

## **PLANNING AND HIGHWAYS COMMITTEE**

### **AGENDA**

**Extraordinary Meeting to be held in COMMITTEE ROOM 2, CIVIC CENTRE on Tuesday, 24<sup>th</sup> October, 2017 at 5.30 p.m.**

| ITEM |                                                                                                                                                                                                                                                                                                                                                                                        | PAGE |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1.   | <b>Receipt of Declarations of Interest (if any)</b>                                                                                                                                                                                                                                                                                                                                    |      |
| 2.   | <b>Apologies for Absence</b>                                                                                                                                                                                                                                                                                                                                                           |      |
| 3.   | <b>Reference from Development Control (South Sunderland) Sub-Committee</b>                                                                                                                                                                                                                                                                                                             | 1    |
|      | <b>Planning Application Reference: 17/00197/LP3</b>                                                                                                                                                                                                                                                                                                                                    |      |
|      | <b>Sunderland Strategic Transport Corridor- Stage 3<br/>Construction of a 2.15km dual carriageway between<br/>the southern bridge head of the new Wear Crossing<br/>and St Mary's Roundabout; including associated<br/>street lighting, landscaping, retaining walls,<br/>demolition of a number of buildings and stopping up<br/>of some existing accesses. (Amendments received)</b> |      |
|      | <b>Report of the Executive Director of Economy and Place<br/>(copy attached)</b>                                                                                                                                                                                                                                                                                                       |      |

4. **Reference from Development Control (North  
Sunderland) Sub-Committee**

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**Planning Application Reference: 17/01686/FUL**

**Development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) to include earthworks to facilitate external seating area to rear and associated bin store area to ground floor. (Amended description dated 11.10.2017) – Land at Marine Walk, Roker, Sunderland**

Report of the Executive Director of Economy and Place

(copy attached)

Elaine Waugh,  
Head of Law and Governance,  
Civic Centre  
SUNDERLAND

16<sup>th</sup> October, 2017

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

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**Reference No.:** 17/00197/LP3 Local Authority (Reg 3 )

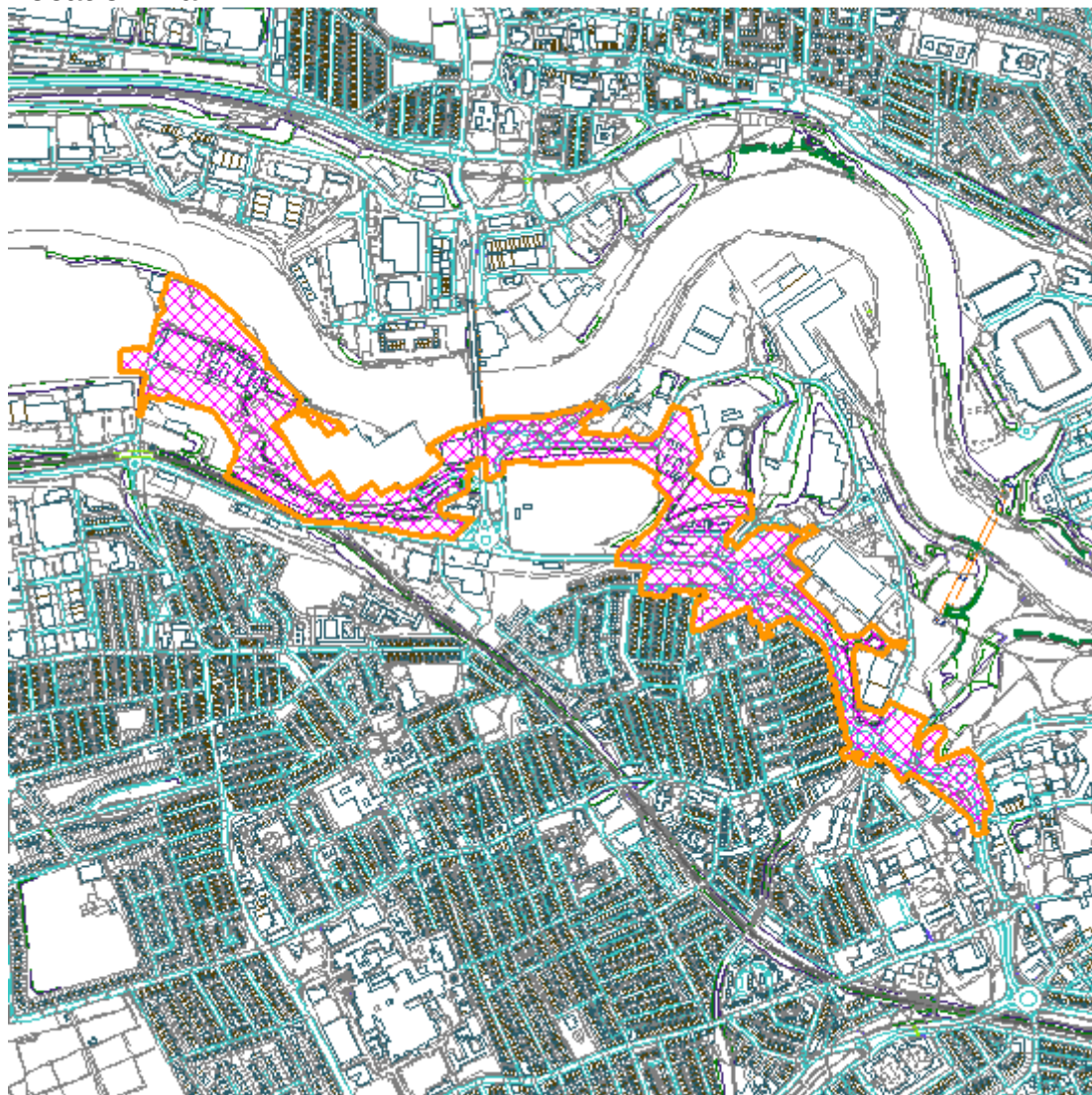
**Proposal:** **Sunderland Strategic Transport Corridor, Stage 3: Construction of a 2.15km dual carriageway between the southern bridge head of the new Wear Crossing and St Mary's Roundabout; including associated street lighting, landscaping, retaining walls, demolition of a number of buildings and stopping up of some existing accesses. (Amendments received)**

**Location:** Land Between Southern Bridge Head Of New Wear Crossing To Saint Marys Roundabout City Centre Sunderland

**Ward:** Pallion  
**Applicant:** Sunderland City Council  
**Date Valid:** 7 February 2017  
**Target Date:** 9 May 2017

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**Location Plan**



## **PROPOSAL:**

The application seeks full planning permission for the construction of a dual carriageway on the southern side of the River Wear; known as Sunderland Strategic Transport Corridor (Phase 3).

In terms of the context for the proposed development, the concept of a Sunderland Strategic Transport Corridor (SSTC) began in the early 2000s. A Cabinet report from October 2004 notes that the

"City Council and Sunderland arc are working together to develop transport options that will improve access to the arc area, relieve congestion on existing river crossings and radial routes and improve operating conditions for public transport. The Cabinet report continued by identifying two routes that are considered to best fit the project objectives located at either Claxheugh or at Deptford."

The associated Minutes show that Members resolved that the

"route options for the Sunderland Strategic Transport Corridor be approved for the purposes of public consultation and a report setting out the preferred option be submitted to Cabinet at the conclusion of the consultation process."

A subsequent report to the Cabinet following completion of a consultation exercise, in January 2005, identified that the preferred option would be the Claxheugh route. The Cabinet report notes that the route

"provides the most direct connection to the national road network and with its greater potential for creating a landmark structure as a gateway to the City is more likely to create the conditions that would be attractive to developers."

The Cabinet report specifically notes that the "Claxheugh option has the higher benefit/cost ratio". The associated Minutes show that Members resolved that "approval be given to the adoption of the Claxheugh Option as the preferred route for the SSTC".

The Council, subsequent to these Cabinet decisions, undertook a revision to the Unitary Development Plan (UDP). The Cabinet Report from September 2007 identified the reasons for these changes included "significant changes in the City, changes in Government policy". The revisions included a specific development control policy for new transport investment, T1A, which identifies that

"In order to encourage the regeneration of the area, the Council has identified the following priorities for new transport investment, 2) The Sunderland Strategic Transport Corridor and river crossing".

The associated map specifically includes a route for SSTC, shown as a thick dotted red line. These revisions, contained within UDP Alteration No. 2 (Central Sunderland) following a Public Local Inquiry, were approved by the full Council in September 2007.

The SSTC has progressed to a delivery stage. The project for these purposes has been broken down into five phases which can be seen below, together with their status.

- (1) St Mary's Boulevard / St Michaels Way to Wearmouth Bridge. Status: completed
- (2) from the A1231 north of the River Wear to the south bank via a new bridge. Status: on site.
- (3) from the New Wear Bridge (phase 2) to St Mary's Way (phase 2), Status: current application.
- (4) from the A19 to the new Wear Bridge. Yet to be progressed.
- (5) Wearmouth Bridge to Port of Sunderland. Yet to be progressed.

The first two phases, as noted above, are either complete or works are on-going on site. The agent, before progressing with an application for the third phase, submitted a request to the Council for a screening opinion, received November 2015 (ref: 15/02325/SCR). The Council responded approximately one month later, confirming that the proposed third phase would be EIA development.

The agent subsequently submitted, in January 2016, a request for a scoping opinion to identify the matters that should be covered within the Environmental Statement (ref: 16/00074/SCO). The Council responded identifying that matters which should be taken into account include cultural heritage and cumulative impacts.

The agent subsequently submitted the application in question at the beginning of the year (February 2017). The Local Planning Authority undertook a full consultation process upon receipt of the application; including neighbour notification to more than 300 properties, the display of around ten site notices and an advert in the Sunderland Echo (published, 18 February 2017). The Local Planning Authority also notified the National Planning Casework Team, given that the application has been submitted with an Environmental Statement (ES).

The agent submitted further information including small updates to the Environmental Statement, additional information covering drainage and a table showing the firms that would be affected by the proposed demolitions. These documents were all uploaded onto the public access website, mid May 2017. The Local Planning Authority undertook a 21 day re-consultation upon receipt of these documents with anybody who had already made a representation and the relevant consultees.

The agent subsequently submitted additional information covering items including landscaping, noise and impacts upon local businesses. These documents were uploaded onto the public access website upon receipt and the relevant consultees / third parties notified accordingly.

In terms of the proposed works, the application proposes connecting the already completed phase one with the under construction phase two of the transport corridor. There would need initially to be earthworks and then demolitions of existing buildings. The agent has estimated, at paragraph 7.5.5 of the ES, that the likely area of earthworks to be excavated would be 2,500 - 10,000m<sup>2</sup> and the likely total building volume to be demolished would be 20,000-50,000m<sup>3</sup>. The agent has provided additional information which identifies that 11 existing firms would be affected by these works, through all or part of their land being included within a Compulsory Purchase Order in relation to the scheme which has been made by the Council and submitted to the Secretary of State for confirmation. These impacts will be given consideration in the assessment section of the report below.

The proposed development, once the earthworks and demolitions have been undertaken, would involve the construction of a 2.15km dual carriageway. The general alignment of the proposed road would connect with the under construction phase two the west of the site, continue in an easterly direction to the south of the shipyard and then the north of Deptford Terrace. The proposed road would then continue in a south / south easterly direction along Trimdon Street and connect with phase 1 at St Mary's Boulevard. The proposed carriageways would be around 7.25

metres wide and would include a footway / cycleway (typically around 3.5 metres wide). There would be associated structures, such as street lighting and signs.

There would need to be engineering works undertaken which, when travelling in an easterly direction from the western most part of the site, would involve significant works around the existing printworks and shipyards with excavations of up to 5.5 metres and the provision of retaining structures of up to 7 metres in height. These works would stretch from the existing printworks, past the shipyard and generally up to the Queen Alexandra Bridge. The engineering works thereafter, again heading in an easterly direction, would more generally follow the existing ground level with the most significant works being the undertaking of excavations up to 2 metres in height around the former Cowie's site and retaining structures of up to 1.25 metres in height (again, around the former Cowie's site). A drainage basin would also be provided to the north of the proposed road in between Farrington Row and St Mary's Boulevard.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Fire Prevention Officer  
Pallion - Ward Councillor Consultation  
Millfield - Ward Councillor Consultation  
Business Investment  
Flood And Coastal Group Engineer  
Environmental Health  
Network Management  
Port Manager  
Public Rights Of Way Officer  
Environment Agency  
The Highways Agency  
Network Rail  
Nexus  
Southern Area Command - Police  
NE Ambulance Service NHS Trust  
North Gas Networks  
Northern Electric  
Northumbrian Water  
Sustrans  
Tyne And Wear Archaeology Officer  
Natural England  
Environmental Health  
The Crown Estate  
Flood And Coastal Group Engineer  
English Heritage  
Marine Management Organisation  
North Gas Networks  
Sustrans  
The Crown Estate  
Environment Agency

Northumbrian Water

Final Date for Receipt of Representations: **17.08.2017**

**REPRESENTATIONS:**

Archaeology - no objection.

Business Investment - no response received.

Chief Fire Officer - no response received.

Conservation Officer - no objections.

Ecology - advise the Appropriate Assessment provides necessary collation and analysis to conclude there would be no likely significant effect from the proposed development upon qualifying features of European site. No requirement for further mitigation. Recommend consultation with Natural England with regard to the Appropriate Assessment. Recommend conditions.

Environmental Health - recommend conditions covering land contamination, operational impacts upon air quality would be low and that noise levels would be a net benefit to the locality and wider City. Recommend further conditions covering adherence to submitted details, a construction plan and details of noise attenuation.

Highway Authority - Advise they support the scheme which provides direct benefits to traffic movements within the City, connectivity with the A19 and Port and wider regional transport network. Advise they have minor design and management issues that could be addressed via conditions.

Landscape - Satisfied with overall progress and content of the landscape design. Identify issues to resolve which in officer opinion can be covered by conditions.

Lead Local Flood Authority - Suggest approval; subject to conditions. Advise there are detailed issues to resolve; including planting and surfacing.

Port Manager - no comments received.

Public Rights of Way - Advise that they had dialogue at the design stage and make comments on the design.

Urban Design - agree with the comments of the landscape architect.

Ambulance Service - no comments received.

Nexus - no comments received.

Police - no comments received.

Northern Electric - no comments received.

Northern Gas Networks - No objection.



Northumbrian Water - Advise their assets cross the site or may be affected and will contact developer.

SUSTRANS - no comments received.

Crown Estate - no comments received.

Environment Agency - no objection; subject to conditions.

Health & Safety Executive - "does not advise against the granting of planning permission".

Highways England - no objection.

Historic England - do not wish to offer any comments.

Marine Management Organisation - no comments received.

Natural England - no objection.

Network Rail - no objection; subject to conditions.

Representations received

Doxford Engine Friends Association:

Support for the relocation of Doxford Arch and Gates.

European Metal Recycling:

Understand aspirations to build the road. Express concerns that the application has failed to - incorporate sufficient visual and physical screening of their site, properly consider the possible need to relocate EMR rather than assuming it can occupy a smaller footprint, make any provision to allow access from the new road to the EMR site (unlike WH Foster Printworks and Pallion Shipyard who will benefit from the new road). State that they do not believe adequate consideration has been taken of a possible relocation and doubt they will be able to effectively operate on the reduced footprint and that relocation may be the only option due to the depth and footprint of the yard that will be left being insufficient to accommodate vehicle movements and scrap storage, only one entrance being proposed means the site will not be efficient with the gradient of the road causing problems in winter and the realigned entrance being difficult given the shape of the road and number of vehicle movements.

Lichfields (on behalf of Cowie Properties):

Initially draw attention to a minded to grant resolution for a mixed use development on their land (ref: 17/00197/LP3). The noise contour drawings show that SSTC3 would greatly increase noise levels on their site when compared to the "do-minimum scenario". Request mitigation to ameliorate the higher noise levels.

Upon receipt of the highway model from the agent comment that - discrepancy between the existing trips associated with the Cowie's site, the trips for the redeveloped Cowie's site (in accordance with the 2013 agreed scheme) and the assumption when assessing the junction capacity for SSTC3 (i.e. an underestimation of the volume of vehicle movements associated with

a redeveloped Cowie's site). Request further information from the applicant. Further assessment should be undertaken to provide a robust evidence base for SSTC3.

Upon receipt of the noise model from the agent comment that - a difference of up to 11% in the predicted traffic flows within the ES and those within the noise model, no variations in the modelled traffic flows between the do minimum scenarios in either the short (2020) or long term (2035) within Volume 3 of the ES, the elevation of the Queen Alexandra Bridge section within the noise model is at ground level or below ground level which means the contribution from elevated road sources has not been accurately modelled and Carol Street has not been included in the 2035 Do Something scenario for any traffic flows. Also comment that the agent should consider a mitigated post SSTC3 situation with a mitigated development on the Cowie's site without SSTC3. The risk of the Cowies site to noise would be increased as a result of SSTC3 with the proposed mitigation. The agent should give further consideration to noise mitigation.

Also comment that the Transport Assessment (TA) for SSTC3 states that Cowie's preference would be residential, but a mixed-use scheme has been proposed in their application.

Local Resident:

The development should do better than the "do nothing" position. A solid noise barrier between Trimdon Street and Alliance Place would significantly reduce noise and air pollution to local residents. Any increase in traffic should be monitored to confirm the accuracy of the traffic modelling and consideration given to any increase in noise or air pollution.

St Modwen:

Support strategic aspiration to deliver highway improvements. The Environmental Statement does not set out the reasons for a lack of detailed design options around the preferred route. State the matter to be a "failing of the SSTC Stage application" and "matter that should be addressed as a priority". Unclear whether there has been any constructive dialogue with the land owners. The land subject to the planning application has consent for office development and would be suitable for residential.

Third party:

Draw to attention the need for properties at 34-37 Silksworth Row and 1-2 Johnson Street to retain the short extension to Johnson Street as a "Service Road". The truncated piece of Johnson Street should be dedicated as a service road and not use for all day parking.

Trafalgar Marine Technology:

Suggest a small Doxford / Pallion Museum following road construction. An area near the road could be used as a concrete plant with a turning area and crane platform. An emergency access should be provided at the eastern end of the Pallion Shipyard. Suggest that the yard could be redeveloped to include a triangular floating wharf to sit outside the dock gates and that the costs of frequently clearing accumulated silt from in front of the dock gates and the dredging of the river are factors inhibiting the use of the dry dock and commercial operations of the yard. Suggest an access tunnel should be provided underneath the road from the central stone arch of the Queen Alexandra Bridge to the Stena Buildings. Request that the potential emergency access to the yard, the proposed floating wharf and the work / turning area be given consideration by the agent before presenting case to the planning committee.

**POLICIES:**

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

The Cabinet on 19 July 2017 approved a Draft Core Strategy and Development Plan for consideration and a public consultation on the first draft will commence on 7 August to 2 October 2017. The National Planning Policy Framework (the Framework), at paragraph 216 states that

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to

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

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

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

In terms of the above advice within the Framework, the Draft Plan has been prepared after the publication of the Framework. The Cabinet has, however, only recently approved for a first consultation to be undertaken which expired very recently. The weight that can be given to the Draft Plan would therefore be extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be made using the policies within the Unitary Development Plan and any other material considerations.

Sunderland Landscape Character Assessment Report (2015)

R\_1\_Working towards environmentally sustainable development

R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land

R\_4\_Incorporation of energy saving measures

EC\_1\_General Support for economic development proposals and initiatives

EC\_3\_Support for new and existing economic activity

CF\_13\_Replacement of necessary community facilities lost as part of development

L\_7\_Protection of recreational and amenity land

L\_9\_Retention of land used for allotments

EN\_1\_Improvement of the environment

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

EN\_8\_Developments within a consultation zone around hazardous installations

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

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

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

B\_10\_Development affecting the setting of listed buildings

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

B\_20\_Undertake and encourage provision of works of art in major new developments

CN\_13\_Protection and enhancement of important views

CN\_14\_Landscaping schemes and developments prominent from main transport routes

CN\_17\_Tree Preservation Orders and replacement of trees

CN\_18\_Promotion of nature conservation (general)

CN\_23\_Measures to conserve/ improve wildlife corridors

T\_8\_The needs of pedestrians will be given a high priority throughout the city.

T\_9\_Specific provision will be made for cyclists on existing/new roads and off road

T\_13\_Criteria influencing proposals for highways improvements including new road construction.

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

**COMMENTS:**

The main planning considerations - having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act, the relevant development plan policies, relevant guidance and all other material considerations (including representations received) - are noted below

- Principle of the Development.
- Art.
- Community Facilities
- Drainage.
- Ecology.
- Ground conditions.
- Health & safety.
- Heritage
- Highway safety.
- Landscape.
- Living conditions.
- Open space.

Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise.

The initial point to consider would be that the provision of SSTC3 benefits from specific policies within the UDP.

The UDP Alteration No. 2 has a new transport investment policy, T1A, which states that

"The City Council will seek to implement a transport strategy that maximises accessibility within Central Sunderland by a variety of modes, effectively integrates transport modes and relates the provision of transport facilities to the pattern of land use. In order to encourage the regeneration of the area, the City Council has identified the following priorities for new transport investment - The Sunderland Strategic Transport Corridor (SSTC) and river crossing."

The supporting statement for the policy explains, in terms of highway schemes, that

"The highway investments as listed in the policy are supported, subject to detailed transport impact and environmental appraisal.

The agreed route of the Sunderland Strategic Transport Corridor (Claxheugh route) will aid regeneration on the Pallion and Groves site and have benefits for the Deptford area, by making a significant improvement in accessibility by providing a direct connection to the national road network, with the proposed river crossing aiding existing and additional traffic movements."

The UDP Alteration No. 2 subsequently identifies a route for SSTC with the supporting policy, SA52A, stating that

"The City Council will safeguard land for the construction of the Sunderland Strategic Transport Corridor (SSTC), river crossing and associated works."

The supporting statement for the policy explains the reasons for safeguarding the land are to

"Provide improved strategic access and public transport facilities from Sunderland Port and the key development sites in the City, to the A19 motorway and the wider Tyne and Wear conurbation and improve cross-river capacity. The road will provide a trigger for regeneration on the Pallion and Groves site and will connect existing communities with employment opportunities, leisure and retail.

The scheme is supportive of the main strategic aims of the Sunderland Strategy, notably by; increasing levels of access to public transport facilities, encouraging people to take up walking and cycling, increasing the accessibility of employment opportunities within the City and promoting urban living."

The ES submitted with the application also identifies that

"The SSTC programme aims to achieve the following objectives:

- \* Providing a strategic transport corridor for improved connectivity to the North East region, creating better linkages between Sunderland city centre, The Port of Sunderland, Washington, the A19, A1 and the Tyne Tunnel.
- \* Enabling development in Sunderland to be readily accessible to public / private transport and by pedestrians and cyclists. To support economic growth in Sunderland, in particular the International Advanced Manufacturing Part (IAMP) and Employment Zones to assist in the regeneration of the inner city, the riverbanks and residential areas.
- \* Improving access to training and employment opportunities throughout Sunderland by providing better connectivity between major employment sites including Nissan and the Port of Sunderland, education providers and residential areas.
- \* Reducing traffic congestion on transport corridors by increasing highway capacity and the speed and reliability of transport links.
- \* Improving the urban environment and road safety for all road users along the transport corridors in areas of Sunderland that are currently adversely affected by heavy traffic congestion.

In terms of material considerations, the National Planning Policy Framework forms a material consideration. The Framework advises, at paragraph 215, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given).

The Council, subsequent to the advice within para 215 of the Framework undertook, an assessment (hereafter "the assessment") to establish whether policies within the UDP were consistent with the Framework. The Planning & Highways Committee, in November 2012, gave consideration to the assessment and

"endorsed the conclusions so that they could be applied accordingly to determine planning applications."

The assessment noted above, in terms of consistency with the Framework, identifies that both of the policies above, i.e. SA52A and T1A.2, are "fully compliant, no conformity issue". The provisions of paragraph 14 of the Framework are therefore relevant which state that the

"presumption in favour of sustainable development for decision-taking means approving development proposals that accord with the development plan without delay".

Officers would also draw to attention the provisions of the Framework, which states at paragraph 17 that a core planning principle includes

"proactively drive and support sustainable economic development to deliver infrastructure".

The Framework, in the subsequent chapter covering the promotion of sustainable transport states, at paragraph 31 that

"Local authorities should develop strategies for the provision of viable infrastructure necessary to support sustainable development".

Officers would therefore advise that the broad provision of SSTC3 would accord with the development plan which itself has been identified as being consistent with the Framework and the relevant paragraphs of the Framework itself.

There are also more general policies within the UDP which need to be given consideration. The provisions of UDP policy R1 states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a satisfactory balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by:

- (i) making the most efficient use of land, energy and other resources;
- (ii) reducing reliance on the use of the private motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

The proposed development, as noted above in the supporting statement for UDP policies T1A and SA52A, has been identified as being an efficient use of land, energy and other resources; which means there would be a contribution towards (i). The proposed development has also been identified in the same adopted policies as being one that would encourage people to take up walking and cycling which means there would be a contribution towards (ii). In terms of (iii), the impact of the proposed development upon the environment will be given consideration in the relevant sections below (such as ecology).

The UDP has a general resource utilisation policy, R2, which states that

"In considering proposals for new development, the Council will take into account the extent to which they

- (i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity (of roads, public utilities, schools, etc.);
- (ii) Minimise the need for travel (by employees, visitors and residents alike); and
- (iii) make use of vacant and derelict land."

The proposed development would contribute towards (i) through the provision of a new dual carriageway. The proposed development has been identified in UDP policies T1A and SA52A as being one that would contribute towards (ii) by encouraging people to take up walking and cycling. There would also be a contribution towards (iii) given that the same policies identify that the scheme would aid regeneration on the Pallion and Groves sites and have benefits for the Deptford area.

The UDP has a general energy conservation policy, R4, which states that

"In assessing proposals for development (including changes of use), the Council will have regard to evolving government policy on the efficient use of energy and use of non-fossil fuel sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy saving technology. Combined heat and power schemes will be encouraged in major new development and restructuring schemes."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

Whilst the policy has been drafted potentially in terms of built development, rather than infrastructure schemes, the proposed development would contribute towards energy conservation through increasing access to public transport facilities and encouraging people to take up walking and cycling (as identified by the UDP Alteration No. 2 policies T1A and SA52A).

The UDP has a general economic development policy, EC1, which states

"The City Council will encourage proposals and initiatives which:

- (i) Develop the City's role as a major manufacturing centre, especially in relation to advanced or high technology purposes
- (ii) Assist the creation and growth of local businesses
- (iii) Further develop the service sector, especially education, offices and tourism
- (iv) are targeted at areas of economic and social deprivation"

The assessment, in terms of consistency with the Framework, states "broadly compliant - continue to use policy as no conformity issue".

The proposed development, as noted above in UDP policies T1A and SA52A, would contribute towards (i), (ii) and (iii) by aiding the regeneration of the Pallion and Groves sites and having benefits for the Deptford area; whilst the ES, as noted above, identifies the proposed scheme would assist in the regeneration of the inner city and riverbanks. Whilst the proposed road, as an infrastructure scheme, would not be specifically targeted at areas of economic and social deprivation, the overall benefits arising from the proposed road would assist in the aims of policy (iv).

There also needs to be consideration, in terms of (ii), of the impact upon existing business that would be affected as part of the construction of SSTC3. The agent has provided a table showing that there would be 11 businesses affected that operate within the fields of construction, bus hire, classic car restoration, concrete and fencing manufacture, automotive bodyshop, specialist

vehicle bodyshop and repair, classic car restoration, wholesale butchers, fabrication of specialist concrete products, storage for the oil and gas business, a scrapyard and a concrete batching plant. The table also identifies the assistance that has been offered to each affected business which has been noted below.

In terms of the construction business (ACT), the table notes the floor area to be circa 2600 square metres, that the intention of the business would be to relocate and that they were identified

"as a priority for relocation as they are currently located in a building to be demolished as part of the scheme and early contact was made with a view to maximising time to find alternative premises. Assistance offered has included the opportunity to purchase a plot of land within council ownership at market value, potential options for temporary relocation during construction of new premises, a fee undertaking has been provided to ACT for them to seek professional surveyor's advice with regard to a claim for disturbance compensation under deemed CPO for the relocation to the new site. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team. Negotiation and communication is on-going.

In terms of the bus hire business (Badger Buses), the table notes the floor area to be circa 800 square metres, that the intention of the business would be to relocate and that

"SCC have provided a fee undertaking in regard to professional advice for the relocation of the claimant. SCC estates surveyor and scheme project manager have had meeting and correspondence with Badger Buses to outline the scheme, understand business requirements and recommend they that they seek professional advice. Assistance on suitability of potential site in principle in planning terms has been provided. Disturbance compensation will be paid. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team. Negotiation and communication is on-going.

In terms of the classic car restoration (Leisure Land Motors), the tables notes the business to be connected with Badger Buses which means the comments in the paragraph above apply.

In terms of the concrete and fencing manufacturer (Willowcrete), the table notes that the intention would be to relocate and that

"SCC have provided fee undertakings in regard to professional advice for the relocation of the business. Willowcrete were identified as a priority for relocation as they are currently located in a building to be demolished as part of the scheme and early contact was made with a view to maximising time to find alternative premises. Assistance offered has included the offer to purchase a plot of land within council ownership at market value, a fee undertaking has been provided to Willowcrete for them to seek professional surveyor's advice with regard to a claim for disturbance compensation under deemed CPO for the relocation to the new site. A further fee undertaking has been provided for Willowcrete to engage the services of a project manager. SCC have also provided site search assistance via their estates team, external advisors and Business Investment Team. Negotiation and communication is ongoing.

In terms of auto bodyshop (Sunderland Coachworks), the table notes that the floor space covers circa 330 square metres, the intention would be to relocate and that

"SCC have provided a fee undertaking in regard to professional advice for the relocation of the business. Sunderland Coachworks is a tenant of the council and therefore there is no obligation for the council to pay (compulsory purchase) compensation as the occupancy could be terminated under the terms of the lease. The council has nevertheless committed to treat the



business on Simpson Street the same as other businesses being displaced and disturbance compensation will be paid. Assistance offered has included the opportunity to purchase a plot of land at market value within council ownership, a fee undertaking has been provided to Sunderland Coachworks for them to seek professional surveyor's advice with regard to a claim for disturbance compensation under deemed CPO for the relocation to the new site. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team. A site search process is ongoing.

In terms of the specialist bodyshop and repairs (Mini Place), the table notes the floorspace to be circa 165 square metres, the intention would be to relocate and that

"SCC have provided a fee undertaking in regard to professional advice for the relocation of the business. The Mini Place is a tenant of the council and therefore there is no obligation for the council to pay compensation as the occupancy could be terminated under the terms of the lease. The council has nevertheless committed to treat the businesses on Simpson Street the same as other businesses being displaced and disturbance compensation will be paid. Assistance offered has included, a fee undertaking has been provided to The Mini Place for them to seek professional surveyor's advice with regard to a claim for disturbance compensation under deemed CPO for the relocation to the new site. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team."

In terms of the classic car restoration (Steve Coward Car Repairs), the table notes the floorspace to be circa 175 square metres, that the intention would be to extinguish the existing business and that

"SCC have provided a fee undertaking in regard to professional advice for the relocation of the business. The Mini Place is a tenant of the council and therefore there is no obligation for the council to pay compensation as the occupancy could be terminated under the terms of the lease. The council has nevertheless committed to treat the businesses on Simpson Street the same as other businesses being displaced and disturbance compensation will be paid. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team.

The Council's property services team have subsequently advised that the business has now been extinguished and paid out. They have further advised that the lease has been surrendered and the tenant has gone.

In terms of wholesale butchers (Meat Direct), the table notes the floorspace to be circa 60 square metres, the intention would be to relocate and that

"SCC have provided a fee undertaking in regard to professional advice for the relocation of the business. Stephen Clark is a tenant of the council and therefore there is no obligation for the council to pay compensation as the occupancy could be terminated under the terms of the lease. The council has nevertheless committed to treat the businesses on Simpson Street the same as other businesses being displaced and disturbance compensation will be paid. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team. Communication and negotiations are ongoing."

In terms of the fabrication of specialist concrete (Trafalgar Marine Technology), the table notes that

"SCC have held a number of meetings with TMT. No relocation is anticipated at this time however communication with TMT is ongoing."

In terms of the oil and gas business (City Hotline Gas), the table notes the floor space to be circa 500 square metres, the intention would be to relocate and that

"SCC have had initial dialogue with the company and will continue communication with a view to facilitating continuity of business on site".

The Council's property services team have also advised that the intention to provide accommodation works has been to enable the business to continue on site.

In terms of the scrapyard (European Metal Recycling), the table notes the floor space to be circa 3,500 square metres (partial land take), the intention would be to provide accommodation works and that

"SCC have provided a fee undertaking in regard to professional advice. Negotiations are ongoing with EMR."

In terms of the concrete batching plant (Tarmac), the tables notes that the intention would be to relocate and that

"Tarmac were identified as a priority for relocation and early contact was made with a view to maximising time to find alternative premises. Assistance offered has included the opportunity to purchase a plot of land at market value within council ownership, potential options for temporary relocation during construction of new premises, a fee undertaking has been provided to Tarmac for them to seek professional surveyor's advice with regard to a claim for disturbance compensation under deemed CPO for the relocation to the new site. SCC have also provided site search assistance via their estates team, external advisors and the Business Investment Team. Negotiation and communication is ongoing."

The above shows that eight of the existing businesses intend to relocate and details the assistance offered by the Council. Whilst officers do acknowledge that there would be some disruption to these existing businesses caused by the practicalities of re-locating, the Council has offered extensive support as noted above. The eight businesses in question also intend to re-locate, rather than close down, which means that there would not be a net loss of economic activity (i.e. ACT Construction, Badger Bus Hire, Leisure Land Motors, Willowcrete, Sunderland Coachworks, Mini Place, Meat Direct, City Hotline Gas and Tarmac). Officers acknowledge that, nonetheless, there would be some harm to these businesses caused by the upheaval of re-locating which will be balanced against the rest of the scheme in the conclusion section below.

The other two businesses affected who have submitted representations are noted below.

In terms of the scrapyard (EMR), the agent has recently provided a response that states around 10.8% of the EMR land holding would be lost to SSTC3 (or up to 17.5% if the non-operational land at a lower level were taken into account). The agent has also drawn to attention that if the potential mitigation land offered by the City Council were fully taken into account there would be no reduction in the operational land for EMR. The agent therefore concludes that relocation of EMR would not be necessary as there would not be a net loss of operational land.

The agent has further advised that dialogue, including correspondence and meetings has been continuing with EMR as part of the normal land acquisition process which will be continued through the Compulsory Purchase Process and possibly up until the scheme has been completed and operational. The Council's Property Services Team has also advised that the negotiations have centred around a re-configuration of the site.

The matters raised by EMR in their representation will be taken in turn. The initial point made by EMR relates to the application not including sufficient visual and physical screening of the EMR site. The agent has subsequently amended the application to provide screening planting adjacent to the EMR site that would consist of native tree and shrub planting, with a proportion of semi mature specimens for initial impact. The existing vegetation would be retained and protected where possible.

The subsequent point raised by EMR relates to the concern that SSTC3 may mean they have to relocate given the impact of the scheme upon their site. The agent, as noted above, has provided a response outlining the reasons they consider that such a relocation would not be necessary. Whilst officers note that, as suggested by the agent, there would be no net loss of land for EMR; the proposed land may not necessarily be as beneficial for the existing business as the area potentially lost for the CPO. Officers are aware that there could be a loss of efficiency or profitability of EMR, even if all of the proposed replacement land were taken up. The potential harm will therefore need to be given consideration against the balance of the scheme in the conclusion section below.

The final point raised by EMR relates to the scheme not including access from the new road. The agent has responded by stating that, in their view, the current proposal would be no worse than the current situation and that the scheme would ultimately enable a better connection with the local highway network which would ultimately be to the benefit of EMR. The Council's Highway Authority have advised that there have been initial enquiries made in terms of the creation of a new access onto Woodbine Terrace. Officer advice would be that the scheme as a whole, including the access arrangements for EMR, have been given careful consideration by the Highway Authority who do not have any objections to the scheme and that, as noted above, there are other options for access that could be given consideration in the future outwith the current application. Given that there are no substantive highway concerns arising from scheme, in terms of access / egress to the EMR site, there would not be scope to refuse planning permission on these grounds.

In terms of the classic car restoration (Steve Coward Car Repairs), the table notes that the intention would be for the business in question to be "extinguish(ed)". The Council's Property Services Team have subsequently, as noted above, advised that the business has now been extinguished. Officers consider that the loss of an existing business does represent a level of harm to the economy of the local area that will need to be given consideration against the balance of the scheme in the conclusion section below.

In terms of the fabrication of concrete products (Trafalgar Marine Technology), they have submitted a representation which states that their "actions and suggestions are as a tenant with an interest in the future development of the yard as a whole". The suggestions made are noted above in the representations received section above.

The agent has responded by stating that SSTC3 would provide a better access to the Pallion Engineering site, it is not within the scope of the scheme to provide an additional access into the Pallion site, the suggested route would be a difficult and expensive undertaking that would involve extensive re-work of the area and the suggested tunnel underneath SSTC3 would not be a workable solution in engineering terms. The agent has also noted that there does not exist any planning application for the suggested floating wharf and development of a museum would be outwith the scope of the infrastructure scheme in question.

The points raised by Trafalgar Marine Technology will be taken in turn. The initial suggestion that a small Doxford / Pallion Museum could be provided would be outwith the scope of the application

in question and would not be necessary to make the application acceptable in planning terms. In terms of an area near the road being potentially used as a concrete plant with a turning area and platform, these matters are outwith the scope of the proposed road scheme and, if a planning application were forthcoming, would be given consideration on their merits.

The subsequent point raised by Trafalgar Marine Technology that an emergency access should be provided at the eastern end of the Pallion Shipyard, the application has been given consideration by the Council's Highway Authority who have not raised any objections. The provision of an additional access would therefore not be required to make the proposed development acceptable in planning terms.

The further suggestion from Trafalgar Marine Technology relates to the potential for an access tunnel underneath SSTC3. The agent, as noted above, has advised that the suggestion would be a difficult and expensive undertaking. Officer advice would therefore be that as the Highway Authority have otherwise found the scheme to be supportable, the suggested alteration to the route would not be necessary to make the proposed development acceptable in planning terms.

The suggested re-design of the proposed road would therefore not be necessary to make the proposed development acceptable in planning terms.

The UDP has a business support policy, EC3, which states

"The Council will support new and existing economic activity by:

- (i) providing land and premises for business and industrial use
- (ii) encouraging initiatives which improve employment opportunities for disadvantaged groups.
- (iii) creating a higher quality environment for industry, business and the workforce
- (iv) encouraging the re-use of land and premises
- (v) developing and improving infrastructure"

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

The proposed development, as an infrastructure scheme, would not be directly relevant to (i) or (ii). The proposed development would contribute towards (iii) and (iv) given that UDP policies T1A and SA52A have identified that the scheme would aid the regeneration of the Pallion and Groves site and have benefits for the Deptford area; whilst the ES, as noted above, identifies the proposed scheme would assist in the regeneration of the inner city and riverbanks. There would also be a direct contribution towards (v) given that the scheme proposes a new build dual carriageway.

A further point to consider, in terms of material considerations, would be a representation from St Modwen (as noted in the representations received section above). The main point raised relates to, in the view of St Modwen, there to be a "failing of the SSTC Stage 3 application" on the basis that the ES does not set out the reasons for a lack of detailed design options around the preferred route. The representation from St Modwen states that the "matter should be addressed as a priority".

The agent subsequently provided a response stating that the EIA Regulations "do not expressly require the applicant to study alternatives and do not define what is meant by alternatives". The agent continues by drawing attention to guidance from the Institute of Environmental Management & Assessment on Reasonable Alternatives which states

"Main alternatives are often interpreted as how the design of a project itself has changed during its evolution. The challenge is to define such alternatives within the parameters of the project, and at a level of detail that goes beyond strategic assessment, but substantial enough to be considered "main alternatives", rather than detailed design".

The Council subsequently sought Counsel's opinion on the matter which agreed with the agent, and confirmed that

"within the ES there is no obligation to consider alternatives, merely to give an outline of those alternatives which were considered and nor is it necessary to proceed to detailed design issues and the alternatives which might exist for that".

Officer advice would therefore be that, in terms of the points raised by St Modwen, that the EIA can be given consideration as being robust and that no further work would be required.

The representation from St Modwen also states that they are unclear whether there has been any constructive dialogue with the landowners and the piece of land in question has consent for office development (ref: 10/01549/OUT) and would be suitable for residential. In terms of the constructive dialogue, the case officer has met with St Modwen following receipt of their representation and made them aware of the subsequent documents that have been uploaded onto the website. The Council's property team, albeit outwith the scope of the application in question, have been in consistent contact with St Modwen. In terms of the land being potentially suitable for residential, there exists an extant outline planning consent for an office development on the piece of land in question; but there are not any approvals for residential. Officers therefore consider that there has been dialogue with St Modwen and that the land has planning permission for an office development.

The above provides an identification and subsequent consideration of the proposed development using development plan policy and any other material considerations. The proposed development, to a substantive extent accords with development plan policy, albeit there does exist some harm in the form of the impact upon existing businesses in the form of relocation, loss of land to a CPO for one business (thereby meaning the business in question could be less successful) and loss of an existing business (in the event that the Compulsory Purchase Order which the Council has made is subsequently confirmed by the Secretary of State). Officer advice would be that the harm caused to existing business does form a material consideration that needs to be given consideration in conjunction with the development plan when making an overall recommendation on the scheme. These matters will be given full consideration in the conclusion section below.

## Art

The UDP, at policy B20, states that

"The City Council will undertake and encourage the provision of works of art, craft or decoration in major new developments and as part of the enhancement of the built environment and the open landscapes of the City"

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

The proposed development, as noted in the heritage section below, would involve re-siting the gateway of the Doxford Gatehouse elsewhere within the scheme. Officers would advise that the provision in question would meet the aims of the above policy.

## Community Facilities

The UDP states, at policy CF13, that

"The loss of necessary community facilities will be a material consideration in assessing development proposals."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy"

The proposed development would run through allotments currently allocated in the UDP as "existing open space over one hectare". The UDP policy for the loss of allotments, L9, states that

"Land used for allotment will be retained for this purpose except where

- (i) alternative provision is made in the locality
- (ii) the site is allocated for another purpose elsewhere in the plan;
- (iii) the site is identified by the Council, as surplus to requirements.
- (iv) a site has become disused or significantly under used through lack of local demand. In this case the Council will give prior consideration to the need for public open space or other recreational uses of the site."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

In terms of UDP policy L9, Alteration No. 2 of the UDP identifies SSTC3 as running through the allotment. The proposed development can therefore be given consideration as being in accordance with policy L9 given the comment within the policy for any "site allocated for another purpose elsewhere in the plan".

In terms of policy CF13, the Council has under the provisions Section 8 of the Allotments Act 1925, submitted an application to the Secretary of State for Communities and Local Government for the disposal of the allotment land in question. The Department for Communities & Local Government (DCLG), on behalf of the Secretary of State, responded on 2 June 2017. The response identifies that the Government

"is committed to ensuring adequate protection is afforded to allotments. The Secretary of State's consent for disposal will only be given if he is content that Section 8 (the statutory criteria) of the Allotments Act 1925 is satisfied:

Consent may be given unconditionally or subject to such conditions as the Minister thinks fit, but shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonable practicable.

The Secretary of State's consent will normally only be given if he is satisfied the following policy criteria have been met:

- (i) The allotment in question is not necessary and surplus to requirements.
- (ii) The number of people on the waiting list has been effectively taken into account
- (iii) The Council has actively promoted and publicised the availability of sites and has consulted the National Allotment Society

(iv) the implication of disposal for other relevant policies, in particular local plan policies, have been taken into account.

The response from DCLG states that, in relation to Section 8 of the Allotments Act 1925, the Secretary of State considers that the statutory criteria have been made to displaced plot holders.

The response continues by stating that, in relation to the policy criteria, the Secretary of State considers that criterion (i) has not been met, as the allotment site cannot be considered not necessary or surplus to requirements while there are 29 people on the waiting list for the specific site, and on waiting lists for other sites across the Council's area. The response does, however, continue by stating that the Secretary of State accepts that an exception has been demonstrated by the economic benefits of Sunderland Strategic Transport Corridor, the history of development plan support for the proposal and the lack of objections to the proposal.

The response states that in relation to criterion (ii) the Secretary of State considers that the criterion has not been met as it is not clear that alternative provision has been made for the people on the waiting list for the Simpson Street and Wellington Lane allotment site. The response does, however, continue by stating that the Secretary of State accepts that an exception has been demonstrated by the economic benefits of Sunderland Strategic Transport Corridor, the history of development plan support for the proposal and the lack of objections to the proposal.

The response states that in relation to criterion (iii) the Secretary of State considers the criterion has been met as the Council promotes and publicises the availability of allotment sites and have consulted the National Allotment Society who have conducted a site visit and have no objection to the disposal of the site.

The response states that in relation to criterion (iv), the Secretary of State considers that the criterion has been met as SSTC has development plan support and the route of SSTC has been safeguarded in the plan.

The response concludes that the statutory criteria have been met. The response states that whilst two of the policy criteria cannot be said to be met, there are exceptional circumstances that justify the disposal of the allotments.

The response finishes by stating that the Secretary of State gives consent for the disposal of the allotment land.

In terms of UDP policy CF13, whilst the loss of a community facility, i.e. the allotments, forms a planning consideration; the commentary above demonstrates that the matter has been given detailed consideration by the Secretary of State who concluded that there are exceptional circumstances that justify disposal of the allotments.

The proposed development accords with UDP policy L9 through being a scheme identified within Alteration No. 2. Officers have given the proposed development consideration using UDP policy CF13, in terms of loss of community facilities being a material consideration, and would advise that the matter has been given detailed consideration by the Secretary of State who has concluded that there are exceptional circumstances that justify disposal of the allotments. Officer advice would therefore be that whilst there would be an obvious loss of a community facility in the form of the allotments, the scheme still accords with development plan policy through being identified in UDP Alteration No. 2 and there are not, given the positive response from the Secretary of State, any material considerations that indicate a decision should be made otherwise.

## Drainage

The UDP, at policy EN12, states that

"In assessing proposals for development, the Council will seek to ensure that the proposal would not be likely to increase the risk of flooding elsewhere."

The assessment identifies the above policy to be broadly compliant with the Framework; but that consideration should be given to "requiring the submission of site specific flood risk assessments".

The agent has, in terms of the comments made within the assessment, submitted a drainage strategy and flood risk assessment (FRA). The FRA identifies that the site covers approximately 15.66ha and lies within flood zone 1 (i.e. less than a 1 in 100 chance of flooding from rivers or the sea in any given year for the scheme).

The drainage strategy identifies that the majority of public roads through the City drain to combined sewers via road gullies. The strategy continues by identifying that the proposed drainage would be to new sealed surface water drainage networks via new road gullies or combined kerb drains. The strategy further identifies that permeability tests have shown that infiltration would not be possible given the low permeability of the ground and advises that the primary option would be to discharge to a watercourse.

The FRA identifies that the discharge to a watercourse would be into two separate catchments that drain into the River Wear. The FRA states that, under the worst case scenario of a 1 in 100 event, there would be a raise of 0.015m that would increase water levels within the river from 3.87AOD to 3.89AOD. The FRA concludes that the addition of 0.015 metres to the peak water depth under extreme conditions would not have a detrimental impact and that there would not be additional surface water flooding at the site.

A further point to note would be that the proposed development, as noted in the FRA, includes a detention basin within one of the catchment areas to store surface water run-off. The basin would ensure that run-off would be managed to green field run-off rates. The maintenance for the drainage network would be managed by the Council. The adoption requirement also includes the need to accommodate an additional 10% flow to enable future developments to connect their surface water sewers into the SSTC3 drainage network.

These arrangements have been examined by the relevant statutory consultees, namely the Lead Local Flood Authority, Northumbrian Water and the Environment Agency. The Lead Local Flood Authority have recommended approval (subject to conditions covering the detailed design of the surface water disposal scheme and the detention basin) and Northumbrian Water have advised that their assets cross the site or may be affected by the proposed development and that they will contact the developer. The Environment Agency have also raised no objection; subject to conditions.

The application has, as noted above, been supported by a comprehensive drainage strategy and flood risk assessment which cumulatively identify there would not be a detrimental impact even under extreme conditions and includes provision for new development to use the SSTC3 drainage network. The statutory consultees have examined these arrangements and have not raised any objections (subject to the recommended conditions). Officer advice would therefore be that the proposal can be given consideration, in the absence of any material considerations to the contrary, as having an acceptable impact in terms of drainage and flood risk; in accordance with UDP policy EN12.



## Ecology

The UDP, at policies CN18, CN22 and CN23 states that

"The promotion of the interests of nature conservation will be sought throughout the City; the Council will work together with neighbouring authorities and other agencies in regard to aspects affecting the wider area. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced; measures will include:-

- (i) the appropriate management of City Council owned land
- (ii) encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors;
- (iii) making provision in development proposals for preservation of habitats or creation of compensatory habitats;
- (iv) seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land
- (v) Improving access and providing interpretation to appropriate site of wildlife interest
- (vi) refusing inappropriate development.

Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

Within the wildlife corridors as indicated on the proposals map:

- (i) measures to conserve and improve the environment will be encouraged using suitable design to overcome any potential user conflicts
- (ii) development which would adversely affect the continuity of corridors will normally be refused
- (iii) where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact."

The assessment has identified, in terms of consistency with the Framework, that the policies would be "fully compliant, no conformity issue".

The ES, at section nine, identifies that the majority of the site consists of hard standing and building with other habitats including areas of broadleaved woodland, amenity grassland, semi-improved grassland, ephemeral / short perennial vegetation and shrubs.

The ES identifies that an Extended Phase 1 Habitat Survey has been undertaken; including an appraisal of habitats present on the site and whether the buildings and trees on the site had the potential to support bats. The ES continues by advising that further surveys have been undertaken including breeding birds, wintering birds and invertebrates.

The ES identifies that there are no National Nature Reserves, Special Protection Areas or Special Areas of Conservation or RAMSAR sites within 2km. The ES does, however, identify that there are five sites of Special Scientific Interest within 2km - namely, Wear River Bank (1.2km west), Claxheugh Rock & Ford (1.2km west), Fulwell & Carley Quarries (1.7km north), Hylton Castle (1.7km north west), South Hylton Pasture (1.9km west). The ES also identifies that there are 13 Local Nature Reserves within 2km; including Wearmouth Riverside Park / Wearmouth Colliery.

The ES identifies that the outcome of the survey work has been the identification on the site of non-native invasive species - namely, Japanese knotweed, cotoneaster and montbretia. The bat surveys identified that none of the trees on site provide suitable roosting opportunities for bats; with the exception of one tree and that the Doxford Gateway has a common pipistrelle bat roost.

The ES identifies that a European Protected Species Licence would be required prior to the demolition of the building in question.

The ES continues by identifying that the majority of birds were likely to be or were confirmed to be breeding along or adjacent to the proposed route of the road and that 34 bird species were recorded during the wintering survey. The ES also contains further information covering badgers (no active setts or foraging routes present on the site), invertebrates (no evidence of species and a further area of land would be surveyed), hedgehog (no evidence observed on site), otter (no evidence observed), fish (no impact), great crested newts / amphibians (scoped out due to lack of suitable habitat), water vole (scoped out due to lack of suitable habitat) and reptiles (scoped out due to urban nature of development).

The ES subsequently advises that an Appropriate Assessment has been undertaken to establish whether there would be likely to be significant effects on the Northumbria Coast SPA. The ES advises that direct impacts could include modification of designated site through temporary access routes, site compounds or storage, disturbance to qualifying features and pollution from spills or a temporary reduction in air quality.

In terms of potential impacts during construction, the ES identifies that without mitigation there would be a loss of green space stretching from the western end of the scheme through to the allotments, the removal of pockets of woodland, grassland, allotments and grass verges, a loss of semi-improved grassland and the loss of broadleaved woodland and scrub to the south of the shipyard. In terms of impacts upon bats, there would be the removal of a black poplar tree that may support bats, the demolition of the Doxford Gatehouse would lead to the permanent loss of a bat roost and possible harm and disturbance to bats, loss of the woodland corridor could result in loss of bat foraging and commuting habitat and lighting during construction could impact the foraging and commuting behaviour of bats. In terms of impacts upon breeding / nesting birds there could be disturbance during construction, the removal of green space in the centre of the City and habitat loss (including the loss of woodland around Pallion, allotments, grass verges and an industrial unit that supports nesting herring gulls). In terms of further impacts, the ES identifies possible construction impacts to wintering birds, potential impacts upon hedgehogs and impacts upon otters near the riverbank.

In terms of potential impacts upon opening, after one year and after 15 years, the ES identifies that without mitigation there could be direct impacts including increased number of visitors to coastal areas, decrease in air quality which could affect vegetation and the drainage could impact water quality. The ES identifies that there would be no operational impacts upon semi-improved grassland and broadleaved woodland and scrub. The ES identifies that the loss of woodland corridor would result in a loss and fragmentation of moderate value for bat foraging and commuting and that there could be bird collisions and a deterrence for birds to nest in the area arising from disturbance caused by the road. The ES also identifies that the impacts upon wintering birds could include extra energy expenditure leading to negative lifespan, pollution and disturbance from outfall pipes and from artificial lighting. The ES further identifies that there could be fragmentation and loss of habitat to support hedgehogs and potential pollution from surface drainage.

The ES provides detailed proposals for temporary mitigation including a pre-commencement survey for invasive species, the obtaining of a European Protected Species Licence for bats, removal of any buildings or dense vegetation to be undertaken outside the nesting season (March-August inclusive), construction work for the temporary slip road and outfall pipe near the Queen Alexandra Bridge to be undertaken outside the nesting season, a pre-construction survey for badgers, a pre-construction survey for dingy skipper and trenches / excavation to be covered or backfilled.

The ES provides detailed proposals for permanent mitigation including native wildflower, species rich grassland and shrub planting, the retaining walls being planted with native climbers and other species, ecological improvements to the attenuation basin (such as seeding of wetland species), landscaping for areas adjacent to the road (including woodland seed mixes and the planting of trees), the provision of bat roosting features, no outfall pipes near sensitive wintering bird areas, no artificial lighting spilling onto the River Wear and its bankside habitats and the provision of hedgehog houses.

The ES also takes into account whether there would be any cumulative effects from development in the vicinity of SSTC3. The developments identified include a mixed use development on land adjacent to the Aquatic Centre (ref: 15/00643/HYB), an outline approval for 140 dwelling houses at Castletown Way / Riverside Road (ref: 14/00292/OUT), a mixed use development at Dun Cow Street (ref: 15/02103/FU4), the removal of 50 trees at Low Street (ref: 16/00243/TPC), 43 dwelling houses at Neville Road (ref: 15/02375/FUL) and a hybrid application at the Vaux Brewery Site (ref: 15/02557/HY4). The ES identifies that whilst there could be potential for in combination effects with the loss of habitats from SSTC3 these have been given consideration as part of the Appropriate Assessment.

The ES concludes that the residual impact upon ecology and nature conservation with all of the mitigation included would be a minor negative impact. These findings have been examined by the relevant statutory consultees, namely the Council's Ecologist, Natural England and the Environment Agency. The Ecologist has advised the Appropriate Assessment provides necessary collation and analysis to conclude there would be no likely significant effect from the proposed development upon qualifying features of European site, that no further mitigation would be required and recommends conditions covering items including landscape, maintenance and mitigation. The Environment Agency and Natural England both have no objection; subject to conditions.

The application, as noted above, has been supported by an extremely detailed range of ecology surveys which the ES has identified lead to the conclusion of a minor negative impact upon ecology and nature conservation. The Council's Ecologist concludes there would be no likely significant effect upon qualifying features of European site and the Environment Agency and Natural England have no objection (subject to conditions). The acceptability of the minor negative impact will be given consideration in conjunction with the wider public benefits in the conclusion below.

#### Ground conditions

The UDP, at policy EN14, states

"Where development is proposed on land which there is reason to believe is either

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

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 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."

Officers consider that the above policy can be given consideration as being consistent with the Framework.

The ES identifies that the solid geology beneath the site has been indicated to be Dolostones or Dolomite rocks of late Permian age; with the exception being a small area of Sandstone of the Yellow Sands Formation mapped beneath the Pallion Site adjacent to the Queen Alexandra Bridge. The ES further identifies that the drift deposits are primarily Glaciolacustrine deposits of the Devensian, deposited in glacial meltwater lakes and are recorded as Clays and Silts. The ES concludes that the value of geology and geomorphology on the site can be given consideration as being negligible.

The ES continues by identifying that no land within the study area has been designated as Contaminated by the City Council under Part IIA of the Environmental Protection Act (1990). The submitted Ground Investigation involved undertaking 33 boreholes sunk by light cable percussion methods, 15 extensions of cable percussion boreholes using rotary drilling and coring methods, three rotary boreholes undertaken by rotary drilling and coring only, 31 boreholes sunk by window-less sampler techniques and 41 trial pits excavated using a mechanical excavator and hand tools. The Investigation notes that the sequence of the strata encountered during investigation generally confirms the anticipated geology as interpreted from the geological map.

The ES specifically draws attention to some findings of the Ground Investigation in that three exploratory holes showed elevated levels of lead above the human health criteria, one location contained chrysotile asbestos and one contained elevated Dibenzo (ah) Anthracene at 1.5m below ground level. The ES identifies that the construction of the road would sever the potential contamination link for the lead and would be covered by the formation of an embankment during the construction for the asbestos and Dibenzo (ah) Anthracene.

The ES further draws to attention that leachate testing indicate widespread, but relatively low levels of contaminants across the site (particularly inorganic compounds). The ES suggests that during construction surface water on the highway should be collected and disposed reducing the amount of contaminants leached from the soils. The ES further identifies that during construction there could be mobilisation of existing soil contamination which could impact on surface waters and that further pollution could occur by the importation of materials containing contaminants.

The ES continues by identifying mitigation initially in terms of construction works including measures to address the presence of asbestos (such as PPE as part of a Construction Environmental Management Plan). The ES continues by stating that, in contaminated land terms, there would be a minimal localised impact from the proposed detention basin and that the formation of cuttings would be top soiled and seeded to provide a cap that would prevent contact with the underlying made ground or any contaminants. The ES further identifies that there would be strict controls on the importation of materials onto the site.

The ES concludes that the overall effect of the scheme on the geology and soils after mitigation measures have been applied would be neutral.

The Environmental Health Officer has examined the submitted application and advised, in terms of land contamination, that much of the area encompasses land which has previously accommodated industrial activities; but they would not be prohibitive in terms of the proposed end use. They have recommended that any consent should require the submission of a Phase 1 and Phase II report (including conceptual site model) that fully addresses the risk of the presence of asbestos across the site, or a suitable asbestos management plan to deal with the risk of hidden asbestos between exploratory hole locations. They have recommended that the reports should also include a remediation strategy, verification / validation reports and methods for dealing with unexpected contamination conditions.

The Environment Agency (EA) have also commented that the submitted phase 1 desk study and Ground Investigation Report highlight a risk of contamination from historic site uses that could be mobilised as a result of the proposed development works and could pollute controlled waters. The EA have advised that the controlled waters are sensitive given the location of the proposed development site being located on a Principal aquifer, being adjacent to the River Wear and being on the outer catchment of a Source Protection Zone to the north. The EA have advised they have no objection and recommended a condition ensuring the submission of a remediation strategy.

The application, as noted above, has been supported by a detailed ground investigation and a chapter within the ES which concludes there would be a neutral impact upon geology and soils. The Council's Environmental Health Officer has recommended conditions ensuring the submission of a Phase 1 and 2 report. The Environment Agency has also raised no objection; subject to conditions. Officer advice would therefore be, in the absence of any material considerations to the contrary, that the proposed development would have an acceptable impact in terms of ground conditions.

## Health and Safety

The UDP, at policy EN8, states that

"Developments within a consultation zone around hazardous installation will not be permitted if, in the opinion of the Health and Safety Executive (HSE), this would result in an undesirable increase in those at risk."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy".

The case officer input the proposed development into the HSE's online system known as Planning and Development Near Hazardous Installations (PADHI+). The system generated a response advising against granting planning permission, as noted below

"The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case".

The case officer subsequently contacted the HSE directly who confirmed that the proposed development passes through the Inner Zone of the Gas Works to the north of the site. The HSE re-iterated that they would advise against granting planning permission. The HSE did also, however, suggest that there were two options for resolving the issue - either move the road out of the inner consultation zone or consider revoking the hazardous substances consent if the gas works in question were no longer operational.

The Local Planning Authority subsequently received an e-mail from the operator of the gas works, Northern Gas Networks (NGN) which advised that the gas holder had been decommissioned with natural gas no longer being stored at the site. The e-mail stated that the hazardous substance consent would no longer be required and specifically requested the Council to make arrangements to formally revoke the consent.

The Council of the City of Sunderland Revocation of Hazardous Substances Consent Order (No.1) 2017 was subsequently made in relation to the gas holders at Ayres Quay Holder Station and submitted to the Secretary of State for confirmation. Following a representation period, the Order was confirmed on 3 October 2017.

The HSE, by an e-mail dated 9 October 2017, have confirmed that the consultation distance around the gas holder site will be removed, and that the HSE therefore does not advise against the granting of planning permission for the current application.

Officer advice would therefore be that, given the comments above from the HSE, that matters concerning hazardous installations have now been fully resolved.

## Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990, at section 66(1) and 72(1), states

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority<sup>2</sup> shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

"<sup>2</sup>special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that (Conservation) area".

The UDP, at policies B4, B10 and B11 states that

"All development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance.

The City Council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded"

The assessment has identified, in terms of consistency with the Framework, that the policies are "fully compliant, no conformity issue".

The Heritage Statement, in terms of designated heritage assets, identifies that there are many Grade II listed buildings near the proposed development; including the Queen Alexandra Bridge (immediately to the north), Websters Public House (approximately 9 metres to the north east), Websters Ropery (approximately 42 metres to the north east), Former Simpson Street Secondary School (immediately adjacent to the north west) and Livingstone's Public House (immediately adjacent to the south east). The Heritage Statement also identifies that there are Grade II\* buildings near the proposed development; including the Empire Theatre (immediately to the south east).

The Heritage Statement, in terms of further designated heritage assets, identifies that a Conservation Area lies immediately to the south east. The Statement also identifies that the Grade I listed Scheduled Ancient Monument Saint Peter's Church lies approximately 1.25km to the east and that a further Scheduled Ancient Monument lies approximately 1.5 km to the north west (Hylton Castle).

The ES, at chapter nine, identifies that there are also two undesignated heritage assets - namely, Doxford Gate House and part of the former Simpson Street School. These two assets are proposed for demolition given that they are directly on the route of the proposed road. The Heritage Statement and Building Recording document for the gatehouse identifies that given the

condition of the building the likelihood of finding a viable long-term new use would be low and that there would be a gradual erosion of the historic value of the asset. The Statement identifies that one option could be to relocate the building, or part of the structure, to a new location - the submitted layout drawing identifies an area for the relocation of the arches from the gatehouse to the east of the printworks and the west of Pallion Shipyard. The Doxford Engine Friends Association have advised that they are grateful that part of the Doxford Arch and Gates will be relocated.

The ES further draws to attention that a desk based archaeological assessment concluded that the study area holds a low to moderate potential for prehistoric remains, a low potential for Roman, early medieval and medieval remains, a high potential for post medieval industrial remains and a high potential for early modern and modern period remains (including railways, waggon-ways and industrial works).

The ES, in terms of construction impacts, identifies that the proposed development could impact upon archaeological remains or their setting. The ES further identifies that there would be moderate potential for uncertain impacts on currently unknown archaeological remains during construction through new discoveries. The Tyne & Wear Archaeologist has identified, in terms of archaeological implications, that there would be some demolition (such as the WM Doxford Shipyard and the unlisted building associated with Simpson Street School). The archaeologist has confirmed they have no objection and sought conditions for the relocation of the gatehouse and for evaluation trial trenching to be undertaken.

The ES, in terms of historic buildings, identifies that the listed buildings nearby and the Conservation Area would not suffer physical damage from the impacts of construction and that the impacts relate to setting. The ES identifies that the impacts upon listed buildings and the nearby Conservation Area would be slight / moderate adverse.

The Council's Heritage Protection Team have examined the application initially observing that impacts on heritage assets range from "minor setting issues through to total loss". In terms of total loss, the Team have noted regret that two non-designated heritage assets will be lost - associated buildings with Simpson Street School and Doxford Shipyard Gatehouse. The Team have, however, noted that buildings associated with Simpson Street School have been heavily altered with little surviving historic material left and that the gatehouse has structural instability and poor condition. The Team have welcomed the proposed relocation of the gates as a positive step in preserving the maritime heritage of the City.

The Heritage Protection Team, in terms of the setting of the other heritage assets, have noted that there are no concerns on the general setting of the QA Bridge, but have sought further information in terms of protective barriers, landscaping and lighting. The Heritage Protection has, otherwise, noted that they agree with the conclusions made within the heritage statement. They consider that there would be harm to heritage and have separately confirmed that the level of harm would be "less than substantial".

The proposed development, given the potential for there to be an impact upon Grade II\* building and Scheduled Ancient Monuments, has been examined by Historic England. They have advised that they "do not wish to offer any comments" and that "suggest you seek the views of your specialist conservation and archaeological advisers". These views, as noted above, have been sought; satisfying the request of Historic England.

The application has been supported by a comprehensive range of documents to enable an understanding of the impact upon the historic environment which conclude that there would be slight / moderate adverse impact upon built conservation and that there could be an impact upon

the setting of archaeology and undesignated below ground archaeology. The relevant consultees have identified less than substantial harm in terms of built heritage and the need for conditions in terms of archaeology. The proposed development, in terms of overall impacts upon heritage, would therefore lead to less than substantial harm. The conclusion below will need to consider whether there are any public benefits that outweigh the less than substantial harm to heritage.

## Highway Safety

The UDP, at policies T13 and T14, states that

"Highway Improvements, including new road construction, will only be promoted where they fulfil one or more of the following criteria

- (i) Improve the strategic route network and encourage its use in preference to other less suitable roads
- (ii) Improve the environment and safety in areas currently adversely affected by heavy traffic flows.
- (iii) Facilitate the movement of industrial traffic and assist the development or redevelopment of existing and proposed industrial and commercial areas.
- (iv) Involve schemes and traffic management measures which improve the operating conditions for public transport.
- (v) Improve the environment and safety conditions within residential areas by traffic calming.
- (vi) Promote environmental improvements and provide car parking / improved servicing within shopping, commercial and industrial areas.
- (vii) Improve conditions for pedestrians, cyclists and people with mobility disadvantages.
- (viii) Reduce road accidents by appropriate traffic management measures.

Proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
- (ii) Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modification to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer.
- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment
- (iv) make provision for the loading and unloading of commercial vehicles.
- (v) indicate how parking requirements will be accommodated."

The assessment, in terms of consistency with the Framework, has identified policy T13 to be "fully compliant, no conformity issue - continue to use policy" and policy T14 to be "broadly compliant".

In terms of policy T13, the proposed development would contribute towards (i) through the provision of a new build dual carriageway. There would also be a contribution towards (ii) by redirecting traffic onto a purpose built dual carriageway and also towards (vii) through the provision of appropriate facilities within the design for pedestrians and cyclists.

In terms of policy T14, there would be a contribution towards (i) through the provision of facilities for pedestrians and cyclists. There would be a contribution towards (iii) through the provision of a dual carriageway that has taken into account the needs of various users within the design. The scheme does not, as a dual carriageway, need to include facilities for the loading / unloading of commercial vehicles (iv) or provide parking (v). The policy also covers matters of highway safety (ii) which will be given consideration below.



The ES initially identifies that during the construction phase there would be impacts upon a range of links; including the New Wear Bridge, Woodbine Terrace, Pallion New Road and Deptford Terrace. The ES identifies that, in terms of both vehicles and HGV movements, there would be a negligible impact with the greatest increase being a 19% increase in HGV traffic on Pallion New Road between Woodbine Terrace and Alexandra Bridge. The exception would be Deptford Terrace between the Queen Alexandra Bridge and Hanover Place where there would be a 57% increase in vehicles and an 81% increase in HGV movements. The impact would, however, be reduced as the section of road in question would only be used as a construction route whilst the SSTC3 connection from Trimdon Street has been completed. The ES further identifies that measures would be put in place to mitigate the impact associated with construction; such as contractor parking.

The Transport Assessment (TA) subsequently provides consideration of the impacts of SSTC3 once opened. In terms of walking, there would be footways provided with dropped kerb crossings and crossing points provided for pedestrians at appropriate locations. The TA identifies that SSTC3 has been designed to maximise opportunities for pedestrians through integrating routes into the local footpath network. The TA also identifies that footways would be shared surface catering for cyclists and that the needs of cyclists have been taken into account.

The TA continues by identifying that, in terms of the Metro, there would not be a negative impact as connections to the Metro station at Pallion would be improved through the provision of new footway / cycleway connections, links and crossing points.

The TA further advises that, in terms of buses, there would not be an impact upon the services that currently operate throughout the study area (i.e. bus services 593, 11, 18/19, 99, 135/136, 8, 73, 8, 10 and 20). The TA highlights that the improvements to traffic flow resulting from SSTC3 means that there would be a likely improvement to journey time reliability for these bus services. The TA also advises that bus stops would be provided within SSTC3 and that the route means that additional bus services could be added without any impacts upon the design.

The TA identifies that one bus stop would be affected - namely the northbound stop on Silksworth Row to the north of St Mary's Boulevard. The stop has been removed due to road safety concerns and that an alternative will be provided on Hylton Road and Trimdon Street within reasonable walking distance.

The TA initially advises that whilst the proposed development would not generate any traffic, there would be a redistribution of existing traffic which would use the SSTC3 in preference to the existing network. The ES advises that, in terms of operational impacts for vehicles, the impacts would be negligible (i.e. less than a 30% change); except for slight (i.e. 30-59% change) at St Luke's Road, Trimdon Street, Well Street, European Way Link and the New Bridge Link) and substantial impact on St Luke's Road (Victory Street to Westmoor Road) of 97%. The ES advises that the substantial impact would be caused by a redistribution of traffic resulting from the closure of the link from SSTC2 to European Way along Woodbine Terrace. The ES states that even with these increase in flows the capacity of the road would not be exceeded as the road has a capacity of 1,200 vehicles per hour; compared to the anticipated figure of 1,021.

The ES continues by giving consideration to the impact for the flows of HGVs which are identified as being negligible, except for a slight impact at Well Street of 30% and a substantial impact at European Way of 189%. The ES notes that the increase has been caused by the closure of the route from SSTC2 to European Way along Woodbine Terrace which means that all HGVs serving the industrial areas and retail parks are required to use European Way over Woodbine Terrace.

The TS advises that a separate junction modelling assessment has also been undertaken giving consideration to a range of junctions (such as Doxford Junction and Cowies Junction). The junction assessment has indicated that the operations of the junctions would be satisfactory and that the pedestrian crossings do not impact upon the operation of the highway network.

The ES continues by advising that consideration has been given to committed developments. These are identified within the TA as including 43 dwelling houses at Neville Road (ref: 15/02375/FUL), residential development at Lisburn Triangle (ref: 11/00982/REM), former Corning site at Deptford Terrace (ref: 11/00091/OUT; subject to s106), subdivision of B & Q (ref: 14/01440/FUL), 124 apartments at Farrington Row (ref: 07/03279/FUL), mixed use developments at former Vaux Brewery (refs: 15/02557/HY4 and development at Sunderland College City Centre Campus (ref: 14/01123/FUL).

The ES advises that the cumulative impacts for vehicles would be substantial (i.e. more than 90% change) for Beach Street (133%) and St Luke's Road (95%), slight (i.e. 30-59% change) for Trimdon Street (56%), Silsworth Row (44%), St Luke's Road (39%), New Bridge Link (38%), European Way Link (36%), Well Street (34%) Waterworks Road (32%) and New Wear Bridge (32%) and negligible (i.e. less than 30% change) for all other links within the study area. In terms of the substantial impact, the ES notes that St Luke's Road has the same impacts as the operational impact (i.e. does not experience a cumulative impact) and Beech Street only experiences a substantial impact in cumulative terms being negligible when just considering the operational impact of SSTC3.

The ES continues by advising that the cumulative impacts for HGVs would be substantial on European Way (233%) and Trimdon Street (124%), moderate (i.e. 60-89% change) on Silksworth Row (62%), slight on the New Wear Bridge (39%) and New Bridge Link (31%) and negligible on all other links within the study area. The ES explains that the substantial impacts are due to a redistribution of traffic associated with SSTC3.

The ES concludes there would be a negligible impact during construction (except for links on the defined construction route) and that after taking into account any cumulative impacts the majority of links would continue to experience a negligible impact in both vehicular and HGV traffic (albeit that a small number of links experience an increase in impact due to traffic being redistributed)

The TA subsequently undertakes an evaluation of the traffic flows from SSTC3. The TA explains that a traffic model has been developed that gives consideration to trips by car, light goods vehicles, heavy goods vehicles and car trips segmented into commuting, business and other trips. The model includes a review of committed developments. The model further includes a review of any other planned transport improvements.

The ES and TA have been given consideration by the Highway Authority. They have noted that these documents review traffic movements on the existing road network and the changes to the road network that will be brought about by the implementation of the new link road. The Highway Authority have continued by advising that the new link road will result in the redistribution of traffic on routes both north and south of the river to access key destinations.

The Highway Authority have advised that none of the increase in traffic movements through the junctions on the routes would be significant enough to require any major changes to layout or junction control. The Highway Authority have noted that some road corridors would experience a decrease in flows whereby the scheme removes traffic from existing roads passing through residential areas of the City and onto a high quality dual carriageway away from residential dwellings. The Highway Authority advises that the scheme would be anticipated to provide a positive improvement upon air and noise quality.

The Highway Authority have advised that SSTC3 has been developed to improve the quality of travel through the City providing improved capacity, speed and journey time consistency and delivering improved connectivity. The SSTC3 will remove the delays and capacity constraints associated with the existing indirect routes through the area by replacing or upgrading a number of roundabouts and complex junctions. The Highway Authority have drawn attention to the traffic model developed as part of the successful SSTC2 Major Scheme Business Case for the Department for Transport which demonstrated that delay experienced on the south side of the river cannot be resolved by the provision of a new bridge alone and that SSTC3 would address these issues.

The Highway Authority have advised that the scheme would provide significant journey time savings that would be in the region of two minutes based on the 2029 traffic model. The Highway Authority have identified that there would be benefits for certain locations that have been identified as suffering from existing congestion problems. In terms of the junctions onto the A19, these would be improved as traffic would be encouraged to use the SSTC route, rather than solely using the A19 to move across the River Wear. In terms of the new bridge, traffic would be reduced on existing bridges across the River Wear.

The Highway Authority, in terms of the general arrangement, have advised access to adjoining land and businesses would be maintained, with new links designed to tie in and meet with the proposed road levels on the main alignment. The Highway Authority have noted that advance signing / variable message signing would be incorporated which would assist with advising motorists of journey time information and to provide advance warning of any road works or traffic management issues on the road network in and around the City. The Highway Authority have further noted that new signal controlled junction should include vehicle actuated technology and, if needed, Urban Traffic Management Control to ensure that delays are minimised and journey time reliability to travellers improved. The technology would ensure that the benefits are throughout the day by allowing changes to the signal control pattern based on real time changes in traffic flows.

The Highway Authority have further advised, in terms of other matters, that Traffic Regulation Orders would be required, together with road reclassification and naming for postal addressed and details and location of traffic counting equipment. In terms of landscaping the Highway Authority has made various comments covering items such as maintenance and tree planting. They have also offered advice covering construction matters.

The Highway Authority have concluded by offering support for the proposed scheme that would provide direct benefits to traffic movements within the City, connectivity between the A19 and Port and the wider regional transport network. They are of the view that the new road and junctions will remove congestion from other main road corridors, be capable of supporting traffic growth associated with new development and assist with directing HGV movement onto a road system away from residential areas. They have confirmed their minor design and management issues could be addressed via planning conditions.

The proposed development has been given consideration by Highways England, the operator of the A19. They have advised that the proposed development would result in a re-distribution of traffic across the network and would affect flows through the strategic road network junctions. They have made comments upon the traffic model and construction details, but have confirmed that they do not raise any objections.

The proposed development has also been given consideration by Network Rail, given the presence to the south of the site of the Tyne & Wear Metro. They have raised no objection in

principle to the proposed development and have drawn attention to a range of requirements given the close proximity of an electrified railway line. These requirements include drainage, construction works, landscaping and lighting. They have advised that these matters should be the subject of conditions.

There are also detailed policies within the UDP that need to be given consideration covering pedestrians and cyclists (T8 and T9). These policies state

"The needs of pedestrians will be given a high priority throughout the City by:

- (i) Taking account of their requirements in the design of highway maintenance, traffic management and road improvement schemes and the planning of new development
- (ii) Promoting schemes which provide a convenient, attractive and integrated network of routes offering a high level of personal safety and security.
- (iii) Improving and developing pedestrian links between residential areas and educational establishments, employment areas, transport interchanges, recreational areas and shopping centres.
- (iv) Improving facilities for pedestrians within the City Centre and all other areas where pedestrians are concentrated.
- (v) Developing a network of strategic recreational routes to and within the countryside.

Specific provision will be made for cyclists where appropriate on the existing and proposed road network, and by off road facilities. Measures to assist cycling will be promoted by:

- (i) Developing a system of cycle routes linking residential areas and other centres of activity;
- (ii) Ensuring that cyclists' needs are taken into account in the design of highways, traffic management and public parking schemes
- (iii) Encouraging cyclists to use recreational routes by access improvements, by signing and surface treatment and the development of long distance cycleways.
- (iv) Encouraging through planning conditions and obligations the provision of accessible secure cycle parking facilities at shopping centres, bus and railway stations, social and community facilities and places of work.

The proposed development would contribute towards T8(i) by taking into account the requirements of pedestrians and T8(ii) promoting a scheme that would contribute towards pedestrian routes. The proposed development would also contribute towards T8(iii) by improving and developing pedestrian linkages.

The proposed development would contribute towards T9(ii) by ensuring that the needs of cyclists are taken into account in the design.

A further detailed policy within the UDP, T18, relates to highway construction and states that

"In all highway construction and improvement works special consideration will be given to

- (i) The design, selection and use of street furniture which complements the environment
- (ii) implementation of landscaping, planting and other environmental improvements."

The assessment, in terms of consistency with the Framework, states "broadly compliant".

The proposed development, in terms of (i), has been given consideration by the urban design officer who has advised they agree with the comments of the landscape architect. In terms of (ii), these matters have been given consideration by both the landscape architect and the urban design officer and conditions could be attached to any planning permission ensuring the submission of final details. A more detailed consideration of the impact upon the local landscape

can be seen in the section below. Officers are therefore of the opinion that the proposed development would accord with UDP policy T18.

In terms of material considerations, the representation submitted by Lichfields on behalf of Cowies has been noted above in the representations received section. The agent has subsequently submitted a response that states the variation in traffic flows can be attributed to the original traffic flows in the ES being based upon converted peak time flows from the Saturn (traffic) model and that the flows used in the noise mitigation assessment are from more recent runs of the traffic model used to develop the outline business case. The agent has drawn to attention that a further sensitivity test has been undertaken on the PICADY (traffic) model which shows that the junction leading into the Cowies site will operate well within capacity when taking into account both SSTC3 and the proposed development at the Cowies site.

The Highway Authority have advised that the additional sensitivity testing of the proposed junction confirms that the proposed access arrangements to the north via the new link road have been designed and tested robustly to accommodate development traffic based on the potential end uses. The Highway Authority have further advised that the proposed priority junction arrangement has sufficient capacity to accommodate development traffic generated by the potential land uses and can be given consideration as being acceptable. The Highway Authority have further advised that if any of the potential land uses change there could be benefit in including ductwork and chambers to allow for the installation of traffic signal to future proof the junction and prevent the need for excavations in new carriageways and footways.

A further representation has, as noted above in the representations received section, drawn attention to the need for properties at 34-37 Silksworth Row and 1-2 Johnson Street to retain the short extension to Johnson Street as a "Service Road". The representation further states that the truncated piece of Johnson Street should be dedicated as a service road and not use for all day parking. The Highway Authority have advised that the proposed development will not alter the servicing and delivery arrangements to premises fronting onto Silksworth Row and loading provision on Johnson Street. Officer advice would therefore be that no further works, in terms of the representation in question, would be necessary to make the proposed development acceptable in planning terms.

Officers would advise that the proposed development has been supported by a comprehensive section in the Environmental Statement and a Transport Assessment. These documents have been examined by the Highway Authority who have supported the scheme and there have not been any objections from either Highways England or Network Rail (subject to conditions). In terms of material considerations, the agent has undertaken additional work following receipt of a representation from an adjoining landowner which has been examined by the Highway Authority who consider the junction in question to be robustly designed and tested. The suggestions made by a third party are outwith the scope of the scheme in question and would not be necessary to make the proposed development acceptable in planning terms. Officers therefore consider that the proposal can be given consideration as having an acceptable impact in highway terms.

## Landscape

The UDP, at policies CN13 and CN14, states

"The City Council will protect and enhance important public views of townscape, landscape and other features of value; in particular as perceived from transport corridors and well used outdoor venues. New development should be located and designed so as not to unduly interrupt or prejudice views of recognised value; opportunities to enhance such views will also be taken into account when considering proposals.

Landscaping schemes and new developments prominent from the main transport routes must be located and designed to take account of their important position in enhancing the image of the City and will be resisted where they would seriously detract from it. Existing uses which detract from views from these routes will be encouraged to undertake improvements or to relocate."

The provisions of UDP policy B2 are also relevant and states that

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas"

The assessment, in terms of the consistency with the Framework, states that these policies are "fully compliant, no conformity issue - continue to use policy".

The Council has commissioned a Landscape Character Assessment which identifies the site as lying within an Urban Limestone Plateau (Landscape Character Type 9) and Urban Limestone Gorge (Landscape Character Type 10). The easternmost areas of the site lies within LCT9 with the overwhelming balance in LCT10.

The Assessment identifies that key characteristics of the Urban Limestone Plateau include varied topography, an urban character, strong association between settlement pattern, riverside and the docks and the settlement varying from dense city centre and terraced neighbourhoods to more spacious suburbs. The Assessment also identifies LCT 9 as having landmark buildings, historic cores, large areas of Sunderland cottages, clusters of architectural and townscape interest clustered around Conservation Areas, a network of formal and semi-formal open spaces, views across the city from higher ground. The Assessment specifically identifies that "continuing development and redevelopment ensures that the character of these areas is dynamic".

The Assessment further subdivided LCT 9 into ten character areas. The site lies within the first, 9a - Sunderland City Centre. The Assessment specifically identifies the land uses are primarily commercial, with prominent civic and historic buildings and leisure facilities. The Assessment identifies that the underlying landscape within the area as being low lying and generally flat with a gentle northward slope down towards the river. The Assessment identifies that the strategy should be to ensure new development proposals contribute to local character.

The Assessment identifies that the key characteristics of LC10 are steep sided incised river gorge, exposed Magnesian Limestone Geology and natural river bank giving way to canalised margins towards the river mouth. The LCT also identifies that the area has a mix of old heavy industry and docks with new land uses introduced by regeneration, a series of landmark bridges carrying road and rail links and tidal river with mud banks exposed at low tide. The Assessment specifically identifies that a key characteristic of the area comprises "busy communication routes along the river".

The Assessment further subdivided LC10 into one landscape character area (10a - River Wear Gorge). The Assessment identifies the area to be largely industrial and commercial and specifically notes that

"there is much scope for improving connections between the river, the city centre and the adjacent neighbourhoods".

The Assessment identifies that there should be protection of the significant features and enhancement of the remaining areas.

The ES, in addition to the above, has been informed by a series of individual landscape character assessments through studies on site. The individual assessment identifies that the proposed development runs through a series of landscape types including a commercial area of low landscape value generally dominated by large, low rise buildings, extensive car parking and well maintained strips of landscaping defining boundaries. The ES continues by identifying that the proposed development runs through a industrial / derelict area of low landscape value generally characterised by large industrial buildings and structures interspersed with large vacant areas of hardstanding.

The ES subsequently identifies that the site lies within a recreational / riverside area of moderate landscape value generally comprising areas of public open space on the river corridor with dramatic views across the river and occasional limestone outcrops. The ES continues by identifying a residential area of moderate value comprising high density pre-war housing and less dense post war / modern housing (including distinctive Sunderland Cottages). The ES finally identifies an allotment / private open space area of high landscape value as the development could not be accommodated without a complete change of character.

The ES then describes the mitigation that would be proposed to prevent, reduce or compensate for any significant effects upon the landscape. The ES initially identifies that temporary measures during construction, such as haul roads, should be given careful site selection away from sensitive receptors (such as residential). The ES continues by identifying that permanent mitigation would include tree and shrub planting to screen negative views and enhance positive views whilst integrating the proposed development into the existing landscape.

In terms of the individual landscape character assessments noted above, the ES specifically notes that, in terms of the recreation / riverside area, the proposed road levels have been reduced to minimise the extent and scale of retaining structures required, the alignment of the new road has been positioned as far as possible from the riverside, retaining structures would be planted with reinforced earth / concrete structures and would have additional planting, the provision of a dense belt of planting to the south of the site and more open planting to the river to open out riverside views and planting to include a large stock of sized trees.

In terms of the residential landscape character assessment noted above, the ES identifies that mitigation would include the road layout and levels being designed to minimise land take and the impact on existing tree belts and public space, proposed planting including thinning and replanting to improve the quality of existing areas of public space, a strategic buffer being planted along the widened section of Trimdon Street (in particular along the boundary with Alliance Place where there are terraced houses in close proximity) and ensuring that public open spaces are accessible through shared path access, crossings and pedestrianised areas.

The ES identifies landscape proposals across the site including the provision of a dense buffer of planting to the north of the development through the Pallion and Deptford Terrace sections, larger areas of tree and shrub planting to areas of open space created from the allotment site and new tree and shrub planting along the widened section of Trimdon Street. The ES further identifies that mitigation, in terms of built form, would include the retention of existing landform and retaining walls associated with the old railway cutting and the Doxford gatehouse being re-located.

The ES then identifies that with the proposed mitigation, the impacts on the local landscape types that have been identified as being affected, i.e. recreational / riverside, residential and allotments, would respectively be slight adverse, slight beneficial and slight / moderate adverse. The ES considers that once the new planting has been established by year 15 the magnitude of the impact would be minor beneficial and the significance would be slight beneficial. The ES further

considers, in these terms, that the impact upon long distance paths would be moderate / large beneficial.

The ES finally considers that, in cumulative terms, there are three planning cases that could lead to a cumulative effect - namely, six dwelling houses at Lily Street (ref: 16/00211/FUL), a screening opinion for 700 dwelling houses at the former Groves site (ref: 14/02715/SCR) and a mixed use scheme at the former Vaux site. The ES considers that there would not be any adverse cumulative impacts associated with these developments.

The ES, overall, concludes that the significance of impacts after 15 years ranges from moderate large beneficial to slight adverse with the majority of the impacts being beneficial.

The landscape impact of the proposed development has been given consideration by the Council's Principal Landscape Architect. The Landscape Architect has identified that they consider the landscape design, planting and schedules to be acceptable; subject to a condition ensuring the establishment of the landscaping across a five year period. The Council's Urban Design Officer has also given the scheme consideration and has advised that they agree with the comments of the landscape architect.

Officers would draw to attention, as noted above, that the overwhelming majority of the proposed development runs through landscape character area 10a (River Wear Gorge) where the Landscape Character Assessment specifically identifies as having "scope for improving connections between the river, the city centre and the adjacent neighbourhoods". Officers would further draw to attention that the same document identified that a key characteristic of Landscape Character Area 10 comprised "busy communication routes along the river".

The UDP, at policy CN17, also makes specific provisions for trees stating that

"The City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which helps maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible"

The assessment, in terms of consistency with the Framework states "fully compliant, no conformity issue - continue to use policy".

The submitted arboricultural impact assessment identifies that the proposed development would require the removal of 71 individual trees and 25 tree groups. Officer advice would be that whilst there would be a substantial loss of trees and tree groups the loss needs to be given consideration in conjunction with the comments above covering the overall landscape impact of the scheme, together with the advice from the Council's Landscape Architect and Urban Design Officer.

The proposal has been informed by a comprehensive landscape section in the ES; itself informed by site visits following an appreciation of the Council's Landscape Character Assessment. The ES concludes that, on balance, the majority of the landscape impacts would be beneficial after 15 years and the Council's Landscape Architect has advised they are satisfied with both the progress and content of the landscape design. The Council Urban Design Officer agrees with the comments of the Landscape Architect and the Landscape Character Appraisal specifically notes that the landscape character area which the majority of the scheme passes through has scope for improving connections between the river, city centre and adjacent neighbourhoods. Whilst there would be a loss of trees, the matter needs to be given consideration in conjunction with the overall



landscape impact of the scheme which has otherwise been identified as being acceptable. Officers are of the opinion that the proposal can therefore be given consideration as having an acceptable impact in landscape terms.

#### Living conditions

The UDP, at policy EN5, states that

"Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigations measures in the design of the development."

The assessment has identified, in terms of consistency with the Framework, the policy to be "fully compliant, no conformity issues".

The ES describes that the applicant has undertaken noise modelling to provide a three dimensional model of both the current situation and the proposed development. The ES initially identifies that, during the construction phase, there would be a neutral impact in terms of noise and negligible / no change in terms of vibration.

The ES subsequently gives consideration to the impacts from noise by initially noting that if SSTC3 does not take place 2,056 dwelling houses would experience an increase in noise between 0.1dB and 2.9dB. The ES then gives consideration to the projected noise levels for the scheme upon opening which show that 778 dwelling houses would experience a noise level increase of up to 4.9dB; whilst 1653 dwelling houses would experience a noise level decrease of 3dB or more. The ES advises that short term impacts would be of benefit to the local environment by reducing the level of noise experienced at residential properties. The ES subsequently advises that in the longer term there would be 1,575 dwellings that would experience a noise level decrease.

The ES subsequently advises that, in terms of the properties that would be affected by an increase in noise, the interim target noise level for night time noise, according to the World Health Organisation, would be 55 dB. The ES identifies that if SSTC3 does not take place the number of residential properties that would experience a level above 55 dB would be 295 by 2020. If the scheme were fully operational by 2020, then the number of properties affected would be 316.

The ES concludes by advising that if SSTC3 were not implemented the majority of residential properties are predicted to experience an increase in noise during the day and night. If SSTC3 were implemented noise levels at residential properties reduce from 2056 to 856 during the day and 1806 to 707 at night. The ES concludes the scheme would be of benefit in terms of noise.

Although the ES identifies that there would be an overall benefit in terms of noise, there are as noted above, a small number of properties that would experience an increase in noise. The ES identifies that in the immediate period after the opening of SSTC3, a possible 11 dwelling houses would be eligible for statutory noise insulation works under the provision of the Noise Insulation Regulations 1975 (as amended 1988). The properties in question are 1-2 Rose St, 1-2 Violet St, 1-2 May St, 1 Lily St, 5-8 Atkinson's Buildings (first floor only). The form of the mitigation would be either secondary glazing or mechanical ventilation.

The ES identifies that during construction a Construction Management Plan would be implemented that would include matters such as avoiding operating particularly noisy equipment at the beginning and end of the day and locating noisy static plant, such as generators, away from

residential properties. The ES notes that whilst these methods cannot be quantified, the measures could reduce noise levels by 5-10dB.

The noise survey has been examined by the Environmental Health Officer. They initially advised that the construction noise and vibration has been assessed based on the likely methods and plant to be used on site and that the impact has not been predicted to exceed the limits specified in BS 5228:2014 (Code of practice for noise and vibration control on construction and open sites). They have also advised, given the uncertainty of the proposed construction methods, that a condition should be attached for a Construction Environmental Management Plan.

The Environmental Health Officer has also initially advised in terms of the long-term noise impact. They have advised that if the scheme progresses as proposed there would be an overall net benefit to the locality and wider City.

The Environmental Health Officer (EHO) has subsequently advised that a significant number of residential locations within the study area would experience noise levels in excess of SOAEL in absence of SSTC3 (SOAEL being the Significant Observed Adverse Effect Level where significant effects on health and quality of life occur). The EHO advises that the noise levels at the majority of these premises are anticipated to decrease with only a very small number being anticipated to experience a noise increase of 0.1-2.6dB.

The Environmental Health Officer has further advised that there are some small adverse impacts at a number of isolated localised areas, principally centred around St Lukes Road and the residential area close to Trimdon Street where noise levels have been predicted to increase in the short term by 4.6dB. The EHO has advised that the Design Manual for Roads & Bridges (DMRB) considers the impact in question to be moderate.

In terms of St Lukes Road, the EHO has advised that there would be unlikely to be an impact given that there would be a reduction in traffic movements from the scheme. In terms of Trimdon Street, the EHO has advised that whilst residential properties in the area are already in close proximity to the existing road network, there would be an impact from the scheme. The Environmental Health Officer advises that whilst a new source of noise would not be introduced, some residents would experience a noise level change.

The EHO, in terms of the properties that would experience a small noise level change, has advised that consideration has been given to various types of mitigation. The EHO recognises that the applicant has proposed grant funding for secondary glazing for eligible premises under the Noise Insulation Regulations. The EHO has advised, with the provision of the insulation, the SOAEL maximum impact in the short term would be 1dB.

The Environmental Health Officer has drawn attention to the Government's Noise Policy Statement for England which states that development should

"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

The Policy continues by stating that

"Principally schemes should:

- (a) Avoid significant adverse impacts on health and quality of life
- (b) Mitigate and minimise adverse impacts on health and quality of life
- (c) Where possible, contribute to the improvements of health and quality of life."

The Environmental Health Officer has concluded that the scheme complies with these principles and has stated that the impact above the SOAEL would be limited to 1dB at existing residential premises, these areas are very small and localised.

The proposed development, in terms of noise, has been informed by a comprehensive section within the ES that takes into construction noise, noise once the scheme has been brought into operation and makes recommendations for specific properties that could be affected. The ES concludes that there would overall be an overall benefit in terms of noise. These findings have been given consideration by the Environmental Health Officer who has advised that the proposed scheme would reduce noise levels at the majority of residential premises within the study area; with there being some small adverse impacts at a number of isolated and localised areas; principally around St Luke's Road and Trimdon Street. Officer advice would therefore be that the proposed scheme can therefore be given consideration as having an acceptable impact in terms of noise; with the exception of the 11 properties that would experience a noise increase. The harm caused to these properties will be given consideration against the balance of the scheme in the conclusion below.

In terms of material considerations, there has been an objection from Lichfields (on behalf of Cowies), as summarised in the representations received section above. The agent has prepared a response which states that the difference in noise levels with an 11% difference in traffic flows would be only 0.3dB and does not change the findings of the noise assessment. The agent has continued by stating that the noise model has been re-tested to model the raised area of the Queen Alexandra Bridge which has indicated the initial submission overestimated noise levels by up to 5% at the western boundary of the Cowies site and no difference at the middle of the site. The response from the agent also states that including any potential mitigation that could be installed on the Cowies site would not be reasonable given the absence of a planning permission.

The EHO has been asked to provide independent advice and has prepared a comprehensive response. The EHO has initially advised that predicted noise levels along the western boundary of the site in question close to the A1231 and the Queen Alexandra Bridge are reported as being LA10, 18hr 70-75dB, reducing gradually whilst moving in an easterly direction. The EHO advises that the southern boundary of the site has been predicted to experience similar noise levels, again decreasing when moving towards the centre of the site away from the existing road. The northern boundary, with the exception of the western corner, would experience noise levels of between LA10, 18hr 60-65dB.

The EHO has advised that the noise levels in 2020 with SSTC3 would be increased across areas of the site in question, particularly the northern boundary where levels are anticipated to rise to LA10, 18hr 70-75dB. The EHO has advised that the impact would be very similar in the long term.

The EHO subsequently gives consideration to the mitigation proposed by the agent which includes an acoustic barrier along the northern boundary of the site in question. The EHO notes that the applicant has predicted that

- \* a smaller percentage of the site in question will experience higher noise levels (LA10, 18hr 65-75dB), i.e. - 4% change
- \* a larger proportion of the site in question will experience noise levels between LA10, 18hr 60-65, i.e. a 13% change
- \* the site would be no longer anticipate to experience the lowest noise levels of 55-60dB, i.e. a -9% change.

The EHO, when considering the impact upon the site in question, has drawn attention to a plan submitted with an outline application for the site in question (ref: 11/00917/OUT). The application sought outline planning permission for

"Outline planning application with all matters reserved to provide for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure; Class A1-A5 retail; and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations. (Amended plans received 29 May 2013 and 25 June 2013)."

The committee report for the above recommended approval subject to conditions and the signing of a section 106 agreement. Officers can advise that a section 106 agreement has yet to be agreed which means that the application in question remains pending consideration; albeit with a Member resolution in favour of the recommendation made within the committee report. Officers would advise that whilst the minded to grant would not be immaterial, only limited weight can be given to the application in question.

The application in question did, however, include a plan which indicated potential land uses for the site in question. The plan shows residential (Use Classes C2 and C3) and public realm to the north with Uses Classes B1a (offices) / C1 (hotel) / D2 (leisure) / sui generis car showroom in the south western area with B1a (offices) in the south eastern / eastern area. The plan also shows an area to the very north as an area to be safeguarded for SSTC3. The EHO has used the plan in question to frame their response.

The EHO has advised that the southern area of the site in question would experience a reduction in noise levels and that moving slightly further north towards the centre, north west and south east of the site in question there would be an increase by 1dB. The EHO has drawn attention to Volume 11 Section 3 of the DMRB which provides a classification tool to assess the change in noise level in the short term. The EHO advises that as a 1dB change in short term forms the smallest perceptible to human receptors, the DMRB classifies the magnitude of change as minor.

The EHO continues by advising that a small section of the site, located from the mid-point on the northern boundary extending eastwards, experiences a change in noise level of +3dB. The EHO has drawn attention to the DMRB which classifies an increase of 3dB in the short term as moderate.

The EHO has further stated that the DMRB also suggests that a reasonably good correlation exists between LA<sub>10,18hr</sub> and the perception of traffic noise by residents over a wide range of noise exposures. The EHO states that this can be transposed to a Significant Observed Adverse Effect Level (SOAEL).

The EHO advises that for daytime a SOAEL of 63dB LA<sub>eq, 16</sub> (free field) can be given consideration as being a representative and appropriate level as the equivalent to 68dB LA<sub>10, 18h</sub> (façade), consistent with the daytime trigger level in the Noise Insulation (Amendment) Regulations 1988 (NIR). The EHO has advised that without the proposed scheme the southern most part of the site, extending up the western boundary would be anticipated to exceed the SOAEL. The plan referred to above indicates that the proposed use could be for office / hotel / leisure. The EHO has advised that with the road scheme there would be an improvement in the area in question with noise levels reducing slightly, causing the SOAEL to move closer to the site boundary, potentially impacting positively on any development.

The EHO has continued by advising that noise levels would increase along a portion of the north-eastern area of the site by 3dB. The EHO has, however, advised that the boundary in question would remain below the SOAEL.

In terms of the north western corner of the site, the EHO has advised that there would be a 1dB increase in noise level which the DMRB would rate as a minor increase. The EHO has states that the increase in noise levels adjusts the SOAEL minimally, causing encroachment slightly further into the site. The EHO has drawn attention to the plan referred to above identifying the area of the site in question being identified for residential. The EHO has drawn attention to the DMRB identifying the level of change as being negligible in the long term.

The EHO has finally drawn attention to a small area of the site, located at the eastern most point, experiencing an increase in noise levels of around 5dB. The area has been identified on the plan referred to above as being offices which can be given consideration as less sensitive to noise than a residential use.

The EHO has continued by giving consideration to the night time impact of the proposed scheme upon the site in question. The EHO has advised that the submitted drawings show that there would be a similar impact during the night time, with the impact being reflected at a height of 4 metres to emulate first floor bedroom accommodation. The EHO has advised that the SOAEL can be given consideration as being 55dB LAeq,8h which aligns with the interim night-time outdoor target level provided in the Night Noise Guidelines for Europe (World Health Organisation, 2009). The EHO has further advised that whilst slightly more of the outline residential area will exceed the night time SOAEL in north west, the rise in noise levels are only anticipated to be 1dB in the long term scenario. The DMRB considers such an increase to be of a minor magnitude.

The EHO has also provided a response to the specific queries raised by Lichfields, on behalf of Cowies. These will be taken in turn.

The initial point relates to there being an 11% difference in the predicted traffic flows within the ES and those within the noise model, no variations in the modelled traffic flows between the do minimum scenarios in either the short (2020) or long term (2035) within Volume 3 of the ES. The EHO has initially drawn to attention the response from the applicant which advises that a change in noise level of 1dB LA10,18h would be the equivalent to a 25% increase in traffic flow. The EHO therefore has advised that the potential change in noise level would be approximately 0.3dB which can be given consideration as being negligible.

The subsequent point relates to the elevation of the QA Bridge within the noise model being at ground level or below ground level which means that the contribution from the elevated road has not been accurately modelled. The EHO has initially drawn attention to the response from the agent which advises that the noise model has been re-run taking into account the elevated position of the Bridge which showed the original model showed an over-estimation of noise levels by up to 5dB. The EHO has accepted these conclusions.

The third point raised related to Carol Street not being included within the 2035 Do Something scenario for any traffic flows. The EHO has stated that, following advice from transport colleagues, that the contribution of Carol Street to the site in question would be insignificant; which means there would be no anticipated effect in respect of noise.

The final point raised relates to the noise model which should, in the view of Lichfields, consider a mitigated SSTC3 situation with a mitigated development on the site in question without SSTC3. Officers would advise, however, that such an exercise would be very difficult given that the

submitted drawings with the application for the site in question did not include any detailed and specific mitigation that could be included within a noise model. The recommended conditions also sought the submission of a general noise attenuation scheme, rather than providing specifics which again could be included within the SSTC3 noise model.

The EHO has concluded that, in relation to the site in question, the assessment of noise can be given consideration as being robust. The EHO has advised that the introduction of SSTC3 would be unlikely to have a significant adverse effect on the site in terms of change in noise levels, particularly those highlighted as having an aspirational residential use. The EHO has advised that whilst the amount of the site exposed to noise levels between LA10, 18hr 60-65 db (LAeq, 16hr 58-63 dB) would be anticipated to increase, the site in question would not be undevelopable in terms of residential, albeit any future scheme would require the support of good acoustic design and consideration of appropriate mitigation.

Officer advice would therefore be that the impact of SSTC3 on the site in question needs to be given consideration against the balance of the scheme in the conclusion section below.

The ES, in terms of living conditions, also gives consideration to air quality. The ES initially advises, that as only 50 vehicle movements per day are anticipated during construction, that the air quality impacts have not been given consideration. The guidance from the Institute of Air Quality Management advises that such a threshold applies when there are 100 movements per day.

The ES identifies receptors that could be affected during the construction phase - namely high sensitive receptors including the residential area to the south of the scheme, Highfield Community Primary School and St Joseph RC Primary School and a medium sensitivity receptor at the University of Sunderland. The ES subsequently identifies for a significant period of time during construction there would be little potential for dust generation even with no mitigation for reasons which include that for nearly 50% of days rainfall provides natural dust suppression and the site being upwind from the majority of sensitive receptors. The ES continues by identifying that there would be works that have a medium dust emission magnitude including earthworks (likely to be 2,500 - 10,000m<sup>2</sup>), demolition (likely to be 20,000-50,000m<sup>3</sup>), construction of a small security office and 10-50 HGV movements per day. The ES identifies that of the sensitive receptors to construction noted above, the nearest residential properties are within 20m of the site. The ES concludes that without mitigation the risk of dust impacts during construction would be medium. The ES identifies mitigation during construction include a plan for community engagement and a dust management plan.

The ES subsequently identifies the operational impacts if SSTC3 were brought into operation in terms of the opening, first year and year 15. The ES identifies that the significance of effects upon opening would vary from negligible through to slight and that in the future would vary from negligible to slight. The ES specifically identifies that there would be beneficial effects for NO<sub>2</sub> concentrations at seven receptors. The ES advises that whilst one of the receptors would experience a moderate impact during the opening year, the effect would be temporary as the scheme has been predicted to have a beneficial impact upon air quality by 2035 as HGV movements would be reduced by then. The ES advises that the largest adverse effect would be at one of the receptors which has been judged to be slight.

The ES concludes that the likely effects, in terms of air quality, from both construction and during operation upon local air quality would be not significant. The Environmental Health Officer has examined the ES and recommended that temporary mitigation should be incorporated to reduce the risk of dust effects during construction. The Environmental Health Officer has also advised

that operational impacts upon air quality are deemed to be low and do not require any further work.

A local resident has express concern, as noted in the representations received section above. In terms of the point raised that the development should do better than the "do nothing" position, the application has been prepared in accordance with best practice and given consideration by all relevant consultees with a conclusion being presented below. In terms of a solid noise barrier being provided to reduce noise and air pollution, these impacts have been comprehensively covered by the ES and the associated technical reports and given consideration by the relevant consultees. In terms of monitoring the accuracy of the traffic modelling and any increases in noise or air pollution, a condition could be attached ensuring future monitoring of the predicted noise and air pollution with mitigation subsequently provided if necessary.

The application, in terms of air quality, has been supported by a comprehensive section within the ES that identifies the impacts, taking into account both construction and subsequent operation, would not be significant. These conclusions have been given consideration by the Environmental Health Officer who has advised conditions should be attached to mitigate the impacts during construction and that the operational impacts upon air quality are deemed to be low. Officer advice would therefore be, in the absence of any material considerations to the contrary, that the proposal would have an acceptable impact in terms of air quality.

## Open Space

The UDP, at policy B3, states that

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

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue - continue to use policy"

The 1998 UDP shows an area of land to the east of the Queen Alexandra Bridge as being "Existing Open Space Over One Hectare".

The UDP policy covering protection of recreational and amenity land, L7, states that

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or
- (ii) the development is for educational purposes
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Similarly, access to existing or proposed open space will be protected from development."

The assessment, in terms of consistency with the Framework, states "fully compliant, no conformity issue".

The UDP has, however, also been subject to a subsequent amendment - Alteration No. 2 Central Sunderland. The insert map for the amendment includes, as described in the principle of

development section above, a red dotted line showing the route of SSTC3 which runs through allocated open space noted above. The more recent information shown on the insert map for Alteration No. 2 effectively supersedes the allocations shown on the UDP as originally adopted.

The red dotted line on the insert map for Alteration No. 2 does, however, not cover all of the open space in question. The area of open space outwith the red dotted line therefore remains protected by the provisions of policies B3 and L7. Officers are of the opinion that the balance of the land, outwith the red dotted line, would generally remain as existing. Officers would further draw to attention that the area of land to the west of the open space, where a building to the west of the Queen Alexandra Bridge would be demolished, would be retained as a verge and earthworks; effectively increasing the amount of open space in the area. Officers are therefore of the opinion that there would not be a conflict with UDP L7; nor B3.

Officers would therefore advise that the route of SSTC shown on the Alteration No. 2 effectively supersedes the open space allocation in the UDP as originally drafted. The open space outwith the route of SSTC3 would generally remain as existing and additional open space would be provided to the west of the Queen Alexandra Bridge. Officers are therefore of the opinion, in the absence of any material considerations to the contrary, that there would be an acceptable impact upon open space.

## Conclusion

The principle of the proposed development accords with the general provisions of the development plan given the presence of the SSTC route within UDP Alteration No. 2, as shown by a thick dotted red line on the insert map. The benefits of the SSTC are noted within the UDP policies T1A and SA52A as aiding regeneration of the Pallion and Groves site, having benefits for the Deptford area and making a significant improvement in accessibility by providing a direct connection to the national road network. The policies also note that SSTC would provide improved strategic access and public transport facilities from Sunderland Port and the key development sites in the City, to the A19 motorway and the wider Tyne and Wear conurbation and improve cross-river capacity.

The submitted Environment Statement also, in terms of public benefits, states that the SSTC programme aims to achieve the following objectives:

- \* Providing a strategic transport corridor for improved connectivity to the North East region, creating better linkages between Sunderland city centre, The Port of Sunderland, Washington, the A19, A1 and the Tyne Tunnel.
- \* Enabling development in Sunderland to be readily accessible to public / private transport and by pedestrians and cyclists. To support economic growth in Sunderland, in particular the International Advanced Manufacturing Part (IAMP) and Employment Zones to assist in the regeneration of the inner city, the riverbanks and residential areas.
- \* Improving access to training and employment opportunities throughout Sunderland by providing better connectivity between major employment sites including Nissan and the Port of Sunderland, education providers and residential areas.
- \* Reducing traffic congestion on transport corridors by increasing highway capacity and the speed and reliability of transport links.
- \* Improving the urban environment and road safety for all road users along the transport corridors in areas of Sunderland that are currently adversely affected by heavy traffic congestion.

There would be harm in terms of potential disruption for eight relocated businesses, the loss of a classic car restoration business and the potential for a scrap metal business to be adversely affected through part of their land being lost to a Compulsory Purchase Order with the



replacement land potentially not being as beneficial. In terms of these impacts, officers would acknowledge that they are material considerations when determining the application. The negative impacts would, however, be restricted to potentially 11 third parties in the form of the affected business; whilst the benefits of SSTC3, as part of the wider SSTC scheme, would be to the wider benefit of the City (as noted above in terms of the comments within the UDP policies themselves and the ES). The affected businesses have also been offered extensive assistance by the Council and eight of the businesses in question would be relocated. The statutory scheme which applies to compulsory purchase and the payment of compensation will also apply. Officer advice would be that the harm to the affected parties would not be sufficient to outweigh the wider public benefits of a scheme that in principle otherwise accords with the development plan.

There would be harm, as identified within the Environmental Statement, to ecology with the scale being minor adverse. The harm in question does, however, need to be given consideration in light of the comments from the statutory consultees who have not offered any objections - i.e. the Council's Ecologist, the Environment Agency and Natural England. The harm in question would therefore not be significant to the extent that refusal on these ground alone would be reasonable. There also needs to be consideration given to the benefits of the proposed scheme, as noted above; both in terms of the comments identified within UDP policies T1A and SA52A and the SSTC programme objectives identified within the ES. The harm, in terms of ecology, would therefore of itself not warrant refusal of planning permission given the limited scale and would be very much outweighed by the public benefits from the proposed scheme.

The harm, in terms of heritage, would be the potential for there to be an impact upon the setting of archaeology and undesignated archaeology and less than substantial harm to two non-designated heritage assets. The Framework, at paragraph 135, states that

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In terms of the significance of the heritage assets in question that could be affected they are, from an archaeological and built conservation point of view, both non-designated. The Archaeologist has advised that the scale of the harm for the archaeology asset would be a low to moderate potential for prehistoric remains, low potential for Roman, early medieval and medieval remains. The Conservation Officer has advised that the scale of the harm would be total loss for the two non-designated heritage assets.

The public benefits of the proposal, as part of the wider SSTC3 scheme, are noted above; both in terms of the comments identified within UDP policies T1A and SA52A and the SSTC programme objectives identified within the ES. In terms of the archaeology, the scale of harm would, as noted above, to be low to moderate, and can be given consideration as being outweighed by the public benefits from the SSTC3; especially given that a condition can ensure recording of any remains.

In terms of the built conservation, as noted above, the scale of harm would be total loss of the two non-designated heritage assets. The Conservation Officer has, however, identified that one asset to be lost has already been heavily altered with little surviving historic material left (Simpson Street School building). The other building would be preserved to an extent by the relocation of the gates to a different part of the site. The scale of the harm, whilst being total loss, would therefore be less than substantial. The public benefits of the proposal, as part of the wider SSTC3 scheme, are noted above; both in terms of the comments identified within UDP policies T1A and SA52A and the SSTC programme objectives identified within the ES. The less than substantial

harm in question can therefore be given consideration as being outweighed by the public benefits from the proposed scheme.

In terms of living conditions, there would be 11 dwelling houses that experience significant increase in noise. The harm from the increase in noise would, however, be reduced as the properties in question would be eligible for statutory noise insulation works under the provision of the Noise Insulation Regulations 1975 (as amended 1988). Whilst the harm in question does carry some weight in determining the application, there should be consideration given to the availability outwith the planning process for the affected parties to be satisfactorily compensated through the Noise Insulation Regulations. Given the public benefit arising from the proposed scheme, both in terms of the comments identified within UDP policies T1A and SA52A and the SSTC programme objectives identified within the ES, the matter would not be one that would justify refusal of the application in question and would be outweighed by the public benefits from the proposed road.

In terms of a specific site to the south of the proposed development, there would be a difference in noise levels with some of the site subject to reduced noise levels and other parts subject to increased noise levels. The harm from the increased noise levels would, however, be reduced given the advice from the Environmental Health Officer who has stated that the site would not be undevelopable for residential use (a sensitive end use); subject to good acoustic design and consideration of appropriate mitigation. Officers recognise that the provision of such good acoustic design and appropriate mitigation could increase the cost of developing the site in question, through both professional fees and then subsequent construction costs; which in turn could reduce the viability of the site. The potential reduction in viability does, however, need to be given consideration against the public benefit arising from the proposed scheme, both in terms of the comments identified within UDP policies T1A and SA52A and the SSTC programme objectives identified within the ES. The potential harm would be to one particular site in terms of a potential loss of development viability through increased construction costs compared to the wider public benefits of SSTC3. Officer opinion would be that the wider public benefits outweigh the potential increase in costs for one particular site.

The proposed development, in addition to the above, has been given consideration in terms of the impacts upon art, community facilities, drainage, ground conditions, health and safety, highway safety, landscape and open space. These impacts have been found to be acceptable.

In summary, the proposed development accords with the general provisions of the development plan and would deliver public benefits as noted in the UDP and the submitted ES. The impacts of the proposed scheme upon art, community facilities, drainage, ground conditions, highway safety, health and safety, landscape and open space have been given consideration and been found to be acceptable and in accordance with the relevant UDP policies. The proposed development would lead to harm in terms of 11 existing businesses (in terms of relocation, loss of a business and a business potentially being less effective), ecology (identified as minor / moderate adverse within the ES), heritage (identified by the ES as being minor for archaeology and less than substantial by the Conservation Officer for built heritage) and living conditions in terms of 11 properties that would suffer a significant increase in noise. The harm in question, in the opinion of officers, would be outweighed by the wider public benefits accruing from the scheme as identified within UDP policies T1A and SA52A and the scheme objectives described within the ES.

**RECOMMENDATION: To APPROVE the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report 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.

Reason: 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:

General Arrangement Layout Overview SSTC3-CAP-LPN-00-DR-C-1000 PL01  
General Arrangement Layout Sheet 1 of 4 SSTC-CAP-LPN-00-DR-C-1001 PL01  
General Arrangement Layout Sheet 2 of 4 SSTC3-CAP-LPN-00-DR-C-1002 PL02  
General Arrangement Layout Sheet 3 of 4 SSTC3-Cap-LPN-00-DR-C-1003 PL02  
General Arrangement Layout Sheet 4 of 4 SSTC-CAP-LPN-00-DR-C-1004 PL01  
Temporary Working Areas SSTC3-CAP-LPN-00-DR-C-1008 PL01  
Site Clearance Building and Wall Demolition Sheet 1 of 4  
SSTC3-CAP-LPN-00-DR-C-1201 PL01  
Site Clearance Building and Wall Demolition Sheet 2 of 4  
SSTC3-CAP-LPN-00-DR-C-1202 PL02  
Site Clearance Building and Wall Demolition Sheet 3 of 4  
SSTC3-CAP-LPN-00-DR-C-1203 PL02  
Site Clearance Building and Wall Demolition Sheet 4 of 4 SSTC3-CAP-LPN-00-DR-C1204  
PL01  
Typical Cross Sections Overview SSTC3-CAP-LPN-00-DR-C-1300 PL01  
Typical Cross Sections Sheet 1 of 5 SSTC3-CAP-LPN-00-DR-C-1301 PL01  
Typical Cross Sections Sheet 2 of 5 SSTC3-CAP-LPN-00-DR-C-1302 PL01  
Typical Cross Sections Sheet 3 of 5 SSTC3-CAP-LPN-00-DR-C-1303 PL01  
Typical Cross Sections Sheet 4 of 5 SSTC3-CAP-LPN-00-DR-C-1304 PL01  
Typical Cross Sections 5 of 5 SSTC3-CAP-LPN-00-DR-C-1305 PL01  
Environmental Masterplan Sheet 1 of 4 SSTC3-CAP-LPN-00-DR-L-1101 PL01  
Environmental Masterplan Sheet 2 of 4 SSTC-CAP-LPN-00-DR-L-1102 PL01  
Environmental Masterplan Sheet 3 of 4 SSTC-CAP-LPN-00-DR-L-1103 PL01  
Environmental Masterplan Sheet 4 of 4 SSTC3-CAP-LPN-00-DR-L-1104 PL02  
Tree Removal and Retention Plan Sheet 1 of 7 SSTC3-CAP-VES-00-DR-V-0001 PL01  
Tree Removal and Retention Plan Sheet 2 of 7 SSTC3-CAP-VES-00-DR-V-0002 PL01  
Tree Removal and Retention Plan Sheet 3 of 7 SSTC-CAP-VES-00-DR-V-0003 PL01  
Tree Removal and Retention Plan Sheet 4 of 7 SSTC-CAP-VES-00-DR-V-0004 PL01  
Tree Removal and Retention Plan Sheet 5 of 7 SSTC-CAP-VES-00-DR-V-0005 PL01  
Tree Removal and Retention Plan Sheet 6 of 7 SSTC-CAP-VES-00-DR-V-0006 PL01  
Tree Removal and Retention Plan Sheet 7 of 7 SSTC-CAP-VES-00-DR-V-0007 PL01  
New Retaining Walls Typical Details SSTC3-Cap-SRW-00-SK-S-0001 PL01  
EMR Site Screening Sheet 1 of 1 SSTC3-CAP-ELS-21-DR-L-1010 P02  
Acoustic fence detail SSTC3-CAP-HFE-00-DR-C-1001 PL01  
Environmental Statement section 9.7, 20.1 Schedule of Mitigation, associated drawings  
and plans.  
Proposed Drainage Catchment Plan SSTC3-CAP-HDG-00-DR-D-0001 PL01

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

- 3 No development excluding demolition shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include initial temporary traffic management proposals and diversionary routes required to facilitate alterations to the existing highway. The approved scheme shall be adhered to throughout the course of development.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

- 4 No development excluding demolition or enabling works of that particular phase shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To prevent deterioration of water quality in the vicinity of the site as a result of the proposed development; in accordance with Unitary Development Plan policy EN12.

5 The particular phase of development hereby approved (as defined by the phasing plan submitted for condition 3) shall not be brought into use until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure, in accordance with Unitary Development Plan policy EN12, the measures outlined in the remediation strategy and verification plan have been met.

6 No development excluding demolition or enabling works of that particular phase (as defined by the phasing plan submitted for condition 3) shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of report has been submitted to and approved in writing by the Local Planning Authority. The report specified in the plan shall include details of any necessary contingency action arising from the monitoring. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To verify that future risks to waters in the vicinity of the site as a result of the development are acceptable; in accordance with Unitary Development Plan policy EN12.

7 No piling or any other foundation designs using penetrative methods shall be undertaken within that particular phase (as defined by the phasing plan submitted for condition 3) until details of these designs or methods have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a demonstration that there would be no resultant unacceptable risk to groundwater. The development shall be subsequently undertaken in accordance with the approved details.

Reason: To ensure that the development hereby approved does not harm groundwater resources through the introduction of preferential pathways; in accordance with paragraph 109 of the National Planning Policy Framework and Unitary Development Plan policy EN12.

8 No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

9 No groundworks or development except where required by conditions 14 and 15 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 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 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

10 Within six months of the completion of archaeological fieldwork undertaken in pursuance of condition 9 a report of the results will be 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 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

11 Within one year of the completion of archaeological fieldwork, a paper detailing the results of the archaeological fieldwork undertaken will be 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 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

12 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

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

13 Within six months of the completion of the archaeological watching brief pursuant to condition 13 a report of the results will be submitted to and approved in writing by the Local Planning Authority.

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

14 No development within the area adjacent to Network Rail's land shall commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include (1) there to be no increase in average or peak flows of surface water run-off leading towards Network Rail assets (including earthworks, bridges and culverts) (2) all surface water run-off and sewage effluent being handled in accordance with Local Authority and water company regulations (3) attenuation to protect existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events. The approved drainage strategy shall thereafter be fully implemented before the development hereby approved is first brought into use.

Reason: To ensure discharge of surface water away from railway infrastructure.

15 No development within the area adjacent to Network Rail's land shall commence until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of any temporary works

compounds adjacent to the railway, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence. The approved details shall thereafter be adhered to throughout the course of development.

Reason: To ensure the development hereby approved does not interfere with the integrity of Network Rail property / structures.

16 The development within the area adjacent to Network Rail's land hereby approved shall not be brought into use until details of any boundary fence adjacent to Network Rail's property has been submitted to and approved in writing by the Local Planning Authority. The boundary fence shall be a trespass proof fence, a minimum of 1.8 metres high and make provision for future maintenance and renewal. The approved fence shall thereafter be provided before the development hereby approved has been brought into use.

Reason: To prevent trespass onto the railway.

17 The development hereby approved shall not be brought into use until details of a vehicle restraint system has been submitted to and approved in writing by the Local Planning Authority. The submitted detail shall include provision at each turning area / roadway / car park area adjacent to the railway. The approved barrier shall thereafter be provided before the development hereby approved is first brought into use.

Reason: To prevent vehicles driving onto the railway or damaging lineside fencing.

18 No development adjacent to Network Rail's land shall commence until a method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan and details of any excavations / piling / buildings within 10 metres of the railway boundary. The approved details shall thereafter be adhered to throughout the course of development.

Reason: To ensure these issues raised by Network Rail are addressed before works commence on site.

19 No vibro-impact machinery shall be used adjacent to Network Rail's land until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of any vibro-impact machinery that will be used during the course of development. The approved method statement shall thereafter be adhered to throughout the course of development.

Reason: To ensure the requirements of Network Rail are satisfied.

20 The development of that particular phase (as defined by the phasing plan submitted for condition 3) hereby approved shall not be brought into use until a hard and soft landscape plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and means of enclosure. The details where relevant for that particular phase shall also include planting and shared surface at Alliance Place, paving materials at Doxford Gatehouse, details to prevent vehicle over run at Ditchburn Terrace and confirmation of planting mixes. The details shall also ensure that where landscaping has been proposed adjacent to the railway any hedges when fully grown do not damage the fencing or provide a means of scaling it; nor shall any hedge prevent Network Rail from maintaining their boundary fencing. The approved hard landscaping shall be provided before that particular phase of development is first brought

into use and the soft landscaping shall be provided within the first planting season following completion of that particular phase.

Reason: To ensure any trees / shrubs planted adjacent to the railway boundary are positioned at a minimum distance greater than their predicted mature height from the boundary and enhance the landscape; in accordance with Unitary Development Plan policy CN13.

21 The development hereby approved shall not be brought into use adjacent to Network Rail's land until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the location and colour of lights do not give rise to the potential for confusion with the signalling arrangements on the railway. The approved scheme shall thereafter be fully implemented before the development hereby approved is first brought into use.

Reason: To ensure the potential for train drivers to be dazzled has been eliminated.

22 The development hereby approved shall not be brought into use within that particular phase (as defined by the phasing plan for condition 3) until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include additional information including section drawings covering landscaping, crash barriers, site clearance and lighting and should be primarily focused on the Queen Alexandra Bridge, Simpson Street School and Doxford Yard Gatehouse demonstrating how the scheme will better reveal or enhance the heritage assets. The approved details shall be undertaken before that particular phase is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan policies B4, B6, B10, in that the development hereby approved reveals and enhances the significance of the heritage assets.

23 The development hereby approved shall not be brought into use within that particular phase (as defined by the phasing plan submitted for condition 3) until a maintenance schedule for the landscaping and ecological mitigation and enhancement measure has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy CN18, the interests of nature conservation throughout the City.

24 No development adjacent to Galley's Gill shall commence until a sustainable mitigation programme and schedule of improvements to Galley's Gill has been submitted to and approved in writing by the Local Planning Authority. The programme and schedule shall compensate for the loss of semi-natural habitats (woodland, scrub, grassland) and improve the buffering and viability of strategic and local wildlife corridors and sites and provide confirmation of the species mix and maintenance required for the water attenuation area. The programme and schedule shall be fully implemented before the development hereby approved is first brought into use and the maintenance shall be adhered to for a period of five years after the road is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan policy CN18, the interests of nature conservation throughout the City.



25 The development hereby approved shall not be brought into use until bat mitigation and enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation and enhancement shall include type and location of boxes and the creation of roost units in more sustainable locations; such as built structures. The approved mitigation and enhancement shall be fully implemented before the development hereby approved is first brought into use and the maintenance shall be adhered to for a period of five years after the road is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan policy CN18, the interests of nature conservation are sought throughout the City.

26 No development excluding demolition or enabling works of that particular phase (as defined by the phasing plan submitted for condition 3) until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a planting schedule including elm species and ground flora and bulb planting avoiding snake's head fritillary. The approved landscaping scheme shall thereafter be provided within the first planting season following completion of the development hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policy CN18, the interests of nature conservation are sought throughout the City.

27 The development of that particular phase (as defined by the phasing plan submitted for condition 3) shall not be brought into use until detailed drawings showing the final surface water disposal scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed drawings shall include details demonstrating that the discharge rate and drainage networks comply with the approved plans. The scheme shall be fully implemented before the development is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN12, the development hereby approved does not impede materially the flow of flood water, increase the risk of flooding elsewhere or increase the number of people or properties at risk from flooding.

28 No development of that particular phase (as defined by the phasing plan submitted for condition 3) shall commence until detailed drawings of the detention basin has been submitted to and approved in writing by the Local Planning Authority. The detailed drawings shall include details demonstrating that the discharge rate and drainage networks comply with the approved plans. The scheme shall be fully implemented before the development is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN12, the development hereby approved does not impede materially the flow of flood water, increase the risk of flooding elsewhere or increase the number of people or properties at risk from flooding.

29 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. The CEMP shall also include clearly defined routes for site deliveries and construction traffic. The CEMP shall be adhered to throughout the course of development.

Reason: To ensure, in accordance with Unitary Development Plan policy EN1, the development hereby approved minimises all forms of pollution and meets the requirements of Unitary Development Plan Policy T13.

30 No development excluding demolition or enabling works of that particular phase (as defined by the phasing plan submitted for condition 3) shall commence until a Phase 1 and 2 investigation and 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, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

31 No development excluding demolition or enabling works of that particular phase (as defined by the phasing plan submitted for condition 3) shall 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 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.

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

32 The remediation scheme approved under Condition number 31 (Submission of Remediation Scheme) for that particular phase (as defined by the phasing plan submitted for condition 3) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. 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 (referred to in PPS 23 as a validation 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 policy EN14 of the Unitary Development Plan.

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

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

34 The proposed timber noise barrier fence shown on General Arrangement Layout Sheets 2 and 3 (Drawing SSTC3-CAP-LPN-00-DR-C-1002 PL02 and SSTC3-CAP-LPN-00-DR-C-1003 PL02) shall be fully provided on site before that particular of phase of the development (as defined by the phasing plan submitted for condition 3) is first brought into use.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN5, the development hereby approved, the development hereby approved mitigates noise.

35 The particular phase of development hereby approved (as defined by the plan submitted for condition 3) shall not be brought into use, until a strategy for compliance monitoring of the short term noise predictions within the submitted noise impact assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN5, the development hereby approved, the development hereby approved mitigates noise.

36 Within three months of the particular phase of development (as defined by the plan submitted for condition 3) hereby approved first opening for use, a validating noise monitoring and assessment exercise for that particular phase shall be submitted to and approved in writing by the Local Planning Authority. The exercise shall validate the short term noise predictions referred to within the submitted noise impact assessment and be prepared in accordance with the details approved by condition 35.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN5, the development hereby approved, the development hereby approved mitigates noise.

37 If the validating noise monitoring and assessment exercise undertaken for the particular phase of development (as defined by the plan submitted for condition 3) to discharge condition 36 identifies that the predicted noise levels for the particular phase of development are exceeded and result in major adverse impact (as defined by the Design Manual for Roads and Bridges), then within three months details of appropriate noise

mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to and / or provided on site.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN5, the development hereby approved, the development hereby approved mitigates noise.

38 No development excluding demolition or enabling works of that particular phase (as defined by the plan submitted for condition 3) shall commence other than site preparation and investigatory works, until detailed drawings of the final design for the junction improvements, controlled crossing points, alterations to existing highways and surface treatments to carriageways, shared use cycleways / footways and shared surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

39 The development hereby approved of that particular phase (as defined by the plan submitted for condition 3) shall not be brought into use until details of the advance signing / variable messaging signage proposals have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully installed before the development hereby approved has been brought into use.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

40 No development excluding demolition or enabling works of that particular phase (as defined by the plan submitted for condition 3) shall commence, until a Scheme of Work has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the routing and control of construction traffic; including a routing plan and signing strategy. The Scheme shall also include details of site compounds, contractor parking, wheel washing and / or road cleaning operations to prevent mud or debris being deposited on the highway. The approved scheme shall be adhered to throughout the course of development.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

41 No development excluding demolition or enabling works of that particular phase (as defined by the plan submitted for condition 3) shall commence until a scheme of demolition has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include method of demolition (including any associated highway work) and means of restoration. The approved scheme shall be adhered to throughout the course of development.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

42 The landscaping hereby approved shall be carried out no later than the first planting season after that particular phase (as defined by the plan submitted for condition 3) has been first brought into use and shall be maintained thereafter for a period of at least five years to establish the planting. Any plants which have failed shall be replaced on an annual basis.

Reason: To ensure the development hereby approved meets the requirements of Unitary Development Plan policy T13.

# Item 4

1.

North  
Sunderland

**Reference No.:** 17/01686/FUL Full Application

**Proposal:** Development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) to include earthworks to facilitate external seating area to rear and associated bin store area to ground floor. (Amended description dated 11.10.2017).

**Location:** Land At Marine Walk Roker Sunderland

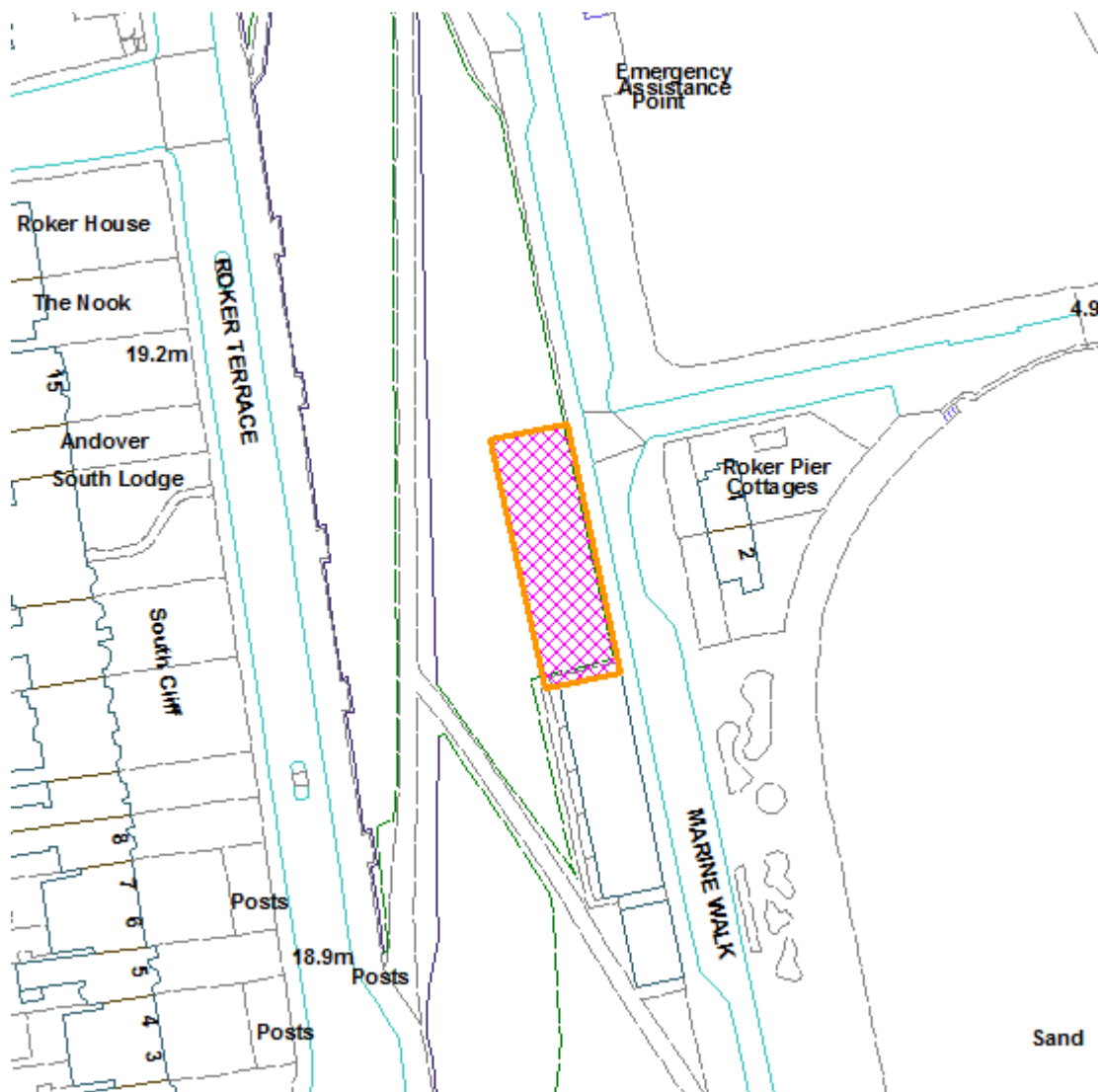
**Ward:** St Peters

**Applicant:** BBL NE LTD

**Date Valid:** 25 August 2017

**Target Date:** 20 October 2017

## Location Plan



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## **PROPOSAL:**

Planning permission is sought for the development of a detached two storey flexible mixed use building consisting of either : A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) to include earthworks to facilitate external seating area to the rear and associated bin store area to ground floor. (Amended description dated 11.10.2017).

## **SITE LOCATION, DESCRIPTION AND PLANNING HISTORY.**

The site is located on Marine Walk (Roker's lower promenade) overlooking the North Sea and is contained within the Roker Conservation Area of Sunderland. To the immediate east of the site are two single storey cottages known as Roker Pier Cottages, (one of which is currently in residential use (C3) whilst the other is currently trading as a mixed cafe (A3) and hot food take away (A5) beyond which lies the Grade II Listed Roker Pier and Roker Lighthouse. To the south of the site is the previously approved mixed use commercial/residential development (commonly referred to as Marine Walk Phase 1).

Members may recall that a similar proposal was approved by Planning and Highways Committee dated 17.02.2016 for the following.

Development of a detached two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) with associated parking area and bin store to ground floor at Marine Walk Roker, along with change of use of the existing enclosed ground floor parking area to a flexible mixed use building (as above use-classes). With associated alterations. (Amended drawings received 24.09.2015 and Amended Drawings and Description 08.10.2015).

The current proposed development site covers an area of 480 square metres and seeks to provide 677 square metres of flexible use floor space over two floors. The proposal estimates to create employment opportunities for approximately eight full time members of staff and eight part time members of staff.

The application has been referred to Planning and Highways on the grounds that the application is situated within an area identified by the Council as being of strategic importance, as identified within the Marine Walk Master Plan, and as such a strategic view is required to be taken in determining the proposal.

The proposal is a departure from the approved development plan and has been advertised as such.

The application has been supported by:

- Design and Access Statement Phase 2.

- Heritage Statement Phase 2.
- Phase 1 and 2 Ground Investigation Reports.
- Habitats Regulations Assessment.
- Ecology Report.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

St Peters - Ward Councillors Consultation  
Environmental Health  
Network Management  
English Heritage  
Northumbrian Water  
Southern Area Command - Police  
Business Investment

Final Date for Receipt of Representations: **28.09.2017**

#### **REPRESENTATIONS:**

Historic England - No objections.

Northumbrian Water Limited (NWL) - NWL have offered the following comments:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration).
- Discharge to a surface water body.
- Discharge to a surface water sewer, highway drain, or another drainage system.
- As a last resort, discharge to a combined sewer.

Public Protection and Regulatory Services - The development is acceptable subject to appropriate conditions.

Land Contamination - Additional gas monitoring data listed as "Ground Stability Report" has also been provided and assessed; however this has not been provided with an interpretation or mitigation if necessary beyond the proposed measures for Characteristic Situation 2.

It is requested that a revision of the gas risk assessment be provided since the last two rounds of monitoring indicate concentrations of methane in BH4 with a maximum



recorded concentration of 16.4%v/v. Please note that the modified Wilson and Card (1999) method for calculation of the Characteristic Situation requires that the source of gas and generation potential/performance should be identified.

Further to receipt of the above, a revised Phase II report from Geo Environmental Ltd dated 23.03.2017 which takes account of the more recent gas monitoring data to 21.12.2016 as requested. The Characteristic Situation for gas has been confirmed to be CS2. Gas protection is required in accordance with BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. This is a points based system with scores allotted for the type(s) of protection and verification. Verification of the gas protection measures should be in CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

A remediation strategy and verification for gas protection measures should be provided in accordance with the documents listed.

Construction Environmental Management Plan (CEMP) - In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a CEMP. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Hot Food Element of Proposal - Regard should be had to the potential for odour and noise emissions from the proposed hot food shop/cafe to give rise to complaints of nuisance or disturbance from nearby residential properties. It is therefore recommended that a suitable and effective extraction/ventilation system which efficiently captures odours, incorporates a grease filtration system and suitable noise mitigation shall be provided to serve the hot food shop/cafe. The extraction system should terminate in a suitable position about eaves level and not be fitted with any restriction at the final opening, such as a plate, cap or cowl.

Drinking Establishment (A4) - Amplified music shall not be played in any area of the development unless the following condition has been complied with:

"The applicant should undertake a noise assessment to determine whether the level of noise from the playing of live and/or recorded music in any area is likely to give rise to complaints from existing residents in the vicinity. The survey should be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards. The results of the assessment shall be submitted to and agreed with the local planning authority including details of any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises. Reference should also be made to the World Health Organisation Guidelines Values for Community Noise."

This element of the proposal was removed dated 11.10.2017 and hence the above comments are no longer relevant and no condition needs to be imposed.

Planning Implementation (Heritage Protection Team). - This proposal has been subject to detailed discussions with the architect and is following revisions to be design considered to be acceptable. The proposed development supports the aims and objectives of the Council's adopted Seafront Regeneration Strategy and the Marine Walk Masterplan Supplementary Planning Document. It is also consistent with the management objectives and proposals of the Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS).

Whilst the revised proposal comprises a larger building complex than the previously approved scheme, it is of the same height and the design approach follows the same architectural style and detailing. The scheme therefore remains sympathetic to its historic context within Roker Park Conservation Area and in close proximity to the listed Roker Pier, and particularly appropriate for its beach-front setting. The siting, scale and orientation of the buildings respond sympathetically and positively to the listed Pier and the Roker Pier Cottages opposite, and indeed the buildings above the embankment along Roker Terrace.

The building's form, styling and proposed materials take inspiration from the traditional timber buildings that historically lined the lower promenade, and along with the beach hut inspired buildings erected adjacent the site provide a mix of building forms and styles that reflect in a contemporary fashion the mix of historic building forms that once characterised the area.

The front facing gables take a direct design cue from historic buildings that were once situated along the lower promenade. They provide interest and variation to the design and have enabled the ridge and eaves height of the building to be lowered to give it the appearance of a one and half storey building, having regard to its siting opposite the single storey Roker Pier Cottages, and to retaining the green break provided by the embankment between the upper and lower promenades.

All in all the proposed development will introduce a built form that will enhance the essential character and appearance of this part of the Roker Park Conservation Area, whilst respecting the setting of Roker Pier and Roker Pier Cottages. This is in accordance with NPPF paragraph 137, UDP policies B4 and B6 and Management Objective 6 and Proposal 5a of the CAMS which seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

Samples of all external materials, finishes and colours for the proposed buildings should be submitted for the approval of the Conservation Team - this may be conditioned. It is noted however that the palette of materials proposed is consistent with the previous planning approval ref 15/00782/FUL and as such an adherence condition should be sufficient in order to secure a visually acceptable proposal, should Members be minded to approve.

Third party representations - Following the expiry of the consultation period representations were received from five separate parties. Members should note that the original and full copies of the representations are available to view via the planning portal on the Council's website. The following is a summary of the relevant material comments raised:

1. Increased noise and disturbance associated with an A4 (drinking establishment). This element of the proposal was removed dated 11.10.2017.

2. Objection to any additional development north of the River Wear due to lack of capacity in the sewerage network. With specific reference to information contained within this representation, the current proposal is minor in nature and does not require the submission of a Flood Risk Assessment or Drainage Strategy. Furthermore the Environment Agency are not a statutory consultee on applications of this scale, however comments have been received from NWL and are summarised above.

Notwithstanding the aforementioned and to add context to the representation the following information seeks to express the consenting mechanism for sewage treatment.

Regarding the foul sewerage network and the objection received in respect of the capacity of Northumbrian Water's infrastructure, it is of critical importance to note that all water utility companies have a legal obligation under Section 94 (and Section 106) of the Water Industry Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. Within the planning context the legal case precedent on rights of developers to connect new developments into existing sewers is the Supreme Court's landmark ruling in 2009 involving Barratt Homes and Welsh Water. The court held that the developer has an absolute right to connect their development into the existing sewer, whether or not it overloads the system. It ruled that the specific wording of the legislation allows for this right to be exercised.

Due to this legal right to connect Grampian conditions are often requested by water companies. Negatively worded conditions enable the sewerage undertaker to agree with the developer a drainage strategy and preferred point of connection, whilst also providing the scope to assess existing capacity and whether upgrading work is required and as such programmed. Such an approach allows the legal right to connect to be sensibly managed prior to implementation. The LPA has no further purpose in pursuing such a condition and should not put itself in a position of trying to "second guess" or duplicate a water company's decision on strategy or capacity. This is the regulatory role and statutory responsibility of OFWAT, whose duties include ensuring the long-term resilience of water supply and wastewater systems and that undertakers take steps to enable them, in the long term, to meet the need for water supplies and wastewater services.

Regarding the assertion by an objector that Northumbrian Water is not complying with their Permit it should be noted that the granting and regulation of permits is the statutory responsibility of the Environment Agency. It is an offence to cause or knowingly permit a water discharge activity unless you are complying with an environmental permit or exemption. Most activities that could pollute water are regulated under environmental permits. A person or business wishing to carry out such an activity must obtain a permit from the Environment Agency and comply with its conditions. If they do not, they will be committing an offence. They could also face a notice requiring them to comply with the permit, or have their permit revoked or suspended.

For Member information Northumbrian Water requires two permits i.e. at their Whitburn Steel and St Peter's Combined Sewer Overflows (CSOs). Northumbrian Water has also confirmed that the Seaburn and Roker works will in part reduce the spill frequency at Whitburn Steel and St Peter's CSOs i.e. the amount of times these have to discharge into the environment, although Northumbrian Water have confirmed that they comply with parameters of their permit in any event. Nevertheless, to re-iterate, the issue of permits are considered to be outside the scope of the planning regime, as they are granted under the Environmental Permitting Regulations, which are controlled and administered by the Environment Agency.

3. Highway safety and parking. (Matters considered under the accessibility and the impact upon highway and pedestrian safety section of the agenda report.)
4. Detracts from the setting of the Pier and Pier Cottages. (Matters considered within comments received from the City Council's Heritage Protection Team.)
5. Land ownership. (Certificate A on the accompanying application form has been completed to indicate ownership.)
6. Amenity concerns relating to noise, odour, hours of operation. (All matters are considered within the impact of the proposal on levels of residential amenity section of the agenda report).
7. Flexible mixed use. (The proposal is considered to be acceptable and legitimate.)
8. Ballast bank retaining wall and ground stability. (Issues relating to ground stability will be addressed by the Public Protection and Regulatory Services Section within the other material considerations section of the agenda report. Matters pertaining to structural stability of the proposal will be considered in subsequent Building Regulations Applications.

## **POLICIES:**

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

- B\_2\_Scale, massing layout and setting of new developments
- B\_4\_Development within conservation areas
- B\_6\_Measures to preserve and enhance conservation areas
- B\_10\_Development affecting the setting of listed buildings
- EN\_1\_Improvement of the environment
- EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood
- B\_3\_Protection of public/ private open space (urban green space)
- EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas
- S\_8\_Design of shop fronts
- S\_12\_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres
- NA\_6\_Encouragement to improvement of commercial and social structures in the Coastal zone
- NA\_26\_Development / enhancement of Coastal & Seafront Zone for leisure and tourism; retention of open space.
- NA\_30\_Protection and enhancement of important views

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites  
EC\_8\_Support for tourist and visitor attractions.  
L\_7\_Protection of recreational and amenity land

## **COMMENTS:**

The main issues to consider in determining the application are:

1. The principle of the proposed development.
2. The impact of the proposal on visual amenity, the character of the conservation area and the effect on the setting of the listed building.
3. The impact of the proposal on levels of residential amenity.
4. Accessibility and the impact upon highway and pedestrian safety.
5. Nature conservation.
6. Other material considerations.

1. The principle of the proposed development.

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) in March 2012 (which is a material consideration for the purpose of Section 38(6)), 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 development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

The local planning policy is set out in the Sunderland Unitary Development Plan (UDP) which was adopted in September 1998. The policies contained within the UDP were saved after September 2007 until such time when they are superseded by replacement local policies.

However, regard has to be given to Annex 1 of the NPPF that states that where Development Plan Policies were adopted before 2007 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It states that the closer the policies in the plan are to the policies in the NPPF the greater the weight that may be given.

The main strategic aims of the UDP in part include:

- reduce the net level of out-migration to zero by the end of the plan period, principally through policies for housing and economic development.
- have a sufficient range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.
- protect and enhance the best features of both the built and natural environment.

To achieve the aims the UDP provides a number of relevant strategic policies. These include:

Economic Development Tourist Facilities Policy EC8 states that:

"The Council will support the expansion of activities catering for tourists and other visitors by:-

- (i) identifying, consolidating and safeguarding attractions;
- (ii) refusing proposals which would have an adverse impact on tourist attractions (as identified in the area chapters);
- (iii) actively encouraging opportunities for new tourist initiatives, especially where they are near existing areas of visitor interest;
- (iv) providing cycle and car parking for visitors, and footpaths and interpretative facilities at tourist attractions.

The environmental implications of any proposals, particularly in the defined coastal areas, will be taken into consideration."

The above policy is considered to be fully compliant with the NPPF.

Sunderland North area provides policy NA6 that relates to the seafront and states that:

"The City Council will encourage improvements to existing commercial and social structures in the coastal zone to help ensure their viability and maximise their potential contribution to the environment of the seafront."

Whilst policy NA26 relates to coastal and seafront zone and states in part that:

"The seafront zone between the river mouth and the city boundary with South Tyneside as defined on the proposals map will be developed and enhanced to accommodate a range of indoor and outdoor facilities providing a focus for leisure activity and tourism serving the region. Any new development should, by the quality of its design, retain and if possible enhance the underlying character of the zone."

Both policies NA6 and NA26 are considered to be broadly compliant with the NPPF and should continue to be used, subject to consideration being given to the second limb of the policy which permits a range of commercial and leisure related facilities within the seafront zone. Proposals for Town Centre uses on these town centre sites will need to undertake sequential assessments. Consideration also needs to be given to the Seafront Strategy and Marine Walk Masterplan.

In light of the above, due consideration has been given to paragraph 24 of the NPPF which states in part that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."

Whilst the above paragraph does not make any specific reference to the size of development that needs to undertake a sequential test, it is noted that the current proposal seeks to provide up to 677 square metres of a mix of A1(retail), A3 (restaurant & cafes) and A5 uses, thresholds for retail impact assessments are set nationally within paragraph 26 of the NPPF at 2,500 square metres.

With the above in mind, in applying a sequential test due regard has been given to:

- Flexibility. The site is a coastal tourist location and seeks to meet the needs of the Marine Walk Masterplan SPD.
- The scale and form of the proposed uses are appropriate to serve the needs of the visitors to the Marine Walk lower promenade area.

In summary, whilst the proposal seeks to introduce up to 677 square metres of additional A1 (retail), A3 (restaurants & cafes) and A5 (hot food takeaways) floorspace, the proposed development is considered to support the tourism driven regeneration of the seafront by providing a range of services along Marine Walk, catering for localised day to day shopping and service requirements of residents in the immediate vicinity. The development proposal is site specific and it is considered that it would be inappropriate to locate such a development within either the town centre or an edge of centre location. To conclude, it is considered that the proposal would further support the expansion of the Marine Walk lower promenade and wider Roker seafront regeneration and as such the proposal would comply with the key policy tests relating to out-of-centre retail development as set out in paragraph 24 of the NPPF.

In addition to the above policy, NA30 seeks to protect and enhance important views of the city with particular reference to sea views along the Roker/Seaburn/Whitburn Bents frontage.

Notwithstanding the above strategic and area based policies, the majority of the site is located within allocated public open space which forms the embankment between the lower promenade at Marine Walk and the upper promenade at Roker Terrace and as such is covered by policies B3 and L7. Policy B3 states that public open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. The policy goes on to say that proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area. Whilst policy L7 refers specifically to the protection of recreational and amenity land and states that:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will be only granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or
- (ii) the development is for educational purposes; and
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Similarly, access to existing or proposed open space will be protected from alternative development.

The remaining part of the site is not allocated for any specific land use and as such is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is to remain.

In terms of policies

In order to support the aforementioned policies NA6, NA26 and NA30, the City Council has produced the Sunderland Strategy (2008 - 2025), The Seafront Regeneration Strategy and the Marine Walk Master Plan.

The Seafront Regeneration Strategy provides a strategic platform to guide the regeneration of Roker and Seaburn seafront and to deliver the objectives set out in the Sunderland Strategy (2008-2025) the overarching strategy for the city which states that "by 2025 Roker and Seaburn will have a key role in providing cultural tourism attractions."

The Marine Walk Masterplan is a Supplementary Planning Document (SPD) forming part of Sunderland City Council's Local Development Framework. As such the document has been taken forward through the statutory planning process in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). In addition under the requirements of the European Directive 2001/42/EC a Strategic Environmental Assessment and Appropriate Assessment have been prepared alongside the SPD.



The Marine Walk Master Plan sets out the parameters for the principle of development, focusing on providing a mix of uses which complement adopted planning and design policy, with a desire to achieve a range of cultural and tourism uses in order to provide a safe and pleasant environment for all. In this respect, the focus is to offer a range of facilities which help to activate Marine Walk and the surrounding locality.

The Roker Park Conservation Area - Character Appraisal and Management Strategy (2007) (CAMS) was declared in 1995 in recognition of its architectural and historic interest. The document is relevant to this application as Policy B4 of the UDP states that:

"All development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance."

Management Objective 6 of the above CAMS seeks to:

"Secure the appropriate enhancement of the lower promenade as an area of activity and distinctive character." The objective continues to state that the Council will endeavour to create "an attractive "cafe life" ambience and restore the area as a valuable promenade."

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

With the above in mind, the principle of a mixed use development was considered acceptable via the extant planning approval 15/00782/FUL. The previous approval was supported by a Planning Statement which was informed by the Sunderland Greenspace Audit and Report 2012. The aforementioned report concluded that whilst Roker is deficient in amenity greenspace, the provision of green space in Roker, both in terms of accessibility and quality is well above the City average. Contained within the planning statements assessment of the open space, it was considered that the proposal will not have a significant adverse effect on the quantity and quality of open space within the wider area given that:

- "- the steep topography of the site gives it minimal amenity, recreation or nature conservation value;
- there is a large quantum of high quality, accessible greenspace provision in the immediate area; and
- the allocated tract of amenity greenspace is comprised of land all along the Roker seafront such that the proposed re-development will not impact upon its operation."

In summary it is considered that the proposed development will contribute to the achievement of sustainable development from an economic, social and environmental perspective as identified within the key themes of the NPPF.

Furthermore the development will support the main strategic aims of the UDP by providing a range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.

In terms of relevant strategic and area based policies, policy EC8 is fully compliant with the NPPF whilst policies NA6 and NA26 are both broadly compliant placing a reliance on The Seafront Strategy and the Marine Walk Masterplan to feed into the relevant policies.

Whilst it is recognised that the majority of the site under consideration is covered by land use policies B3 and L7 it is considered that in this instance the loss of the amenity space will not lead to a significant effect on the amenity, recreational and wildlife habitat value of the site and subsequently the economic benefits of the development are considered to outweigh the loss of the amenity open space.

The proposal is therefore considered to comply with relevant UDP policies EC8, EN10, NA6, NA26, NA30, B3 and L7 and Management Objective 6 of The Roker Park Conservation Area - Character Appraisal and Management Strategy 2007, and as such the principal of development is considered to be acceptable.

2. The impact of the proposal on visual amenity, the character of the conservation area and the effect on the setting of the listed building.

Section 7. Requiring good design; paragraph 56 of the NPPF states that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Whilst Section 12 Conserving and enhancing the historic environment; paragraph 132 of the NPPF states in part that:

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

In addition to the above, paragraph 137 states that:

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

UDP policies B2, B4, B6 and B10 all relate to the built environment, conservation areas and listed buildings. Policy B2 relates to new developments and extensions to existing buildings and states that their scale, massing, layout of setting should,

"respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy" whilst policies B4 and B6 require all development within conservation areas to preserve or enhance their character or appearance and encouraging the retention of existing buildings and the improvement of features. In addition policy B10 advises that the proposal in the vicinity of listed structures do not adversely affect their setting.

Policy S8 of the UDP relates to shop fronts and requires new shop fronts to be of a scale, design and materials which relate satisfactorily to the building in which the shop front is to be installed, also to adjacent buildings. The policy also requires access for people with disabilities should be provided wherever possible in new shop fronts.

The Roker Park Conservation Area (CAMS) provides more area-specific guidance. Management Objective 6 and Proposal 5a seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

In terms of the UDP policies all with the exception of B6 (broadly compliant) are fully compliant with the NPPF.

Whilst the proposal site benefits from an extant permission, the current proposal does not require the relocation of the existing car parking provided in the existing phase, nor does it require the erection of a refuse storage building as the proposal does not involve any modifications to the existing phase of development.

The proposed two storey commercial area is sited due west of Nos.1 and 2 Roker Pier Cottages and provides a footprint that measures 39 metres in length, 10.5 metres in depth at ground floor, increasing to include a further 4 metres at first floor level by introducing a rear decking area.

Measuring approximately 4.9 metres in height at eaves level and 7.6 metres in height at ridge level, 1.5 metres below the overall height of the adjacent phase 1 buildings. Designed with a dual pitched roof that incorporates roof lights in both planes, the north, east and west facing elevations all include a number of main facing windows. Access to the units is via 5 sets of double doors within the east facing elevation with 4 single doors sited within the west facing elevation providing access to the service route and refuse area.

The rear elevation at first floor provides access to the raised decking area by providing 4 sets of double doors, the provision of the decking area along with an increased footprint at ground floor level both involving the cutting of land and construction of a reinforced retaining wall to support the remaining banked open space.

The proposal seeks to be constructed following similar design principles to the phase 1 development, utilising a blue brick at ground floor level with a signage zone above and incorporating a horizontal pastel coloured cladding system at first floor level and roofed with slate.

Following consultations with the City Council's Heritage Protection Team it is considered that the design of the proposed building is acceptable and is a result of pre-application discussions with the architect. The proposed development is also considered to support the aims and objectives of the Council's adopted Seafront Regeneration Strategy and the Marine Walk Masterplan Supplementary Planning Document. It is also consistent with the management objectives and proposals of the Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS).

In summary, it is considered that the proposed development will introduce a built form that will enhance the essential character and appearance of the lower promenade area of the Roker Park Conservation Area, whilst respecting the setting of the Roker Pier and Roker Pier Cottages. The proposal is considered to be in accordance with paragraph 137 of the NPPF, UDP policies B4 and B6 and Management Objective 6 and Proposal 5a of the CAMS which seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

### 3. The impact of the proposal on levels of residential amenity.

Paragraph 17 Core planning principles states in part that a set of core land-use planning principles should underpin both plan making and decision-taking and highlights 12 key points. One of these key points states that planning should:

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

Policy B2 of the UDP reaffirms this position in seeking to ensure levels of privacy are maintained and developments are respectful and enhance the best qualities of nearby properties.

In assessing the impact of the proposed development upon levels of residential amenity, it is worthy of note that Marine Walk currently provides 5 No. residential units at first floor level above the operational commercial units approved within the phase 1 development, with an added residential property sited directly opposite the development site at No.2 Roker Pier Cottage.

Whilst it is acknowledged that the 5 No. units at first floor level overlook the North Sea and the lower promenade area of Marine Walk, the siting of the proposed development to the immediate north is such that, it is not considered that existing levels of residential amenity in the form of overlooking, loss of privacy, loss of daylight, sunlight will be significantly impacted upon. Matters relating to noise are anticipated to be controlled via condition and this element of the proposal will be discussed further latter within this section.

Turning to the impact of the proposed development upon levels of amenity currently afforded the residents of No.2 Roker Pier Cottages. Sited approximately 18.5 metres east of the development site and separated by a private front curtilage, and pedestrian/vehicular lower promenade of Marine Walk, No.2 Roker Pier Cottages

forms one half of a semi-detached. No.1 Roker Pier Cottages currently operates as a mixed use commercial premises, providing a hot food take away/cafe.

Opposite the curtilage of No.2 Roker Pier Cottages on the opposite side of the promenade is an outdoor sitting area, that was granted consent as part of the phase 1 development.

In assessing the impact of the proposed development upon No.2 Roker Pier Cottages, due consideration has been given to each of the following, overshadowing/loss of light, privacy and noise and disturbance. Taken each in turn:

Overshadowing/loss of light.

Sunlight and daylight are valued elements in a good quality living environment, where a development proposal is poorly sited or badly designed, it can cast a shadow that may reduce a neighbour's daylight. Overshadowing to a garden area on its own would rarely constitute sufficient grounds to justify a refusal of planning permission.

With the above in mind, whilst it was recognised following discussions with the agent, that the separation distance between the proposal and No.2 Roker Pier Cottages was only 18.5 metres and due to the topography/gradient of the land, increasing this distance would lead to an impractical design, evidence would be required to indicate that the proposal would not have an impact in terms of overshadowing or loss of light.

With particular reference to the separation distance between the proposal and No.2 Roker Pier Cottages, the City Council have no adopted standard to be applied between residential and commercial premises, however as a guide 21 metres is a figure adopted by the City Council within its Residential Design Guide Supplementary Planning Document for separation distances between main facing windows of residential properties and it is worthy of note that this distance may decrease where it can be demonstrated it would be acceptable. With this in mind, the impact of overshadowing, loss of light, privacy and noise will all establish and demonstrate if the separation distance of 18.5 metres is considered to be acceptable.

The previous application ref 15/00782/FUL was subsequently supported by a Marine Walk Shadows Analysis received 28.07.2015 which considered the impact of the development at various points throughout the year. Whilst the current proposal is no greater in overall height than the previous extant approval, the previous data results are still considered to provide an accurate demonstration of potential impact. One such sample point was indicated as being August 1st and assessed at 6am, 9am, 3pm and 5pm. To confirm the results of the shadow analysis, site visits were undertaken August 3rd 2015 throughout the day to examine the submitted data, the results concluding that the shadow analysis was accurate. In light of the information provided, it is considered that the proposed development which is two metres less in height than the building portrayed in the shadow analysis will not lead to a significant loss of light or overshadowing to No.2 Roker Pier Cottages.

## Privacy.

The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment. Assessing the current levels afforded No.2 Roker Pier Cottages are essential in establishing the significance of the proposal on the property.

In terms of privacy and overlooking, it is evident that the front elevation of No.2 Roker Pier Cottages only has very limited levels of privacy, with the cottage separated from the lower promenade by a 5 metres hardstanding area, used to park vehicles and enclosed behind a low level picket fence. On the west side of the promenade is an area designated as amenity open space that climbs steeply westwards towards Roker Terrace. A decked outdoor drinking/eating area has been introduced to the north of the phase 1 development and is sited opposite No.2 Roker Pier Cottage. The front elevation of the No.2 Roker Pier Cottages provides three windows, one obscurely glazed serving a bathroom, one serving a kitchen and the latter a bedroom. In summary it is considered that the level of privacy afforded to the front the property is minimal and severely compromised by its siting alongside the Marine Walk Promenade.

To the rear of No.2 Roker Pier Cottages the garden area is enclosed behind a high level brick wall, providing an area of seclusion to the dwelling, with a high level close boarded fence with trellis above separating No.1 and No.2 Roker Pier Cottages. The rear of the property also provides the main habitable rooms of the cottage and the garden area where privacy levels are considered to be more akin to a residential dwelling.

In assessing the proposal the two storey commercial element of the scheme does provide a number of glazed gable elevations and windows. It is also considered that by the introduction of appropriate smoked glazing to the upper floor east facing windows, that are directly opposite No.2 Roker Pier Cottages the perception of being overlooked can be mitigated, however given the levels of privacy currently afforded the front elevation of No.2 Roker Pier Cottages, it is not considered in this instance that obscure glazing would be necessary.

Overall, although it is recognised that the proposed two storey commercial unit does have the potential to overlook the front elevation of No.2 Roker Pier Cottages, the design of the building has been modified to limit this potential, with the added introduction of smoked upper floor glazing in this part of the east facing elevation, it is considered that the limited levels of residential amenity that are currently afforded No.2. Roker Pier Cottages would not be significantly eroded to warrant a refusal of planning permission in this instance.

## Noise and disturbance.

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

Paragraph 123 of the NPPF considers noise stating:  
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.
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In addition to the above, policy EN5 of the UDP relates to noise and vibration and is fully compliant with NPPF policy stating that:

"Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development."

With the above in mind and further to consultations with the City Councils Public Protection and Regulatory Services Section, it was considered that due to the nature of the existing uses on Marine Walk a noise assessment would not be required in this instance and should Members be minded to approve, appropriate conditions could be imposed to safeguard nearby residential properties.

Such conditions would relate to the hours of construction, method of construction works to minimise noise emissions, methods of extraction and ventilation and hours of operation.

With the imposition of appropriately worded conditions, the proposal is considered to comply with the above National and local policies and is considered to be acceptable.

In conclusion, it is considered that the proposal will provide a form of development that can be adequately accommodated within the proposed location without leading to conditions prejudicial to residential amenity, via the imposition of appropriate conditions relating to glazing materials to reduce overlooking, hours of operation to limit disturbance, particularly late at night, the control of ventilation and extraction equipment to minimise noise and odours and through a carefully controlled scheme of working on site to ensure acceptable means of construction. The proposal is considered to be in accordance with Paragraph 17 of the NPPF and policies B2 and EN5 of the UDP.

4. Accessibility and the impact upon highway and pedestrian safety.

Paragraph 32 of the NPPF deals with promoting sustainable transport and states in part that:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Whilst paragraph 35 adds:

"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Thereafter, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport."

Policy T14 of the UDP is broadly compliant with the NPPF and states that:

"Proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- (iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- (iv) make provision for the loading and unloading of commercial vehicles
- (v) indicate how parking requirements will be accommodated."

The Marine Walk promenade is a designated No Parking Zone, there are two public car parks along Marine Walk to the south of the site and a disabled parking area to the north of the site. A loading bay is located directly opposite the Phase 1 development.

Marine Walk is readily accessible for pedestrians, cyclists and public transport. Bus services stop nearby on Roker Terrace located to the west, and the service 700 operates to Marine Walk during the school summer holiday period. Public off street parking is available at the nearby Marine Walk and Harbour View car parks.

Proposed Development - The planning application proposes development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and café), and/or A5 (hot food take-away). It should be noted that a proposal for an A4 (drinking establishment) with an external seating area would be resisted on highway grounds. The use classes proposed are considered to be acceptable, as they are unlikely to result in issues affecting safe use of the highway.



Bin Storage - The proposal includes the provision of a bin store with an area of hardstand to the north side of the proposal. Provisional - A condition should be included to ensure this is built and available for use before the occupation of the premises to ensure no bins are stored on public highway.

Servicing - Details of loading / unloading and servicing arrangements should be clarified to ensure any deliveries are co-ordinated to avoid congestion or detriment to other highway users. A condition should be included to ensure serving to the premises is managed and complies with parking and waiting restrictions.

Traffic Orders - It should be noted that a loading ban has been introduced on Marine Walk to assist with the management and control of parking along this part of Roker seafront.

Building Works and Construction Activity - Subject to planning approval, the following permissions will need to be obtained before any building works commence to ensure the safety of highway users:

The applicant will need to contact Stewart Mitchell on (0191) 561 7527 a minimum of 4 weeks in advance of any works requiring traffic management to ensure safe systems of work are put in place along with any necessary temporary road or footway closures.

For any temporary works requirements on the highway such as skip or scaffold permits, the applicant will need to contact Caroline Gair, Network Operations (0191) 561 5102 to arrange consents.

Any major building works must not to place during school holidays or events attracting high numbers of visitors to this location i.e. Sunderland International Airshow weekend.

It is noted that objections have referenced a perceived lack of allocated parking to serve the entire Marine Walk area, whilst there are also concerns that the development would be detrimental to highway safety due to vans making deliveries and the making of comings and goings of residents/visitors/occupiers to the commercial premises. With this in mind, it is noted that Marine Walk is a designated No Parking Zone, therefore concerns relating to parking in front of the commercial premises are matters that need to be dealt with through parking enforcement measures. A dedicated loading bay is situated to the front of the Phase 1 development and with the imposition of an appropriate condition should Members be minded to approve the proposal, deliveries to and from the proposed units can be coordinated to avoid congestion on the highway.

With regards to parking, it is considered that the provision of parking within the area is suitable to accommodate the proposed uses.

In light of the above, and the imposition of conditions to control hours of delivery and control the storage of refuse off the highway, the proposal is considered to be acceptable and compliant with both National and Local Policy.

## 5. Nature Conservation

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 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 relevance in the assessment of this proposal.

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;
- Proposed development on land within or outside a SSSI which is likely to have an adverse effect on a SSSI should not normally be permitted. Where an adverse effect is likely, an exception should only be made where the benefits of the development clearly outweigh the impacts on the features of the SSSI;
- Opportunities to incorporate biodiversity in and around development should be encouraged;
- The following wildlife sites should be given the same protection as European Sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites and
  - 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.

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and 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).

There are two designated statutory sites within the vicinity of the proposal, these being the Northumbria Coast Special Protection Area which is located approximately 0.75 km to the north of the development site and the Durham Coast Special Area of Conservation located to the south.

Policy CN19 of the UDP is of particular relevance and 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 above policy is fully compliant with the NPPF.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast, the application has been supported by a Habitats Regulations Assessment - Version 2 dated August 2017.

Following consultations with City Council's Heritage Protection Team it is considered that the development proposal alone and in combination is unlikely to have a significant effect on the key features of the coastal SPA and SAC subject to the imposition of appropriate avoidance measures as prescribed in Section 3.3 of the aforementioned report.

The avoidance measures outlined are:

To reduce the noise levels of operations to an acceptable threshold i.e. under 55db it is deemed appropriate to install noise barriers around the working areas. Independent testing has shown that a Heras Acoustic Barrier can deliver up to 30dB noise reduction.

A "soft start" of machinery will be adopted by the contractor and this will involve machinery being started up quietly/slowly before reaching full operational noise levels.

When daytime temperatures (during the hours when work is taking place) are at or below freezing for three days in a row then on the third day operations will cease until weather conditions improve.

The above measure will only be put in place if the works take place during October to March.

An information board and leaflet will be produced to inform the new residents and retail unit of the European Designations and their qualifying features and vulnerabilities.

In summary, and should Members be minded to approve the application it is considered with the imposition of a condition imposing the above avoidance measures, it is considered that acting in its capacity as competent authority, the LPA have addressed all relevant European Law, National and Local Policies and the future development of the site is considered to be acceptable.

#### 6. Other Material Considerations.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating landfill gas or mine, adequate investigations should be undertaken to determine the nature of the ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial or precautionary measures within the control of the applicant planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been supported by a Phase I and Phase II assessment in respect of ground contamination.

Further to comments received from the City Council's Public Protection and Regulatory Services section, it is recommended that should members be minded to approve the proposal, a remediation strategy and verification for gas protection measures should be attached via condition to be discharged on receipt of the findings of the above reports.

#### Conclusion.

It is considered that the proposed development will contribute to the achievement of sustainable development from an economic, social and environmental perspective as identified within the key themes of the NPPF, via the introduction of two/three further commercial units along the lower promenade area of Marine Walk. Furthermore whilst it is recognised that the development proposal will lead to a loss of a small area of amenity open space, it has been indicated that the development would not have a serious adverse effect on the amenity, recreational or nature

conservation value of the allocated open space as a whole and as such the further regeneration of the lower promenade is considered to meet in part the aspirations of the Seafront Regeneration Strategy and the Marine Walk Master Plan.

The proposal is considered to comply with relevant NPPF and UDP policies and in accordance with the Marine Walk Master Plan.

In light of the continued regeneration of the Marine Walk promenade area, it is recommended that Members approve the application subject to the conditions listed below.

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION: Approve subject to the conditions listed below.**

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 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:

Drawing No. AL(90) 1000, Location Plan received 18.08.2017.

Drawing No. AL(90) 0100, Existing Site Plan received 18.08.2017.

Drawing No. AL(90) 0200, Proposed Site Plan received 18.08.2017.

Drawing No. AL(90) 0050, Existing and Proposed Site Section received 25.08.2017.

Drawing No. AL(0) 0010, Proposed Elevations received 25.08.2017.

Drawing No. AL(00) 0100, Proposed Level 00 Plan received 18.08.2017.

Drawing No. AL(00) 0200, Proposed Level 01 Plan received 18.08.2017.

Drawing No. AL(27) 0100, Proposed Roof Plan received 18.08.2017.

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be:

Walls - Marley Cedral Weatherboard (White) with Ibstock Staffordshire blue brindle smooth facing bricks.

Roof - Marley Eternit Thrustone Slate.  
Windows - Grey Aluminium windows (RAL 7012).  
Roof Lights - Velux.  
Doors - Grey Aluminium (RAL 7012).  
Fascias and Soffits - White Matt Woodgrain UPVC.  
Rainwater Goods - Linda Galvanised Metal.  
External Stair and Metalwork - Galvanised Mild Steel and Timber to Match Existing.

unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 No construction work shall take place, including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Pollution Prevention and Regulatory Services;
3. Mitigation measures as defined in BS 5528: parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding;
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors.
13. Location and containment of redistributed earth mounds.

Reasons: In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN6, B2 and T14.

- 5 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the

use commences, in order to protect the amenities of the area and to comply with policy S12 of the UDP.

6 The premises shall not be operated for the purposes hereby approved outside the following hours: Monday to Sundays 08:00 and 23:00. In Order to protect the amenities of the area in accordance with policies S12 and B2 of the saved adopted Unitary Development Plan

7 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

8 The remediation scheme approved under Condition number 7 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

9 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the



unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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

10 The development hereby approved shall be carried out in complete accordance with the Section 3.3 Avoidance Measures of the Habitat Regulations Assessment : Commercial and Residential Development at Marine Walk Roker, Sunderland Version 2 August 2017 submitted with the planning application. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with Policy CN19 of the saved adopted Unitary Development Plan

11 Prior to any works commencing on site, and in accordance with the submitted Habitat Regulations Assessment : Commercial and Residential Development at Marine Walk, Roker, Sunderland Version 2 August 2017, details of the information to be incorporated in to the interpretation panel, including exact location and maintenance of the panel along with details relating to the leaflet such as format/layout/print run etc. to be submitted to and agreed in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with Policy CN19 of the saved adopted Unitary Development Plan.

12 Prior to the occupation of any of the units hereby approved, the bin storage area as indicated on the proposed ground level plan (drawing no. AL (00) 0100 dated 18.08.2017) shall be erected and made available for use in order to ensure a satisfactory form of development and to comply with policies EN1 and T14 of the saved adopted Unitary Development Plan

13 Notwithstanding the submitted drawings, the first floor windows directly opposite No.2 Roker Pier Cottages shall be fitted with smoked glazing prior to occupation and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

14 Prior to the opening of each of the units hereby approved a compliance management plan relating to deliveries and servicing shall be submitted and approved in writing and maintained in operation in perpetuity by the Local Planning Authority in the interest of Highway Safety and to comply with policy T14 of the saved adopted Unitary Development Plan.

15 No development shall take place until details of the management of foul and surface water have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities serving that dwelling have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policies EN12, B24 of the adopted Unitary Development Plan.