

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Ms. Irene Lucas CBE
Chief Executive

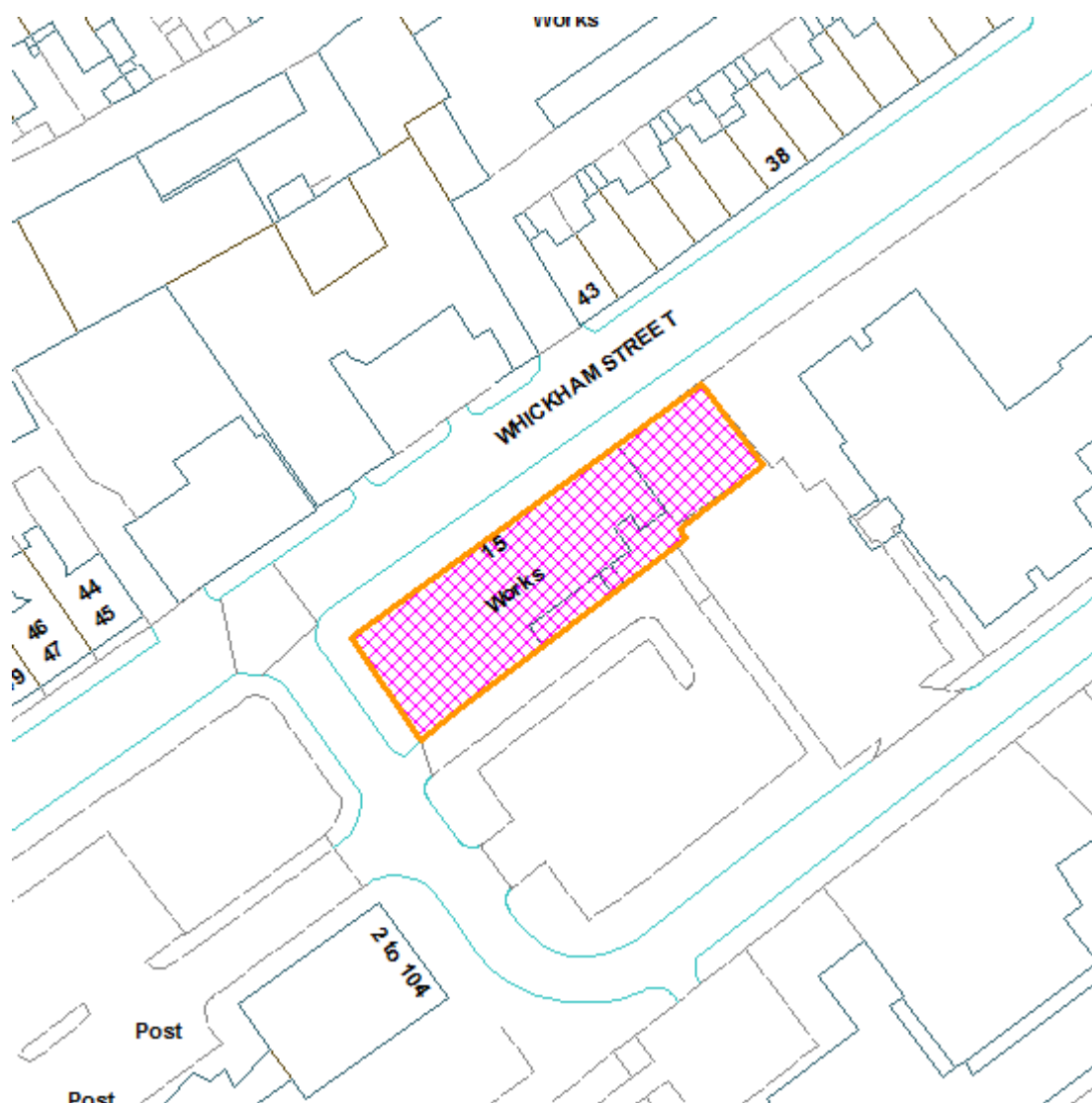
Reference No.: 15/02379/FUL Full Application

Proposal: **Demolition of existing building and erection of five storey student accommodation, to provide 68 student bedrooms.**

Location: Former Speedings Sailworks 15 Whickham Street Monkwearmouth
Sunderland SR6 0ED

Ward: St Peters
Applicant: Mr R Wooler
Date Valid: 21 January 2016
Target Date: 21 April 2016

Location Plan



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PROPOSAL:

APPLICATION SITE

The application site is the former Speedings Sails building, a late 19th century historic warehouse of industrial heritage significance. The building fronts directly onto Whickham Street, is separated from Dock Street to the side by a narrow grass verge, and abuts an unadopted access lane to the rear. The rectangular plot includes a fenced yard area to the north east of the building.

The building is irregular in form, being characterised by three differently designed building elements along its length and over 2/3 storeys. It has been vacant for some years and has fallen into disrepair with window openings being sealed or bricked up.

The building was largely constructed at some time between 1855 and 1895. The gabled part of the complex was the earliest part (1855-1890), then the central section of the building (1890-1910), an extension added by 1914 and finally the house (also by 1914). The gabled part may be a re-use of an earlier building.

The central element of the building appears to be a purpose built sail-loft. The gabled part of the building has a stone quatrefoil in an octagonal surround within a brickwork arch above the first floor windows. The former house contains domestic features such as fireplaces and cornices.

The site lies within an area characterised by a mix of land uses. Commercial enterprises lie to the north-west, traditional terraced residential properties as well as high-rise apartments lie nearby, a retirement complex sits to the north east and a school is situated to the south, the car park of which is located to the rear of the site.

PROPOSAL

The application originally related to the demolition of the existing building and the erection of a purpose built five storey student accommodation facility to provide 75 student bedrooms. The application has been the subject of discussions which have resulted in the submission of amended drawings. The proposal as currently proposed includes 68 en-suite bedrooms within 14 communal units over 5 storeys. The space will be arranged in separate units of between 3 and 5 rooms sharing communal living and kitchen space. A car parking area to the side will provide parking for 4 cars (inc 1 accessible space) and a large cycle storage area, and the building will be stepped from 4 storeys at the north eastern end of the building to 5 storeys at the south western end.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
DC North Chair And Vice Chair Consultation
Network Management
Environmental Health

Flood and Coastal Group Engineer
St Peters - Ward Councillors Consultation
Network Management
Environmental Health
Environment Agency
DC North Chair and Vice Chair Consultation
Fire Prevention Officer
NE Ambulance Service NHS Trust
Nexus
Flood and Coastal Group Engineer
Southern Area Command - Police

Final Date for Receipt of Representations: **28.12.2016**

REPRESENTATIONS:

Neighbour Responses

One letter of objection and a petition containing 19 names have been received. The objectors' main concerns relate to;

- The proximity of the development to the adjacent retirement apartments,
- The possibility of asbestos in the building,
- The lack of car parking,
- The possibility of disturbed rats moving from the site to nearby buildings,
- The potential for the development to lead to the accumulation of rubbish around the site,
- The likelihood of nearby residential properties suffering noise and disturbance from the development.

The control of vermin is not a planning matter that can be considered in the context of this planning application. Similarly, the handling of asbestos is not a planning matter and is controlled by other legislation.

Originally, the development was only 11m from the adjacent building. Amended drawings have been submitted which show this distance substantially increased. Similarly, the scheme originally did not include parking and has been subsequently amended. These plus the other issues raised will be discussed in more detail later in the report.

Consultee Responses

The Network Management Team have no objections to the proposal subject to the submission of details of the cycle store and car parking bays, which could be dealt with by condition should Members be minded to approve the application.

The Lead Local Flood Authority is satisfied with the submitted details provided that suitable connections to the sewer can be achieved, which could be dealt with by condition should Members be minded to approve the application.

The County Archaeologist has no objections to the scheme provided that the existing building is adequately recorded and that the stone name sign on the building is reclaimed, which could be dealt with by condition should Members be minded to approve the application.

Northumbrian Water has no objections to the proposal subject to the submission of details to connect to the existing public sewer network, which could be dealt with by condition should Members be minded to approve the application.

The Public Protection and Regulatory Services Team has no objections subject to standard conditions relating to investigation and mitigation of contamination risk and mitigation measures to reduce the impact of noise.

The Built Heritage Team has no objections to the scheme.

The Natural Heritage Team has no objections to the development subject to the implementation of proposed mitigation measures for the protection of at risk species, which could be dealt with by condition should Members be minded to approve the application.

The Fire Authority has no objections to the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
NA_43_Encourage the revitalisation of the environment in Monkwearmouth Improvement Area
EC_4_Retention and improvement of existing business and industrial land
B_1_Priority areas for environmental improvements
B_11_Measures to protect the archaeological heritage of Sunderland (general)
CN_22_Developments affecting protected wildlife species and habitats
CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in the determination of the planning application are:

- Principle of development
- Built Heritage
- Ecology
- Highway Issues
- Design issues
- Residential Amenity
- Drainage and flooding
- Ground Conditions
- Noise

Principle of development

The site lies within an area subject to policies NA43, EC4 and B1, which seek to secure the revitalisation of the existing industrial area. Policy NA43 recognises that many properties within

the area are old, poorly maintained and suffer from a lack of investment and that implementation of the policy will be largely by the private sector.

The site was the subject of an application to convert the building to student accommodation which was granted at appeal in April 2013. The Inspector noted that 'whilst policy EC4 of the City of Sunderland Unitary Development Plan, 1998, (UDP) seeks to retain existing employment land and specifically resists the conversion of existing business premises to residential institutions, this applies to sites that are recorded on the Office Sites and Industrial Land Availability Registers; there is little to indicate to me that the appeal site is one of these sites, or that the Register is up to date, and the Council has not refused the proposal on this basis. Moreover, the appellant has provided evidence that marketing of the appeal premises for rent for business use since June 2008 has been unsuccessful.' The use of the site for residential purposes has therefore already been established in principle.

The council has prepared a draft interim Student Accommodation Policy document which will subsequently be incorporated into the publication version of the City Council's Local Plan- Core Strategy and Development Management Policies. In accordance with this draft document the proposal will need to comply with draft policy DM4.3. The proposal will need to demonstrate that;

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

Should a proposal come forward which is not located within the city centre or on existing university campuses, the developer will need to demonstrate there are no suitable and available sites to accommodate the proposed development within both the city centre and on an existing campus and ensure compliance with the above points (a-e).

All proposals for student accommodation must also accord with the requirements of Policy DM4.4;

Proposals for HMOs/student accommodation will be permitted providing:-

- a. the property is located where increased traffic and activity would not be detrimental to local amenity;
- b. the intensity of use will not adversely affect the character and function of the locality;
- c. the proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- d. adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan.
- e. the proposal would not result in an over concentration of houses of multiple occupation and/ or student accommodation collectively.

The agent has submitted a planning statement that seeks to address the above issues. It states that the applicant has a proven record of providing quality student accommodation by being one of the largest student landlords in the city. Students will be relocated to the new facility from existing older housing stock in the Roker area freeing up these buildings to be converted back into

family houses and apartments. Although it is just outside of the areas specified within the policy, the development is closer to the city centre and campuses than the existing student accommodation stock, within walking distance of St Peters campus and close to the public transport network.

Built Heritage

Paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded.

The existing building is not listed but it is of local historic interest. As such it would need to be properly assessed and recorded prior to demolition. A suitably worded condition could require the submission of such an assessment and recording. The County Archaeologist will provide a specification for the building assessment and recording for the applicant which sets out what is required. The assessment and recording must be undertaken by an experienced professional archaeologist or buildings historian.

The submitted Historic Building Recording report recommends that the stone sign on the building which reads 'J. Speeding & Co. Sail Works' should be donated to Sunderland Museum. The County Archaeologist agrees with this recommendation.

Ecology

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around development should be encouraged;
- the following wildlife sites should be given the same protection as European Sites:
 - o potential Special Protection Areas and possible Special Areas of Conservation;
 - o listed or proposed Ramsar sites; and
 - o sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

UDP policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

Given the condition of the building an Ecological Risk Assessment would be required to be undertaken by a qualified ecologist to determine if there are any protected species present, such as bats or breeding birds that may be adversely affected by the development. A Bat Survey and Risk Assessment was carried out in August 2015 and the result submitted with the application. It concluded that no bats were found and no potential roost sites were found. The property is

considered an unlikely bat roost or hibernation site because of the lack of potential roosts in the exterior walls or at the wall tops and there is no evidence of use.

The report included mitigation measures in the case of discovery of a bat during construction or demolition works and it is considered appropriate to attach a condition to any approval that might be forthcoming to secure these mitigation measures. Given the time elapsed since the original Ecological Risk Assessment, it is also considered appropriate to include a condition requiring a final checking survey for species such as bats and breeding birds before development is commenced.

UDP policy CN19 states that;

'Special Areas of Conservation, Special Protection Areas and Ramsar sites, either designated or proposed for designation, will be conserved. Development will not be permitted unless;

- (i) it is directly connected with or necessary to the management of the nature conservation interest of the site;
- (ii) it would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- (iii) the developer can demonstrate that there are imperative reasons of overriding public interest for the development and no alternative site is available.

Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected.'

The Natura 2000 network provides protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Union. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are sites of European importance for nature conservation designated under the Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive). SPAs are sites of European importance for nature conservation designated under the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). Both types can also be referred to as European Sites.

In the UK, the above directives are transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2010. It is an offence under the above legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. The regulations require competent authorities to demonstrate that a plan or project will not have any adverse effects on the integrity of any European sites either directly or indirectly, alone or in combination with other plans or projects. A Habitats Regulations Assessment (HRA) is the mechanism for carrying out this assessment.

An HRA can consist of up to 4 stages. An initial 'screening' process will provide an evaluation of the potential effects of the plan or project upon one or more European sites. If particular significant effects either alone or in combination are identified, or where it is uncertain whether a plan/project is likely to have a significant effect then an 'Appropriate Assessment' will be required. Should the Appropriate Assessment identify likely significant effects that cannot be nullified by mitigation, then suitable alternative solutions should be sought, ensuring that these also have no significant effects. If, in exceptional circumstances and as a last resort, it is decided that a plan or project must go ahead for imperative reasons of over-riding public interests, compensations for its effects must be agreed and secured. Otherwise, the plan or project cannot proceed.

There are two European sites that are in close proximity to the proposed development site; Northumbria Coast SPA, the only example of vegetated sea cliffs on Magnesian limestone exposures in the UK; and Durham Coast SAC, which supports important bird species. In this case, the primary consideration will be the likelihood of the development leading to an increased number of visitors to the coast, particularly during the winter months. Should a development proposal require an Appropriate Assessment Regulation 61(2) requires the developer to provide all the requisite information "such information as the authority may reasonably require for the purposes of the assessment".

In this case, the development is intended to transfer existing student numbers from elsewhere in the Roker area to this purpose built development, rather than introduce a new population to the area. Additionally, emerging evidence indicates that the most significant factor leading to disturbance to the coastal areas is dog ownership; typically residents of this type of student accommodation are unlikely to or may be prohibited from the keeping of animals.

It is therefore unlikely that the proposal will have a significant effect upon the European sites either alone or in combination and it is considered that the project can be screened out and no further Appropriate Assessment is required.

Highway Issues

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

Bin storage areas are included within the internal layout of the property and are considered to be sufficient and accessible. The uncontrolled escape of refuse should therefore not be a direct result of the proposed development.

A large 30 space cycle storage area is now proposed to the side of the building. Given this, and the proximity of the development to the campus and the public transport system, it is considered that the level of car parking is appropriate in this case. The Network Management Team have offered no objections to the development as amended subject to the submission of details of the cycle storage and precise details of the car park spaces.

Design Issues

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

The building height varies from 4 storeys on the eastern side to 5 storeys on the western side closest to the high rise apartments. The scale of the building fits well within the surrounding area. The development attempts to bridge the various surrounding building heights, using a stepped system to ease the change from the 2-3 storey residential and housing units to the north, east and south, to the 15 storey apartments to the west. The scheme thus complies with the requirement of the draft Interim Student Accommodation policy for the development to be of a scale appropriate to its surroundings.

The proposed materials are considered to be in keeping with the surrounding building while creating a simplistic build of high-quality design. The contrasting materials will break up the building lessening its dominance on the street scene.

It is therefore considered that the proposal represents a good quality design that is in keeping with the character of the surrounding area and is acceptable in terms of visual amenity in accordance with policy B2 of the UDP in this respect.

Residential Amenity

Section 10c of the Residential Design Guide Supplementary Planning Document, adopted 2008, expands on policy B2 in terms of spacing standards between dwellings. In situations where a dwelling with main living room windows would face a side or end elevation, with only secondary or no windows, a distance of at least 14m is recommended for 1 or 2 storey properties. An additional 5m is normally required for each additional storey. In this case a distance of 24m would normally be required.

The proposed building will be 22.4m away from the adjacent retirement apartments at Springtide Cove. As initially submitted, this distance was just over 11m. Through negotiations with the agent, a number of shortcomings with the original proposal have been improved including this spacing standard. At 22.4m, the distance has doubled. The orientation of the buildings, with the proposed structure sitting to the southwest of the existing apartments, will not change from the current situation and the amount of direct sunlight received by the southwest facing windows of the apartments should not alter significantly.

The deletion of the three storey element within the yard area also serves to avoid any spacing issues between the terraced residential properties on the opposite side of the street as they will no longer be facing the building. Although still a little short of the recommended 24m, it is considered that a refusal for this reason alone would be unlikely to be supported at appeal.

It is therefore considered that the proposal should not raise any issues of overshadowing, overlooking or loss of residential amenity and is acceptable in terms of visual amenity in accordance with policy B2 of the UDP in this respect.

Drainage and flooding

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The site is within Flood Risk 1 (low flood risk) and is less than 1ha in size, therefore in accordance with the NPPF, no flood risk assessment is required. However, a Flood Risk Assessment and Drainage Strategy was submitted with the application to demonstrate how surface water from the development will be dealt with sustainably. The Flood and Coastal Group Engineer identified some shortcomings with the initial report, which have been addressed within a final amended version subsequently submitted.

The drainage report concludes that the site is not suitable for the use of infiltration drainage and there are no open watercourses in the vicinity of the site. Consequently it is proposed that the surface water from the site will be attenuated and conveyed to an existing offsite connection to the Northumbrian Water adopted network.

The Flood and Coastal Group Engineer has confirmed the acceptability of the amended details provided that confirmation is received from Northumbrian Water that they can connect to the sewer to which the developer proposes to connect. However, Northumbrian Water has submitted a response to the consultation raising no objections but requesting that a condition be attached to any approval that might be forthcoming requiring the submission of a detailed scheme for the disposal of foul and surface water from the development for consideration and approval.

The development is therefore considered to be in compliance with policy EN12 of the UDP and the requirements of the NPPF in this respect.

Ground conditions

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Paragraph 121 of the NPPF requires planning decisions to ensure that;

- o the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that development.
- o after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and
- o adequate site investigation information, prepared by a competent person, is presented.

The application was accompanied by a Phase 1 Desktop Study which sought to obtain information relating to the ground conditions beneath the site and to identify any ground contamination in order to enable formulation of an appropriate remediation strategy for the proposed development if necessary.

On consideration of this report, Public Protection and Regulatory Services have advised that the site does not appear to contain levels of contamination which would render the site un-developable. However, it is recommended that, if the application is found to be acceptable, it should be subject to standard conditions for investigation and mitigation of contamination risk.

The proposal would therefore comply with policy EN14 and the NPPF and is acceptable in this regard.

Noise

Paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development whilst Policy EN6 seeks to protect noise sensitive development from being exposed to unacceptable levels of noise or vibration from roads, railways, industrial areas or other potentially noisy uses.

The proposal is for a residential use within a mixed use area, including other residential properties. The main entrances to the building and living room windows will not directly face any existing residential properties, which will therefore be shielded to some extent from any comings and goings to the building. The Public Protection and Regulatory Services has raised no concerns

regarding the impact of noise upon existing residential properties but has suggested that, as the site is located within a busy location where occupants may be subject to relatively high levels of intrusive noise from traffic and nearby commercial activity, the development should be afforded suitable and sufficient noise mitigation measures to ensure commensurate levels of protection conducive to good sleeping or resting conditions. In this case it is considered appropriate to attach a suitable worded condition requiring the submission of a noise survey which will inform any mitigation that may be required to reduce the impact of noise from traffic and nearby commercial properties upon the future occupiers.

In light of the above, provided that a suitable condition is attached aimed at protecting the future occupants of the building from noise generated by traffic or nearby commercial premise, there is considered to be no conflict with the provisions of paragraph 123 of the NPPF or Policy EN6 of the UDP.

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 proposal has been found to be acceptable in principle with regard to national and local policy. Subject to the imposition of relevant conditions, the proposal is considered to be acceptable and in accordance with the provisions of the National Planning Policy Framework (NPPF), and policies within the Unitary Development Plan (UDP) with regards to the issues discussed above.

RECOMMENDATION: APPROVE subject to the conditions set out below

Conditions:

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

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

- location plan received 24/11/15,
- existing site plan drawing number AL (90) 0100 received 24/11/17,
- proposed ground floor plans drawing number AL (00) 0100 LEVEL 00 PLAN REV B received 1/3/17,
- proposed first floor plans drawing number AL (00) 0200 LEVEL 01 PLAN REV B received 1/3/17,
- proposed second floor plans drawing number AL (00) 0300 LEVEL 02 PLAN REV B received 1/3/17,
- proposed third floor plans drawing number AL (00) 0400 LEVEL 03 PLAN REV B received 1/3/17,
- proposed fourth floor plans drawing number AL (00) 0500 LEVEL 04 PLAN REV B received 1/3/17,
- proposed elevations drawing number AL (0) 0010 PROPOSED ELEVATIONS REV B received 1/3/17,
- proposed elevations drawing number AL (0) 0015 PROPOSED ELEVATIONS REV B received 1/3/17,
- proposed roof plan drawing number AL (27) 0100 ROOF PLAN REV B received 1/3/17,
- proposed site plan drawing number AL (90) 0200 PROPOSED SITE PLAN REV B received 1/3/17,

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

3 Notwithstanding any indication of materials which may have been given in the application, 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 B2 of the Unitary Development Plan.

4 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 The demolition and construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP

6 No development shall take place until a programme of photographic building recording has been completed, in accordance with a specification provided by the Local Planning Authority. The archaeological report shall be submitted to and approved by the Local Planning Authority before development work commences and in order to provide an archive record of the historic building before demolition and to comply with policy B14 of the UDP.

7 The stone sign on the building which reads 'J. Speeding & Co. Sail Works' should be carefully removed and donated to Sunderland Museum, in order to protect the archaeological heritage of Sunderland and to comply with policy B11 of the UDP.

8 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the recommendations within the Bat Survey and Habitat Risk Assessment dated August 2015 revised November 2015. If any protected or other significant species, including amphibians and invasive or non-native species are found, works shall cease immediately on the affected part of the site, the findings shall be reported to the Local Planning Authority and works shall not recommence until agreed in writing by the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

9 No development shall take place until further checking survey work has been carried out to ascertain the presence or absence of any animal or bird species, or its habitat, within the site or affected by the development hereby approved, by a competent Ecologist. The results will inform the implementation, prior to works commencing, of mitigation measures to be submitted to and agreed in writing with the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the UDP.

10 Before the development hereby approved is commenced, the details of the space and facilities for car parking and covered cycle storage shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before any part of the building is occupied, in order to ensure that adequate provision is made for cycle storage and car parking and to comply with policies T14 and T22 of the UDP.

11 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 13 to number 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 24 has been complied with in relation to that contamination.

13 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

14 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

15 The remediation scheme approved under Condition number 14 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report, that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

16 In the event that contamination is found at any time when carrying out the confirmed development that was not previously identified it must be reported in writing immediately to the

Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 13 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 14 (Submission of Scheme of Remediation), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 15 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

17 Prior to the commencement of the development hereby approved, a Noise Impact Assessment survey and report shall be carried out to ascertain the likely impact from traffic and nearby commercial properties upon the future occupiers of the development, by a competent noise specialist. The results will inform the implementation, prior to the use commencing, of mitigation measures to be submitted to and agreed in writing with the Local Planning Authority. Once the described measures have been implemented, they shall remain in place at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in order to protect the amenities of nearby residential properties and future occupiers of the proposed development and to accord with policy EN6 of the Unitary Development Plan.