drainage considerations.

Natural Heritage.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper relevance in the assessment of this proposal.exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addition to the above The Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 175 of the NPPF provides as follows:-

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

As a former member of the European Union (EU), the United Kingdom (UK) are still 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 wild

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 Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an 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.

A Habitat Regulation Assessment (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 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.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast and the incursion into land designated within the LNR, the application has been supported by a Pre-liminary Ecological Appraisal including HRA dated April 2020 Version 3, Addendum Preliminary Ecological Appraisal dated October 2020 and a Biodiversity Impact Assessment Summary.

The above HRA screening confirms that in combination with other housing development, the proposed scheme would provide significant recreational impacts on the Natura 2000 sites. In light of the aforementioned, the applicant accepts there is a need to contribute towards the Council's Strategic Recreational Mitigation approach for the impacts on the European Sites. (The S106 agreement secures the delivery of the requisite monetary payment).

Fullwell Quarry is located approximately 650 metres north of the site. The development site lies within the SSSI Impact Risk Zones, which suggests that developments of 10 houses or more may impact the site (16 are proposed). Fullwell Meadows LWS is located approximately 850 metres north of the development site. The applicant is willing to provide a contribution towards the management of the Designated Sites to offset any potential impacts, as other measures such as dog-litter bins and education notices are not deemed sufficient enough and this is the only viable option. The Warwickshire Biodiversity Matrix is provided below in order to allow the LPA to calculate a figure to be secured via the S106 agreement.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces.

The application submission has been supported by a PEA and subsequent Addendum. The report concludes that given the low ecological value of the existing site, it is clear that the application would not cause significant harm, indeed it provides improved planting and native species chosen for their ecological value.

Actions and Mitigations of the PEA report page 46 with regards to the removal of non-invasive trees and plant species -.

The only trees on site were liliandi conifers which were removed prior to planning.

It has been confirmed that the following plants would be placed on site for the ecological biodiversity enhancements to replace the net loss created by the development proposal include the planting of hedgerow with native species, such as alder buckthorn (*Rhamnus frangula*), hazel (*Corylus avellana*) and guelder rose (*Viburnum opulus*).

In line with local policy all new hedgerows will be native and species rich.

A selection of silver birch trees would be planted across the site.

In addition the applicant has confirmed to add Integrated bat/bird integrated features (such as a bat access panel or nest box2 or bird nesting) across the site. These will be placed on the south/south western elevations of the buildings. At least one feature per building with at least 3 bird features and 3 bat features in total.

With reference to the above, it is acknowledged that the applicant has clearly demonstrated that the proposal would not lead to significant harm to biodiversity and mitigation is provided both off site and on to compensate for the minor net loss identified within the submission reports.

It is the opinion of the Local Planning Authority that in this instance, the mitigation to be included within the development site and secured via S106 are considered to be acceptable and compliant with relevance national and local policy.

Subject to appropriate conditions relating to landscaping should Members be minded to approve the application the soft landscaping element of the proposal is considered to be acceptable.

In terms of the future drainage of the site paragraph 163 of the NPPF seeks to control flood risk and states:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood -risk assessment."

Whilst CSDP policy WWE3 : Water Management, reinforces the above guidance and states in part:

"Development must consider the effect on flood risk, on site and off-site, commensurate with the scale and impact. Development must be accompanied by a Flood Risk Assessment (where appropriate), to demonstrate that the development, including the access, will be safe, without increasing orexacerbating flood risk elsewhere and where possible will reduce flood risk overall."

As set out in the Representations section of the agenda report, the Lead Local Flood Authority have reviewed the proposal and are satisfied that subject to the imposition of a verification condition should Members be minded to approve the development is considered to be acceptable.

5. Viability and Section 106 considerations.

As set down in statute by Regulation 122(2) of the Community Infrastructure Regulations 2010; Paragraph 56 of the National Planning Policy Framework (NPPF) instructs that obligations can only be sought where they meet all the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Habitat Regulations Assessment:

A contribution of £8,629.60 to be paid to Strategic Access Management and Monitoring in relation to the Natura 2000 sites.

It is considered that the above requests satisfy the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

Affordable housing:

It is noted that the development is proposing to deliver 100% affordable housing, via the transfer of the completed site to Sunderland City Council, however to ensure policy compliance and not to pre-empt the delivery of the site, the applicant has agreed to provide 15% of the units in their heads of terms for affordable rent. A rent which is set in accordance with the Government's rent policy for Affordable Rent. or is at least 20% below market rents.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

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.

CONCLUSION

The application is considered to be acceptable in respect of its land use, ecology, design, highway and drainage engineering considerations, whilst the submission has demonstrated that through the use of appropriate conditions it should ensure a healthy and safe environment in both the construction and operational phases of the development.

Significant weight is being given to the housing mix (bungalows) on offer within the development and the ability of the development to deliver affordable homes, whilst recognising that the redevelopment of the existing dilapidated site provides an overall planning gain to the local area in terms of amenity value and choice of product.

It is therefore considered that the application is acceptable and is recommended for approval subject to the conditions detailed in the main body of the report and listed below; and subject to the completion of the Section 106 Agreement.

RECOMMENDATION:

Members are recommended to **Approve** the application, subject to the completion of the Section 106 and subject to the draft conditions listed below:

DRAFT CONDITIONS:

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

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

Drawing No.01: Existing Site Plan and Location Plan dated 04.03.19.

Drawing No.02: Proposed Site Plan (updated received 26.01.21.

Drawing No.03: Proposed Semi-Detached House Plans and Elevations dated 04.04.20.

Drawing No.04: Proposed Link House and Roof Plans dated 04.04.20.

Drawing No.05: Proposed Link House Elevations dated 04.04.20.

Drawing No.06: Existing and Proposed Street Elevations dated 04.04.20.

Drawing No.07: Proposed Bungalow Plans dated 04.05.20.

Drawing No.08: Proposed Bungalow Elevations dated 04.05.20.

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

3. Within six months of the completion of measures identified in the Remediation Strategy (reference: 2018-3717 dated 17.06.2020) a verification report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to approval in writing of the Local Planning Authority.

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

4.In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

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

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

5. Development shall be carried out in accordance with the submitted "Construction Environmental Management Plan" dated 16.03.2021.

Reason : In order to protect the amenity of the area and to comply with Core Strategy Development Plan policies HS1 and HS2.

6. Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.

Construction details (component drawings, materials, vegetation).

Health and Safety file.

Details of ownership organisation, adoption & maintenance.

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

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

7. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. Development shall be implemented in accordance with Section 8 Impact Assessment and Mitigation of the submitted "Preliminary Ecological Appraisal" dated April 2020 Version 3 and Section 3 Recommended biodiversity measures of the Addendum PEA dated October 2020.

Reason : In the interest of nature conservation and enhancement and to accord with Core Strategy Development Plan policy NE2.

9. Development shall be implemented in accordance with Section 4 sub-section 4 (Recommendations and Mitigation) of the Noise Assessment by Nova Architects dated 13.05.20.

Reason; In the interest of residential amenity and to comply with Core Strategy Development Plan policy HS2.

10. Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures, planting plans; written specification (including

cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

11. The landscaping scheme hereby approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

Reference No.: 21/00038/LP3 Local Authority (Reg 3)

Proposal: **Erection of a new school building, including creation of new access, landscaping and vehicle parking.**

Location: Land To West Of Silksworth Way And North Of City Way Sunderland

Ward: Doxford
Applicant: Sunderland City Council
Date Valid: 19 January 2021
Target Date: 20 April 2021

PROPOSAL:

Full planning permission is sought for the erection of a new school building, including the creation of new access, landscaping and vehicle parking on land to the west of Silksworth Way and north of City Way/Doxford Parkway, Sunderland.

The host site comprises a 2.4 ha parcel of natural and semi natural green space which is interspersed with areas of vegetation including large sections of overgrown grass, areas of maintained grass to the east, self-seeded trees and more mature trees to the north. The site exhibits a notable fall in gradient from the south-west to the north-eastern perimeter, with the south-western perimeter formed by a steep slope that falls towards Doxford Park Way.

The site is located between the predominantly residential areas of Farrington, Doxford Park, Moorside and East Herrington and lies approximately 5 km South West of Sunderland City Centre and is bound by pedestrian footway and Silksworth Road to the north, a pedestrian/multiuser route which bounds and in part, sits within, the confines of the site to the west and Doxford Parkway and Silksworth Way which lie to the south and east respectively.

The current application seeks planning permission to erect a new school at the site with the proposal including a new access spur from the roundabout on City Way/Doxford Parkway, associated hard and soft landscaping, parking provision and new boundary treatments. The new school will be a relocation of the current Sunningdale Primary School which currently occupies the former Springwell Infant School. The school was built in the late 1940's and has operated as a Special Educational Needs school (SEN) since the late 1980s. The school provides for nursery and primary aged children with severe learning difficulties, profound and multiple learning difficulties and physical disabilities. There are currently 108 children between 5 and 11 on roll at the school with a further 16 accessing nursery provision.

The planning submission sets out that building condition surveys, conducted by the Council's Building Maintenance Team in Spring 2018, identified several immediate priority works at the existing school. These include structural, mechanical and electrical works. Immediate requirements within the next three years include a roof replacement, heating distribution replacement, cladding replacement, replacement of two demountable units and general refurbishment across the rest of the site. The submission also qualifies that a lack of suitable class bases within the school has resulted in a requirement for the school to operate class sizes of between 10 - 11 pupils in some year groups. This is more than the recommended class sizes of 6 - 8 pupils where special needs, such as those of the Sunningdale cohort, are identified. It is anticipated that at least 4 additional class bases and supporting spaces, such as toilets, hygiene

rooms and additional hall space and group rooms, would be needed in order to sufficiently provide the capacity required for Sunningdale Primary School's existing cohort.

With regard to the above, it is understood that Sunningdale Primary School is currently operating above its physical capacity and that it is not possible to place any additional children at the school. Against this backdrop, there is ongoing demand for special educational needs places across the school sector, this includes for children with Severe Learning Difficulties and Profound and Multiple Learning Difficulties. For this reason, the Council is proposing that Sunningdale Primary School is relocated and rebuilt on the site subject to this application.

In terms of the site layout, the school building will occupy a relatively central position with the footprint elongated along an east-west axis. The building would take the form of a predominantly single, but partially two storey development which will have capacity for 120 places plus a 16-place nursery provision. The school would be developed specifically to meet the needs of the children attending. It will have appropriately sized and number of class bases, improved additional hall space and therapy provisions, including, rebound therapy, hydrotherapy, light and sensory facilities and soft play. Each class will also have a storage area for mobility equipment, required by the children with physical disabilities who attend the school.

Within the grounds the site will provide capacity to enable the delivery of increased staff and visitor parking with the ingress and egress to be formed through a single access from the new road, incorporating a one-way system through the site, which includes a drop off area, staff and visitor parking and a service area. The remainder of the site will provide areas of informal play, grassed playing fields and a wetlands area which incorporates the Sustainable Drainage System including a nature trail and habitat area.

Some existing trees within the site are to be removed with new trees and shrubs proposed which will generally be native and insect-friendly in the interests of ecology and biodiversity.

Boundary treatment would take the form of 2.4m high green weld mesh fencing around the external extremities of the site with sections of 1.8m high acoustic fencing and 1.2m high feature fencing proposed within more centrally defined areas.

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

- Planning Statement;
- Design and Access Statement (including a Sustainability Statement);
- Statement of Community Involvement;
- Transport Statement;
- Ecological Mitigation report;
- Arboricultural Impact Assessment;
- Preliminary and Detailed Unexploded Ordnance (UXO) Risk Assessments;
- Preliminary Site Investigation (Phase 1) report;
- Geoenvironmental Appraisal (Phase 2) report;
- Flood Risk Assessment and Drainage Strategy;
- Air Quality Assessment;
- Noise Assessment;
- Archaeological Assessment;

Members should note that the application has been submitted by the City Council's Capital Projects team and that the application site is owned by the Council.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Director Of Childrens Services
Environmental Health
Fire Prevention Officer
Northumbria Police
Northumbrian Water
NE Ambulance Service NHS Trust
Flood And Coastal Group Engineer
Land Contamination
Tyne And Wear Archaeology Officer
Land Contamination
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **09.04.2021**

REPRESENTATIONS:

Public consultation - the application has been publicised via letters sent to 109 no. addresses close to the application site, the posting of site notices in the area and the publishing of a notice in the Sunderland Echo newspaper.

As a result of the publicity carried out, a total of 2 objections have been received. No addresses were supplied by the objectors however their comments raised the following concerns;

- o Added building noise;
- o Added pollution from construction vehicles and disruption from additional traffic;
- o Destroying a green belt site which is a haven for wildlife;
- o Existing derelict brownfield sites and vacant buildings should be explored first;
- o Sunderland has enough development going on without additional buildings going up.

The Statement of Community Involvement - The (SCI) submitted with the application advises that due to the seriousness of the current pandemic and the resulting Government restrictions, it was agreed that a Public Consultation, which would normally convene at the school or local community venue, could not be held.

In light of the above the agreed best way for the consultation process was via Sunderland City Council's Consultation Portal, which is part of the Council's website. When accessing the portal there was a concise description of the proposals; a full list of the supporting documents consisting of the presentation boards that had been produced and a comprehensive document detailing the proposal to relocate and increase the capacity of Sunningdale Primary School, and a link to start the survey.

An article in the local press described the proposed development and informed of the link to the survey. Additionally, there has been a local letter drop to residents describing the proposals,

including visuals, informing of the link to the portal. Local Councillors were also consulted about the project and the proposed location.

The survey asked questions about the principle of expanding and relocating the existing school and with regard to the proposed design and layout. The SCI advises that 40 surveys were completed, with 85% in favour of increasing capacity and 73% of respondents supportive of the proposal to use the site to provide an expanded replacement of the Sunningdale school.

Northumbrian Water - The response states that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. A condition is therefore requested which will require a detailed scheme for the disposal of foul and surface water from the development to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Tyne and Wear Fire and Rescue Service - no objections to the proposed development.

Northumbria Police (Designing out crime Officer) - Comments clarify that they very much support the security strategy for the site. Two questions were posed regarding the height of a section of fencing adjacent to the highway and clarification on safety procedures at the main entrance to the development. Further to clarifications provided by the agent, no objection or further observations were offered by the Designing out crime Officer.

Country Archaeologist - The response from the County Archaeologist highlighted that in 2021 Pre-Construct Archaeology Limited undertook an archaeological desk-based assessment for the proposed development area. Within 1km of the proposed development area, 60 heritage assets were identified. These included prehistoric, early medieval, medieval, postmedieval and early modern heritage assets. The site of the proposed development is located outside of Silksworth Village (HER 242) and Doxford Park (HER 5229). A section of the Hetton Company's Railway (HER 2848) cuts across the south west corner of the site and continues northwards on the west of the existing W2W Cycle Trail (outside of the red line boundary). In the report it is concluded that if archaeological remains survive on the site, these are likely to be impacted by the proposed works. In the report it is recommended that the site is subject to a geophysical survey and trial trenching evaluation which should be undertaken once the vegetation has been cleared.

This application should not therefore be determined until further information has been provided to assess the archaeological potential of this site. This should take the form of an archaeological geophysical survey and evaluation trial trenching.

Following the subsequent submission of the geophysical survey, the second round of comments from the Archaeologist advised that; In 2021, AD archaeology undertook a geophysical survey, where magnetic anomalies suggestive of a former field system of ridge and furrow cultivation, probably of post-medieval date were identified. The geophysical survey was not able to conclusively demonstrate one way or the other if archaeological remains are present on the site. In order to do so, further evaluation in the form of trial trenching is required. Given the results of the desk-based assessment and the geophysical survey, I am happy for the trial trenching and any follow up mitigation that is required, to be secured by condition.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - considers that the application can be approved, subject to a verification condition to ensure the sustainable drainage scheme is constructed as approved.

Council's Environmental Health team - considers that the development is acceptable in principle, having assessed matters relating to land contamination, noise, odour and construction environmental management.

With regard to noise, it is requested that a condition be imposed to ensure compliance with the specifications of the noise barriers and external plant to be installed.

With regard to odour, it is requested that a condition be imposed requiring the submission and approval of details of the extraction and ventilation equipment to be used in the school kitchen.

A condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) is also requested.

Ground contamination - It is considered that land contamination does not represent an impediment to granting planning permission for the development of the site; however, it is requested that if the application is approved, conditions be imposed for approval of a suitable remediation strategy, verification and in respect of unexpected contamination

Council's Ecology team - no objections to the proposal, subject to conditions requiring:

- o That biodiversity mitigation and enhancement be delivered through the proposed Landscape Masterplan and the Ecological Mitigation and Enhancement Plan December 2020 (EMEP). The applicant/developer should provide pre-commencement confirmation of the mechanism that will ensure the maintenance and viability in perpetuity of the habitat creation proposed in the Biodiversity Metrics December 2020 report and the EMEP, and therein the Proposed Mitigation areas drawing (Figure 3).
- o That the development includes the features detailed in Bird and Bat Roosts as Proposed drawing no. 0518020 /ARCH/035 P1.

Council's Highways team - Noted the submission of a Transport Statement (TS) with the application and offered the following comments;

- o The site is situated in an accessible location being close to existing pedestrian and cycle infrastructure and bus stops. In addition, the development proposes satisfactory links to the existing infrastructure.
- o The submitted TS confirms that the new school will be accessed by a proposed connection to the existing Doxford Park Way Roundabout. To facilitate this, a third arm to the roundabout is to be constructed together with a short section of new road from which the school will be accessed via a simple priority T junction. It is understood that, outside of this current application, the new road from the roundabout will be extended as a part of future works proposed in the area to form the Farringdon Bypass, which is set out in the Sunderland City Council (SCC) Core Strategy and Development Plan 2015-2033 dated January 2020. The proposed section of road proposed as part of this application has been designed with consideration to these future proposals. The proposed access arrangements are considered acceptable.
- o The proposed site layout provides circulatory routing to a car park which provides 56 standard car parking spaces, 4 accessible parking spaces and 2 large vehicle parking spaces. The proposed parking provision is similar to that provided at the existing school and is considered acceptable to serve the likely demand. In addition, a drop off/pick-up area is proposed that can accommodate 8 - 10 vehicles. It is understood that this will be

utilised by private taxi and minibuses, private drop off's, service/ supply vans as well as the outreach team and daytime visitors where necessary. This provision is intended to ensure drop offs are managed from within the curtilage of the school and not result in vehicles stopping on the public highway. Pedestrian routes within the site are to be provided to allow safe movement across the car park and throughout the school. At the eastern end of the car park is the refuse storage area and it has been demonstrated that this can be satisfactorily accessed by a refuse vehicle. Taking the above into account the proposed site layout is considered acceptable.

- o The submitted TS confirms that given the nature of the proposed school the majority of students will arrive at the school via a minibus, taxi or private car and be dropped off at the facility. This reduces the likelihood of congestion and parking problems on nearby streets, something which is commonly associated with conventional schools. In addition, it is confirmed that the number of student spaces is 136 which is significantly less than conventional schools which again reduces the impact of vehicular trips. Additionally, as this proposed school is to replace an existing nearby school, the traffic demands are relocated rather than increased on the local road network.
- o The submitted TS states that the existing roundabout has been designed and constructed with the intention of the future provision of the additional arm as a part of future Farringdon Bypass. The TS concludes that the addition of the proposed development traffic to this arm will not have a material impact on the operation of the roundabout.

The TS also demonstrates that the impact of the proposed development at the A19/A690 junction is acceptable. Having reviewed the TS Transportation Development considers the likely traffic impact of the proposed development is not significant and is acceptable.

- o The submitted TS states that for planning purposes a Travel Plan Framework is to be produced which will outline the commuting arrangements prior to the site being occupied as well as during the construction phase. However, it would appear that a Travel Plan Framework has not been submitted in support of the application. Taking this into account Transportation Development request that should planning approval be granted a planning condition be imposed that requires the submission and approval of a School Travel Plan prior to the commencement of works.

In summary, the Council's Highways team have no objections to the scheme, subject to the following condition being imposed:

- A School Travel Plan to be submitted and approved prior to commencement of works.

COMMENTS:

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

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

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

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

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

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

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

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

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

- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);
- Conserve and enhance the historic environment (section 16).

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary

Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland). Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP and UDP policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

The CSDP policies are relevance to the consideration of this proposal are SP1, HS1, HS2, HS3, BH1, BH2, VC5, NE2, NE3, NE9, WWE2, WWE3, WWE4, WWE5, ST1, ST2 and ST3.

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

1. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity and design considerations;
4. The impact of the development on highway and pedestrian safety;
5. The impact of the development in respect of ecology, biodiversity and trees;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions and land contamination;
8. The impact of the development on archaeology.

1. Land use considerations

As has been touched on earlier, some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan. This A&D Plan has only recently been subject to the first round of a public consultation exercise and therefore has very limited weight at this time.

The saved UDP policy for the host site is SA6.2 which sets out that the land to the west of Silksworth Way shall be used for; food and drink, light industry, offices, research and development, residential care, community facilities and car showrooms.

It is considered that the proposal is in alignment with the above by virtue of a school being considered a community facility which is a permissible form of development as set by the allocation. The CSDP defines a community facility as, 'a facility which health care, childcare, educational, cultural or social services are provided', a school is thus considered a 'community facility' in planning terms.

The rationale for the proposed development has been set out at the beginning of this report and paragraph 94 of the NPPF emphasises that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. Authorities should give great weight to the need to create, expand or alter schools through decisions on applications.

This approach is mirrored through CSDP Policy VC5 which promotes the provision of new and extended community facilities which are located in accessible neighbourhood and centre

locations. Whilst the site is not located in a particular central location it is nonetheless situated within a sustainable and accessible location.

It is noted that an objection has been offered with regard to the loss of the open space. In this regard, whilst the site is identified within the Greenspace Audit (2018) as natural and semi natural greenspace and is currently viewed as greenspace within the context of the area, it has remained allocated within the adopted development plan for a variety of potential uses as set out by aforementioned Policy SA6.2 and it was always envisioned that development of the site would take place in alignment with these uses. On this basis, it is not considered necessary to justify the loss of the greenspace in accordance with CSDP Policy NE4.

In summary, Sunningdale Primary School is currently operating above its physical capacity and it is not possible to place any additional children at the current school. Against this backdrop, there is ongoing demand for special educational needs places across the school sector, this includes for children with Severe Learning Difficulties and Profound and Multiple Learning Difficulties.

The host site is allocated for community use in line with this proposal, whilst national planning policy emphasises that a sufficient choice of school places should be available to meet the needs of existing and new communities whilst advising that local planning authorities take a proactive, positive and collaborative approach to meeting this requirement.

In respect of the above, the proposals are considered to fully comply with the requirements of the saved land use policy SA6.2, CSDP Policy VC5 and paragraph 94 of the NPPF and as such, there is not considered to be any conflict with relevant land use or community use policies.

Notwithstanding this conclusion, in order to determine the acceptability of the proposed development, consideration must be given to all other relevant material considerations; this exercise is undertaken below.

2. Residential amenity considerations

Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Meanwhile, policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

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

In terms of assessing impacts on the amenity of existing residential properties, it is evident that there would be substantial spacing of at least 50m between the new builds single storey massing presented along the eastern gable and the nearest residential property on Dunn Lynn

which lies to the east of Silksworth Way. Spacing in all other aspects significantly exceeds 50m therefore nearby properties lying to the south such as those positioned on Merrion Close and Marlesford Close would not be unduly impacted. Overall, the development site is sufficiently remote from nearby residential occupiers to ensure that they would not experience any unacceptable loss of outlook, privacy or overshadowing.

Further, the remoteness of the site and the presence of vehicular routes which bound it would dictate that there should be no undue level of noise/disturbance to nearby occupiers as a result of the use of the land, for example through outdoor play of children and the comings and goings of pupils, staff and visitors both on foot and in vehicles during operational hours.

Representations have been offered in respect of noise impacts emanating from the construction of the new school during the build and added pollution from construction vehicles as well as disruption from additional traffic. Whilst these comments are noted and it is possible that some level of disruption could occur during the construction phase, this is an unavoidable by-product of the development process and given the physical detachment of the site from surrounding residential development, it is not considered that any such impact would be significant. Notwithstanding and in order to mitigate impacts arising during the construction phase, a condition will be placed on the decision notice requiring the submission of a Construction Environmental Management Plan (CEMP).

Given the above, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, whilst the school will also provide future pupils with a high-quality learning environment, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 127 of the NPPF.

3. Design and visual amenity implications

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 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.

The majority of the building will be single storey in nature with only the main entrance and administration block presenting as two storeys. Consequently, from a scale and massing perspective the building would be in keeping with the surrounding built form which is predominately no higher than two storeys.

The proposed design has a 'public' face to Northern façade which overlooks the car park, drop off area, wetland areas and Silksworth Way beyond. The development would present a brick faced elevation to the majority of the building, with linear cladding frames and glazed double height spaces, which are punctuated with sections of polished block. The second storey is clad in varying bands of coloured cladding contrasting with that of the brightly coloured boxed fenestration.

The outer facade is treated the same elevationally, with the exception of the roof being metal standing seam that includes an overhang to create covered play areas adjacent to the class bases. This area is more private and secluded, enhancing the feeling of protection and overlooks the varied play spaces; reading and social areas; habitat trail, outdoor classroom, hard informal and outdoor PE space and the playing field beyond.

The roofs are either flat with a single ply membrane finish, coloured grey, which is hidden behind a parapet wall, or metal standing seam, natural finish; a grey multi stock brick (final choice to be confirmed) and grey mortar; Powder coated aluminium windows colour to be dark grey; linear cladding to the double height spaces and varied banded cladding to the upper level of the main entrance and admin block.

The design for the school grounds has been influenced by a comprehensive consultation programme with the School and the Local Authority's Education, Planning, Ecology, Highways and Health and Safety Departments. The proposed site layout has been developed to maximise the sites potential as an educational resource whilst seeking to retain existing landscape features of value wherever possible.

With regard to accessibility Access within the school grounds has been designed to be step free, provide Equality Act compliant routes to all the main facilities, and meet the requirements of the Building Regulations and BS8300. Accessible toilet facilities are provided throughout the school. All rooms, circulation and accesses are appropriate for wheelchair usage.

In terms of sustainability, paragraph 150 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The 'Sustainability' section of the submitted Design and Access Statement sets out that the following measures have been incorporated into the design of the new school to maximise its sustainability:

- o Maximisation of insulation within the external envelope by increasing thermal mass and aiming for a very high air tightness rating to reduce heat loss;
- o Designing the building so that additional renewable technologies/measures can easily be incorporated in the future;
- o Minimising emissions from pollutants by fitting boilers with low nitrogen oxide-emitting burners, using efficient lighting, using CFC- and HCFC-free materials and avoiding the use of polluting paints, solvents, particle boards and aerosols;
- o Using timber from managed forests;
- o Using recycled materials and incorporating good water economy and energy management systems;
- o Sustainable treatment of surface water through redistribution into a number of basins that form the wetlands area along the Northern and Easterly boundaries.

It is considered that the Design and Access Statement submitted with the application demonstrates that the development has been informed by a sustainable approach to construction practices, building design and the use of materials and internal fixtures and fittings.

Given the above, it is considered that the design of the new school and its grounds is acceptable and that the development will have a positive effect on the visual amenity of the locality and that the school has been developed in accordance with sound sustainability principles. The proposals therefore accord with the requirements of the NPPF and the Council's adopted CSDP in respect of these matters.

4. Impact of the development on highway and pedestrian safety

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

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

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

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

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

In terms of parking there will be 56no regular spaces and 4 accessible bays for staff and visitors. This allocation mirrors that of the existing school's requirements. Electric charging bays will also be provided for 4 vehicles to promote sustainable methods of transport. Cycle-friendly facilities will be incorporated as part of the development including shelters to store bikes safely and changing facilities with showers, to encourage the use of sustainable commuting.

The W2W (Walney to Wear)/ National Cycle Route 70, runs adjacent to the western perimeter of the land, providing cycle connectivity to the City Centre from the site. As a part of these works, the W2W cycle route will be realigned in context with the proposed access road with the route safeguarded throughout the works for continued public use.

As set out in the 'Representations' section of this report, the Council's Highways team offered no objections to the proposal, noting appropriate access, egress and internal circulation

arrangements, acceptable parking/drop off provision and its sustainable location with good links to existing pedestrian and cycle infrastructure, bus stops and road infrastructure.

At the request of the highway team, a condition will be imposed that requires the submission and approval of a School Travel Plan prior to the commencement of works.

On the basis of the above, it is considered that the implications of the proposed development in respect of access, parking, highway and pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

5. Implications of development in respect of ecology, biodiversity and trees

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site. Policy NE3, meanwhile, supports the retention and protection of valuable trees within development proposals and NE9 states that proposals should incorporate high quality landscape design, implementation and management.

The proposals will require the removal of a number of trees and shrubs. These are listed as groups 2, 3, 5 and 6 on the submitted tree removal/retention plan. These groups comprise mainly of low value scrub and small self-sown specimens with the higher value trees located primarily along the northern perimeter of the site shown to be retained.

A significant level of new tree and hedge planting will take place across the site with notable coverage shown along the northern and eastern perimeter of the site to provide a softer edge to the public facing areas. Towards the north of the site a series of shallow wetlands are also proposed. The wetlands are part of the drainage strategy for the site, providing water attenuation and helping to slow run off rates. They have been designed to maximise their ecological benefits with shallow banks and native wetland planting proposed. The wetlands are situated within a larger area of native wildflowers, bounded by native hedgerow and existing trees.

A small woodland area is also to be created to the south of the site which will envelope the outdoor 'Forest classroom' and border the sensory garden.

A full planting and species mix plan has been provided with the application and will be conditioned accordingly.

As well as providing on-site ecological enhancement, offsite enhancements are also proposed nearby on land to the north of the site at Foxhole Woods. The specifics of such enhancements are set out within section 3.4 of the Ecological Mitigation and Enhancement Plan but includes the creation of a species rich grassland/lowland meadow and scrub planting.

As set out in the 'Representations' section of this report, the Council's Ecology team have no objections to the development, subject to conditions requiring:

- o That biodiversity mitigation and enhancement is delivered through the proposed Landscape Masterplan and the Ecological Mitigation and Enhancement Plan December 2020 (EMEP). The applicant/developer should provide pre-commencement confirmation of the mechanism that will ensure the maintenance and viability in perpetuity of the habitat creation proposed in the Biodiversity Metrics December 2020 report and the EMEP, and therein the Proposed Mitigation areas drawing (Figure 3).
- o That the development includes the features detailed in Bird and Bat Roosts as Proposed drawing no. 0518020 /ARCH/035 P1.

A condition will also need to be imposed which requires the implementation of tree protection measures during construction works, in order to ensure retained trees are adequately protected for the duration of the works.

Overall, whilst a number of trees and scrub are to be lost as a result of the development proposals, it is considered that the level of new planting will acceptably mitigate any negative impact this would otherwise be caused, whilst ecological enhancements both on and offsite will result in biodiversity net gain and increase the sites wildlife value post development.

Provided conditions relating to ecology and tree protection are imposed, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and retained trees at the site and that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policies NE2, NE3 and NE9 of the CSDP.

6. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) 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;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;

- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

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

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

The development includes the construction of a new surface water drainage system and the strategy proposes appropriate and sustainable attenuation measures on site with the use of 3No. basins and soft landscaping within the site, which will bring multiple benefits in terms of wetland habitat creation, educational interest and an attractive landscaped setting for the school, as well as satisfactorily addressing the practicalities of minimising flood risk.

There are no objections to the development from the Lead Local Flood Authority subject to condition that ensures that the submitted drainage strategy is implemented as planned and is effective is imposed. Northumbrian Water have also requested that details of the disposal of surface and foul water be provided by way of condition.

Subject to such conditions, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

7. Implications of development in respect of land contamination

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of

ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, 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.

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Contaminated Land Risk Assessment which have been reviewed by the Council's Environmental Health team. There are no objections to the proposals and whilst it is recognised that risks to human health from the site soils are low, the movement and potential import of materials to facilitate the development requires monitoring and control to confirm the materials re-used / imported are suitable for use, particularly in light of the sensitive end-users. For this reason, a condition relating to a Remediation Statement and verification is required along with a condition to deal with unforeseen contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

8. The impact of the development on archaeology

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policy BH9 states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ. However where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

As has been referenced earlier in the 'Representations' section of this report, the development site has links to Hetton Company's Railway (HER 2848) which cut across the south west corner of the site and continued northwards on the west of the existing W2W Cycle Trail.

In the Archaeological Desk Based Assessment, it was concluded that if archaeological remains survive on the site, these would likely to be impacted by the proposed works. The report therefore recommended that the site be subject to a geophysical survey and trial trenching evaluation which should be undertaken once the vegetation had been cleared. The geophysical survey was subsequently undertaken but was not able to conclusively demonstrate one way or the other if archaeological remains are present on the site. In order to do so, further evaluation in the form of trial trenching is considered to be required. The County Archaeologist has confirmed that they are satisfied that this work can be undertaken following a decision and prior to commencement of development and has recommended that three conditions be attached

relating to a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation, that the building shall not be brought into use until the final report of the results of the archaeological fieldwork have been agreed in writing and that a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication.

Subject to the imposition of these conditions, the proposal is considered to be acceptable from an archaeological perspective and in accordance with the requirements of the NPPF and CSDP Policy BH9.

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.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed educational establishment will utilise a site that has historically been allocated for community use.

The development will result in a scheme which will deliver a good standard of development which will have an acceptable impact on the residential and visual amenity of the locality.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and subject to the recommended condition for a Travel Plan, it is considered that the proposals are acceptable relative to highway and pedestrian safety. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage, trees and ground conditions/land contamination and archaeology.

The proposals are consequently considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 94 of the NPPF, great weight should be given to the overriding positive benefits of delivering a new educational establishment at this sustainable location.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP. It is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

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:

The site plan as proposed received 08.01.2021 (Plan ref: Arch 011 REV P1);
The ground floor plan as proposed received 12.03.2021 (Plan ref: Arch 020 REV P2);
The ground floor plan as proposed received 08.01.2021 (Plan ref: Arch 023 REV P1);
The ground floor plan as proposed received 12.03.2021 (Plan ref: Arch 024 REV P2);
The first floor plan as proposed received 08.01.2021 (Plan ref: Arch 021 REV P1);
The first floor plan as proposed received 08.01.2021 (Plan ref: Arch 025 REV P1);

The first floor plan as proposed received 08.01.2021 (Plan ref: Arch 026 REV P1);
 The elevations as proposed received 12.03.2021 (Plan ref: Arch 030 REV P2);
 The elevations as proposed received 12.03.2021 (Plan ref: Arch 031 REV P2);
 The elevations as proposed received 08.01.2021 (Plan ref: Arch 032 REV P1);
 The roof drainage plan as proposed received 08.01.2021 (Plan ref: Arch 022 REV P1);
 The roof drainage plan as proposed received 08.01.2021 (Plan ref: Arch 027 REV P1);
 The roof drainage plan as proposed received 08.01.2021 (Plan ref: Arch 028 REV P1);
 The proposed Bird and Bat roost plan received 08.01.2021 (Plan ref: Arch 035 REV P1);
 The proposed sections received 08.01.2021 (Plan ref: Arch 040 REV P1);
 The proposed sections received 08.01.2021 (Plan ref: Arch 041 REV P1);
 The proposed sections received 08.01.2021 (Plan ref: Arch 042 REV P1);
 The landscape masterplan received 08.01.2021 (Plan ref: LS0001500001 P1);
 The boundary treatment plan received 08.01.2021 (Plan ref: LS0001500002 P1);
 The Infrastructure Constraints plan received 08.01.2021 (Plan ref: SSCP-SCC-HGN-ZZ-DR-50-001 REV D);
 The General Arrangement plan received 08.01.2021 (Plan ref: SSCP-SCC-HGN-ZZ-DR-50-002 REV D);
 The Adopted Highway Extract Plan received 08.01.2021 (Plan ref: SSCP-SCC-HGN-ZZ-DR-50-003 REV D);
 The location plan received 08.01.2021 (Plan ref: Arch 100 REV P2)

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To ensure the environmental impact of the construction of the development is adequately managed and mitigated in accordance with policy HS1 of the adopted Core Strategy Development Plan.

5 Prior to occupation, the minimum glazing and ventilation requirements and external noise barriers detailed in Section 5 and Figures 1-4 of noise assessment (ref GM11197 report no. 0001) shall be installed and maintained for the lifetime of the development.

Reason: To ensure a satisfactory level of amenity, in accordance with Core Strategy Development Plan policy HS2.

6 Noise from any external plant associated with the development shall not exceed a noise rating level stated in Table 4 of the noise assessment (ref GM11197 report no. 0001).

Reason: To ensure a satisfactory level of amenity, in accordance with Core Strategy Development Plan policy HS2.

7 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".

Reason: In the interests of visual amenity and to comply with policy NE3 of the Core Strategy and Development Plan.

8 No development including demolition shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until an Arboricultural Method statement and tree protection scheme is submitted and approved in writing. Once approved the protection scheme must be implemented in full and in the case of the protective fencing must be retained intact for the full duration of the development and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

Reason: In order to maintain the health and visual amenity of the trees concerned in the interests of the visual amenity of the area and in accordance with policy NE3 of the Core Strategy Development Plan.

9 The landscaping scheme shall be carried out in full accordance with the soft landscaping specification, with reference to Sheets 1 to 3 (Plan ref's LS000150/008, 009 and 010 REV T1) and shall be completed no later than the end of the first planting season following the first occupation of the development. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies NE2 and NE9 of the adopted Core Strategy Development Plan.

10 The development hereby approved shall be carried out in accordance with the recommendations for Ecological Mitigation and Enhancement Measures and for biodiversity net gain as outlined in Section 5 of the Ecological Mitigation and Enhancement Plan 2020 report and Section 3 of the Biodiversity Metrics 2020 report prepared by DWS Ecology, with all recommended measures adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

11 Prior to commencement of development, details of a sustainable long-term maintenance and monitoring programme for ecological mitigation and enhancement measures, including details of ownership organisation should be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

12 The bat and bird boxes identified on plan ref: Arch 035 REV P1; shall be installed in accordance with the submitted details prior to the occupation of the building and thereafter retained for the lifetime of the development.

Reason: In order to ensure ecological enhancement within the site and to accord with policy NE2 of the Core Strategy Development Plan.

13 The school hereby approved shall not be occupied until a School Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Travel Plan shall include initiatives to reduce and limit the number of car journeys to and from the site and encourage the use of modes of sustainable transport by staff and pupils. The initiatives set out in the approved Travel Plan shall then be implemented in full upon occupation of the new school building, in order to minimise traffic disruption and encourage sustainable travel to and from the site.

Reason: To accord with the objectives of the NPPF and policies ST2 and ST3 of the Council's Core Strategy Development Plan.

14 Prior to the occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and in accordance with Core Strategy Development Plan Policy WWE3.

15 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF and to accord with Core Strategy Development Plan Policy WWE3.

16 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with specification/s provided 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, in accordance with paragraph 199 of the NPPF and Policy BH9 of the Core Strategy Development Plan.

17 The building shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (16) 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, in accordance with paragraph 199 of the NPPF and Policy BH9 of the Core Strategy Development Plan.

18 The building 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.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and Policy BH9 of the Core Strategy Development Plan.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

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

works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

Reference No.: 21/00121/FU4 Full Application (Reg 4)

Proposal: Detailed planning application for laying of underground data ducts and associated infrastructure, together with creation of and improvements to shared footpaths, erection of lighting columns, handrails, structural reinforcement works, erection of retaining wall, installation of ancillary drainage, street furniture and hard and soft landscaping. Proposals also include improvements to the existing Galley's Gill footbridge, installation of decorative balustrading, installation of associated lighting and associated footpath repairs. Development situated on land to the North of St, Mary's Way, Sunderland, including parts of the former Vaux Brewery Site, Galley's Gill Farrington Row and the connecting Galley's Gill Footbridge.

Location: Land To The North Of St. Mary's Way, Former Vaux Brewery Site Plater Way Sunderland

Ward: Millfield
Applicant: Siglion Developments LLP
Date Valid: 2 February 2021
Target Date: 4 May 2021

PROPOSAL:

The proposed works aim to improve the public realm around Galley's Gill, Farrington Row and the cliff edge of the Vaux site via a new shared footpath. This footpath will house, underground, the proposed digital infrastructure cabling and ducting, whilst the application also seeks approval for stabilising works to the northern cliff edge on Vaux.

New public spaces will be created with new planting areas focussed in the public viewing locations with the primary space being to the east of The Beam. Across the whole scheme, bioretention planting and grass swale systems are proposed as low impact development features to slow, treat, retain and infiltrate stormwater runoff from the hard landscape areas. The proposals also include improvement and refurbishment works to the Galley's Gill footbridge, including resurfacing of the deck and new, decorative balustrading.

The application initially included a sustainable urban drainage system (SUDS) within Galley's Gill. The Agent has recently amended the red line boundary on the location plan to remove this area.

The planning application has been supported by detailed infrastructure, drainage, landscaping and cliff edge drawings detailing the various aspects of the proposed development along with the following reports:

- o Planning and Heritage Statement;
- o Arboricultural Impact Assessment;

- o Desk Based Archaeological Assessment;
- o Drainage Strategy;
- o Landscaping Details;
- o Phase 1 Ecological Assessment and Habitat Regulations Assessment;
- o Structural Plans;
- o Phase 1 Geotechnical Assessment;
- o Lighting Details.

The proposed development boundary overlaps with three other planning applications that have recently appeared before Members of this Committee, these are:

1. Footbridge across the River Wear, ref. 20/02391/LP3;
2. Multi-storey car park to the west of Galley's Gill, ref. 21/00112/LP3;
3. Residential development for 132 homes and Kingsley Gardens, ref. 21/00225/FU4

Section 3.3 of the submitted Planning Statement recognises the interlinked nature of the proposal with these developments, but still considers the scheme to not represent Environmental Impact Assessment development.

Officers are in agreement, particularly as the proposal essentially represents improvements and enhancements to the existing public realm. It is considered that when reviewing the characteristics, location and potential impact of the development there is unlikely to be significant effects on the environment so as to warrant the preparation and submission of an Environmental Statement.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Millfield - Ward Councillor Consultation
 Network Management
 Environmental Health
 Northumbrian Water
 North Gas Networks
 Northern Electric
 Flood And Coastal Group Engineer
 Northumbria Police
 NE Ambulance Service NHS Trust
 Fire Prevention Officer
 Natural England
 Port Manager
 Marine Management Organisation
 Tyne And Wear Archaeology Officer
 Historic England
 Land Contamination
 Environment Agency

Final Date for Receipt of Representations: **12.03.2021**

REPRESENTATIONS:

In accordance with the Town and Country (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by neighbour notification letters, press and site notices.

There were no public representations received following this consultation exercise.

Consultees

Tyne and Wear Fire and Rescue Service

The Fire Authority have no objections subject to the provisions detailed in their report entitled "Building Regulations - B5: Access and Facilities for the Fire Service".

Historic England

Historic England confirmed that on the basis of the submitted information they did not wish to offer any comments and suggested that the views of the Council's Conservation and Archaeological advisors be sought; please refer to the 'Design, Built Heritage and Archaeological considerations' section where the Council's Conservation and Archaeology advisors consultation responses will be discussed in detail.

Natural England

Natural England confirmed they have no comments to make on the application proposal.

Northumbria Police

Provided detailed comments, most notably on the lighting levels and how the housing application interacts with this application proposal, culminating in the recommendation that the housing development should be conditioned to be Secured by Design - and in this respect and as Members will no doubt recollect, this has already been agreed via a condition that will be attached to the Vaux residential scheme (ref. 21/00225/FU4).

Comments were made in respect of the Smart City agenda and how the proposed technology could enable smart lighting design and CCTV deployment. Queries were also raised in respect of whether the development has been designed to deter skateboarders. In response, it is considered that these matters can be appropriately considered, including liaison with Northumbria Police, when discharging the proposed lighting, CCTV and landscaping conditions.

Northern Gas Networks

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

Transportation Development

Having reviewed the information submitted in support of the application the Council's Highway Engineers have no objections.

Environmental Health

Environmental Health considered the submitted documentation and considers the development to be acceptable subject to the inclusion of a Construction Environmental Management Plan condition.

Ecology Team

The Council's Ecology Team confirmed no objections to the proposal.

POLICIES:

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

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

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

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

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

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

Paragraph 12 goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the

starting point for decision making. Where a planning application conflicts with an up-to date development plan, permission should not normally be granted.

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

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

SS1 - The Vaux, allocates and earmarks the site for a new sustainable urban neighbourhood and a new gateway into the Urban Core (Strategic Policy SP1). Development at the Vaux should improve linkages to St Mary's Boulevard and the rest of the Urban Core and provide new public space, active streets and maximise movement for pedestrians.

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux, and amending the Green Belt boundary to allocate Housing Growth Areas.

SP2 - The Urban Core will be regenerated and transformed into a vibrant and distinctive area. A revitalised Urban Core will be the catalyst for the City's wider economic growth and will help Sunderland retain and attract more highly skilled workers and increased population and visitor numbers.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

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

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

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

BH2 - incorporate sustainable design and construction methods.

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

BH7 - the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

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

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

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

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

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

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

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

WWE4 - requires new development to maintain water quality.

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

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

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

COMMENTS:

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

1. Land use policy considerations
2. Highway engineering considerations
3. Design, Built Heritage and Archaeology considerations
4. Amenity considerations
5. Ecology, arboriculture and Landscaping considerations
6. Water and flood risk considerations
7. Equality Act 2010 - 149 Public Sector Equality Duty
8. Conclusion
9. Recommendation & Conditions

1. Land use policy considerations

In terms of assessing the land use policy considerations regard has been had to the adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP) and Unitary Development Plan Alteration No.2. This section focuses predominately on the principle of development. Given the site's location within Riverside Sunderland, the proposal should also align to the guidance contained within the adopted Riverside Sunderland Supplementary Planning Document (SPD).

The CSDP, at Policy SP1, states that to "support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will...ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs".

The site is situated within the Urban Core and is thus governed by CSDP Policy SP2. The policy states that development in the Urban Core should make improvements to connectivity and pedestrian movement, provide a high quality of public realm, protect and enhance heritage assets and ensure high standards of design. This is also replicated in Policy SS1: The Vaux wherein it highlights that development should improve linkages to rest of the Urban Core and provide new public space, active streets and maximise movement for pedestrians.

The adopted Riverside Sunderland SPD, at Section 4.4 'Pedestrian and Cycle Movement', prioritises the safe and efficient movement of pedestrians and cyclists via the creation of safe and attractive environments for walking and cycling. Moreover, given how bioretention planting and grass swale systems are proposed throughout it is also contributing to the realisation of Section 4.5 'Natural Environment and Biodiversity'. It is clear therefore that the application proposal is delivering on key aims of the SPD.

Given the above overarching policy context Officers consider the principle of proposed development to be acceptable.

2. Highway engineering considerations

The proposed works essentially builds upon the existing public realm, including the proposed refurbishment works to Galley's Gill Bridge. It also proposes to improve the public realm around

Galley's Gill, Farringdon Row and the cliff edge of the Vaux site via a new minimum 3m wide footpath. The materials chosen for the footpath should ensure the entire route is commodious for all users, including those with pushchairs/ wheelchairs or differently abled persons. On review of the application submission the Council's Highway Engineers have confirmed a no objection to the proposed development.

Following a previous slip to the cliff edge within the Vaux site the proposed development is also seeking planning approval for a new retaining wall as part of stabilising works. The slip occurred following previous demolition work which was subsequently terraced to prevent further collapse and ground loss. In order to construct the new digital infrastructure route and footpath it is proposed to install a new retaining wall over a portion of the terraced rockface.

The Planning Statement explains that the chosen structural solution has been developed to minimise the risks of building close to the edge of the cliff and achieve the required design life for adoption. The application proposes the use of precast retaining wall units backfilled with a lightweight concrete aggregate. The precast units will be manufactured off-site and founded on the prepared rock with rock anchors fixed into the existing rock to resist the horizontal loads imposed on the wall. The visible face of the wall will be precast units with the proposed pattern/ finish cast and controlled within factory conditions. A steel mesh-based greening erosion protection system is proposed for the remainder of the exposed rockface to tie into the wider landscaping scheme and further reduce the risk of damage to the cliff face in the future.

The Applicant has confirmed that it is their intention for the full extent of the footpath and its associated structures to be adopted by the Council, as the Local Highway Authority. Thus, the construction and maintenance of the new retaining wall structure will be agreed via relevant agreements under the Highways Act.

It is considered that the application proposal though its upgrading and improvement works to the existing public realm will enhance the pedestrian and cycling infrastructure and connectivity of the area, in accordance with Policy ST3.

3. Design, Built Heritage and Archaeological considerations

- Design and Built Heritage

The proposed works will in part be in relatively close proximity to the Grade II listed Wearmouth Road and Rail Bridges and ISIS (former Livingston's) Public House (PH), with The Kings Arms PH and Bishopwearmouth Conservation Area further away.

The application is supported by a Heritage Statement that has in accordance with NPPF Paragraph 189 described the significance of the heritage assets affected, including the contribution made by their settings, and assessed the impact of the proposals on their significance.

The Council's Conservation Officer has advised that in general terms as the works primarily relate to landscaping improvements and below ground infrastructure, the proposals will have a negligible impact on the settings and significance of the heritage assets. There will be some beneficial heritage impacts that come from improving the wider riverside landscape and accessibility and connectivity through the area, in particular by enhancing views of the listed bridges along the River Corridor from the cliff top path and in turn opportunities for their significance to be appreciated.

The proposals are therefore considered to be acceptable and support the requirements of CSDP Policies BH7 and BH8 and NPPF Paragraphs 192, 193 and 200 to better reveal and enhance the settings of designated heritage assets, to make a positive contribution to local character and distinctiveness and to improve access to and enjoyment of the historic environment.

- Archaeology

The proposed works are located in areas where there are known archaeological resources that include prehistoric remains, 19th and 20th century industrial structures and a 19th century cemetery and vaults. The eastern extent of the proposed works is located in an area associated with approved Vaux Hybrid (ref. 15/02557/HY4). There is an existing Written Scheme of Investigation (WSI) regarding the archaeological work required in the areas included in the Hybrid Approval.

The application submission's Archaeological Desk Based Assessment considers that an archaeological excavation and watching brief, in addition to the subsequent analysis and reporting of the results, are likely to be required to mitigate the impact of the proposed works. The County Archaeologist is in agreement and has confirmed that the archaeological mitigation required can be secured by condition.

It has also been highlighted that archaeological excavation is required in areas where archaeological resources have previously been identified. The County Archaeologist has confirmed that where the level of the ground is to be raised and archaeological deposits can be preserved in situ excavation will not be required. Nevertheless, a watching brief shall be expected for the groundworks undertaken for tree planting and deep servicing. Consequently, as recommended in the aforementioned WSI, the areas where groundworks will not impact on archaeological deposits must be first confirmed by the developer in writing (with a foundation plan) to the Local Planning Authority in consultation with the County Archaeologist.

The County Archaeologist notes the presence of Galley Gill cemetery and recommends that, as a precautionary measure, the Applicant should liaise with the Diocesan Advisory Committee. This will be added as an informative should Members be minded to approve the development.

In conclusion, the County Archaeologist has highlighted that the required investigations for all elements of work within the application site boundary can be secured by the recommended conditions, namely, watching briefs, excavation and recording, and publication of results.

In conclusion the proposals are considered to be acceptable and in accordance with CSDP policies BH3, BH7, BH8 and BH9

4. Amenity considerations

- Construction Environmental Management Plan (CEMP)

The Council's Environmental Health service reviewed the submitted documentation supporting the application and considers the development to be acceptable subject to the inclusion of a condition requiring the agreement of a CEMP. Environmental Health has highlighted that the CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour during construction will be controlled and mitigated.

- Ground conditions

The application proposal has been supported by a Phase 1 Site Investigation which utilises the significant amount of available ground investigation data for the application site and provides a conceptual site model indicating the risks from contaminant sources within Made Ground, which is known to cover most of the site. The risks associated are high for construction workers and adjacent public during the construction phase and moderate to low for site and end users. The risk to controlled waters is considered to be moderate to low. As the Phase 1 report does not detail how these risks will be reduced to low it is recommended that conditions covering Phase 2 (Site Investigation), Remediation and Verification form part of the decision notice, should Members be minded to approve.

- Lighting

The proposed development will require the installation of lampposts on the site as part of the public realm and landscaping proposals. The details of the locations of the proposed columns and their luminance levels do not form part of the detail of the planning submission. As such, the planning application seeks consent in principle to allow the erection of lighting columns, with their details, including the columns, lanterns and lux levels submitted and agreed via condition.

The Planning Statement does highlight however that the street lighting columns and illuminated footpath bollards will be designed and installed, to ensure compliance with the current Sunderland Street Lighting Specification and recommended Luminance Levels are adhered to and achieved in all areas concerned, including any 'Conflict Areas' (areas of planting such as trees or shrubs). The proposals will utilise products and materials which will comply with Adoption Standards.

In conclusion the proposals are considered to be acceptable and in accordance with CSDP policies HS1 and HS3 of the CSDP.

5. Ecology, arboriculture and landscaping considerations

- Ecology

The planning submission has been supported by a Preliminary Ecological Appraisal (January 2021). The appraisal included a review of whether there were any sensitive or designated areas within the vicinity of the site. It concluded given their distance from the site that the proposals will not likely impact any SSSI or Local Nature Reserve.

The assessment noted 12 types of habitats during a walkover, largely consisting of hardstanding, bare ground, plantation broadleaf woodland, scrub and semi-improved grassland. These habitats are noted as being relatively widespread and common but that the woodland and scrub habitat provides some important wildlife habitat onsite for nesting and foraging potential for several species of bird and potential shelter for several species of mammals including foraging opportunities for bats. However, it was concluded that the proposals will have a minimal impact on these habitats.

Two large clumps of Japanese Knotweed are present just off site. The assessment recommends that a specialist should be employed to remove this species from site as part of a suite of habitat and biodiversity improvements. It is also recommended that any pruning or felling works should be carried out outside the bird nesting season (March-August inclusive) but

that should this not be possible, all trees should be checked for nests by an experienced ecologist prior to the works taking place.

The trees on site were assessed as having negligible potential to provide roosting opportunities for bat species and such, no further survey work is recommended. Moreover, the assessment also considers that the loss of the trees and scrub will not impact on the foraging and commuting routes on site. It considers that the proposed lighting should ideally be low level and aim to retain darker corridors adjacent to woodland edges wherever possible. This aspect will need to be balanced with those comments received from Northumbria Police when considering any proposed condition submission.

The Council's Ecologist has confirmed a no objection to the proposed development and has advised that the Preliminary Ecological Appraisal's recommendations concerning species protection (mammals and nesting birds), invasive non-native species and tree retention and protection, should be adopted during construction phase operations. The Council's Ecologist has also noted that biodiversity enhancements will be delivered through the proposed landscaping scheme and has confirmed that the proposed development will have a negligible impact on designated sites of nature conservation importance, including European Sites and associated features, and as such no further assessment is required in this regard.

- Arboriculture

The application submission is supported by an Arboricultural Appraisal Report (AAR) (January 2021). The AAR notes that the installation route principally follows existing hard-surfaced foot paths with tree features located close to and parallel with the proposed excavations. The AAR has identified 11 trees that are judged to present unnecessary and disproportionate constraint to the proposed engineering works, which have principally been identified as Category C trees (i.e. trees of low quality with short term future potential). Consequently, their removal is recommended along with the provision for the replanting of new trees within the broader scheme for site landscaping. An Arboricultural Method Statement forms part of the AAR and should Members be minded to approve then it is recommended that this should form part of an adherence condition.

- Landscaping

The proposed development has been designed to ensure a high-quality public realm is created across the site with materials selected for their durability and appearance. Key construction materials include self-weathering steel railing to cliff top edges with matching material proposed for the street furniture along with buff coloured asphalt with natural stone edgings for the path surface. The service chambers for the underground services will be installed and recessed within the path route and will be inlaid with a matching surface material to create a flush and continuous look to the path.

The application proposal also includes the refurbishment of Galley's Gill bridge by enhancing the appearance and performance of the deck and safety railings. This aspect of the application includes stripping the deck back and resurfacing with a hard wearing, anti-slip topcoat. Decorative powder coated steel railings will form the balustrading, with a bespoke design applied to the fins to create an artwork visible from each end of the bridge. The artwork will be developed in-conjunction with local artists and LED lights integrated within the capping rail will illuminate the fins and the 130m deck.

The proposed viewing and seating areas will see the continuation of the railing detail to the cliff edge side of each space. Seating areas will be set back to allow plenty of room for movement of

people and for those seated. Hardwood seats and composite timber decking will be hard wearing but will complement the naturalised cliff edges and Riverside Parkland.

The railing locations and height have been designed to create a safe barrier for pedestrians and cyclists to protect against the steep natural topography. The railing design proportions and materiality have also been considered to allow for a maximum visual permeability to the natural park landscape and river gorge views beyond. Spaces created around the trail will provide new opportunities for uses such as digital film events, outdoor eating terraces, spaces for pop-up food and drink carts, stages for performance and access to important historic links down to Riverside Park.

In response to the application's consultation exercise the Council's Landscape Architect considers the proposals to be well considered and appropriate to the existing character of the area and in keeping with the wider proposals for the surrounding areas. It is considered that as the proposals include timber decking areas, planters with integrated seating, retaining walls and several flights of steps that their engineering details will be key, thus further detailed information is required on all of these features to ensure that proposed materials and finishes are appropriate and fit for purpose and fully integrated. In addition, further details are required for the proposed tree pits as well as samples provided for the proposed parapet railing. Consequently, should Members be so minded, it is recommended that the detailed landscaping scheme shall be agreed via condition.

In conclusion the proposals are considered to be acceptable and in accordance with CSDP policies BH3, NE1, NE2 and NE3.

6. Water and flood risk considerations

The submitted Flood Risk Assessment confirms that the site is fully located within Flood Zone 1 i.e. land with a low probability of flooding. All forms of flood risk have been considered, including fluvial, existing sewers, proposed drainage, overland, infrastructure failure and groundwater and have all been assessed as low risk.

The surface water drainage scheme proposes to discharge to the River Wear via a combination of existing Northumbrian Water sewers and the Vaux Hybrid drainage installed during the construction of Plater Way and The Beam.

The required attenuation capacity has been calculated based on the 1 in 100 year storm event with an additional 40% added to account for climate change. The submitted Drainage Strategy considers that there is sufficient cross-sectional area to store the extreme storm event below ground without surface water ponding on the footpath.

The Drainage Strategy also proposes source control of the surface water via the extensive use of filter drains and vegetated swales. A SUDS maintenance schedule also forms part of the Drainage Strategy and details the actions and frequency in terms of the inspections, maintenance and remedial actions.

Due to the small plan area of the footpath (3m wide) it is not anticipated that large volumes of surface water shall be observed and no overland flows will be allowed to leave the footprint of the existing footpath. In addition, the Drainage Strategy highlights that no water shall be permitted to enter the sewers without suitable treatment and filtration to improve the water quality.

The Lead Local Flood Authority have responded to the consultation requests and continues to liaise with the Applicant's drainage consultant as further information is required before the drainage strategy can be fully supported. The outstanding information centres on the finer details of the proposed swales and how water quality treatment should be provided. Consultation is ongoing and it is anticipated that these details will be satisfactorily resolved in advance of the Committee Meeting and that the relevant details will form part of the proposed 'in accordance with the approved plans' condition, along with a verification condition to ensure the development is constructed accordingly.

7. 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.

8. CONCLUSION

The principle of the development would accord with the development plan through making a contribution towards policies SP1 and SP2 of the Core Strategy.

In terms of material considerations, the proposed development would closely align with the adopted Supplementary Planning Document entitled "Riverside Sunderland" by prioritising and enhancing the safe and efficient movement of pedestrians and cyclists.

In terms of detailed impacts, the proposed development would accord with the relevant development plan policies for amenity, design, groundworks, heritage, highways, ecology, landscape and trees.

Officers would advise that matters relating to drainage are still under consideration and an update will be provided for Members in due course.

9. RECOMMENDATION & CONDITIONS

Members be **Minded to Grant Consent** subject to the satisfactory conclusion of the outstanding elements of the Drainage Strategy and in accordance with the draft conditions listed below.

Conditions:

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- o necessary;
- o relevant to planning;
- o relevant to the development to be permitted;
- o enforceable;
- o precise; and
- o reasonable in all other respects.

The proposed conditions are as follows:

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

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

Existing Site Plan, VDIP-CUN-XX-00-DR-C-0003;
Topographical Survey, VDIP-CDL-XX-40-DR-C-4010;

Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0701;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0702;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0703;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0704;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0705;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0706;
Footpath & Ducting Layout, VDIP-CDL-XX-07-DR-C-0707;

Footpath/ Cycleway Parapet Railing Details, N861-ONE-ZZ-XX-DR-L-0608 P01;
Footpath/ Cycleway Typical Details, N861-ONE-ZZ-XX-DR-L-0607 P02;

Gill Bridge Proposals, N861-ONE-ZZ-XX-DR-L-0605 P02;

Landscape Sections - Vaux East, N861-ONE-ZZ-XX-DR-L-0603 P04;
Landscape Sections - Vaux East, N861-ONE-ZZ-XX-DR-L-0604 P03;
Landscape Sections - Vaux West, N861-ONE-ZZ-XX-DR-L-0602 P02;
Landscape Sections - Farringdon Row, N861-ONE-ZZ-XX-DR-L-0601 P02;
Landscape General Arrangement Farringdon Row South, N861-ONE-ZZ-XX-DR-L-0008 P04;
Landscape General Arrangement Farringdon Row North, N861-ONE-ZZ-XX-DR-L-0007 P04;
Landscape General Arrangement Gill Bridge, N861-ONE-ZZ-XX-DR-L-0006 Rev P04;
Landscape General Arrangement Vaux West, N861-ONE-ZZ-XX-DR-L-0005 P04;
Landscape General Arrangement Vaux East, N861-ONE-ZZ-XX-DR-L-0004 P04;
Landscape Site Plan West, N861-ONE-ZZ-XX-DR-L-0003 P01;
Landscape Site Plan East, N861-ONE-ZZ-XX-DR-L-0002 P03;
Extent of Landscape Works within Riverside Sunderland Masterplan, N861-ONE-ZZ-XX-DR-L001 P03;

Tree Protection Plan, MWA TPP 001 West;
Tree Protection Plan, MWA TPP 001 East;

Cliff Edge Infill Detail, Structural GA for Planning Submission, VDIP-CUN-XX-00-DR-S-0101;
Cliff Edge Infill Detail, Structural GA & Elevation, VDIP-CUN-XX-00-DR-S-0102;
Cliff Edge Infill Detail, Structural Sections & Details, VDIP-CUN-XX-00-DR-S-0103;

Proposed Drainage Layout Sheet 1, VDIP-CUN-XX-00-DR-C-0501 P03;
Proposed Drainage Layout Sheet 2, VDIP-CUN-XX-00-DR-C-0502 P03;
Proposed Drainage Layout Sheet 3 VDIP-CUN-XX-00-DR-C-0503 P03;
Proposed Drainage Layout Sheet 4, VDIP-CUN-XX-00-DR-C-0504 P03;
Proposed Drainage Layout Sheet 5, VDIP-CUN-XX-00-DR-C-0505 P03;
Proposed Drainage Layout Sheet 6, VDIP-CUN-XX-00-DR-C-0506 P04.
Construction Details, VDIP-CUN-XX-40-DR-C-4001 P05.

Reason:

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

3 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include operating hours for the construction phase and have regard to the impact upon nearby sensitive receptors, including habitats and species, of noise and vibration, lighting,

dust and other airborne pollutants. The development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason:

To ensure, in accordance with policies HS1 and NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in unacceptable adverse impacts.

4 No above ground construction shall take place until details of all the external lighting have been submitted to and approved in writing. Thereafter the development shall be carried out in accordance with the approved detail unless other minor variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure, in accordance with policies SP7, NE2, BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high-quality design, designs out crime and conserves the natural and historic environment.

5 No above ground construction shall take place until details of any CCTV has been submitted to and approved in writing. The CCTV shall thereafter be provided before the development hereby approved is first brought into use.

Reason:

To ensure, in accordance with policies SP7, BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design, designs out crime and conserves the historic environment.

6 No groundworks or development shall commence in each phase 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, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

7 The sites(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 6 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, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

8 No groundworks or development shall commence in each phase until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

9 The site(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 8 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, in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

10 The site(s) shall not be occupied/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.

Reason:

The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

11 The development hereby approved shall be carried out in accordance with Sections 5.1, 5.4 and 5.5 of the Preliminary Ecological Appraisal, January 2021 Version 4.

Reason:

To ensure, in accordance with policy NE2 of the CSDP, the development hereby approved would not be detrimental to nature conservation and to the protect overall biodiversity of the City.

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

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

Reason:

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

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

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

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

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

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

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

15 Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

Reason:

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with the CSDP.

16 Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures, including hand rails and decorative features; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate and tree pit details.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

17 The landscaping scheme hereby approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

18 The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement of the Arboricultural Appraisal Report January 2021.

Reason:

To ensure, in accordance with policy NE2 of the CSDP, the development hereby approved would not be detrimental to nature conservation and to the protect overall biodiversity of the City.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00399/FUL	HMO Northeast T/A Forever	Change of use from residential property to children's care home for up to 6 children, with alterations as approved under previous permission 20/01584/FUL (removal of existing flat roof dormer to front elevation and erection of 2no bay windows within front roof slope, new dormer window to rear, replacement double glazing throughout, insertion of new doors to ground floor front bay window, replacement of existing pebble dash finish to walls with new, flat, white render finish, repainting and refurbishment).	23/02/2021	20/04/2021
St Peters	4 Roker TerraceSunderlandSR 6 9NB			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00038/LP3	Sunderland City Council	Erection of a new school building, including creation of new access, landscaping and vehicle parking.	19/01/2021	20/04/2021
Doxford	Land To West Of Silksworth Way And North Of City Way Sunderland			
20/01026/FUL	Mr John Clark	Change of use from social club to 13 apartments; including rendering the exterior walls (as amended by documents and plans received February-March 2021)	14/08/2020	13/11/2020
Hendon	Ivy Leaf Club & Inst Ltd 38A Suffolk Street Hendon Sunderland SR2 8JZ			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/02296/LP3	Port Of Sunderland	Engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site (archaeological evaluation report received).	08/12/2020	09/03/2021
Hendon	Hendon Sidings Enterprise Zone Adjacent To Prospect RowSunderlandPort Of Sunderland			
19/02054/LBC	Mr Stephen Treanor	Internal works to facilitate change of use to 10 student apartments.	05/12/2019	30/01/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			
19/02053/FUL	Mr Stephen Treanor	Change of use from offices (Use Class B1) to 10 no. student apartments; subject to condition 3 which prevents any other occupation of the building without the prior consent of the Local Planning Authority	17/12/2019	17/03/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper Mill Ocean Road Sunderland			
21/00582/FUL	Dominionpharm Ltd	Change of Use from a a hairdressing salon to to an online pharmacy and storage and distribution centre	16/03/2021	11/05/2021
Pallion	1 Whitehall Terrace Sunderland SR4 7SN			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			