

## **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.

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre  
Executive Director City Development

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**Reference No.:** 22/00294/FU4 Full Application (Reg 4)

**Proposal:** **Erection of 190no. dwellings with associated access, landscaping and boundary treatment**

**Location:** Former Usworth Sixth Form Centre, Stephenson Road, Stephenson, Washington, NE37 2NH

**Ward:** Washington North

**Applicant:** Taylor Wimpey (North East)

**Date Valid:** 4 March 2022

**Target Date:** 3 June 2022

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## INTRODUCTION

Planning permission is sought for the erection of 190 no. dwellings with associated access, landscaping and boundary treatment at the former Usworth Sixth Form Centre, Stephenson Road in Washington.

## DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located towards the northern edge of the village of Usworth situated approximately 3 miles north of Washington Town Centre. It was formerly occupied by Usworth Comprehensive School which was demolished in 2007, and it now comprises a mix of brown and greenfield land.

The north-western part of the former school site has subsequently been developed to provide Sunderland College Washington, with the remaining area to the east and south making up the L-shaped application site.

The application site is bound to the east by an existing pedestrian footpath along a mature woodland belt with the A195 located further east. To the south, it is bound by existing residential streets and hedging alongside an existing pedestrian footpath. At the northern edge of the L-shape site there is mature tree planting interrupted by a vehicular entrance from Stone Cellar Road. The western edge of the application site is bounded by Heworth Road.

The application site is relatively flat in nature except for two instances; in the south west the land rises from the existing area of hard standing to Essex Drive and along the western edge there is slight elevational changes between Heworth Road and the application site.

Directly outside the application site there are bus stops providing regular buses to Washington, Houghton-le-Spring and Heworth.

The surrounding area is predominately residential in nature. In relatively close proximity to the application site there is the St Bede's RC Primary School, St Bede's Church, Nisa Local Store, Best One Local Store and a number of food outlets and restaurants. Further west of the application site is the George Washington Primary School, The Blue Bell Inn and the Mecure Newcastle George Washington Hotel, Golf and Spa.

## THE PROPOSED DEVELOPMENT

The proposed development comprises a mix of 2, 3 and 4 bedroomed properties with a mix of terraced, semi-detached and detached. The proposed development is for 190 no. new dwellings in total, including provision of 29 no. affordable dwellings which would be a mix of social rented and first homes.

The proposed housing mix for the development site comprises of the following open market housing (161 no. dwellings in total):

- 18 no. house type EMA33 - Eynsford 3 bed
- 25 no. house Type EMA35 - Tetford 3 bed
- 15 no. house type EMT31 - Aynesdale (semi) 3 bed
- 6 no. house type EMT31 - Aynesdale (detached) 3 bed
- 17 no. house type EMG31 - Byrneham 3 bed
- 13 no. house type EMB31 - Hartton 3 bed
- 16 no. house type EMA42 - Bittesford 4 bed
- 19 no. house type EMG41 - Chalham 4 bed
- 18 no. house type EMG43 - Hubham 4 bed
- 14 no. house type EMG44 - Kitham 4 bed

The proposed housing mix for the development would comprise of the following affordable housing (29 dwellings in total):

- 6 no. house type EMA22 - Beaford -2 bed (social rented)
- 9 no. house type EMA23 - Mapleford - 2 bed (social rented)
- 7 no. house type EMA33 - Eynsford - 3 bed (social rented)
- 1 no. house type EMA22 - Beaford - 2 bed (first homes)
- 3 no. house type EMA23 - Mapleford - 2 bed (first homes)
- 3 no. house type EMA33 - Eynsford - 3 bed 3 (first homes)

The proposed development has been designed whereby 150 dwellings would be accessed off Stone Cellar Road to the north (utilising the existing college access), 29 dwellings would be accessed off Essex Drive to the south west and 11 dwellings would be accessed off Norfolk Drive to the south. Several pedestrian linkages would be provided to the existing footpath networks to the south and east to ensure that the proposed development would be permeable for pedestrians.

The proposed dwellings would be constructed in three different types of materials based on three areas to be called Muirfield Drive, The Fairway and Warwick Drive.

Proposed dwellings within Muirfield Drive would be constructed in the following external building materials:

- Brick walls of either Wienerberger Woodland Mixture or Wienerberger Leamington Buff;
- Roof tiles of Redland Mini Stonewold Slate Grey;
- GRP fascias, soffits, barge boards white in colour;
- Rainwater components of UPVC;
- UPVC windows white in colour;
- Front and gable entrance doors black in colour with white frames;
- Garage doors black in colour with white frames.

Proposed dwellings within The Fairway would be constructed in the following external building materials:

- Brick walls of Wienerberger Durham Claret;

- Roof tiles of Redland Double Roman Farmhouse Red or Redland Double Roman Tudor Brown;
- GRP fascias, soffits, barge boards white in colour;
- Rainwater components of UPVC;
- UPVC windows white in colour;
- Front and gable entrance doors black in colour with white frames;
- Garage doors black in colour with white frames.

Proposed dwellings within Warwick Drive would be constructed in the following external building materials:

- Brick walls of Wienerberger Woodland Mixture;
- Roof tiles of Redland Mini Stonewold Slate Grey or Redland Double Roman Farmhouse Red
- GRP fascias, soffits, barge boards white in colour;
- Rainwater components of UPVC;
- UPVC windows white in colour;
- Front and gable entrance doors black in colour with white frames;
- Garage doors black in colour with white frames.

Proposed dwellings would include solar panels. However, application drawings state that the size and location on each dwelling is to be confirmed, as at this stage the detailed design is not known.

The main road through the site would be constructed in tarmac and with some parts constructed in tarmac with a red chippings surface. Driveways would be constructed in Tobermore Pedesta Brindle.

Boundary treatments would comprise 1.8 metre high close boarded fencing to rear gardens, 2.2 metre high acoustic fencing in particular adjacent to the existing boundary shared with Sunderland College and along the eastern boundary of the site, and 1.8 metre high brickwalls with diagonal fencing. Lower 0.8 metre high post and rail fencing would be provided at more sensitive parts of the site.

Proposed dwellings with garages would be fitted with a wall rack for two cycles, and proposed dwellings without garages would have a shed for cycle storage. Each proposed dwelling would have a paved area suitable for the storage of three 240 litre wheelie bins.

Three vehicular access points would serve the proposed development. The main access to the proposed development would utilise the existing access (which served the College) point from Stone Cellar Road. This would serve 150 of the proposed new dwellings. The second access point would be taken from Essex Drive which again will utilise an existing access point previously used as a secondary access into the College. This second access point is proposed to serve 29 of the proposed new dwellings. The third access point would be taken via a direct drive from Norfolk Drive to serve 11 of the proposed new dwellings.

The application has been supported by the following documents:

- Planning Statement by Hedley Planning Services (dated December 2021) received 17/02/2022
- Design and Access Statement by Taylor Wimpey (dated September 2021) received 04/03/2022
- Affordable Housing Statement by Hedley Planning Services (dated December 2021) received 17/02/2022
- Ecological Impact Assessment by E3 Ecology Ltd (dated July 2022) received 05/08/2022

- Biodiversity Net Gain Assessment by E3 Ecology Ltd (dated May 2022) received 05/08/2022
- Transport Assessment by TPS Transport Consultants Ltd (dated December 2021) received 17/02/2022
- Travel Plan by TPS Transport Consultants Ltd (dated November 2021) received 17/02/2022
- Transport Technical Note by TPS Transport Consultants Ltd (dated 25/05/2022) received 27/05/2022
- Flood Risk Assessment and Drainage Strategy by Coast Consulting Engineers Rev 5 (dated 03 October 2023) received 05/10/2023
- SuDS Maintenance Plan by Coast Consulting Engineers (dated 02 November 2021) received 17/02/2022
- SUDS Details Plan by Coast Consulting Engineers received 20/04/2022
- Overland Flood Route Plan by Coast Consulting Engineers received 20/04/2022
- Construction Surface Water Management Plan (dated 02 November 2021) received 17/02/2022
- Phase 1: Geo-environmental Report and Coal Mining Risk Assessment (dated March 2018) received 17/02/2022
- Phase II Geo-environmental Site Assessment (dated July 2022) received 24/08/2022
- Gas Risk Assessment by Ergo (dated 12th March 2020) received 17/02/2022
- Arboricultural Method Statement including Impact Assessment by Elliot Consulting Ltd (dated November 2021) received 17/02/2022
- Revised Noise Assessment by NJD Environmental Associated Ltd (dated December 2021) received 17/02/2022
- Air Quality Assessment by NJD Environmental Associated Ltd (dated October 2021) received 17/02/2022
- Revised Light Impact Assessment by NJD Environmental Associated Ltd (dated October 2021) received 17/02/2022
- Sustainability Statement by JPS Sustainability Ltd (dated November 2021) received 17/02/2022
- Statement of Community Involvement by Hedley Planning Services (dated December 2021) received 17/02/2022
- Healthy Life Assessment by Taylor Wimpey received 04/03/2022
- Landscape Strategy received 17/02/2022
- Children's Play Maintenance Schedule received 25/05/2022
- Sports Mitigation Strategy by Sports Planning Consultants (dated October 2023) received 13/10/2023.

## **PLANNING HISTORY**

There is no planning history of relevance to the determination of this planning application. It was formerly occupied by Usworth Comprehensive School which was demolished in 2007.

## **TYPE OF PUBLICITY**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## **CONSULTEES**

Landscape

Natural Heritage  
Public Rights Of Way Officer  
Network Management  
Environmental Health  
Cllr Kevin Johnston  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Flood And Coastal Group Engineer  
Flood And Coastal Group Engineer  
Land Contamination  
Flood And Coastal Group Engineer  
Environmental Health  
Sport England  
Cllr Kevin Johnston  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Northumbrian Water  
Cllr Kevin Johnston  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Planning Obligations Officer  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Planning And Highways  
NE Ambulance Service NHS Trust  
Network Management  
Northumbrian Water  
Chief Fire Officer  
Director Of Childrens Services  
Planning Policy  
Land Contamination  
Flood And Coastal Group Engineer  
Natural Heritage  
Environmental Health  
Nexus  
Northern Gas Networks  
Landscape  
Northern Powergrid  
Northumbria Police  
Network Management  
Flood And Coastal Group Engineer  
Public Rights Of Way Officer  
Urban Design  
Tyne And Wear Archaeology Officer  
The Coal Authority  
Sport England  
Gentoo Group Ltd.

West House Heworth Road Washington NE37 2AD

12 Prestwick Close Usworth Washington NE37 2LP  
28 Cumberland Way Washington NE37 2NW  
17 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
8 Prestwick Close Usworth Washington NE37 2LP  
9 The Fairway Usworth Washington NE37 1NF  
5 Downfield Usworth Washington NE37 1SG  
24 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
9 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
7 Norfolk Drive Concord Washington NE37 2NE  
8 Foxton Hall Washington NE37 2TT  
22 The Pantiles Concord Washington NE37 2TU  
10 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
23 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
19 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
Kasai UK Ltd Factory 1 Stephenson Road Stephenson Washington  
3 Norfolk Drive Concord Washington NE37 2NE  
6 Rutland Place Concord Washington NE37 2NL  
10 Foxton Hall Washington NE37 2TT  
11 Essex Drive Concord Washington NE37 2ND  
2 Downfield Usworth Washington NE37 1SG  
3 Foxton Hall Washington NE37 2TT  
7 The Fairway Usworth Washington NE37 1NF  
8 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
20 Cumberland Way Washington NE37 2NW  
4 Essex Drive Concord Washington NE37 2ND  
7 Downfield Usworth Washington NE37 1SG  
23 The Pantiles Concord Washington NE37 2TU  
8 Downfield Usworth Washington NE37 1SG  
14 Prestwick Close Usworth Washington NE37 2LP  
6 Downfield Usworth Washington NE37 1SG  
5 Essex Drive Concord Washington NE37 2ND  
1 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
14 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
12 Wiltshire Place Concord Washington NE37 2NN  
11 Cumberland Way Washington NE37 2NW  
Intelpack Limited 2 Stephenson Road Stephenson Washington NE37 3HW  
13 Cumberland Way Washington NE37 2NW  
4 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
18 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
14 Wiltshire Place Concord Washington NE37 2NN  
11 Norfolk Drive Concord Washington NE37 2NE  
24 Cumberland Way Washington NE37 2NW  
6 Foxton Hall Washington NE37 2TT  
7 Foxton Hall Washington NE37 2TT  
13 Norfolk Drive Concord Washington NE37 2NE  
26 Cumberland Way Washington NE37 2NW  
9 Foxton Hall Washington NE37 2TT  
12 Foxton Hall Washington NE37 2TT  
5 The Fairway Usworth Washington NE37 1NF  
1 The Fairway Usworth Washington NE37 1NF  
The Co-operative Clothing Limited 10 Stephenson Road Stephenson Washington NE37 3HR  
12 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
16 Prestwick Close Usworth Washington NE37 2LP

10 Prestwick Close Usworth Washington NE37 2LP  
9 Prestwick Close Usworth Washington NE37 2LP  
15 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
7 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
4 Norfolk Drive Concord Washington NE37 2NE  
16 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
1 Essex Drive Concord Washington NE37 2ND  
6 Norfolk Drive Concord Washington NE37 2NE  
15 Norfolk Drive Concord Washington NE37 2NE  
4 Rutland Place Concord Washington NE37 2NL  
5 Rutland Place Concord Washington NE37 2NL  
7 Prestwick Close Usworth Washington NE37 2LP  
2 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
11 Prestwick Close Usworth Washington NE37 2LP  
4 Downfield Usworth Washington NE37 1SG  
7 Essex Drive Concord Washington NE37 2ND  
20 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
3 The Fairway Usworth Washington NE37 1NF  
5 Wiltshire Place Concord Washington NE37 2NN  
2 Essex Drive Concord Washington NE37 2ND  
9 Essex Drive Concord Washington NE37 2ND  
11 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
5 Foxton Hall Washington NE37 2TT  
4 Foxton Hall Washington NE37 2TT  
11 Foxton Hall Washington NE37 2TT  
21 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
6 Prestwick Close Usworth Washington NE37 2LP  
3 Muirfield Drive Usworth Washington NE37 2LS  
1 Downfield Usworth Washington NE37 1SG  
1 Foxton Hall Washington NE37 2TT  
1 Norfolk Drive Concord Washington NE37 2NE  
2 Foxton Hall Washington NE37 2TT  
3 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
22 Cumberland Way Washington NE37 2NW  
5 Norfolk Drive Concord Washington NE37 2NE  
2 Norfolk Drive Concord Washington NE37 2NE  
22 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
15 Prestwick Close Usworth Washington NE37 2LP  
1 Muirfield Drive Usworth Washington NE37 2LS  
5 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
Rayovac Europe Ltd 2A Stephenson Road Stephenson Washington NE37 3HW  
6 Peacehaven Court Coach Road Usworth Washington NE37 2HS  
9 Norfolk Drive Concord Washington NE37 2NE  
7 Rutland Place Concord Washington NE37 2NL  
3 Downfield Usworth Washington NE37 1SG  
3 Essex Drive Concord Washington NE37 2ND

Final Date for Receipt of Representations: **14.09.2022**



## **REPRESENTATIONS**

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, site notices being displayed around the site, and a notice being posted in the local press.

The following consultees were consulted on the application.

- Director of Children's Services
- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Urban Design
- Environmental Health
- Transport Development (the Local Highway Authority)
- Landscape Officer
- Tyne and Wear Archaeology Officer
- Nexus
- Gentoo Group Ltd
- Northumbria Ambulance Service
- Northern Gas Networks
- Northern Powergrid
- Northumbrian Water
- Tyne and Wear Fire and Rescue Service
- Northumbria Police
- Natural Heritage
- Watermans (Land contamination)
- Sport England
- The Coal Authority
- Three Ward Councillors

Press notice expiry date: 05/04/2022

Site notice expiry date: 28/03/2022

Neighbour notifications expiry date: 30/03/2022

Consultation expiry dates: 29/03/2022, 29/07/2022, 26/08/2022, 12/09/2022, 14/09/2022, 02/10/2023, 03/11/2023, 04/10/2023, 06/11/2023, 10/10/2023 and 11/12/2023

### **Neighbour Notification Responses**

Seventeen representations have been submitted, sixteen objecting. These are summarised as follows:

#### **Design / layout**

- More than one access into the estate would not be in keeping with other housing in the vicinity. Other estates all have one spine road.

#### **Over development / inappropriate site**

- Over development of the site and encroachment.
- Brownfield land should be developed before the application site.

#### **Residential amenity**

- People would be overlooked and lose privacy.
- Homes put into darkness.

## Road safety and parking

- Local road network does not lend itself to a massive increase in traffic.
- Concerns regarding accidents at the proposed junctions of Heworth Road / Essex Drive and Essex Drive / Norfolk Drive. These junctions are already busy, and so the proposal would make them even more dangerous with increased congestion.
- Access to Foxton Hall would be close to the new Stone Cellar Road access, causing a bottle neck and a driving hazard. Speed limits are already exceeded along Stone Cellar Road and Northumbria Way.
- The entrance / exit along Stone Cellar Road would be dangerous. Proximity to bus stops would be an issue causing blind spots.
- A revised design could direct all cars onto Stone Cellar Road.
- There are already traffic restrictions in place due to the increase in traffic. The housing would make it even worse. The ring road beside Heworth Road is used by local delivery drivers, nurses on call, students and parents on the school run. Taking this away again will increase traffic.
- The Garden Estate is already extremely busy especially at school times at the Heworth Road junction. The secondary access to the proposed development is very close to this junction where there have been near misses due to congestion.
- Parking is an issue and a big concern. The surrounding streets are already seeing double parking. Introducing more housing would cause further issues and make it even more dangerous.
- Drives already get being blocked including during the school run and reducing the college parking would result in students parking in the surrounding area.
- Road safety issues for school children due to the use of heavy plant.
- If traffic causes congestion, it could lead to a loss of life if ambulances cannot gain access.
- Several small cul-de-sacs but little space for visitor parking. This will result in parking on the pavement and on green verges - a particular hazard when pushing a pram or using a wheelchair.
- Insufficient off-road parking for the housing facing Norfolk Drive.

## Access to local services

- Local services including doctors and dentists are already stretched.
- Schools are already overloaded with many children not getting their first choice in the school that they prefer. The proposed development would add to the problem.

## Flood risk and drainage

- Concerns that the proposed development would cause flooding with the removal of green fields. The field floods every year and so building on this land would increase flooding.
- The fields act as a flood plain.
- The old car park next to West House, as well as roads and footpaths around the site regularly flood. Drains are overflowing, and the proposed development would make this worse.
- Existing surface water drains are not suitable for existing properties.
- Flooding could damage surrounding properties, especially the north east corner of the estate.

## Noise, dust and litter

- Building on this site would increase noise, dust and general mess (such as litter).
- Residents would have to live with noise and mess every day for years. This would cause depression and anxiety.
- Additional families and cars would generate noise. Many existing residents are pensioners and do not want to be listening to increased noise levels.

- Increased traffic would increase air pollution and noise.
- Major upheaval during construction.

#### Loss of greenspace / children's play area

- Loss of green spaces - how does this fit in with Sunderland Council's Climate Emergency Declaration for a greener and cleaner living environment?
- The greenspace is fenced off and no longer accessible.
- Part of the site should be turned into parkland to be used by local people.
- No greenbelt left in the area.
- No local access to playing fields. There is nowhere in the local Usworth area for children to play safely. A playing field should be constructed within or near to the development to be used by the new estate and other local children.

#### Ecology

- Loss of habitat - a significant area would be disturbed and covered in concrete.
- Hedgerows and trees have lots of wildlife which would be lost.

#### Other matters

- There are other locations where development could take place.
- Loss of views.
- The footpath to the south of the site is an old wagonway, and so a right of way that must be reserved. Other rights of ways and tracks should be checked.
- Decline in property values in the area including at Foxton Hall.
- Cracks along joint between ceiling and walls of Foxton Hall property due to vibration. Site traffic would cause even more damage.
- Not all residents in the Garden Estate are aware of the planning application.
- Increase in rats during construction.
- No local demand for the proposed dwellings.
- Covenants on the land which prohibit housing.

### **Internal consultee responses**

#### **Environmental Health**

##### First representation

Recommended mitigation measures within the Noise Assessment are accepted. A condition should be attached to any planning permission requiring the submission of a final noise mitigation scheme. The applicant would be required to clarify their intentions which should meet the recommendations of the report or justify any slight departures from it.

The Air Quality Assessment is acceptable. The conclusion from the assessment of the operational impact of the development is that the effects upon local air quality will be negligible in accordance with the guidance methodology.

A condition should be attached to any planning permission in relation to the submission of a Construction Environmental Management Plan (CEMP).

*Case Officer Comments: Amendments were made to the site layout plans, and the Council's Environmental Health Officer was asked if they had any further comments. They responded by stating that the drawings were not clear in terms of where the noise barriers would be positioned.*

*The applicant's agent was made aware of this and subsequently submitted a separate plan illustrating the proposed poise mitigation.*

### Second representation

Details are much clearer now and match the recommendations of the noise assessment.

*Case Officer Comments: Further discussions were undertaken with the Council's Environmental Health Officer regarding the wording for a noise mitigation condition. It was agreed that the wording should ensure that the noise mitigation scheme as shown on the submitted noise mitigation plan is implemented, and the maintained and retained henceforth.*

*Case Officer Comments: An amended noise mitigation plan was submitted following some minor changes to house types / layout.*

### Third representation

No objections

### **Flood and Coastal Team (the Lead Local Flood Authority)**

No objections following the submission of an updated Flood Risk Assessment and Drainage Strategy. A condition is recommended in relation to the timing of the submission of a verification report, as well as the submission of a verification report thereafter.

### **Transportation Development (the Local Highway Authority)**

#### First representation

No objections subject to the submission of a transport capacity assessment for the junction off Stone Cellar Road, and to confirm that existing visibility splays at existing accesses to be utilised are acceptable.

Other points raised were:

- Trip generation methodology and outputs are acceptable for a residential development of this size and location. Additional traffic generation from the residential development would quickly dissipate onto the surrounding highway network.
- Pedestrian access is acceptable.
- A Section 38 agreement is required to guarantee that the internal road would not be a direct route through the estate, to guarantee all traffic calming measures and to ensure that all internal roads would be to an adoptable standard.
- Car parking is acceptable.
- Swept path analysis in relation to an 11.2 metre refuse vehicle is acceptable.
- Cycle parking is acceptable which would encourage sustainable travel options.
- Electrical vehicle points should be included in the development.
- Bus stops are located within walking distance and existing on-road and off-road cycle routes are within reasonable proximity, which should be promoted through the Travel Plan.
- A planning condition should ensure that a Construction Environmental Management Plan (CEMP) is submitted and approved by the Local Planning Authority before the start of any on-site works.

### Second representation

The additional transport capacity assessment has been submitted for the Stone Cellar Road / Heworth Road junction. It demonstrates that the junction currently operates well within capacity, and that the proposed development would have no material impacts on this operation.

Visibility splays for all three proposed access points are acceptable.

Proposals to facilitate electric vehicle charging are acceptable.

*Case Officer Comments: An electric vehicle charging plan was submitted after the above comments. The Local Highway Authority was therefore re-consulted on this additional plan.*

### Third representation

No further observations

### **Public Rights of Way Officer**

Two connections need to be of cycle standard to the eastern part of the site - to connect proposed roads with the existing cycle route to the east.

Case Officer Comments: The applicant has amended the proposal to incorporate the above comments. It should also be noted that several comments were raised by the Council's Public Rights of Way Officer, but only the most recent is summarised above.

### **Education Officer**

The educational requirements associated with this application is £1,049,938.95. This breakdown is based on the size of the proposed dwellings.

### **Landscape Officer**

No objections

Case Officer Comments: This follows several discussions with the applicant's agent seeking to clarify, and provide details of, the proposed trim trail play equipment within the application site, as well as its maintenance.

### External Consultee responses

#### **Sport England**

##### First representation

Objection - the proposed development does not accord with any of the exceptions to Sport England's Playing Fields Policy or Paragraph 99 of the National Planning Policy Framework (NPPF).

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Of the five exceptions only two relate to the complete loss of playing field. The proposal results in the loss of 6.72Ha of playing field.

Paragraph 99 of the NPPF and Sport England's playing field policy are protective policies with a presumption against development which prejudices or results in the loss of playing field (in whole or part).

Exception 1 allows the loss of playing fields where: "*A robust and up-to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport*".

Consultants working on behalf of, and in conjunction with Sunderland City Council are currently undertaking a Playing Pitch Strategy in accordance with Sport England's methodology. The work is advanced to the extent that the assessment element has been agreed by the work's Steering Group. The assessment splits the city into a number of sub-areas or catchments as the basis for assessing the adequacy of pitch provision. For the Washington sub-area the assessment shows:

- Adult football - spare capacity which will remain despite housing growth
- Youth 11v11 football - no spare capacity at present, and a small shortfall arises when demand arising from housing growth is factored in
- Youth 9v9 football - minor shortfalls in capacity at present which remain when factoring in housing growth
- Mini 7v7 football - demand is met at 3G hubs and central venues
- Mini 5v5 football - demand is met at 3G hubs and central venues
- Cricket - overplayed by matches per season
- Rugby Union - demand met on WR22 compliant pitch at Washington Parklife Hub
- Hockey - city-wide shortage of suitable AGP provision for hockey

The Playing Pitch Strategy is currently identifying measures to address the shortfalls that exist, but at present it is clear that there is not an excess of playing pitch provision in the Washington area. As such exception 1 is not considered to pertain to the development.

Exception 4 allows the loss of playing field if:

*"The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements."*

No replacement playing field is being proposed as part of the application and as such the proposal does not meet playing field policy exception 4.

*Case Officer Comments: The applicant has submitted a Sports Mitigation Strategy seeking to justify the loss of the playing fields at the application site. Sport England was subsequently re-consulted.*

### Second representation

Objection to the proposed development remains.

### **Tyne and Wear Archaeology Officer**

Within the application site there is a Historic Environment Record for Usworth Comprehensive School (HER 9729) which opened in 1969 but was mostly burnt down and rebuilt between 1978

and 1979. The eastern side of the proposed development area is associated with open cast workings (1957-67). A geophysical survey (Event 4945) was conducted at the site of the former school and grounds by Archaeological Services Durham University in 2019. Made-ground comprised of demolition deposits associated with the former school and a former stream, track, two former field boundaries, field drains, recent services and goal post sockets were detected.

It is considered that the site has low archaeological potential. Therefore, no further archaeological work is required in association with the proposed development of this site.

## **Northumbrian Water**

### *First representation*

No issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy". Foul flows will discharge to the existing public combined sewer at manhole 9609. Surface water flows will discharge to the existing public surface water sewer at manhole 8903, at a restricted rate of 25 l/sec. A condition should be attached to any planning permission to require the proposed development to be implemented in line with the submitted drainage scheme.

The Council's Lead Local Flood Authority needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer Sustainable Urban Drainage Systems (SuDS) features for adoption.

A public combined sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. Northumbrian Water will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This should be an informative only and does not materially affect the consideration of the planning application.

*Case Officer Comments: Northumbrian Water was re-consulted following the submission of the final amended drainage strategy.*

### *Second representation*

No objections as any changes made do not affect the connection points or discharge rates already agreed. A condition should be attached to any planning permission to require the proposed development to be implemented in line with the most recent submitted drainage scheme.

## **Northern Gas Networks**

No objections

## **Northern Powergrid**

No objections

## **Nexus**

Access to buses - The nearest bus stops are located close to the roundabout on Stone Cellar Road near to the most northerly in/out access point of the site; and on Heworth Road close to the most westerly in/out access point of the site. The location of these stops would be within a 200 - 400 metre walking distance for residents of the development. At present, these stops are traversed by the Go North-East Connections 4 service which would provide residents regular connections between Heworth Interchange and Houghton-le-Spring via Follingsby Park and other areas of Washington. The GNE 4 service will also provide connections to Washington Galleries and Washington Concord bus stations, as well as Heworth Interchange, which will provide residents with a connection to local rail services, a wider array of bus services, and the Tyne and Wear Metro.

Access to Metro and rail - At present, this site has no immediate proximity to local rail stations, other than via bus connections to Heworth Interchange. However, the current viability study into the re-opening of the Leamside Line is assessing the possibility of reintroducing and extending existing light rail and heavy rail networks through Washington. Any possible future extension of the Tyne and Wear Metro into Washington would thus excel the ability of residents to travel by sustainable modes.

Nexus welcomes the inclusion of a travel plan as part of the application, which will provide residents with up-to-date information regarding local public transport.

Nexus recommends that the developer should meet the costs of introductory travel tickets equally - four weeks travel per ticket to be introduced to residents within their welcome packs. The tickets that would be required are two Pop Pay As You Go Cards per dwelling with £50 of credit pre-loaded onto them, subject to residents applying for the cards. This in turn, will help to encourage a greater take up of public transport overall.

## **Housing People Services**

No response received

## **Northumbria Ambulance Service**

No response received

## **Tyne and Wear Fire and Rescue Service**

No objections to the proposal subject to building regulations requirements being complied with, as well as an informative relating to the installation of sprinkler systems.

## **Northumbria Police**

Content with the proposed development.

## **Natural Heritage**

### *First representation*

Holding objection - additional information required in order to ensure that a robust assessment of the ecological and biodiversity impacts of the proposed development are made, including on



European Protected Species (bats), and that an appropriate avoidance, mitigation and compensation strategy is implemented.

### Second representation

The Council's Ecology Advisor has considered the additional information submitted, which states that bat activity was dominated during both the transect and remote monitoring work by small numbers of locally common species, with minimal activity recorded within the more open areas of the site which will be the primary focus of the proposed development. On this basis, the proposed mitigation strategy, the level of work and suggested avoidance, mitigation and compensation strategy are considered to be appropriate to the predicted level of impact. The Council's Ecology Advisor has stated that the updated Biodiversity Net Gains metric and associated report provide the requested additional information in relation to hedgerows.

No objections subject to conditions being attached to any planning permission in relation to the following:

- Works should be undertaken in accordance with measures outlined in the submitted Ecological Impact Assessment, Biodiversity Net Gains Assessment and Arboricultural Impact Assessment.
- The submission of a plan showing the location and specification of all bird and bat boxes to be installed.
- The submission of a detailed planting scheme and Landscape and Ecological Monitoring and Management Plan (including a habitat enhancement plan).
- Site clearance works should not be undertaken within the bird nesting period (March to August inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken.
- The creation / maintenance of gaps in all boundary features for species such as hedgehogs.
- The submission of an Ecological Construction Environmental Management Plan.
- The submission of a lighting strategy.

### **Watermans (Land contamination)**

#### First representation

Broadly in agreement with the findings and recommendations of the Phase 1 desk study.

Additional information is required in relation to the Phase II Geo-Environmental Assessment. This should include:

- Comment / justification that the scope of the investigation has fully considered all potential sources of contamination at the site (including further consultations with the Local Authority).
- Comment / justification that the dry soils analysis undertaken as part of the investigation is sufficient in both number and scope to fully characterise the presence, extent and severity of potential contamination at the site (particular the eastern part where the backfilled former opencast is present).
- Justification that testing undertaken is sufficient to fully characterise the potential for contamination. This should include the suite of testing selected.
- Justification that the extent and severity of potential hydrocarbon impact in an area has been fully characterised.
- Comment / justification that the assessment undertaken is adequate in determining the potential risks to controlled water receptors.

Additional information is required in relation to the Ground Gas Assessment. This should include:

- The provision of gas monitoring records for review and comment.
- Comment / justification that the gas monitoring period is in accordance with current guidance.
- Comment / justification on the validity of gas reading monitoring results.
- Justification for site classification
- Comment / justification that the assessment undertaken is valid and in accordance with current guidance
- Terminology throughout the report should be checked and updated.
- Comment / justification why the report concludes that a full clean cover system would not be necessary across the site.

Until additional information is submitted, it is recommended that conditions be attached to any planning permission in relation to the submission of a ground investigation, a remediation strategy, a verification report, and the event of unexpected contamination being found that was not previously identified.

### Second representation

No objections - following a review of the revised report, it is recommended that conditions be attached to any planning permission in relation to the submission of a remediation strategy, a verification report, and the event of any unexpected contamination being found that was not previously identified. The remediation strategy should include details of the additional chemical testing and delineation works proposed to address risks from identified contamination hotspots.

### **Coal Authority**

The application site falls within the defined Development High Risk Area - therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. However, the submitted Phase 1 Geo-environmental Report and Coal Mining Risk Assessment concludes that based on the findings of investigations the proposed development is at a low risk from past coal mining. Therefore, based on the information submitted, no objections are raised in relation to the proposed development.

It should be noted that where Sustainable Urban Drainage Systems (SUDS) are proposed, consideration will need to be given to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Wherever coal resources or coal mining features exist at shall depth or at the surface, there is a potential for mine gases to exist. The Local Planning Authority should seek their own technical advise on the gas hazards that may exist.

*Case Officer Comments: The Council's Contaminated Land Advisor has commented on the ground gas issue (see above).*

## **COMMENTS:**

### **PLANNING POLICY AND LEGISLATIVE CONTEXT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

### **ASSESSMENT OF THE PROPOSED DEVELOPMENT**

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway / pedestrian safety and sustainable travel;
5. Impact on ecology;
6. Impact on flooding / drainage;
7. Impact in relation to land contamination;
8. Impact on coal mining legacy;
9. Impact on archaeology;
10. Impact on trees;
11. Impact on education provision;
12. Impact on local healthcare provision;
13. Planning obligations; and
14. Other matters

#### **1. Principle of Development**

##### **Strategy / Land Use Policies**

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It states that the spatial strategy seeks to deliver growth and sustainable development by supporting the sustainability of existing communities through the growth and regeneration of Washington (Policy SP3), by delivering the majority of development in the Existing Urban Area, and by emphasises the need to develop in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community.

Saved Policy EN10 of the Unitary Development Plan (UDP) states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. It states that proposals for development in such areas will need to be compatible with the principle uses of the neighbourhood.

The application site is located within the built up Existing Urban Area, and the proposed development would contribute to meeting a housing need, in a sustainable location with good access to public transport. The application site is not allocated for a specific land use within the Council's development plan, and so saved Policy EN10 of the UDP applies. The application site is located within a primarily residential area. Given the nature of the proposed development it is considered that it would be compatible with the prevailing pattern of land uses in the immediate vicinity.

Given the above, it is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP3 of the adopted CSDP, and saved Policy EN10 of the adopted UDP.

### **Housing Policies**

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum including through sites identified in the Strategic Housing Land Availability Assessment (SHLAA).

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location and that dwellings on developments of 10 or more should meet building regulations in relation to accessible and adaptable dwellings. It also encourages development (where appropriate and justified) to provide larger detached dwellings.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing.

The proposed development would provide an acceptable density of development at this location, and it would contribute to meeting affordable housing needs providing a housing type, tenure and size that would be appropriate for this location.

The proposed development would provide 29 affordable dwellings, and so 15% of the dwellings within the proposed development would be affordable. The proposed tenure split would be 22 social rented affordable units and 7 first homes. This would provide a tenure split of approximately 75% to 25%, which would be acceptable. The applicant has entered into a Section 106 legal agreement with the Council which confirms that the proposed development would deliver these 29 affordable dwellings in accordance with the required tenure split (including the provision of starter homes) in accordance with Policy H2 of the adopted CSDP.

Subject to the completion of a Section 106 legal agreement to secure the provision of these affordable dwellings, it is considered that the proposed development would accord with Policy SP8, Policy H1 and Policy H2 of the adopted CSDP.

## **Impact on amenity Greenspace including a Loss of Playing Fields**

The application site is currently greenspace within the Council's Allocations and Designations Plan Greenspace Audit (December 2020) – the Council's most up to date Greenspace Audit (with the primary purpose being as School Playing Fields and Grounds).

Policy NE4 'Greenspace' of the adopted CSDP seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report by:

3. requiring all major residential development to provide:
  - i. a minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
  - ii. a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate; and
4. refusing development on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:
  - i. the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or
  - ii. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the council prior to development commencing; or
  - iii. replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

Paragraph 99 of the National Planning Policy Framework (NPPF) (September 2023) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The planning application is for major residential development. Therefore, application details state that 0.76ha of useable green space would be provided within the application site outwith the Sustainable Urban Drainage Systems (SuDS) (including the SuDS 0.98ha or useable greenspace would be provided). This would exceed the requirement of 0.74ha based on the proposed development providing 821 bed spaces. Application details also state that an additional 0.39ha of additional landscaped green space would also be provided for biodiversity / ecological enhancements. This green space provision is considered to be acceptable. It is recommended that a condition be attached to any planning permission to require this open space to be provided, to require an open space management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority, and to control that the open space is managed and maintained for the lifetime of the development.

The green space would include children's play facilities in the form of a trim trail, which would include various climbing features. The trim trail would be managed by a management company, with weekly and quarterly inspections. The Council's Landscape Officer has advised that the proposed play facilities, including the anticipated management and maintenance, would be acceptable. However, specific details regarding management and maintenance have not been

provided. It is therefore recommended that a condition be attached to any planning permission to require the proposed play facilities as shown on submitted drawings be implemented, and to require details of a management and maintenance plan for them to be submitted to and approved in writing by the Local Planning Authority.

Subject to discharge of and compliance with recommended conditions, in relation to open space provision and children's play facilities on-site, it is considered that the proposed development would accord Criterion 3 of Policy NE4 of the adopted CSDP.

The proposed development would result in the loss of approximately 6.72ha of playing fields. Sport England (a statutory consultee) originally objected to the proposed development on the basis that the proposed development would prejudice the use, or leads to the loss of use, of land being used as a playing field or which has been used as a playing field in the last five years. Where this is the case, Sport England objects to a proposed development unless one or more of five Sport England exceptions apply.

In this case, two Sport England exceptions are considered relevant:

Exception 1 allows the loss of playing fields where: *A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport*

Exception 4 allows the loss of playing fields if: *"The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements."*

The applicant has subsequently prepared a Sports Mitigation Strategy (dated October 2023), seeking to address the concerns raised by Sport England, as well as to address the loss of greenspace in relation to Criterion 4 of Policy NE4 of the adopted CSDP. This is based on the Council's Planning Pitch Strategy (titled Strategy and Action Plan dated July 2022), and the Council's Sports Mitigation Strategy (dated August 2023) relating to seven sites across the City including the application site. The Sports Mitigation Strategy acknowledges that both national and local policy seeks to protect valuable outdoor sport and open spaces, and that the disposal of the playing fields and loss of greenspace must comply with:

- One of the exception criteria of Paragraph 99 of the NPPF (September 2023); and
- One of the exception criteria contained within Sport England Playing Field Policy; and
- Criterion 4 of Policy NE4 of the adopted CSDP.

The submitted Sports Mitigation Strategy states that, subject to appropriate mitigation, the playing fields at the application site are surplus to requirements. It states that the Council's Sports Mitigation Plan (for seven sites) explores this position, concluding that:

- The former Usworth College Playing Fields (or a replacement) is not required to meet current or future needs for rugby or hockey.
- There is a small existing deficiency of cricket pitch provision in the Washington area, but this is to be met through installation of a non-turf pitch (NTP) – there is no requirement for the current site (or a replacement) to be used for cricket. Current and future needs will be met once an NTP has been installed.
- Following improvements to either Southern Area Playing Fields or Usworth Colliery Primary School, there will be no remaining deficiencies in football in either current or future years – needs will be adequate.

The submitted Sports Mitigation Strategy concludes that based on the above there is therefore no clear rationale for retention of the playing fields at the application site, and no future role for them in the sporting infrastructure of the City. However, to reach a position where the application site is surplus to requirements in policy terms, it is necessary to demonstrate that there are no remaining deficiencies within the City of Sunderland. Therefore, following analysis of the Council's Playing Pitch Strategy and Sports Mitigation Plan, the following mitigation package has been proposed:

- Improvement works to Southern Area Playing Fields (at Bonemill Lane, Washington) – This is a large area of playing fields (7 pitches). An agronomy assessment is currently underway evaluating the specific works required to bring the site up to a Sport England PQS 'good standard'. This work includes a full assessment of current and desired pitch conditions and a full costed specification of works required. All works on the resulting specification will be undertaken on all pitches across the site.
- Installation of NTP at Harraton Cricket Ground

The submitted Sports Mitigation Strategy states that the above works would require funding of up to £300,000. At this stage agronomy works are being undertaken to determine the exact scope of the above off-site works required (such as in relation to improving drainage at the Southern Area Playing Fields), and so the detailed costing is currently not known. However, it is considered that it would not exceed £300,000. The works would be undertaken prior to the commencement of development and would result in a position whereby the application site is surplus to requirements in terms of playing fields.

Sport England have been consulted on this mitigation strategy. However, they have stated that their statutory objection remains.

The statutory objection from Sport England is noted. However, the Sports Mitigation Strategy has been reviewed in detail by relevant departments within the Council, who are satisfied that the mitigation would result in adequate sports infrastructure being retained within Washington and the wider City of Sunderland.

- The Council's 'Active Sunderland' welcomes the mitigation package, stating that it would undoubtedly improve the quality of playing surfaces and in turn, raise skill levels and sustain club development.
- The Council's Environmental Services Team has advised that over recent years there has been a steady migration of teams away from grass pitches to the hub sites and recent analysis of usage shows the current provision is under subscribed resulting in some maintained pitches having no usage at all with others only being played on occasionally. The current provision not only meets demand it exceeds it. The pitches within Usworth College site do not form part of the pitch provision Environmental Services allocate to teams, and therefore the loss of the pitch would have no impact upon the current number of pitches on offer to users.

Given that the relevant departments within the Council are satisfied with the submitted Sports Mitigation Strategy, as concluded within the submitted Sports Mitigation Strategy it is considered that:

- Following the improvement works to Southern Area Playing Fields and Harraton Cricket Ground, retention of the playing fields at the application site would result in excess playing fields within the catchment area. A robust and up-to-date assessment has therefore demonstrated that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the application site has no special significance to the interests of sport. The proposed development therefore accords with Sport England Exemption 1.

- Following the improvement works to Southern Area Playing Fields and Harraton Cricket Ground, the playing fields at the application site would be surplus to requirements, and so the proposed development would accord with Criterion 4 of Policy NE4 of the adopted CSDP.
- An assessment has been undertaken which has clearly shown that the open space / land is surplus to requirements. On this basis the proposed development would accord with Paragraph 99 of the NPPF (September 2023)

The above mitigation should be secured via a Section 106 legal agreement. The final Section 106 legal agreement will include the actual detailed costing to undertake the relevant works.

Overall, it is considered that an acceptable Sports Mitigation Strategy has been submitted which demonstrates that the area of playing fields to be lost as a result of the proposed development is surplus to requirements. This is on the basis that mitigation will be delivered as set out above via a financial contribution which will be secured via a Section 106 legal agreement. However, given the objection from Sport England, should Members be minded to grant planning permission for the proposal as recommended in this Committee Report (contrary to Sport England's advice – a statutory consultee), then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application must be referred to the Secretary of State for Levelling Up, Housing and Communities, via the Planning Casework Unit.

Subject to the completion and compliance with the S106 legal agreement, it is considered that proposed development would accord with Sport England's Exception 1, Policy NE4 of the adopted CSDP and guidance within the NPPF (September 2023).

### Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

## **2. Design and impact on visual amenity**

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- Create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- Be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- Deliver acceptable standards of amenity;
- Promote natural surveillance;
- Clearly distinguish between public and private spaces;
- Create visually attractive and legible environments;
- Maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- Not detract from important views of buildings, structures and landscape features;
- Create safe, convenient and visually attractive areas for servicing and parking;
- Maximise durability and adaptability throughout the lifetime of the development.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability and enhance biodiversity.



The Council's Development Management Supplementary Planning Document (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

It is considered that the proposed development would deliver a high standard of design, drawing inspiration from the surrounding locality in terms of scale, massing, height and materials to ensure that it would appropriate assimilate into the local character. It would be designed to respect existing residential development, and provide an acceptable layout which would promote natural surveillance and provide active frontages to promote safe and inclusive design throughout the scheme.

Proposed dwellings would be constructed in acceptable external building materials which would complement the existing built form in the vicinity, and would also be constructed in accordance with Nationally Described Spacing Standards.

No details of the proposed solar panels have been provided, as their detailed design in relation to their size and position on each dwelling is not currently known. It is therefore recommended that a condition be attached to any planning permission to require full details of solar panels including their fixings, prior to their installation.

Boundary treatments throughout the development would be acceptable, including low 0.8 metre high post and rail fencing to the front of dwellings where necessary, and 1.8 metre high brick walls and fencing in more sensitive locations adjacent to the public domain and shared with Sunderland College Washington. 1.8 metre close boarded fencing would be to the rear of proposed dwellings only. Hardstanding of tarmac, tarmac with red chippings and block paved driveways would also be acceptable.

It is recommended that a condition be attached to any planning permission to control that the proposed dwellings, boundary treatments and hard landscaping be constructed in accordance with the external building materials / details as specified on submitted drawings and within submitted details. In the interests of visual amenity, it is also recommended that a condition be attached to any planning permission to removed permitted development (PD) rights in relation to the erection of any front boundary treatment not shown within submitted details.

Conditions are recommended to require proposed bin stores for each dwelling to be completed on-site and retained henceforth for their designated purpose, and to require the proposed development to be constructed in accordance with the ground levels and finished floor levels as detailed on submitted drawings.

The submitted landscape scheme is considered to be acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be implemented in accordance with the submitted landscape scheme.

With regard to sustainability, the applicant's Sustainability Statement states that the applicant intends to deliver sustainable homes with energy efficient construction and building services specifications capable of delivering reductions in CO2 emission and energy efficiency in excess of the Building Regulations requirements.

Northumbria Police have raised no objections to the proposed development in relation to designing out crime.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (September 2023).

### **3. Impact on residential amenity**

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

In terms of the amenity afforded to prospective occupiers of the proposed dwellings, it is considered that the proposed development would broadly comprise good sized dwellings, which would generally occupy spacious plots with reasonably sized front and rear gardens. The spacing between the proposed dwellings would largely accord with the guidance within the Council's Development Management SPD - 21 metres between elevations containing main facing windows (living rooms, kitchens and bedrooms) and 14 metres between elevations containing main windows facing side or end elevations (with only secondary windows or no windows). There are some situations where spacing between dwellings is a little below these recommended distances, but overall it is considered that the proposed layout would provide an arrangement which should ensure that the prospective occupiers of the proposed dwellings would be afforded acceptable levels of privacy.

The nearest neighbouring residential properties to the application site are positioned to the east along Heworth Road, along Essex Drive to the south west and to the south along Norfolk Drive. However, all proposed dwellings would be positioned over 21 metres from the front elevations of these nearest dwellings. The concerns raised in representations in relation to residential amenity issues are noted. However, given separation distances it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of existing dwellings in relation to privacy, outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development. They have advised that the proposed development would have no unacceptable impacts in relation to air quality, and that the submitted noise assessment and scheme of noise mitigation are acceptable. They have suggested that a condition should be attached to any

planning permission to require the proposed development to be implemented in accordance with the submitted scheme of noise mitigation - as illustrated on the submitted noise mitigation plan. This includes the erection of acoustic barriers as well as the installation of acoustic trickle vents to living rooms and bedrooms on elevations of some dwellings.

The Council's Environmental Health Officer has also advised that a condition should be attached to any planning permission in relation to the submission of a Construction Environmental Management Plan (CEMP), as well as details that should be included in the CEMP.

Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested conditions in relation to the noise mitigation scheme and a CEMP be attached to any planning permission. It is also recommended that an informative be attached to any planning permission to advise the applicant of the details that should be included in the CEMP.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP, and guidance within the Council's Development Management SPD.

#### **4. Impact on highway / pedestrian safety and sustainable travel**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a Transport Assessment /Transport Statement and Travel Plan, a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, an appropriate level of electric vehicle parking and charging infrastructure, and safeguard the existing network of Definitive Public Rights of Way.

The concerns raised in representations in relation to road safety and parking issues are noted. However, the Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the application site is in a sustainable location with good access to public transport links. They have advised that following the submission of a swept path analysis for the access points, and an additional Transport Capacity Assessment for the Stone Cellar Road / Heworth Road junction, it has been demonstrated that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety.

The Council's Transportation Development have advised that a Construction Environmental Management Plan (CEMP) should be submitted and approved by the Local Planning Authority

(LPA). It is therefore recommended that a condition be attached to any planning permission to require the submission of a CEMP.

The Council's Transportation Development have advised that the vehicle parking and cycle storage throughout the proposed development would be acceptable, and that proposals to facilitate electrical charging points would be acceptable. It is recommended that a condition be attached to any planning permission to require the access road, car parking spaces, cycle provision and electric vehicle charging points be provided and made available for use prior to the occupation of the relevant phases of the development, and then retained henceforth for their designated purpose.

It is recommended that an informative to applicant be attached to any planning permission in relation to works to be undertaken under Section 38 of the Highways Act 1980.

The applicant has incorporate the advice of the Council's Public Rights of Way Officer, with the inclusion of footpath and two cycle connections to connect the proposed development to the existing surrounding footpaths and cycleway to the east. In the interests of sustainable travel and site permeability it is recommended that a condition be attached to any planning permission to require the footpath and cycle connections to be installed prior to the occupation of the relevant parts of the development.

Given the comments from the Council's Transportation Development it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Given the comments from the Council's Public Rights of Way Officer it would also be acceptable in relation to sustainable travel. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **5. Impact on ecology**

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity.

An Ecological Impact Assessment has been submitted as part of this planning application. It concludes that the application site is dominated by amenity grassland with scrub and trees around the boundaries, with some scattered trees and shrubs. The amenity grassland, which forms the majority of the site, is considered to be of low habitat value. The field boundary hedgerows, scrub and scattered trees are of local value, providing connectivity onto the site. The site is considered likely to be of local value to foraging and commuting bats, parish value to birds, local value to hedgehog and common toad, and low value to badgers. It recommends mitigation, compensation and enhancement measures relating to impact on hedgerows and trees, grassland, biodiversity in general, bats, amphibians, birds, badger, hedgehog and wildlife in general.

A Biodiversity Net Gains Assessment has been submitted, which concludes that the proposed development would provide biodiversity net gains.

The Council's Ecology advisor has considered the submitted ecology reports and raised no objections to the proposed development subject to conditions being attached to any planning permission (see their consultation response above).

It is recommended that conditions be attached to any planning permission, as advised by the Council's Ecology Advisor, in relation to the following:

- Works should be undertaken in accordance with measures outlined in the submitted Ecological Impact Assessment, Biodiversity Net Gains Assessment and Arboricultural Impact Assessment.
- The submission of a plan showing the location and specification of all bird and bat boxes to be installed.
- The submission of a detailed planting scheme and Landscape and Ecological Monitoring and Management Plan (including a habitat enhancement plan).
- The creation / maintenance of gaps in all boundary features for species such as hedgehogs.
- The submission of an Ecological Construction Environmental Management Plan.
- The submission of a lighting strategy.

Birds are afforded statutory protection. It is therefore recommended that an informative be attached to any planning permission in remind the applicant that works, including building and vegetation clearance, should not be undertaken within the bird nesting season (March to August inclusive), unless a checking survey has been undertaken by a Suitably Qualified Ecologist. It would not be necessary to attach a condition in relation to this.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on ecology. It would accord with Policy NE2 of the adopted CSDP.

## **6. Impact on flooding/drainage**

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted Flood Risk Assessment and Drainage Strategy identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the most appropriate method of surface water disposal would be to the existing surface water public sewer network to the north of the application site at Stone Cellar Road. Sustainable Urban Drainage (SuDS) would include a detention basin to the north-eastern part of the application site, permeable driveways and filter drains for run off from shared private driveways. It concludes that post development the risk of surface water, ground water and sewer flooding to properties can be considered as low throughout the site.

The proposed development would connect foul discharge to the mains sewer.

Northumbrian Water have raised no objections to the proposed development, subject to a condition being attached to any planning permission in relation to the implementation of the drainage scheme contained within the submitted Flood Risk Assessment and Drainage Strategy.

The Council's Lead Local Flood Authority have raised no objections to the proposed development in relation to flooding and surface water drainage. They have recommended that a condition be attached to any planning permission relating to the submission of a verification report to

demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme.

Given the comments from Northumbrian Water and the Council's Lead Local Flood Authority, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / foul and surface water drainage, subject to the discharge of and compliance with the recommended condition. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WWE5 of the adopted CSDP.

## **7. Impact in relation to land contamination**

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 Geo-Environmental Site Assessment (and Coal Mining Risk Assessment) report, a revised Phase 2 Geo-Environmental Ground Investigation report and a Gas Risk Assessment report have been submitted as part of the application. The Council's Contaminated Land advisors have considered these reports and raised no objections to the proposed development (see their comments above) subject to conditions being attached to any planning permission to require the submission of a remediation strategy and verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land advisors, it is recommended that their suggested conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

## **8. Impact on coal mining legacy**

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from instability.

Paragraph 5.6 provides commentary to Policy HS1 stating that where a site is affected by land stability issues (including mineral legacy issues as set out in Policy M3), the responsibility for securing a safe development rests with the developer and/or landowner. Affected development must incorporate remediation and management measures.

Policy M3 'Land instability and minerals legacy' of the adopted CSDP states that development should give consideration to hazards arising from past coal mining, in particular land instability and mine gas. It further states that where a development is located within an area with a mining legacy, an applicant will be required to prepare and submit a Coal Mining Risk Assessment and / or carry out site investigations as necessary.

The Coal Authority has advised that part of the application site falls within the defined Development High Risk Area. The Coal Authority have raised no objections based on the information and professional opinions set out in the submitted Coal Mining Risk Assessment report. However, they have advised that the developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability (including implications for any mine workings). It is recommended that an informative to applicant be attached to any planning permission in relation to this matter (this was agreed in writing with the Coal Authority), along with the standard Coal Authority informative in relation to development in high risk areas.

Given the comments from the Coal Authority it is considered that the proposed development would have no unacceptable impacts in relation to coal mining legacy. It is considered that the proposed development would accord with Policy HS1 (in relation to instability) and Policy M3 of the adopted CSDP.

### **9. Impact on archaeology**

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

### **10. Impact on trees**

Policy NE3 'Woodlands / hedgerows and trees' of the adopted CSDP states that development should give consideration to trees and hedgerows both on individual merit as well as on their contribution to amenity and interaction as part of a group within the broader landscape setting.

The planning application has been accompanied by an Arboricultural Method Statement and Arboricultural Impact Assessment. This concludes that:

- Category B trees that would need to be removed would be low / moderate at a local level, and that the landscape scheme would mitigate their loss.
- Works to remove existing hard surfaces within the Root Protection Areas (RPAs) of certain trees to be undertaken in a sensitive manner.
- No utility runs to be located within any of the retained tree RPAs.
- Tree protective fencing should be installed during demolition / development works.
- Crown lifting should be undertaken to clear proposed gardens and structures.

Prior to the commencement of development, tree protective fencing should be installed. Tree protection measures during construction should include building materials being stored outside of RPAs, and operations that can contaminated soil (such as cement mixing) being undertaken outside of RPAs.

Several of the trees to be retained within and adjacent to the application site that could be affected by the proposed development are Category B. They also have an amenity value when viewed from the public domain, it is therefore recommended that a condition be attached to any planning

permission to control that the proposed development be undertaken in accordance with the tree protection measures as detailed within the submitted Arboricultural Method Statement and Arboricultural Impact Assessment. It is also recommended that the condition be attached to any planning permission to require the proposed development to be implemented in accordance with the submitted landscape scheme to mitigate the loss of trees. Subject to the compliance with these conditions, it is considered that the proposed development would accord with Policy NE3 of the adopted CSDP.

### **11. Impact on education provision**

Policy ID2 'Planning Obligations' of the adopted CSDP states that planning obligations will be sought to facilitate the delivery of local improvements to mitigate the direct or cumulative impacts of development, where evidenced. Paragraph 14.12 (supporting text to Policy ID2) states that education provision and facilities may be needed to make a development acceptable.

The Council's Planning Obligations Supplementary Planning Document (SPD) states that the Council will request developer financial contributions towards the creation of new school places to fulfil the demand generated as a consequence of new housing developments (for developments of 10 or more dwellings).

Paragraph 96 of the NPPF (July 2021) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

The Council's Education Officer has advised that due to the nature of the proposed development for new dwellings, the applicant is required to provide a financial contribution of £1,049,938.95 towards primary school investment within three miles of the application site, with secondary school spend being for any of the four Washington secondary schools. It would also contribute to special educational needs (SEN) provision as an alternative to mainstream primary/ secondary. This could be City wide as pupils tend to travel to specialist school places on school transport.

The applicant has agreed to make the requested financial contribution in full and the payment will be secured via a Section 106 legal agreement. Subject to the completion of this agreement, it is considered that the proposed development would have no unacceptable impacts on education provision in the area, and so it would accord with Policy ID2 of the adopted CSDP and guidance within the Council's Planning Obligations SPD.

### **12. Impact on local healthcare provision**

Several representations have been received raising concerns in relation to the potential impact of the proposed development on local healthcare provision in the area (such as on doctors and dentists). The Council has not, however, received a request for a financial contribution from the NHS Clinical Commissioning Group (CCG) to support local primary care infrastructure. It should be noted that, at this point, requests for financial contributions from the CCG in relation to other housing applications in the City have not been properly evidenced or justified and that consequently, they have not met the tests for planning obligations set out at regulation 122(2) of the CIL Regulations and Paragraph 57 of the NPPF.

### **13. Planning Obligations**

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct



or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document.

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP, and provides guidance in relation to other policies of the adopted CSDP including Policy H2 and Policy NE4 (summarised above).

Paragraph 55 of the NPPF (September 2023) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010)):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

As set out elsewhere in this report, the following would be required and secured via a Section 106 legal agreement:

- 15% of the development to be for affordable dwellings (with the tenure split being 75% for affordable rent and 25% being first homes);
- £1,049,938.95 towards education provision;
- Up to £300,000 to mitigate the loss of existing open space / Loss of playing fields (see above). The final Section 106 legal agreement will include the actual detailed costing to undertake the relevant works.
- £16,245 towards the provision of allotments within the Washington North ward.

The requested financial contributions are considered to be necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause of the agreement sets out the applicant's commitment to delivering 15% of the dwellings being affordable. As such, it is considered that these contributions would satisfy the tests set out at Paragraph 57 of the NPPF (September 2023).

The applicant has agreed to the financial contributions and provision of affordable housing provision as detailed above, and these will be secured via an agreement under Section 106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application, the Section 106 legal agreement will be completed upon approval of the application under consideration.

#### **14. Other matters**

Other matters raised in representations, and not already considered in the above assessment are addressed as follows:

- Whether or not there are other locations where development could take place, given the above assessment the proposed development at the application site is considered to be acceptable.

- Loss of views and property values are not a material planning consideration.
- There would be no unacceptable impacts in relation to the footpath to the south of the application site (an old wagonway)
- Cracks along joints between ceiling and walls of a Foxton Hall property due to vibration are not of direct relevance to the determination of this planning application.
- The planning application has been publicised fully in accordance with statutory requirements. This included letters being sent to nearest neighbouring properties as well as site notices being posted around the application site.
- Increase in rats during construction is not of direct relevance to the determination of this planning application.
- No local demand for the proposed dwellings is not of direct relevance to the determination of this planning application.
- Any covenants on the land which prohibit housing are not material planning considerations.

## **Conclusions**

The proposed development would contribute to meeting a housing need, in a sustainable location with good access to public transport. It would provide an acceptable density of development at this location, contribute to meeting affordable housing needs (secured via a Section 106 legal agreement), and provide a housing type, tenure and size that would be appropriate for this location.

Sport England has objected to the planning application. However, the relevant departments within the Council are satisfied that, subject to the implementation of the submitted Sports Mitigation Strategy (improvements works to the Southern Area Playing Fields and Harraton Cricket Ground), there is sufficient evidence to conclude that the loss of the playing fields (and wider amenity greenspace) at the application site would not result in any deficiencies in sports provision within Washington or the wider City of Sunderland. The playing fields at the application site have not actively been used for several years, and subject to the implementation of the Sports Mitigation Strategy, they are considered to be surplus to requirements. Subject to the Sports Mitigation Strategy being implemented, via a financial contribution secured via a Section 106 legal agreement, it is considered that the proposed development would have no unacceptable impacts in relation to a loss of playing fields / loss of amenity greenspace. Subject to conditions being attached to any planning permission to control the provision of greenspace and children's play facilities within the application site, it is also considered that the proposed development would have no other unacceptable impacts in relation to amenity green space.

Given the above it is considered that the proposed development would be acceptable in principle.

Subject to the discharge of and / or compliance with recommended conditions attached to any planning permission, it is considered that the proposed development would have no unacceptable impacts in relation to design and impact on visual amenity.

The Council's Environmental Health Officer has raised no objections to the proposed development. This is subject to conditions being attached to any planning permission to require the proposed development to be implemented in accordance with the submitted scheme of noise mitigation, and in relation to the submission of a Construction Environmental Management Plan (CEMP). Subject to the discharge of and compliance with these conditions it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the development with an acceptable standard of amenity.

Subject to the discharge of and compliance with recommended conditions attached to any planning permission, it is considered that the proposed development would have no unacceptable impacts on highway and pedestrian safety, ecology, flooding / drainage contamination and trees. It would have no unacceptable impacts in relation to impact on educational provision subject to a financial contribution towards primary school investment within three miles of the application site, with secondary school spend being for any of the four Washington secondary schools. It would also have no unacceptable impacts in relation to local healthcare provision.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document and the National Planning Policy Framework (September 2023). It is therefore considered to be an acceptable form of development.

### **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:**

It is recommended that Planning Committee be **MINDED TO GRANT CONSENT** under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the recommended schedule of draft conditions, the completion of a Section 106 legal agreement, and referring the application to the Secretary of State for Levelling Up, Housing and Communities.

## **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan received 17/02/2022
  - Drawing No. 1N USWO/01-01 (Existing Site Plan) received 04/03/2022
  - Drawing No. 1N USWO/EX-ELE (Existing Elevations) received 17/02/2022
  - Drawing No. 1N/USW/02-03 (Parking Plan) received 17/02/2022
  - Drawing No. 01 Rev P4 (Engineering Layout Sheet 1) received 17/02/2022
  - Drawing No. 02 Rev P4 (Engineering Layout Sheet 2) received 17/02/2022
  - Drawing No. 03 Rev P4 (Engineering Layout Sheet 3) received 17/02/2022
  - Drawing No. 126 Rev P2 (Source Control Plan) received 17/02/2022
  - Drawing No. 131 Rev P2 (Temporary Drainage Works) received 17/02/2022
  - Drawing No. 31 Rev P8 (External Works Sheet 1)
  - Drawing No. 32 Rev P7 (External Works Sheet 2)
  - Drawing No. 33 Rev P8 (External Works Sheet 3)
  - Drawing No. 1N/USW/02/04 Rev C (Character Area & Materials Plan) received 11/08/2022
  - Drawing No. 1N/USW/02-02 Rev A (Open Space Plan) received 08/11/2023
  - Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023
  - Drawing No. 1N USWO/PR-ELE (Proposed Elevations) Rev A all received 24/10/2023
  - Drawing No. 1N USW/03-01 Rev R (Site Layout) received 11/08/2023
  - Drawing No. 1N USW/28-01 (Fence Enclosures) received 11/08/2023
  - Drawing No. 1N USW/10-01 (Enclosure Details) received 05/08/2022
  - Proposed street scene drawing received 17/02/2022

- Drawing No. 1N/ USW/03-05 Rev B (Noise Mitigation Plan) received 11/08/2023
- Drawing No. EMT31/2021/PL2B (Proposed Plans - Aynesdale) received 03/10/2023
- Drawing No. EM31/2020/PL3 B (Planning Elevations - Aynesdale) received 03/10/2023
- Drawing No. EMT31/2020/PL2 (Planning Plans - Aynesdale) received 17/02/2022
- Drawing No. EM31/2021/PL3 (Planning Elevations - Aynesdale) received 03/10/2023
- Drawing No. EMA22/2020/PL2 (Planning Plans - Beaford) received 17/02/2022
- Drawing No. EMA22/2020/PL3 B (Planning Elevations - Beaford) received 14/08/2023
- Drawing No. EMA42/2020/PL2 (Planning Plans - Bittesford) received 17/02/2022
- Drawing No. EMA42/2020/PL3 B (Planning Elevations - Bittesford) received 14/08/2023
- Drawing No. EMG31/2020/PL2 (Planning Plans - Byrneham) received 17/02/2022
- Drawing No. EMG31/2020/PL3 A (Planning Elevations - Byrneham) received 14/08/2023
- Drawing No. EMG41/2021/PL2 (Planning Plans - Chalham) received 03/10/2023
- Drawing No. EMG41/2020/PL3 (Planning Elevations - Chalham) received 14/08/2023
- Drawing No. EMG41/2020/PL4 (Planning Elevations - Plot 9 - Chalham) received 17/02/2022
- Drawing No. EMA33/2020/PL2 (Planning Plans - Eynsford) received 17/02/2022
- Drawing No. EMA33/2020/PL3 B (Planning Elevations - Eynsford) received 14/08/2023
- Drawing No. EMB31/2020/PL2 (Planning Plans - Hartton) received 17/02/2022
- Drawing No. EMB31/2020/PL3 A (Planning Elevations - Hartton) received 14/08/2023
- Drawing No. EMG43/2020/PL2 (Planning Plans - Hubham) received 17/02/2022
- Drawing No. EMG43/2020/PL3 (Planning Elevations - Hubham) received 14/08/2023
- Drawing No. EMG44/2020/PL2 (Planning Plans - Kitham) received 17/02/2022
- Drawing No. EMG44/2021/PL3 (Planning Elevations - Kitham) received 14/08/2023
- Drawing No. EMA23/2020/PL2 (Planning Plans - Mapleford) received 17/02/2022
- Drawing No. EMA23/2020/PL3 A (Planning Elevations - Mapleford) received 14/08/2023
- Drawing No. EMB32/2021/PL2 B (Planning Plan - Owlton) received 16/08/2023
- Drawing No. EMB32/2021/PL3 B (Planning Elevations - Owlton) received 14/08/2023
- Drawing No. EMA35/2020/PL2 (Planning Plans - Tetford) received 17/02/2023
- Drawing No. EMA35/2021/PL3 B (Planning Elevations - Tetford) received 14/08/2023
- Drawing No. 1170\_100 Rev A (Landscape Strategy) received 17/02/2022
- Drawing No. 1170\_110 (Play Area Proposals - North Area) received 19/08/2022
- Drawing No. 1170\_111 (Play Area Proposals - West Area) received 19/08/2022
- Drawing No. 131 Rev P2 (Temporary Drainage Works) received 17/02/2022
- Sports Mitigation Strategy by Sports Planning Consultants (dated October 2023) received 13/10/2023

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

- 3 The external building materials of the development hereby permitted shall be in accordance with the details as specified on the following drawings:

- Drawing No. 1N/USW/02/04 Rev B (Character Area & Materials Plan) received 09/08/2022
- Drawing No. 1N USW/03-01 Rev R (Site Layout) received 14/08/2023
- Drawing No. 1N USW/28-01 (Fence Enclosures) received 11/08/2023
- Drawing No. 1N USW/10-01 (Enclosure Details) received 05/08/2022

Unless the Local Planning Authority first agrees any variation in writing.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 4 The development hereby permitted shall be constructed in accordance with the ground levels and finished floor levels as detailed on Drawing No. 31 Rev P8 (External Works Sheet 1), Drawing No. 32 Rev P7 (External Works Sheet 2), Drawing No. 33 Rev P8 (External Works Sheet 3) and Drawing No. 1N USWO/PR-ELE (Proposed Elevations) Rev A all received 24/10/2023, read in conjunction with the off-site datum points on Drawing No. 1N USWO/EX-ELE (Existing Elevations) received 17/02/2022.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 5 Notwithstanding the provisions of Article 3 and Class A of Part 2 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no boundary treatment shall be erected beyond the front elevation of the dwellings hereby approved (other than as shown on Drawing No. 1N USW/28-01 (Fence Enclosures) received 11/08/2023), without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

In order to safeguard the visual amenity of the area which might be harmed by developments which otherwise would be permitted, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 6 Prior to the installation of any solar panels on the dwellings hereby permitted, full details of the proposed solar panels (including elevational drawings for each dwelling and a manufacturers specification), together with details of fixings shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall then be installed in accordance with approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 7 Prior to the occupation of the relevant phases of development hereby permitted (as shown on Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023), the vehicle access roads, vehicle parking provision (within the curtilage of dwellings and visitor parking bays) and pedestrian / cycle routes within the site and connecting to existing pedestrian / cycle routes for that phase of the development, as shown on Drawing No.1N USW/03-01 Rev R (Site Layout) received 11/08/2023, shall be completed on-site, sealed and made available for use. The vehicle access roads, vehicle parking bays and pedestrian / cycle routes shall then be maintained and retained henceforth for their designated purpose.

To ensure a satisfactory standard of development, satisfactory provision of vehicle parking provision in the interest of highway safety, satisfactory sustainable travel connections and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 8 Prior to the first occupation of the each individual dwelling hereby permitted, the cycle stores for each individual dwelling as shown on Drawing No.1N USW/03-01 Rev R (Site Layout) received 11/08/2023 and the electric vehicle charging points for each individual dwelling as shown on Drawing No. 1N USW/28-01 Rev A (EV Charging Point Layout)

received 11/08/2023 shall be provided / completed on-site and made available for use. The cycle stores and electric vehicle charging points shall then be maintained and retained henceforth for their designated purpose.

To ensure a satisfactory standard of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

- 9 Prior to the first occupation of the each individual dwelling hereby permitted, the bin stores for each individual dwelling, as shown on Drawing No.1N USW/03-01 Rev R (Site Layout) received 11/08/2023, shall be completed on-site and made available for use. The bin stores shall then be maintained and retained henceforth for their designated purpose.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 10 All planting, seeding or turfing comprised in the landscape scheme detailed and specified on Drawing No. 1170\_100 Rev A (Landscape Strategy) received 17/02/2022 shall be carried out in the first planting season following the occupation of the relevant phases of the development shown on Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023, or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity, to provide biodiversity, to mitigate the loss of some trees, and to comply with Policy BH1, Policy NE2 and Policy NE3 of the adopted Core Strategy and Development Plan.

- 11 The development hereby permitted shall be implemented in strict accordance with the scheme of noise mitigation as detailed on Drawing No. 1N/ USW/03-05 Rev B (Noise Mitigation Plan) received 11/08/2023. The scheme of noise mitigation shall then be maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of future occupiers of the proposed dwellings in relation to noise impacts, and to comply with Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 12 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall set out the potential impacts arising from works of site clearance, preparation and construction, and shall identify measures to prevent or minimise those impacts upon nearby occupiers and the local environment. The development hereby permitted shall then be constructed in strict accordance with the approved Construction Environment Management Plan.

To ensure the environmental impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 13 Prior to the commencement of the development hereby permitted, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably

qualified person, and the extent of the Sustainable Urban Drainage Systems (SuDS) features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- Construction details (component drawings, materials, vegetation);
- Health and Safety file;
- Details of ownership organisation, adoption & maintenance; and
- CCTV Evidence is provided to confirm manhole access into the existing culvert as stated in section 2.3 (existing drainage) of the schemes FRA (Rev 5, 19066-FRA-01, Oct 2023).

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to reduce the risk of flooding, and to comply with Policy WWE2 and WWE3 of the adopted Core Strategy and Development Plan.

- 14 The development hereby permitted shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" Revision 5 (dated 03rd October 2023) received 05/10/2023. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 9609 and ensure that surface water discharges to the surface water sewer at manhole 8903. The surface water discharge rate shall not exceed the available capacity of 25 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

To prevent the increased risk of flooding from any sources, and to comply with Policy WWE2 and Policy WWE3 of the adopted Core Strategy and Development Plan.

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

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

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 HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.



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

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

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

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 HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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

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 HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 18 The development hereby permitted shall be undertaken in strict accordance with the following:
- Mitigation, compensation and enhancement measures set out within Section E of the ecology report Ecological Impact Assessment by E3 Ecology Ltd (dated July 2022) received 05/08/2022;
  - Biodiversity net gains as concluded in the Biodiversity Net Gain Assessment by E3 Ecology Ltd (dated May 2022) received 05/08/2022; and
  - The scheme of tree protection as set out within the Arboricultural Method Statement including Impact Assessment by Elliot Consulting Ltd (dated November 2021) received 17/02/2022.

To mitigate and compensate for any adverse impacts on protected species and habitats, to ensure that the proposed development provides biodiversity net gains, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 19 Prior to the commencement of the development hereby permitted, a plan detailing the location and specification all bird and bat boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. Bird and bat boxes to be installed should include those referred to on submitted Drawing No. 1170\_100 Rev A (Landscape Strategy) received 17/02/2022 and within the ecology report Ecological Impact Assessment by E3 Ecology Ltd (dated July 2022) received 05/08/2022, as well as bird and bat boxes to be integrated into 50% of the new buildings as part of the development hereby permitted (the combined total of bat and bird boxes should be equal to half the number of dwellings). The bat and bird boxes shall then be installed in accordance with the approved plan, and then retained and maintained henceforth for the lifetime of the development.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 20 Prior to the commencement of the development hereby permitted, a detailed planting scheme and Landscape and Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include a habitat enhancement plan confirming the locations of hedgehog highways, hedgehog/herptile hibernacula / habitat piles, installation of bee bricks and bug hotels, installation of integrated bat and bird boxes on at least 50% of new buildings, and bat and bird boxes on trees, Sustainable Urban Drainage Systems, wildflower grassland and bulb planting, species rich scrub and tree mixes, and areas to be subject to appropriate management and gapping up of hedgerows. It should provide management prescriptions for the habitats on site, covering a period of no less than 30 years, subject to review at specified times. It should also detail contingency measures should the habitat creation and enhancement objectives (as detailed within the Biodiversity Net Gain Assessment by E3 Ecology Ltd (dated May 2022) received 05/08/2022) not be met. The development hereby permitted shall then be monitored and managed in accordance with the approved planting scheme and Landscape and Ecological Monitoring and Management Plan.

To maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 21 Gaps measuring at least 13 cm by 13 cm shall be created or maintained in all boundary features, to ensure that the site remains permeable to species such as hedgehogs. These gaps shall be retained and maintained henceforth for the lifetime of the development.

In order to mitigate the impact of the proposed development on species such as hedgehogs, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 22 Prior to the commencement of the development hereby permitted, an Ecological Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should include the measures to be implemented to minimise the risk of disturbance or harm to / ensure the protection of protected and notable species (including, but not limited to amphibians, hedgehog, badger, nesting birds and bats) and those habitat features to be retained

through the works. The development shall then be undertaken / constructed in strict accordance with this approved CEMP.

To ensure that there are no adverse impacts upon the ecological interests of the site during construction works, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 23 Prior to the installation of any lighting associated with the construction or operation of the development hereby permitted, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should include input from a Suitably Qualified Ecologist in line with current best practice guidelines, and include measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats. This should include the provision of Lux level (contour) plans which show proposed bat box locations and the proposed landscape strategy, to demonstrate that the lighting levels around features designed to benefit wildlife would be in line with current best practice guidelines. The proposed development shall then be constructed / operated in strict accordance with the approved lighting scheme.

To ensure a satisfactory standard of development, to mitigate impacts on protected species, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 24 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be undertaken in accordance with the scheme of tree protection identified in the submitted Arboricultural Method Statement and Arboricultural Impact Assessment by Elliott Consultancy Ltd dated November 2021 and received on 17/02/2022. Trees shall be protected by fencing to British Standard 5837: 2012 (or other fencing approved in writing by the Local Planning Authority prior to its use), which shall be erected in the positions shown on the Tree Protection Plan at Appendix 3 of the Arboricultural Method Statement and Arboricultural Impact Assessment by Elliott Consultancy Ltd dated November 2021 and received on 17/02/2022. The protective fencing shall be maintained in position, as shown on this drawing, and in good order during the whole period of works on site. Works including the excavation, removal or deposit of earth or other materials shall not be carried out within any area enclosed by protective fencing, without the written prior consent of the Local Planning Authority.

To safeguard trees during the construction works, in the interests of visual amenity, and to comply with Policy NE3 of the adopted Core Strategy and Development Plan.

- 25 Prior to the occupation of the relevant phases of development hereby permitted (as shown on Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023), the childrens play facility (a trim trail including play features and furniture as detailed on Drawing No. 1170\_100 Rev A (Landscape Strategy) received 17/02/2022, Drawing No. 1170\_110 (Play Area Proposals - North Area) received 19/08/2022 and Drawing No. 1170\_111 (Play Area Proposals - West Area) received 19/08/2022), shall be completed on site for each phase and made available for use. The children's play facility shall then be retained and maintained henceforth in accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of the development.

To ensure that the proposed development would contribute towards the provision for children and young people, and to comply with Policy NE4 of the adopted Core Strategy and Development Plan.

- 26 Prior to the occupation of the relevant phases of development hereby permitted (as shown on Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023), open space for each phase of development (as detailed on Drawing No. 1N/USW/02-02 (Open Space Plan) received 08/11/2022) shall be provided in strict accordance with the timing for each phase of the development as shown on Drawing No. 1N/USW/31-01 (Landscape Phasing Plan) received 13/10/2023, unless otherwise agreed in writing by the Local Planning Authority. The open space shall then be retained and maintained henceforth in accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of the development.

To ensure that adequate useable greenspace as part of the proposed development is provided, retained, managed and maintained, in the interests of visual amenity and biodiversity, and to comply with Policy BH1, Policy NE2 and Policy NE4 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 23/01341/FUL Full Application

**Proposal:** **Extension to existing vehicle manufacturing plant comprising 2 No. linked modular warehouse buildings for storage purposes, reconfiguration of existing car park, installation of fence and associated work**

**Location:** Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS

**Ward:** Washington North

**Applicant:** Nissan Motor Manufacturing UK

**Date Valid:** 25 October 2023

**Target Date:** 24 January 2024

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## INTRODUCTION

Planning permission is sought for the extension to the existing vehicle manufacturing plant comprising 2 No. linked modular warehouse buildings for storage purposes, reconfiguration of the existing car park, installation of a fence and associated work on land within the Nissan Motor Manufacturing (UK) Limited (hereafter called Nissan) compound, Washington Road, Sunderland.

## DESCRIPTION OF SITE AND SURROUNDINGS

The application site is positioned to the east side of the Nissan manufacturing plant, which is situated between Sunderland and Washington. The plant comprises of a series of manufacturing buildings, plant and machinery installations, internal access roads and open vehicle storage areas.

The proposed development would be positioned to the east and south of existing buildings. The application site comprises a tarmacked area, principally used for parking of cars and vehicle circulation.

## THE PROPOSED DEVELOPMENT

Nissan has identified a pressing requirement for additional storage space for the storage of axle and suspension components. Therefore, the proposed development is for the erection of two linked modular warehouse buildings, which would be linked to an existing storage building. The modular warehouse buildings would be fixed to a new concrete hardstanding and involve re-configuring the existing car park.

New security fencing (2.4m high mesh panel) would be reinstated on the northern perimeter of the reconfigured car park (i.e. south side of proposed extension). Three lighting columns would be relocated in this area and a CCTV tower reinstated at the north east corner of the proposed extension.

Application details state that the siting of the proposed buildings has been carefully considered to complement the existing vehicle manufacturing process in an efficient manner to complement the neighbouring storage building and not interfere with other activities. It would be orientated

east/west to align with existing buildings, principally the one to the immediate north. Other than a loss of employee car parking spaces, the proposed buildings would not affect the access or existing operation. The car park would be reconfigured to maintain the car park's operation.

Other than some personal doors, the building would be linked and accessed through the neighbouring building to the north. There would be no vehicular external access to the building. The new floorspace would provide additional storage facilities rather than generate new job opportunities. The proposed buildings would only be accessible to Nissan employees and so there would be no public access.

The proposed building would be in two parts. The largest part would be approximately 72 metres in length and 18 metres in width. The shortest part would be approximately 40 metres in length and 18 metres in width. It would be 6 metres in height to the eaves and 9.5 metres in maximum height. It would be constructed in the following external building materials:

- Walls of sandwich panel cladding (goosewing grey BS10 A05 in colour);
- Roof of white PVC coated polyester flame retardant fabric (white RAL 9016 in colour);
- Personnel doors (grey in colour);
- Concrete foundation slab.

The larger door (on north side of tent structure) is shown as yellow on the proposed elevation drawing. However, this door is effectively internal as it would form part of the link connecting the proposed structure to the existing storage building to the north.

The application has been supported by the following documents:

- Design and Access Statement by Nissan (dated 5 May 2023) received 15/06/2023
- Flood Risk Assessment and Drainage Strategy Rev 1 (dated 26 October 2023) by Coast Consulting Engineers received 26/10/2023
- Phase 1 Geo-environmental Appraisal by Coast Consulting Engineers (dated 31 August 2023) received 11/09/2023
- Preliminary Ecological Appraisal by DWS Ecology (dated April 2023) received 18/09/2023
- Sustainability Appraisal by Nissan received 22/09/2023

## **PLANNING HISTORY**

There is no planning history of relevance to the determination of this planning application.

## **TYPE OF PUBLICITY**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES**

Planning Implementation  
Environmental Health  
National Highways  
Tyne And Wear Archaeology Officer  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Flood And Coastal Group Engineer

Natural Heritage  
Planning Policy  
Network Management  
Land Contamination  
Northern Gas Networks  
Northern Powergrid  
Northumbrian Water  
Northumbria Police  
Flood And Coastal Group Engineer  
Planning Implementation  
Environmental Health  
National Highways  
Tyne And Wear Archaeology Officer  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Flood And Coastal Group Engineer  
Natural Heritage  
Planning Policy  
Network Management  
Land Contamination  
Northern Gas Networks  
Northern Powergrid  
Northumbrian Water  
Northumbria Police  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **20.11.2023**

## **REPRESENTATIONS**

Publicity associated with the application included site notice being displayed in the vicinity of the site and a notice being posted in the local press.

The following consultees were consulted on the planning application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Built Heritage and Regeneration
- Natural Heritage
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- National Highways
- Tyne and Wear Archaeology Officer
- Northern Gas Networks
- Northern Powergrid
- Northumbria Police
- Northumbrian Water
- Contaminated Land Officer
- Three Ward Councillors

Press notice expiry date: 20/11/2023

Site notice expiry date: 16/11/2023

Consultation expiry date: 15/11/2023

## **Neighbour Notification Responses**

At the time of drafting this report, no neighbour representations had been submitted.

## **Consultee Response (Internal)**

### **Environmental Health**

No comments to make, and so no objections are raised.

The applicant should however note that such a lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels, and any change or variation in the use of the proposed building in the future should be accompanied by a suitable noise assessment that may set out any noise mitigation measures necessary to prevent adverse impacts upon residential occupiers.

*Case Officer Comments: The Council's Environmental Health Officer was advised that it would not be necessary to attach a condition to any planning permission to control that this building is used for storage purposes only (as storage use is clearly stated in the planning application description, and given it is unlikely that a lightweight structure of this nature would be suitable for a manufacturing operation in any case).*

### **Conservation Team**

The Conservation Team have no comments on the above application, there are no built heritage impacts.

### **Flood and Coastal Team (the Lead Local Flood Authority)**

No objections. A condition is recommended in relation to the timing of the submission of a verification report, as well as the submission of a verification report thereafter.

### **Transportation Development (the Local Highway Authority)**

No comments

### **Contaminated Land Officer**

The submitted Phase 1 Contaminated Land Report states that potential sources of contamination include limited made ground on site associated with its development, and a former airfield adjacent to the site. However, it concludes that the risk to the proposed development and other sensitive receptors is considered to be low due to the lack of potential pathways. No further investigation or assessment is considered necessary.

The submitted report is acceptable. No objections to the proposed development subject to a condition being attached to any planning permission in relation to any contamination being found that was not previously identified.



## **Consultee Responses (External)**

### **Natural Heritage**

The conclusions and recommendations within the submitted Preliminary Ecological Appraisal report are agreed with. Subject to the recommendations being implemented the proposals are unlikely to result in significant harm and are therefore appropriate in planning terms, with regards to ecology.

A condition should be attached to any planning permission to ensure the implementation of mitigation within the submitted Preliminary Ecological Appraisal.

### **Tyne and Wear Archaeology Officer**

The site was formerly occupied by the Sunderland Aerodrome (HER 1824) and subsequently occupied by the Nissan Motor Manufacturing site. The 20th and 21st century development is likely to have truncated any earlier deposits and structures. Therefore, it is considered that the site has low archaeological potential, and so no archaeological work is required.

### **National Highways**

No objections

### **Northern Gas Networks**

No objections

### **Northern Powergrid**

No objections

### **Northumbrian Water**

No response received

### **Northumbria Police**

No response received

## **COMMENTS:**

### **PLANNING POLICY AND LEGISLATIVE CONTEXT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

## **ASSESSMENT OF THE PROPOSED DEVELOPMENT**

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and visual impacts;
3. Impact on heritage assets;
4. Impact on residential amenity;
5. Impact on highway and pedestrian safety / sustainable travel;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination; and
9. Impact on archaeology.

### **1. Principle of Development**

#### **Strategic / Land Use Policies**

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partners and key stakeholders will seek to create at least 7,200 new jobs; and develop at least 95ha of employment land. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to be a driver of economic growth for Sunderland. To achieve this, economic growth will be focused in identified Employment Areas including those designated under Policy EG1.

Policy EG1 'Primary employment areas' of the adopted CSDP allocates areas as Primary Employment Areas (PEA) (as designated on the Policies Map) to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. One of these areas is 'viii Nissan (PEA8)'.

The application site is part of a wider site allocated under Policy EG1 'Primary employment areas' (viii. Nissan - PEA8) of the adopted CSDP as a Primary Employment Area (PEA). PEAs are those existing employment areas which are considered essential to the long-term success of Sunderland. They are located in the strongest demand areas and should be protected from non-employment uses which could impact upon their viability as employment locations. This allocation therefore seeks to safeguard primary employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area, and at a sustainable location close to public transport links. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), which is a nationally significant centre for automobile production and an important regional employer. Therefore, the proposed development would

accord with strategic Policy SP1, strategic Policy SP3, and economic growth Policy EG1 of the adopted CSDP and so it would be acceptable in principle.

## **2. Design and visual impacts**

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and assist in designing out crime.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability and enhance biodiversity.

The proposed development would be positioned within the existing site in close proximity to Nissan's main manufacturing buildings. It would be largely screened from the public domain, and so it would have no unacceptable visual impacts. External building materials would be acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the external building materials as specified within application details.

In terms of the design of the scheme and site security no response has been received from Northumbria Police. However, the proposed development would be positioned within the secure Nissan site.

The planning application has been accompanied by a Sustainability Statement. This states that the existing car park asphalt would be re-used elsewhere on-site, some materials would be sourced locally, and that the proposed buildings would seek to maximise energy efficiency. It is therefore considered that sustainable design and construction would be integral to the proposed development.

Given the above, it is considered that the proposed development would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

## **3. Impact on heritage asset**

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets based on their significance.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.

The Council's Conservation Team have raised no objections in relation to the proposed development.

Given the nature of the proposed development to the northern part of the Nissan site, and its close proximity to existing buildings, it is considered that it would have no unacceptable impacts

on the setting of any listed buildings. It is therefore considered that the proposed development would accord with Policy BH7 and Policy BH8 of the adopted CSDP.

#### **4 Impact on residential amenity**

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

The Council's Environmental Health Officer has raised no objections to the proposed development. This is on the basis that the intention of the structure is to use it for storage for components associated with axle plant. They have advised that such a lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels. They have advised that the applicant should be made aware of this. However, it would not be necessary for the Local Planning Authority to control this by way of a condition attached to any planning permission given the nature of the current proposal.

It is recommended that an informative be attached to any planning permission as advised by the Council's Environmental Health Officer.

It is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of nearest residential properties to the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

#### **5. Impact on highway and pedestrian safety / sustainable travel**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that they have safe and adequate means of access, egress and turning arrangements; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

National Highways has raised no objections to the proposed development in relation to impacts on the strategic road network. The Council's Transportation Development (the Local Highway Authority) has also raised no objections to the proposed development.

The proposed building would be used for storage purposes only, and so no additional vehicle parking or cycle provision would be required within the Nissan site. The car parking area affected by the proposed development would be reconfigured to maintain the car park's operation.

Given the nature of the proposed development for storage purposes as part of the wider Nissan site, and given the above comments, it is considered that proposed development would have no unacceptable impacts on the strategic and local highway networks in terms of capacity or safety. It would be acceptable in relation to highway and pedestrian safety / sustainable travel. It is therefore considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **6. Impact on ecology**

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity.

The Council's Ecology Officer has raised no objections to the proposed development in relation to ecology, subject to a condition being attached to any planning permission to ensure the implementation of mitigation within the submitted Preliminary Ecological Appraisal. This mitigation includes following a precautionary method statement during construction works in relation to amphibians (Great Crested Newts), any trenches left open overnight being fitted with mammal escape boards, pollution prevention measures being implemented during construction, and the provision of nature conservation enhancements at the site.

It is recommended that the condition suggested by the Council's Ecology Officer be attached to any planning permission. Subject to the compliance with this condition it is considered that the proposed development would have no unacceptable impacts in relation to biodiversity.

Given that the application site is hardstanding with no biodiversity value, it would not be reasonable to require the proposed development to provide any biodiversity net gains.

Subject to the compliance with the recommended condition it is considered that the proposed development would accord with Policy NE2 of the adopted CSDP.

## **7. Impact on flooding/drainage**

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

The submitted Flood Risk Assessment (FRA) concludes that the proposed development would be in Flood Zone 1 and is classified as being at very low risk of surface water flooding.

Northumbrian Water have not provided a response. The Council's Lead Local Flood Authority have raised no objections to the proposed development in relation to flooding and surface water

drainage. However, they have recommended that a condition be attached to any planning permission relating to the submission of a verification report to demonstrate that all sustainable drainage systems (including an attenuation tank) have been constructed as per the agreed surface water drainage scheme.

Given the comments from the Council's Lead Local Flood Authority it is recommended that their suggested condition be attached to any planning permission. Subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / surface water drainage. It is therefore considered that the proposed development would accord with Policy WWE2 and Policy WWE3 of the adopted CSDP.

## **8. Impact in relation to land contamination**

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 Land Contamination Assessment has been submitted as part of the planning application. The Council's Contaminated Land Officer has considered this report, and raised no objections to the proposed development subject to a condition being attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land Officer, it is recommended that the suggested condition be attached to any planning permission. Subject to the compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

## **9. Impact on archaeology**

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has advised that the site has low archaeological potential, and so no archaeological work is required. It is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

## **Conclusions**

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), and so it is considered that the proposed development would be acceptable in principle.

The proposed development would also be acceptable in relation to design and visual impacts, impact on residential amenity and in relation to other technical matters including impact on heritage assets, highway and pedestrian safety, ecology, flooding / drainage, land contamination and archaeology.

For the reasons set out in detail in the above assessment, subject to the compliance with the recommended conditions it is considered that the proposed development would accord with policies within the adopted development plan and guidance within the NPPF (September 2023). It is therefore considered to be an acceptable form of development.

## **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:**

It is recommended that Planning Committee be **MINDED TO GRANT** planning permission, subject to the recommended schedule of draft conditions, and subject to the reporting of any representations received following the expiry of the publicity period on 20/11/2023.

## **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing No. NMUK-AXLETENT-001 'Location Plan' received 25/10/2023
  - Drawing No. NMUK-AXLETENT-002 'Proposed Site Plan' received 25/10/2023
  - Drawing No. NMUK-AXLETENT-003 'Existing Site Plan' received 25/10/2023
  - Drawing No. Sheet 1/5 Floor Plan received 15/06/2023
  - Drawing No. Sheet 2/5 Elevations received 15/06/2023
  - Drawing No. Sheet 3/5 Elevations received 15/06/2023
  - Drawing No. Sheet 4/5 Sections received 15/06/2023
  - Drawing No. Sheet 5/5 3D image received 15/06/2023
  - Drawing No. 231-NW-001 'Topographical Survey' received 18/09/2023
  - Drawing No. 01 P1 'Proposed Drainage Layout' received 26/10/2023
  - General arrangements plan received 15/06/2023
  - General arrangements slab plan received 19/09/2023
  - General arrangement layout plan received 19/09/2023
  - Base Plate Fixing Detail received 15/06/2023

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

- 3 The development hereby permitted shall be constructed in accordance with the external building materials as specified in the materials section of the planning application form received 15/06/2023, the fence detail received 13/11/2023, and with concrete hardstanding, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory form of development and in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

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



with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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; to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to comply with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 5 A verification report(s), which is to be carried out by a suitably qualified person, must be submitted to the Local Planning Authority within 6 months of the commencement of the development hereby permitted, unless an alternative time-period is agreed in writing by the Local Planning Authority. The verification report shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme, and must be approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. For the avoidance of doubt, this shall include:
- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
  - Construction details (component drawings, materials, vegetation).
  - Health and Safety file.
  - Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to reduce the risk of flooding, and to comply with Policy WWE2 and Policy WWE of the adopted Core Strategy and Development Plan.

- 6 The development hereby permitted shall be undertaken in strict accordance with all ecological measures recommended within Sections 5.4 and 5.5 of the Preliminary Ecological Appraisal (by Durham Wildlife Services) dated April 2023, and any features created will be retained in that manner thereafter.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 23/01547/FUL Full Application

**Proposal:** **Removal of existing tent structure, erection of new tent structure for storage purposes and fencing, and associated works.**

**Location:** Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS

**Ward:** Washington North

**Applicant:** Nissan Motor Manufacturing UK Limited

**Date Valid:** 25 October 2023

**Target Date:** 24 January 2024

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## INTRODUCTION

Planning permission is sought for the removal of an existing tent structure, the erection of a new tent structure for storage purposes, and associated works on land within the Nissan Motor Manufacturing (UK) Limited (hereafter called Nissan) compound, Washington Road, Sunderland.

## DESCRIPTION OF SITE AND SURROUNDINGS

The application site is positioned to the north west side of the Nissan manufacturing plant, which is situated between Sunderland and Washington. The plant comprises of a series of manufacturing buildings, plant and machinery installations, internal access roads and open vehicle storage areas.

The proposed development would be positioned to the west of existing buildings. It relates to part of the existing Body Shop area located to the south of Washington Road, southwest of the existing Body Shop.

The application site comprises a tarmacked area, principally used for the parking, and storage of new vehicles prior to shipment off site.

## THE PROPOSED DEVELOPMENT

Nissan has identified a pressing requirement for additional storage space. The proposed development is for the erection of a modular warehouse type building, for the storage of new model vehicle trial parts. The building would be positioned on a supporting concrete foundation slab, with associated works including vehicle access ramps and the erection of a 2.4 metre high perimeter wire mesh type fence. Part of this fence would be a re-alignment of existing fencing; however new fencing would also be erected including a 6 metre wider double leaf gate.

The proposed building would replace an existing smaller tent structure on this part of the Nissan site.

Application details state that the siting of the proposed building has been carefully considered to complement the existing vehicle manufacturing process, with the structure located and orientated to minimise travel distance for new vehicle model components from the storage area to the Body Shop.

Pedestrians would access the building via personnel access doors, with forklift trucks loading and unloading components via the roller shutter door. The floorspace would provide additional storage facilities rather than generate new job opportunities, and the proposed building would only be accessible to Nissan employees, with no public access.

The proposed building would be approximately 30 metres by 40 metres in area, 6 metres in height to the eaves and 11.2 metres in maximum height. It would be constructed in the following external building materials:

- Walls of sheet steel cladding (goosewing grey BS10 A05 in colour);
- Roof of white PVC coated polyester flame retardant fabric (white RAL 9016 in colour);
- Personnel doors (grey in colour);
- Electric roller shutter doors (grey in colour); and
- Concrete foundation slab and access ramp.

The concrete foundation slab for the building would be 40.5 metres by 30.5 metres in area, and access ramps would be 6 metres by 12metres in area.

The proposed fencing would be Euroguard Regular Fencing with a 6 metre wide double leaf gate, and any proposed hardstanding would be of asphalt.

The application has been supported by the following documents:

- Design and Access Statement by Nissan (dated 6 October 2023) received 25/10/2023
- Flood Risk Assessment and Drainage Strategy Rev 1 (dated 26 October 2023) by Coast Consulting Engineers received 26/10/2023
- Phase 1 Geo-environmental Appraisal by Coast Consulting Engineers (dated 20 September 2023) received 21/09/2023
- Sustainability Appraisal by Nissan (dated 17 October 2023) received 25/10/2023

## **PLANNING HISTORY**

There is no planning history of relevance to the determination of this planning application

## **TYPE OF PUBLICITY**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
Northumbrian Water  
Flood And Coastal Group Engineer  
Land Contamination  
Northumbrian Water  
Flood And Coastal Group Engineer  
Land Contamination  
Network Management  
Planning Policy  
Environmental Health  
Natural Heritage

Planning Implementation  
Northumbria Police  
Tyne And Wear Archaeology Officer  
Northern Gas Networks  
Northern Powergrid  
National Highways  
Network Management  
Planning Policy  
Environmental Health  
Natural Heritage  
Land Contamination  
Flood And Coastal Group Engineer  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Planning And Highways  
Planning Implementation  
Northumbria Police  
Tyne And Wear Archaeology Officer  
Northern Gas Networks  
Northern Powergrid  
Northumbrian Water  
Northumbrian Water  
Flood And Coastal Group Engineer  
Land Contamination  
Network Management  
Planning Policy  
Environmental Health  
Natural Heritage  
Planning Implementation  
Northumbria Police  
Tyne And Wear Archaeology Officer  
Northern Gas Networks  
Northern Powergrid  
National Highways  
National Highways  
Flood And Coastal Group Engineer  
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Northumbrian Water  
Land Contamination  
Network Management  
Planning Policy  
Environmental Health  
Natural Heritage  
Planning Implementation  
Northumbria Police  
Tyne And Wear Archaeology Officer  
Northern Gas Networks  
Northern Powergrid  
National Highways  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Jill Fletcher

Final Date for Receipt of Representations: **20.11.2023**

## **REPRESENTATIONS:**

Publicity associated with the application included site notice being displayed in the vicinity of the site and a notice being posted in the local press.

The following consultees were consulted on the planning application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Built Heritage and Regeneration
- Natural Heritage
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- National Highways
- Tyne and Wear Archaeology Officer
- Northern Gas Networks
- Northern Powergrid
- Northumbria Police
- Northumbrian Water
- Contaminated Land Officer
- Three Ward Councillors

Press notice expiry date: 20/11/2023

Site notice expiry date: 16/10/2023

Consultation expiry date: 16/11/2023

## **Neighbour Notification Responses**

At the time of drafting this report, no neighbour representations had been submitted.

## **Consultee Response (Internal)**

### **Environmental Health**

#### **First representation**

No objections are raised.

The applicant should however note that such a lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels. Any change or variation in the use of the proposed building in the future should be accompanied by a suitable noise assessment that may set out any noise mitigation measures necessary to prevent adverse impacts upon residential occupiers.

Case Officer Comments: The Council's Environmental Health Officer was advised that it would not be necessary to attach a condition to any planning permission to control that this building is used for storage purposes only (as storage use is clearly stated in the planning application description, and given it is unlikely that a lightweight structure of this nature would be suitable for a manufacturing operation in any case).

### Second representation

The application is clearly stated for storage only with no indication of any manufacturing activity. The comment regarding noise was simply for the awareness of the applicant. No action is required by the Local Planning Authority.

#### **Conservation Team**

No objections as there are no built heritage impacts

#### **Flood and Coastal Team (the Lead Local Flood Authority)**

No objections. A condition is recommended in relation to the timing of the submission of a verification report, as well as the submission of a verification report thereafter.

#### **Transportation Development (the Local Highway Authority)**

No observations

#### **Contaminated Land Officer**

No objections subject to a condition being attached to any planning permission in relation to any contamination being found that was not previously identified.

### Consultee Responses (External)

#### **Natural Heritage**

No response received

#### **Tyne and Wear Archaeology Officer**

The site was formerly occupied by the Sunderland Aerodrome (HER 1824) and subsequently occupied by the Nissan Motor Manufacturing site. Although, there have been cropmark enclosures identified in the vicinity (HER 16794 and HER 16795), the 20th and 21st century activity is likely to have truncated any earlier deposits and structures. Therefore, it is considered that the site has low archaeological potential, and so no archaeological work is required.

#### **National Highways**

No objections

No additional journeys would be created to the site; there is no additional car parking for employees or visitors; and the proposed development would not alter the access to the existing buildings. Accordingly, there is no offsite highway impact. On this basis, the proposed development would cause no concerns for National Highways.

#### **Northern Gas Networks**

No objections

## **Northern Powergrid**

No objections

## **Northumbrian Water**

No response received

## **Northumbria Police**

No response received

## **COMMENTS:**

### **PLANNING POLICY AND LEGISLATIVE CONTEXT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

### **ASSESSMENT OF THE PROPOSED DEVELOPMENT**

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and visual impacts;
3. Impact on heritage assets;
4. Impact on residential amenity;
5. Impact on highway and pedestrian safety / sustainable travel;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination; and
9. Impact on archaeology.

#### **1. Principle of Development**

##### **Strategic / Land Use Policies**

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partners and key stakeholders will seek to create at least 7,200

new jobs; and develop at least 95ha of employment land. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to be a driver of economic growth for Sunderland. To achieve this, economic growth will be focused in identified Employment Areas including those designated under Policy EG1.

Policy EG1 'Primary employment areas' of the adopted CSDP allocates areas as Primary Employment Areas (PEA) (as designated on the Policies Map) to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. One of these areas is 'viii Nissan (PEA8)'.

The application site is part of a wider site allocated under Policy EG1 'Primary employment areas' (viii. Nissan - PEA8) of the adopted CSDP as a Primary Employment Area (PEA). PEAs are those existing employment areas which are considered essential to the long-term success of Sunderland. They are located in the strongest demand areas and should be protected from non-employment uses which could impact upon their viability as employment locations. This allocation therefore seeks to safeguard primary employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area, and at a sustainable location close to public transport links. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), which is a nationally significant centre for automobile production and an important regional employer. Therefore, the proposed development would accord with strategic Policy SP1, strategic Policy SP3, and economic growth Policy EG1 of the adopted CSDP and so it would be acceptable in principle.

## **2. Design and visual impacts**

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and assist in designing out crime.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability and enhance biodiversity.

The proposed development would be positioned within the existing site in close proximity to Nissans main manufacturing buildings. It would be largely screened from the public domain, and so it would have no unacceptable visual impacts. External building materials would be acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the external building materials as specified within application details.

No details of the proposed double leaf boundary gate within the new fencing have been provided. It is therefore recommended that a condition be attached to any planning permission to require



details of this, as well as their exact positioning to be submitted to and approved in writing by the Local Planning Authority (prior to their installation).

In terms of the design of the scheme and site security no response has been received from Northumbria Police. However, the proposed development would be positioned within the secure Nissan site.

The planning application has been accompanied by a Sustainability Statement. This concludes that the proposed development would accord with building regulations with appropriate levels of thermal insulation for the storage end use. Wherever possible, any ground disturbing works would re-use hardcore etc, reducing material brought to site, and any concrete / vehicle doors used in the proposed construction would be sourced locally. The proposed building would seek to maximise energy efficiency. It is therefore considered that sustainable design and construction would be integral to the proposed development.

Given the above, it is considered that the proposed development would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

### **3. Impact on heritage asset**

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets based on their significance.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.

The Council's Conservation Team have raised no objections in relation to the proposed development.

Given the nature of the proposed development to the northern part of the Nissan site, and its close proximity to existing buildings, it is considered that it would have no unacceptable impacts on the setting of any listed buildings. It is therefore considered that the proposed development would accord with Policy BH7 and Policy BH8 of the adopted CSDP.

### **4 Impact on residential amenity**

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

The Council's Environmental Health Officer has raised no objections to the proposed development. This is on the basis that the intention of the tent structure is to use it for storage purposes only. They have advised that such a lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels. They have advised that the applicant should be made aware of this. However, it would not be necessary for the Local Planning Authority to control this by way of a condition attached to any planning permission given the nature of the current proposal.

It is recommended that an informative be attached to any planning permission as advised by the Council's Environmental Health Officer.

It is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of nearest residential properties to the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

## **5. Impact on highway and pedestrian safety / sustainable travel**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that they have safe and adequate means of access, egress and turning arrangements; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

National Highways has raised no objections to the proposed development in relation to impacts on the strategic road network. The Council's Transportation Development (the Local Highway Authority) has also raised no objections to the proposed development.

The proposed building would be used for storage purposes only, and so no additional vehicle parking or cycle provision would be required within the Nissan site.

Given the nature of the proposed development for storage purposes as part of the wider Nissan site, and given the above comments, it is considered that it would have no unacceptable impacts on the strategic and local highway networks in terms of capacity or safety. It would be acceptable in relation to highway and pedestrian safety / sustainable travel. It is therefore considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **6. Impact on ecology**

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity.

No comments have been received from the Council's Ecology Officer. However, the application site comprises hardstanding and an existing storage building. It has no biodiversity value. It is therefore considered that the proposed development would have no unacceptable impacts in relation to biodiversity, and on this basis it would not be reasonable to require the proposed development to provide biodiversity net gains.

It is considered that the proposed development would accord with Policy NE2 of the adopted CSDP.

## **7. Impact on flooding/drainage**

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

The submitted Flood Risk Assessment (FRA) concludes that the proposed development would be in Flood Zone 1 and is classified as being at very low risk of surface water flooding.

Northumbrian Water have not provided a response. The Council's Lead Local Flood Authority have raised no objections to the proposed development in relation to flooding and surface water drainage. However, they have recommended that a condition be attached to any planning permission relating to the submission of a verification report to demonstrate that all sustainable drainage systems (including an attenuation tank) have been constructed as per the agreed surface water drainage scheme.

Given the comments from the Council's Lead Local Flood Authority it is recommended that their suggested condition be attached to any planning permission. Subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / surface water drainage. It is therefore considered that the proposed development would accord with Policy WWE2 and Policy WWE3 of the adopted CSDP.

## **8. Impact in relation to land contamination**

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 Land Contamination Assessment has been submitted as part of the planning application. The Council's Contaminated Land Officer has considered this report, and raised no objections to the proposed development subject to a condition being attached to any planning

permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land Officer, it is recommended that the suggested condition be attached to any planning permission. Subject to the compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

## **9. Impact on archaeology**

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has advised that the site has low archaeological potential, and so no archaeological work is required. It is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

## **Conclusions**

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), and so it is considered that the proposed development would be acceptable in principle.

The proposed development would also be acceptable in relation to design and visual impacts, impact on residential amenity and in relation to other technical matters including impact on heritage assets, highway and pedestrian safety / sustainable travel, ecology, flooding / drainage, land contamination and archaeology.

For the reasons set out in detail in the above assessment, subject to the compliance with the recommended conditions it is considered that the proposed development would accord with policies within the adopted development plan and guidance within the NPPF (September 2023). It is therefore considered to be an acceptable form of development.

## **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:**

It is recommended that Planning Committee be **MINDED TO GRANT** planning permission, subject to the recommended schedule of draft conditions, and subject to the reporting of any representations received following the expiry of the publicity period on 20/11/2023.

## **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing No. NMUK-BodySHOP-001 'Location Plan' received 25/10/2023

- Drawing No. NMUK-BODYSHOP-002 'Proposed site plan' received 25/10/2023
- Drawing No. NMUK-BODY-TENT-003-B received 25/10/2023
- Drawing No. NMUK-BODY-TENT-004 received 25/10/2023
- Drawing No. NMUK-BODY-TENT-005 'Fence Layout' received 26/10/2023
- Drawing No. Sheet 1/5 'Floor Plan' received 25/10/2023
- Drawing No. Sheet 2/5 'Elevations' received 25/10/2023
- Drawing No. Sheet 3/5 'Elevations' received 25/10/2023
- Drawing No. Sheet 4/5 'Sections' received 25/10/2023
- Drawing No. Sheet 5/5 '3D image' received 25/10/2023
- Drawing No. 01 Rev P1 'Proposed Drainage Layout' received 26/10/2023
- Services layout received 06/07/2023
- Fence Specification received 25/10/2023

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

- 3 The development hereby permitted shall be constructed in accordance with the external building materials as specified in the materials section of the planning application form received 06/07/2023 and with the fence specification received 25/10/2023, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory form of development and in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 4 Prior to the installation of the double leaf boundary gate as part of the development hereby permitted, full details of the double leaf boundary gate including its positioning, shall be submitted to and approved in writing by the Local Planning Authority. The double leaf boundary gate shall then be installed in accordance with the approved details.

To ensure a satisfactory form of development and in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

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

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; to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors; and to comply with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 6 A verification report(s), which is to be carried out by a suitably qualified person, must be submitted to the Local Planning Authority within 6 months of the commencement of the development hereby permitted, unless an alternative time-period is agreed in writing by the Local Planning Authority. The verification report shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme, and must be approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. For the avoidance of doubt, this shall include:
- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
  - Construction details (component drawings, materials, vegetation).
  - Health and Safety file.
  - Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to reduce the risk of flooding, and to comply with Policy WWE2 and Policy WWE3 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 23/02202/LP3 Local Authority (Reg 3 )

**Proposal:** **Development of a 196 space car park with associated access, servicing and landscape works, to include the erection of a mobility hub, PV canopies and retaining wall.**

**Location:** Land South Of Holmeside, Sunderland

**Ward:** St Michaels

**Applicant:** Sunderland City Council

**Date Valid:** 24 October 2023

**Target Date:** 19 December 2023

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## PROPOSAL

Full planning permission is sought for the development of a 196-space car park with associated access, servicing and landscape works, to include the erection of a mobility hub, PV canopies and a retaining wall. The development site is positioned to the south of Holmeside within Sunderland City Centre and comprises an area of some 0.65 hectares.

Members may recall that the proposed development follows the granting of a planning permission for a 404 space multi storey car park (MSCP) at the Planning and Highways Committee of 3 October in 2022 under ref: 22/01076/LP3. The accompanying Planning Statement submitted in support of the application qualifies that the previously approved scheme has not been taken forward following Sunderland City Council's review of, and revision to, its parking needs within the City. Notwithstanding, the permission for the MSCP has in effect been implemented through the demolition of the Railway Club and Sinatra's Public House which formerly stood on the site.

Further to the demolition of the two buildings discussed, the 0.65-hectare site is now substantially vacant and characterised by cleared areas of hardstanding and scrubland. Vehicular access linking to the rear of Sunderland College abuts the western curtilage of the site, whilst the northern curtilage is currently bound by temporary hoardings situated along Holmeside. The eastern curtilage of the site is bound by Network Rail land/infrastructure with the southern curtilage occupied by land within the grounds of Sunderland College City Campus.

Beyond the confines of the site, the area is commercial in character with a predominance of retail and business premises located on Holmeside. Sunderland Station, which is currently undergoing substantial renovation is located some 140m to the north, whilst Sunderland Museum and Winter Gardens and Mowbray Park are a short walk to the east.

As set out within the accompanying Planning Statement, the proposal seeks to bring forward a new 196 space, surface level car park, complete with a mobility hub, photovoltaic canopies (PV), a new retaining wall, new access/servicing arrangements and associated landscaping.

Of the 196 car parking spaces to be provided, 11 accessible parking bays will be located toward the entrance of the car park to the northwest of the site, whilst two areas for motorcycle parking and 52 Electric Vehicle (EV) charging bays will also be incorporated.



The PV canopies are proposed to the west of the site and are to be located above the 14no bays which lie on the immediate right of the access road. These canopies will rise to some 4.649m in height and will present a roof width of 7.043m.

The new single storey mobility hub will be located next to the northern (Holmeside) boundary and will facilitate new fully enclosed secure cycling provision. The submission qualifies that the building will have a maximum height of 2.332m and is to extend some 12.750m adjacent to the existing footpath. The cycle storage was originally to take the form of semi-vertical/two tier hydraulic stands, however further to applicant/agent discussions progressed in tandem with a representative of Cycling UK, it is now understood that more traditional Sheffield style racks are to be installed.

In terms of construction, the hub would comprise a timber clad finish with reinforced steel doors. A green (sedum) roof is also proposed.

The existing substation which lies to the north of the site will be retained and integrated into the new development site.

The proposed green retaining wall will be located in the east of the site and will extend from the north to the south of the most eastern parking bays. The maximum height of the wall at any point will be 5.20 metres, due to the levels on the site.

The application has been submitted by Sunderland City Council and is accompanied by a range of supporting reports and documents, including a Planning and Community Involvement Statement, a Design and Access Statement, a Statement of Community Involvement, a Drainage layout, a Transport Assessment Addendum, an Ecological Impact Assessment, a Biodiversity Method Statement and Net Gain Calculation, an Air Quality Assessment, a Noise Assessment and a Geo-Environmental Appraisal.

## **TYPE OF PUBLICITY**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES**

Planning And Highways  
Land Contamination  
Natural Heritage  
Network Rail  
Tyne And Wear Archaeology Officer  
Northumbria Police  
Cllr Lyall Reed  
Cllr Michael Dixon  
Cllr Adele Graham-King  
Planning Implementation  
Network Management  
Environmental Health  
Landscape  
Nexus

23C Holmeside Sunderland SR1 3JE  
23B Holmeside Sunderland SR1 3JE  
Illusions Holmeside Sunderland SR1 3HY  
First Floor 24 Holmeside Sunderland SR1 3JE  
Pizza King 17 Holmeside Sunderland SR1 3JE  
Flat C 22 Holmeside Sunderland SR1 3JE  
Flat B 22 Holmeside Sunderland SR1 3JE  
Flat A 22 Holmeside Sunderland SR1 3JE  
Spot White Unit 8 Signal House 22 - 23 Waterloo Place Sunderland SR1 3HT  
Independent 27 - 28 Holmeside Sunderland SR1 3JE  
24 Holmeside Sunderland SR1 3JE  
Dixy CHICKEN 22 Holmeside Sunderland SR1 3JE  
Best Shwarma 20 Holmeside Sunderland SR1 3JE  
21 Holmeside Sunderland SR1 3JE  
18 Holmeside Sunderland SR1 3JE  
41 Holmeside Sunderland SR1 3HY  
Sunderland Body Art First And Second Floor 20 Holmeside Sunderland SR1 3JE  
Mecca Bingo And Social Club Holmeside Sunderland SR1 3PD  
Josephs Music Lounge 29 Holmeside Sunderland SR1 3JE  
Panda Oriental Buffet 25 - 26 Holmeside Sunderland SR1 3JE  
Supastitch 30 Holmeside Sunderland SR1 3JE  
City Snippers 19 Holmeside Sunderland SR1 3JE  
31 Holmeside Sunderland SR1 3JE  
23A Holmeside Sunderland SR1 3JE  
The Railway Club Holmeside Sunderland SR1 3HY  
Make It Yours 28B Holmeside Sunderland SR1 3JE  
First Floor Burdon House Burdon Road Sunderland SR1 1QB  
Burdon House Burdon Road Sunderland SR1 1QB  
Proven People 1 - 2 Burdon Road Sunderland SR1 1QB  
The Massage Station 21 Waterloo Place Sunderland SR1 3HX  
The Licensee Yates Wine Lodge 3 - 4 Burdon Road Sunderland SR1 1QB  
Second Floor Burdon House Burdon Road Sunderland SR1 1QB  
The Red Chilli 16 Holmeside Sunderland SR1 3JE  
Sunderland College City Campus Park Lane Sunderland SR1 3NX  
Wilkinson 33 - 42 Fawcett Street Sunderland SR1 1RQ  
Countryside Partnerships North East 2 Esh Plaza Sir Bobby Robson Way Gosforth Newcastle  
Upon Tyne

Final Date for Receipt of Representations: **22.11.2023**

## **REPRESENTATIONS**

The application has been publicised by way of a site notice, press notice and neighbour consultation letters sent to nearby properties. At the time of the preparation of this report, a total of 2no representations have been received although Members should note that the final date for public representation is the 22 November. As such, any further representations received in advance of the committee will be reported within a late sheet.

The submissions received to date are from a local representative of Cycling UK and from an interested party representing the adjacent Mecca Bingo and are outlined below.

## **Cycling UK set out that;**

The Planning & Community Involvement Statement, page 23, includes our comments on cycle parking i.e. "It's good to see cycle parking included in the mobility hub but this does need to be the correct type, correctly spaced and cater for all types of cycles. Cycles should also not need to be lifted to access the stands."

The Applicants Response to these comments was that "the proposed provision includes semi-vertical stands/two twin hydraulic cycle racks to accommodate at least 20 bikes. Further to this, the cycle racks will cater for a wide variety of bikes." On checking with the Applicant, the reason hydraulic cycle racks were chosen was to maximise the number of bikes that can be stored within the proposed mobility hub. We aren't aware if Sunderland have installed this type of rack previously and we didn't come across a drawing in with the planning application documents. As users and their cycles come in many shapes and sizes, this does need to be considered when maximising the number of racks to be installed. If these racks are similar to those now in use at a Newcastle car park then they aren't as user friendly as the basic Sheffield stand and the following problems can arise:

- cycles often lean over when on the racks.
- the only place where the cycle frame can be locked to the rack is by the chainring and this is not easy to do.
- If there are cycles on adjacent racks, there is no way you can get to the area by the chainring to lock the cycle frame to the rack.
- It's very easy to bump your head on the higher tier of racks, which have several sharp edges.
- If all the lower racks are in use, you need confidence to lower the upper racks and if there is no one around to ask for help this is a deterrent to using an upper rack.

We are also concerned that a smart phone is needed to access the racks as not everyone has such. There is also mention that lockers are available but no indication of what these are for or how these would be accessed. Whilst we are still very supportive of the provision of cycle parking in the mobility hub, our objection is just with regard to the issues raised above.

## **The comments from the representative of Mecca Bingo state;**

The Mecca Bingo club is immediately adjacent to the planned development. Whilst we welcome the plans, we have some concerns about the proximity of a number of our fire exits onto the site. Will they continue to be available for use during both the building works and once the site is complete, allowing a safe route for customers in the event of an evacuation? In addition, in the event that remedial works would be required to the external walls of the club, would access still be possible to allow this to happen?

Further to the above comments the agent has provided the following responses;

With regard to the Cycling UK submission, the applicant is willing to work with Cycling UK to achieve the best design of the racks. (This further discussed within Section 5 of this report).

With regard to the comments from Mecca Bingo, on behalf of the Applicant, we can confirm that they will not be altering anything to do with Mecca's existing fire exits. Access will still be possible to all areas associated with Mecca.

## **Statement of Community Involvement (SCI)**

Prior to submission, the developer undertook a leaflet drop which was distributed to 2000 residents and businesses within the area surrounding the site, with the consultation running between 20 September 2023 until 1 October 2023. (See distribution boundary as shown on appendix 2 within the SCI on the online planning file).

The submission qualifies that the leaflet, which was also issued to local councillors and community groups, contained information about the development proposals as well as providing details of an engagement website and how to make comments.

In addition, a specific engagement website was set up to provide opportunity for respondents to provide an email address if they wished to further discuss the proposals and a section to indicate what they wished to discuss.

The submitted document confirms that 128 comments were received via the online form with a general split of opinion expressed between support and objection. The SCI, which includes the questions posed and responses given can be viewed online as part of the supplementary information submitted with the application.

### **External consultees**

**Northumbria Police (Designing Out Crime Officer DOCO)** - No objections offered from a crime prevention perspective; however, a recommendation has been offered that the car park be included in the city centre CCTV scheme and that specific coverage is applied to the PV canopies. This comment arises due to a number of sites being subjected to criminal attack wherever a perceived possibility of metal theft exists.

**Country Archaeologist** - This site has previously been subject to an archaeological desk-based assessment (HER event 4143 report 2014/62), and historic building recording was carried out on the former Sinatra's Public House (31 Holmeside) in 2022 by AB Heritage (HER event 5321 report 2022/32) prior to demolition. The archaeological potential of the site is low, and no archaeological work is required.

**Network Rail** - At the time of the preparation of this report, comments are awaited from Network Rail

**Nexus** - At the time of the preparation of this report, comments are awaited from Nexus.

### **Internal consultees**

**Council's Environmental Health team** - No objections offered subject to the imposition of a Construction Environmental Management Plan.

**Council's Highways Officers** - The application is supported by means of an update to the Transport Assessment undertaken for the previous multi-storey car park proposal. Traffic generation and movements were satisfactorily addressed for the multi-storey proposal and given the proposed reduction in parking bay numbers the impact will be less. The access and egress to the car park remain unchanged. The proposed scheme will also provide several sustainable travel and low carbon initiatives including cycle storage, electric car charging-points and solar PV canopies. This is supported.

The proposal may require temporary traffic management works which can be addressed in a scheme of work and method statements. This can be conditioned. There are no objections to the application on highway grounds.

**Council's Conservation Officer** - The proposed Car Park will be sited on land that is within reasonable proximity to the Sunnyside Conservation Area and listed buildings within it, with Mowbray Park Historic Park and Garden further to the east.

Whilst the proposed development site is relatively close to Sunnyside Conservation Area and several listed buildings, including Burdon House the closest at 50m to the west, it will not impact on any key views into or out of the conservation area or towards the listed buildings. Likewise, Mowbray Park which sits beyond Burdon House to the east. The development is within the wider City Centre urban setting of these heritage assets which is characterised by a mix of different types of buildings in terms of age, scale, form and style. The proposed surface car park and associated access and landscaping works will have minimal intervisibility with the above-mentioned heritage assets and will be bounded by soft landscaping to reduce its overall visual impact. The proposals will therefore have negligible impact on the setting and significance of these heritage assets.

The proposals will not result in any harm to the setting and significance of Sunnyside Conservation Area and Mowbray Park, and any listed buildings within these areas. The character and significance of these designated heritage assets will be conserved in accordance with CSDP Policies BH7 and BH8 and NPPF paragraph 199.

**Ground contamination** - The Council's Principal Ground Contamination Officer has noted that a Phase 1 Desk Top Study has been undertaken and has considered the content of the Phase 2 Site Investigation and Remediation Statement that were commissioned as part of the previous application for the MSCP. The findings of these documents are accepted however a condition will be required to ensure that the remediation works are implemented in accordance with the agreed strategy. This will require the submission of a validation/verification statement to be agreed in writing by the Council as Local Planning Authority. A condition to deal with any unexpected contamination will also be required.

**Ecology** - The Council's Principal Ecologist has stated that, ....It is noted that proposal will result in a net loss in biodiversity value, however I am satisfied that the post development biodiversity value within the site has been maximised by the proposed landscaping. Therefore, as the proposals do not comprise major development, I am satisfied that the proposals can be approved despite the loss in biodiversity value.

As such, the recommendation is to condition implementation of the ecological mitigation measures set out in Table 7 of the Ecological Impact Assessment. It will also be necessary to condition implementation of the proposed landscaping, together with the management plan contained within the Biodiversity Net Gain Report.

## **COMMENTS:**

### **Policy backdrop**

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

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

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

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

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

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

- Building a strong and competitive economy (section 6);
- Ensuring the vitality of town centres (section 7);
- Promoting healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Conserve and enhance the natural environment (section 15);
- Conserve and enhance the built environment (section 16).

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application. It sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland).

Some UDP and UDP Alteration No. 2 policies have been saved and all CSDP and UDP Alteration No. 2 policies referred to within this report are considered to be consistent with the NPPF.

Of relevance to this application is saved Alteration No.2 Policy SA55A.1, Strategic CSDP policies SP1 and SP2 and CSDP policies BH1, BH2, BH7, BH8, BH9, HS1, HS2, HS3, VC5, WWE2, NE2, ST1, ST2 and ST3.

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

1. Land use considerations;
2. The implications of the development in respect of residential amenity
3. Visual amenity and design considerations
4. The built heritage considerations
5. The impact of the development on highways and sustainable travel
6. The impact of the development in respect of ecology and biodiversity
7. The impact of the development in respect of ground conditions and land contamination
8. The impact of the development in respect of flooding and drainage

### **1. Land use considerations**

The Core Strategy, at Policy SP1 (Development Strategy), sets out (in part) that the Council will "ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs", that it will "deliver the majority of development in the Existing Urban Area" and that emphasis will be placed on the need to develop in sustainable a location in close proximity to transport hubs"

With regard to the above, it is considered that the provision of a new car park would adhere with the wording of Policy SP1 through the delivery of new physical infrastructure which would be sustainably located close to existing transport hubs within the existing urban area.

Allied to the above, the Council's Core Strategy Development Plan (CSDP) Policy ST1: Urban Core Accessibility and Movement, sets out (at Criterion 6), a need to improve the provision of car parks around the ring round. In relation to this, it is noted that the site is located within relative proximity to the ring road, lying approximately 400 metres away and the provision of new parking spaces will account for some of the capacity that has recently been lost through demolition of the former Civic Centre car park.

CSDP Policy SP2: Urban Core indicates that development in the Urban Core should:

- i. make improvements to connectivity and pedestrian movement in the Urban Core;
- ii. provide a high quality of public realm to create attractive and usable spaces;
- iii. protect and enhance heritage assets; and
- iv. ensure high standard of design that integrates well with the existing urban fabric.

CSDP Policy SP2 continues at Criterion 4, that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by promoting mixed use development in areas of change with civic and commercial led mixed use in the Holmeside area.

With regard to Policy SP2 it should be noted the proposal to develop the previously approved MCSP formed part of a wider strategy for public realm improvements within the Urban Core. Despite, the MSCP not now coming forward, the creation of this new street level surface car park will still play an important role in the delivery of the strategy, which includes the ongoing revitalisation of Sunderland Station which will serve to promote rail travel as a more attractive and sustainable proposition for those entering the city.

As the site is located within the Holmeside Triangle, saved UDP Alteration 2 Policy SA55A.1 also needs to be considered. Policy SA55A.1 sets out that the Council will support a mixed-use development on the Holmeside Triangle with desired uses outlined as comprising retail, housing, restaurants and cafes, drinking establishments and assembly and leisure, financial and professional services, business and a theatre. Uses the policy consider to be inappropriate, comprise general industry and storage and distribution.

Beyond those uses outlined above, the policy qualifies that all other uses will be considered on their own individual merit.

It is noted that saved Policy SA55A.1 also sets out a number of key components which should be incorporated into the redevelopment of the triangle. These include the provision of public pedestrian access through the triangle to connect Park Lane with Holmeside and Burdon Road, to create high quality public open space and to provide complimentary parking onsite. Whilst it is acknowledged that the intention of this Policy was to create a car park which would complement/serve specific onsite uses, it does, nonetheless, establish that the intended vision for the site could include the provision of a car park and the principle of delivering a MSCP has now been established through the approval of planning consent (22/01076/LP3).

This concept of this scheme is also considered to be supported nationally through paragraph 80 of the NPPF which in part states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 continues that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Meanwhile, paragraph 85 of the NPPF sets out that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 85 at subsection (a), encourages the long-term vitality and viability of town centres by promoting their growth and diversity and allowing them to respond to rapid changes in the retail and leisure industries by encouraging a suitable mix of uses that reflect their distinctive characters.

The Policies outlined above place great emphasis on sustainable regeneration, economic growth and public realm improvements and it is considered that this scheme would contribute positively to towards these aims. The development will serve to support the regeneration of the Urban Core not only through its role in helping to create and link a sustainable transport hub within the Holmeside area, but also through the attraction of increased footfall and pedestrian activity on Holmeside where the shopping and commercial offer has notably suffered in recent years. In this regard the draw of additional footfall to the area can only serve to benefit the longer-term vitality and viability of surrounding businesses.

For the reasons set out above, the principle of utilising the site for the proposed development is considered to be acceptable. Notwithstanding, in evaluating the overall acceptability of the scheme it is necessary to assess all other material considerations as set out below.

## **2. The implications of the development in respect of residential amenity;**

Policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve positive improvement by retaining acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.



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

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

The current application has been accompanied by an updated note from the consultants (NJD Environmental Associates) whom undertook the full Noise and Air Quality Assessments that were submitted in support of the previous application for the MSCP. The previous assessments concluded that;

- Noise assessment: "Overall, the noise effect resulting from an increase in road traffic noise levels is therefore deemed to be Not Significant."
- Air quality assessment: "Impacts on NO2 and PM10 concentrations resulting from development traffic at existing and proposed sensitive receptors were predicted to be not significant in accordance with IAQM guidance."

Within this context, the consultants note sets out that the ...."proposed surface car park will provide a significantly lower number of car parking spaces and therefore the development traffic flow associated will be less than was considered within the noise and air quality assessments for the permitted MSCP. The previous assessments were based on a comparison of baseline 2021 traffic flows and proposed development flows. It is considered that there will have been no significant changes to the baseline during the intervening two-year period. Based on the above, with less development traffic associated with a proposed surface car park at the site, the previous conclusions relating to noise and air quality therefore remain, with the overall effect for both being not significant".

The application has been subject to consultation with the Council's Environmental Health Officer (EHO) who has agreed with the conclusions of the updated note and no observations are offered on this basis.

In order to mitigate impacts arising during the construction phase, a Construction Environmental Management Plan (CEMP) will need to be provided for consideration. This will be expected to deal with the details of deliveries, movement of materials, dust and the mitigations to be put in place to protect the adjacent Network Rail land including the provision of any new lighting. More broadly and in contrast to the previously approved MSCP, the surface level nature of the scheme will dictate that the physical massing of the development will have no adverse impact on any nearby residential occupants such as those who reside within the upper floors of properties to the north on Holmeside.

Given the above and further to the imposition of the condition suggested above, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 127 of the NPPF.

### **3. Visual amenity and design considerations**

Policy BH1 of the Council's CSDP also seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout,

appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

In terms of scale and massing, as the new development will now predominantly take the form of a surface level car park, the physical appearance of the works will be far more limited from a visual amenity perspective with the primary physical massing to be generated by the street fronting mobility hub and the PV canopies which will cover parking bays towards the west of the site. The new hub would be of most prominence given that it will sit adjacent to the pedestrian footpath on Holmeside, however, its low-rise nature and the modern timber clad finish would ensure that it would sit appropriately within the context of the street scene. The canopies meanwhile would be sited further within the site and closer to the higher rise gable of the mecca Bingo building to the west.

Although situated within a built-up urban environment, it is positive to note that the scheme will include areas of soft landscaping, with the scheme comprising areas of low level wildflower and ornamental planting which will be slightly offset from the footway along frontage of the site to the northeast, mixed native scrub planting along the eastern, western and southern periphery of the site and trees which will predominantly lie close to the northern boundary with Holmeside. Furthermore, a green roof, comprising of native wildflower mixed with native sedums, is to be provided on the cycle hub, whilst the new retaining wall which is to run adjacent to the western boundary will be designed to be allow vegetation to attach to its fascia. Full specifications of the final wall have yet to be determined therefore a planning condition will be attached to ensure that the details are submitted for future approval in writing.

At the time of the preparation of this report, a consultee response has yet to be received from Network Rail. Based on the consultee response received to the previous application for the MSCP, it is anticipated that a condition will be required to ensure that that the development can be undertaken safely and without impact to operational railway safety. This would be expected to be addressed as part of the CEMP condition.

Network Rail also previously required qualification that the drainage system would not impact on or cause damage to adjacent railway assets. In this respect, the current submission has been accompanied by a drainage layout which has been prepared by the Council's Lead Local Flood Authority. It is therefore not considered that proposed drainage will be an impediment to Network Rail.

The use of lighting across the site is also likely to need qualification to ensure that the potential for train drivers to be dazzled is eliminated. This was conditioned on the previous consent and, in the absence of such detail, will again be applied to this scheme.

Notwithstanding an update will be provided to members at the committee following the expiration of Network Rails consultation period of 21 November.

Overall, Officers are satisfied that the development will sit appropriately within the context of the street scene in accordance with the requirements of BH1.

#### **4. The built heritage considerations**

The Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority 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."

The Planning (Listed Buildings and Conservation Areas) Act 1990 also states, at Section 72, that "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The proposed Car Park will be sited on land that is within reasonable proximity to the Sunnyside Conservation Area and listed buildings within it, with Mowbray Park Historic Park and Garden further to the east.

Notwithstanding and further to consultation with the Council's Conservation Officer, it has been advised that based on the particular nature of the proposed development, it will have minimal intervisibility with the above-mentioned heritage assets and will be bounded by soft landscaping to reduce its overall visual impact.

Overall, it is considered that the proposals will not result in any harm to the setting and significance of Sunnyside Conservation Area and Mowbray Park, and any listed buildings within these areas. The character and significance of these designated heritage assets will be conserved in accordance with CSDP Policies BH7 and BH8 and NPPF paragraph 199.

#### **5. The impact of the development on highways and sustainable travel**

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

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

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

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

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and

- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

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

As has been set out in the consultation section earlier, the Council's Highway Officer has offered no objection to the scheme. In reaching this conclusion, the Officer notes that the application has been supported by an update to the Transport Assessment which had been undertaken for the previous MSCP. Within this context the Officer is clear that the potential traffic generation and movements associated with the previous MSCP were acceptable and had been addressed previously. Consequently, as the current scheme for the surface level car park proposes a lower capacity in terms of parking bay numbers and given that the access and egress points into the site are unchanged, the Officer has confirmed that highway impacts will be reduced in comparison to the previous approval.

The officer has also confirmed that the proposed scheme will provide several sustainable travel and low carbon initiatives including new bespoke cycle storage, electric car charging-points and solar PV canopies which is strongly supported. The above is considered to be appropriate and accords with the sentiments of Paragraph 108 of the NPPF which advises that Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be taken up.

In terms of the proposed method of cycle storage within the new mobility hub, this has been subject to further discussions between the agent and the representative of Cycling UK during the course of the application's consideration with a view to addressing the concerns raised by the objection.

Further to these discussions, it is now understood that Sheffield style cycle racks will be utilised rather than the two-tiered hydraulic system that was originally planned. In addition, and in order to address the potential concerns raised over the ease of access to the hub, it is also understood that for those users without a smart phone, key access may be made available. For the avoidance of doubt and clarity, it is considered that that final details of the cycle storage and the means of access should be conditioned for future approval in writing.

Qualification has been provided that the proposal may require temporary traffic management works at the site but that this can be addressed in a scheme of work and method statements, which can be conditioned.

Consultee comments are currently awaited from Nexus. It is noted that Nexus raised no objection to the provision of the MSCP and it is anticipated that a similar response will be received. However, an update will be provided to Members on Nexus' position on the day of the committee.

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

## **6. Implications of development in respect of ecology**

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

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

The accompanying Ecological Impact Assessment (EclA) has provided an assessment of habitats present within the site and features that could indicate the presence of protected species, habitats of conservation importance and the presence of non-native invasive species that could represent a constraint to development. Further, any trees and buildings were assessed in terms of their potential to support, or actual evidence of, roosting bats. The survey was initially undertaken in November 2021 in association with the previous application for the MSCP but has been repeated and updated in September in 2023 in association with the current scheme for the surface level car park.

In response to consultation the Council's Consultant Ecologist has noted that the EclA has detailed the baseline habitats within the site which are to be lost to the proposals. These include locally common habitats of low-local botanical and ecological value, with more interest offered by a small area of seeded grassland aligning more closely with lowland neutral grassland communities.

With regard to existing site conditions, the EclA notes that the site currently offers limited habitat for birds although it does still recommend that vegetation clearance across the site should still be undertaken outside the bird nesting season (March-August inclusive). This advice, along with other ecological mitigation measures designed to minimise impacts on hedgehogs and other mammals are set out within Table 7 of the EclA and will be conditioned in line with the recommendation from the Council's Ecologist.

It is noted that a Biodiversity Net Gain Report has been submitted which does qualify that there will be a net loss in biodiversity value across the site. Notwithstanding, the Council's Ecologist has confirmed that they are satisfied that the post development biodiversity value within the site has been maximised by the new landscaping proposals (as highlighted within Section 3) and that this, coupled with the fact the new scheme does not comprise major development, is sufficient to recommend approval at this time despite the loss in biodiversity value.

Further to the above, it will be necessary to condition the implementation of the proposed landscaping, along with the Habitat Management Plan which is contained within the Biodiversity Net Gain Report.

Subject to the conditions set out above, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and that the proposals will provide appropriate

opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policy NE2, of the CSDP.

## **7. The impact of the development in respect of ground conditions and land contamination**

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

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase 2 Ground Investigation and a Remediation Strategy. These reports have been considered by the Council's Ground Contamination Consultant who is broadly in agreement with the findings. Conditions are still required to ensure that a post remediation validation/verification report is provided to ensure that the onsite works have progressed in accordance with the remediation strategy and to deal with any unexpected contamination that come forward as a result of the works.

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

## **8. The impact of the development in respect of flooding and drainage**

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

As this application constitutes minor development, the LLFA are not a statutory consultee and have therefore not provided comment on the submission. Notwithstanding, a sustainable drainage system has been provided by the Council through the implementation of Geocellular storage crates which meets the requirements of CSDP Policies WWE2 and WWE3. The accompanying drainage plan will therefore part of the approved plans condition.

## **Conclusion**

For the reasons set out above, it is considered that the proposed development will serve to support the regeneration of the Urban Core not only through its role in helping to create a sustainable transport hub within the Holmeside area, but also through the attraction of increased footfall and pedestrian activity on Holmeside. It has been demonstrated that the principle of utilising the land for the purposes of the development is supported by local and national policy.

The scheme which will deliver a sustainable form of development which will have no adverse impact on residential or visual amenity of the locality. Further, Officers are satisfied that the

development would have a negligible impact on the setting of the nearby Conservation Area and Listed Buildings.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and subject to the recommended condition, it is considered that the proposals are acceptable relative to highway and pedestrian safety and the promotion of sustainable modes of transport.

As has been set out above, the public consultation period does not expire until 22 November, whilst external consultation responses are currently awaited from Network Rail and Nexus.

### **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:**

It is recommended that Members be **MINDED TO GRANT CONSENT** under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the reporting of any additional representations/consultee responses received prior to the meeting and the draft conditions as set out below.

### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - The proposed Mobility Hub plan received 10.11.2023 (Ref: HSCP-SCC-SSP-Z0-DR-CH-25\_001 REV P01);
  - The proposed Typical Cross Section drawing received 17.10.2023 (Ref: SSPR-SCC-HPV-Z0-DR-C-07\_001 Rev P01);
  - The proposed General Arrangement plan received 17.10.2023 (Ref: HSCP-SCC-GEN-Z0-SK-C-SK\_006 Rev P01);
  - The proposed External Landscaping plan received 17.10.2023 (Ref: HSCP-SCC-GEN-Z0-SK-C-SK\_006 Rev P04);
  - The Drainage layout received 10.11.2023 (Ref: HSCP-SCC-HDG-Z0-DR-CH-05\_001 REV T01);
  - The Site Location plan received 17.10.2023 (Ref: HSCP-SCC-GEN-Z0-SK-C-SK\_008 Rev P01);

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

- 3 The materials to be used in the mobility hub hereby approved shall adhere with the specifications as set out within section 3.5 of the Planning Statement unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

- 4 No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which includes the following:



1. Site layout including location of site compound, materials, and waste storage.
2. Provision for workforce and visitor parking.
3. Traffic management measures
4. Sheeting of wagons.
5. Dust - provision of vacuum extraction or wet arrestment to masonry cutting equipment.
6. Provision of mains water or suitable alternative supply.
7. Noise - use of mobile noise barriers where necessary, particularly around compressors and generators.
8. Site lighting - location, height, angle to ensure no spill or glare impacting off site occupiers.
9. Use of solid screens or barriers around particularly dusty activities, where applicable.
10. Hours of working.
11. Means of protecting the adjacent land and assets of the adjacent Network Rail infrastructure.

Reason: In the interests of amenity and highway safety to accord with policies BH1 and ST3 of the Core Strategy Development Plan.

- 5 No development shall commence until final specifications of the new retaining wall have been submitted for approval in writing by the Local Planning Authority. Thereafter, the retaining wall shall be implemented in accordance with the agreed details prior to first use of the car park.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies BH1 and NE2 of the adopted Core Strategy Development Plan.

- 6 Notwithstanding the submitted information and prior to first use of the car park, final specifications of the new cycle parking and final details to clarify the proposed means of access to the mobility hub for members of the public, shall be submitted to the Local Planning Authority for approval in writing. Thereafter, the development shall not be carried out other than in accordance with the approved details with the facilities made available to the public prior to first use of the car park.

Reason: In the interests of clarity and to facilitate sustainable means of travel in accordance with Policy ST2 of the Core Strategy Development Plan.

- 7 The development hereby approved shall not be brought into use until the exact specifications/details and luminescence of any lighting to be installed at the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and henceforth retained in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. Such detail shall include the direction and intensity of emanating light.

Reason: In the interests of protecting the railway infrastructure and amenity of the area and to accord with policies BH1 of the Core Strategy Development Plan.

- 8 The onsite landscaping scheme shall be carried out in full accordance with the agreed details. Thereafter the landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become

diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies BH1 and NE2 of the adopted Core Strategy Development Plan.

- 9 The development hereby approved shall be carried out in full accordance with the mitigation measures detailed within Section 7 of the ecology report (Ecological Impact Assessment, Holmeside, October 2023) and the management plan and monitoring review as set out in Sections 5 and 6 of the (Biodiversity Net Gain Report, October 2023), both prepared by DWS Ecology.

Reason: In order to protect the biodiversity of the site and to accord with the objectives of policy NE2 of the Core Strategy Development Plan.

- 10 The approved remediation strategy shall be implemented in accordance with the approved programme of works. Within six months of the completion of measures and prior to first use of the car park, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.