

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Alison Fellows

Executive Director of Commercial Development

1.

City Centre

Reference No.: 16/00892/FU4 Full Application (Reg 4)

Proposal: Erection of a retail unit and associated car parking, access, public open space, service yard and stopping up of a public highway.

Location: Site Of Former Crowtree Leisure Centre Crowtree Road Sunderland SR1 3EL

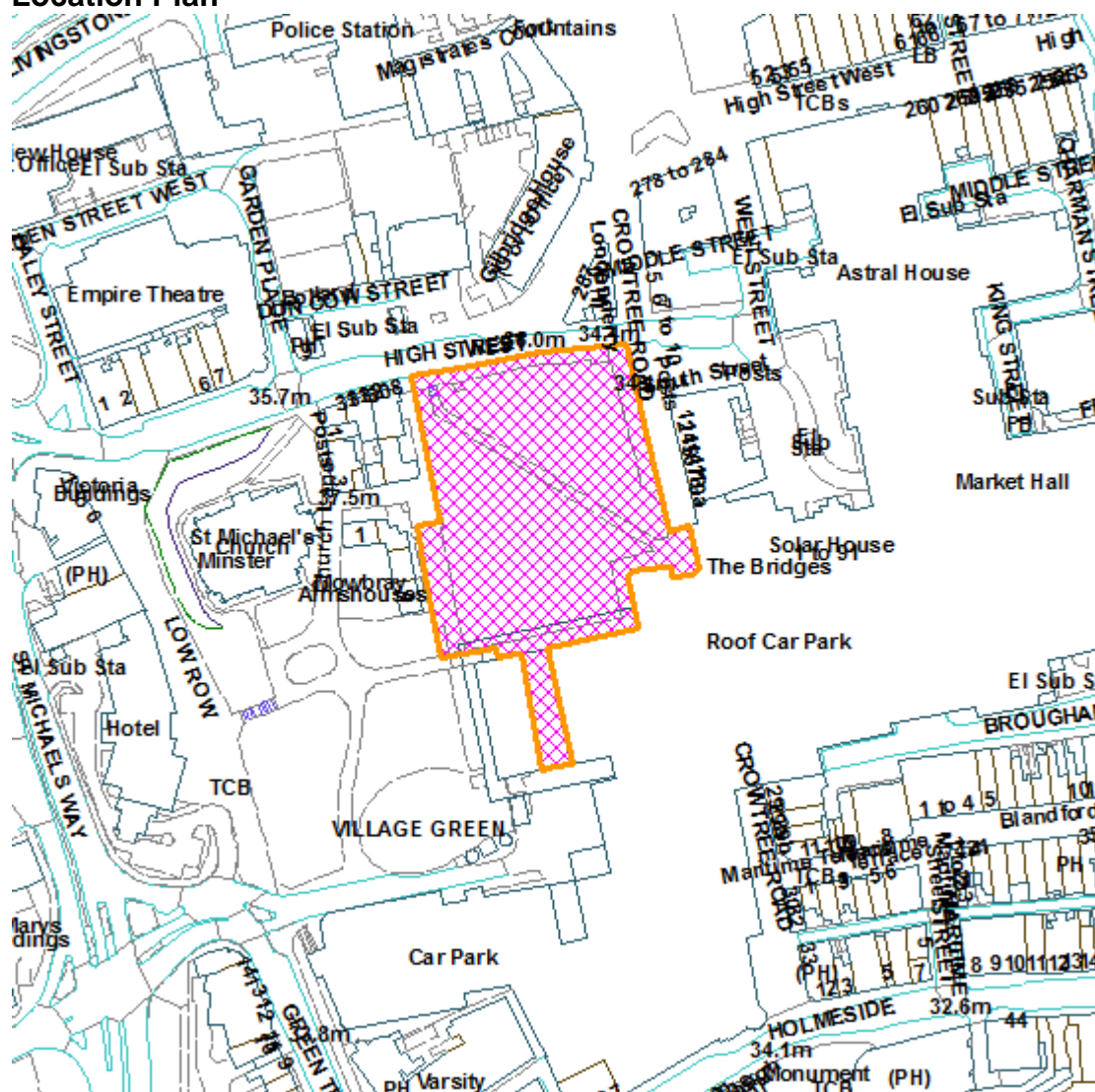
Ward: Millfield

Applicant: Pavilion Property Trustees Ltd And Pavilion Trustees Ltd

Date Valid: 3 June 2016

Target Date: 2 September 2016

Location Plan



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PROPOSAL:

Site Details

Due to the location of the centre, being surrounded on the north, east and southern sides by smaller 'high street' retail units there is limited opportunity to expand the existing shopping centre in those locations to provide a sufficiently large format store for the requirements of Next.

Following the demolition of the swimming pool section of the Crowtree Leisure Centre, an area of land is however available to the north west corner of the shopping centre, adjacent to where the centre meets Crowtree Road.

This land represents an excellent opportunity to expand the centre and provide Next with their requirements, whilst assisting with the public realm improvements proposed in this part of the city.

The site is currently an area of temporary green open space, which has been created following the closure of the Centre in October 2011 and its recent demolition, together with the former Brogan's and Privilege nightspots.

The site has been laid with grass, with a new pedestrian path crossing at a diagonal across the site. The pedestrian ramp linking Crowtree Road with the adjacent Bishopwearmouth Green is currently retained.

Whilst the site is relatively flat, it does sit much lower than the adjacent pedestrian ramp link, which runs along the southern boundary; the adjacent road, High Street West, and the land to the west which includes Armhouses and links to Bishopwearmouth Green.

The western boundary is formed by a concrete bank and retaining wall to the adjacent buildings and a dead end road. With Bishopwearmouth Green and Sunderland Minster beyond. The land to the north banks up to pavement level and includes a set of steps providing access to the recently constructed pedestrian route across the site.

The pedestrian link which forms the southern boundary had previously run through the Leisure Centre building prior to its partial demolition. It was closed during the evenings, and therefore does not form a public right of way.

To the north of the site is Crowtree Road, which includes the retail unit of New Look on the ground floor, first floor accommodation and a small car parking area

Planning History

Prior to the creation of the current temporary public open space the site contained part of the Crowtree Centre. Demolition consent was granted in June 2013 (Ref: 13/01356/LAD) for the demolition of two thirds of the building, with the site to be back filled, levelled, top soiled and seeded.

The proposal and background of Next in the centre

The scheme is being progressed due to the desire of Next plc, which currently occupy units 33 and 34 within The Bridges Shopping Centre, to considerably expand their range of goods. The current store focuses on clothing, footwear and accessories, along with a limited range of home items if space allows.

It is understood that Next wish to continue their expansion of their 'Home and Garden' style format stores in Sunderland. The store format combines the existing fashion goods sold at their Sunderland store alongside an expanded range of fashion lines and bulky homes lines, with new home and home furnishing products.

Reflecting the operational requirements associated with the retail of Next's 'Home and Garden' ranges, existing standalone Next Home stores are all located in edge or out-of-centre locations and established retail park destinations. However, in this case, an expanded town centre store can be provided which will not only meet the requirements of Next but will be a catalyst for the town centre.

It is envisaged that the store will reflect the overall concept and vision of Next 'Home and Garden' style stores by providing a modern shop within a light and spacious environment. The store will be a standalone retail unit with a floor area of up to 4,180 sq. over two floors, although the mezzanine floor (as shown on the submitted plans) is likely to have a smaller floor area to allow for access arrangements and atriums.

Access into the store would be via three entrances, one facing High Street West, within the western elevation and two onto Crowtree Road, within the northern elevation. The north eastern most entrance would be covered by extending the existing mall, with the entrance doors of the mall moved to the end of the extension.

Between the store and High Street West would be an area of high quality public open space that would link through to the improved High Street West public realm and the new Magistrates' Square. As part of this, the pedestrian access from High Street West will be retained across the site. Whilst the pedestrian route from Bishopwearmouth Green, which crosses the site east west would be rerouted to the front of the store.

Car parking would be located to the side of the building, providing access to the store, The Bridges Shopping Centre and The Gill Bridge redevelopment area. The site offers good potential for sustainable travel given the town centre location and the benefit of linked trips made to the Bridges Shopping Centre and surrounding area.

Apart from some dedicated 'Click and Collect' spaces for Next, car parking at the site would be operated, as with the other car parks associated with the shopping centre, on a pay and display basis. A total of 78 vehicle spaces are proposed, 3 of which would be reserved for disabled users. All the spaces are to be covered, with access to the lower level parking via a ramp from High Street West.

Covering the car parking area not only visually hides the surface and vehicles from High Street West but also, and perhaps more importantly, from Bishopwearmouth Green and the adjacent Almshouses. In addition it affords the opportunity to provide an increased area of public open space adjacent to Bishopwearmouth Green helping tie the two areas together.

The service yard is to be located to the rear of the retail building, between the proposed new build and the retained ice rink building. This would not only screen the yard from the surrounding area but would allow the retail store to have active frontages both onto the High Street West and onto Crowtree Road.

Access to the proposed service yard would be from the rear, via the existing open service and enclosed service bay for The Bridges Shopping at the rear of the Debenhams store.

The existing internal service bay, whilst being close to the proposed does not physically link with it. There are a number of rooms and other physical structures which would need to be removed with a new opening created to form the required connection.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice
Neighbour Notifications

CONSULTEES:

NE Ambulance Service NHS Trust
Fire Prevention Officer
English Heritage
Sunderland Civic Society
Millfield - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health
Tyne And Wear Archaeology Officer
Nexus
Northumbrian Water
Southern Area Command - Police

Final Date for Receipt of Representations: **06.07.2016**

REPRESENTATIONS:

Consultation Response

Neighbour Notification - No letters of representation have been received a total of 146 consultation letter were sent out.

1 letter of objection has been received from the Sunderland Civic Society. The objection is listed in the Statutory and Non Statutory section on responses.

Statutory and Non Statutory responses

NE Ambulance Service NHS Trust - No response received

Fire Prevention Officer - No response received

English Heritage - No adverse comments on the proposed development subject to relevant conditions being imposed

Network Management -- No adverse comments on the proposed development subject to relevant conditions being imposed

Flood And Coastal Group Engineer - No adverse comments on the proposed development subject to relevant conditions being imposed

Environmental Health - No adverse comments on the proposed development subject to relevant conditions being imposed

Tyne And Wear Archaeology Officer - Where archaeological remains are found in the preliminary trenches and where those remains are at threat by the proposed development, those remains will need to be fully archaeologically excavated before development can proceed.

If members are minded to grant consent the County Archaeologist has recommended three conditions be imposed on the planning permission to cover:

- o Archaeological Excavation and Recording
- o Archaeological Post Excavation Report Co
- o Archaeological Publication Report Condition

Nexus - No objections to the proposal.

Northumbrian Water - No objection to subject to conditions in respect of surface water drainage.

Southern Area Command - Police - No response received.

Sunderland Civic Society - Object to the proposed development. Copy of objection below:-

General Comment

I have studied the proposals for the extension to The Bridges onto the former Leisure Centre site. In making my representations I have taken account of the planning and environmental context, including Council approved policy and the ongoing Local Plan. As a result, I am concerned that the scheme as presently proposed is unsatisfactory both in terms of the use made of the available site and the form and design proposed in what is an environmentally sensitive location.

It is noted that the proposal is to provide a single 45,000 sq ft unit on two floors, with servicing via a northward extension to the Debenhams service yard and with underground car parking for 79 cars accessed from High Street West. Further, building will only take place on the southern part of the site, the northern part remaining as some form of open space, possibly as a requirement of the Council, as landowner, although I am not clear on this point.

A summary of my reservations concerning this proposal is set out below. A full analysis and detailed evaluation is set out at the end of this submission; the summary case should be read in conjunction with this detailed appraisal.

- According to the Council's own estimates, there could be a need for up to 17,500 sq metres (nearly 200,000 sq ft) of additional retail floorspace within the City Centre by 2022. The site of the former Leisure Centre now appears to be the only major development opportunity which can help satisfy this potential need. This makes the effective utilisation of the site of critical importance. However, the design as currently proposed will preclude future development on the northern part of the site to the detriment of the long term regeneration and improvement of the City Centre
- In view of the above it is essential to have an overall plan for the site so that the current proposal can proceed, albeit in a modified form, without prejudicing future additional

development to the north. This could take the form of a Development Framework as required by the Urban Design Strategy. Without this overall concept the present scheme is piecemeal development.

- The proposed building is on an environmentally sensitive site adjacent to the Bishopwearmouth Conservation Area. Development here will have a great impact on the quality of its environment due to its proximity. The building proposed is of a nondescript design and falls far short of the Council's aspirations for this site as set out in the Bishopwearmouth Conservation Area Character Appraisal and Management Strategy, which has been adopted by the Council as its detailed conservation policy framework.
- In terms of its massing and footprint, it also falls short of the Council's objectives for the site as set out in the Sunderland Central Area Urban Design Strategy. This too has been adopted by the Council to guide the overall development of the City Centre, including this site
- For these reasons it is suggested that, although retail led use is appropriate here, the scheme in its present form does not comply with the Council's approved policies. It is therefore difficult to see how it can be acceptable to them. It is not just that the scheme would need 'tweaking'; to meet the Council's policy objectives, rather it needs a fundamental rethink if the full potential of the site is to be realised in terms of use, design and environment.
- Towards a Solution Which Better Meets the Potential of the Site
- It is suggested that the present scheme could be amended to make better use of the overall site in the longer term, thereby maximising its contribution to the regeneration of the City Centre, and also meet the Council's conservation and design objectives by:
- Modifying the configuration of the present scheme to enable the service road from the south to be extended north at a future date to accommodate further retail development. This might involve reducing the block depth and extending building slightly to the north, or, depending on the headroom over the service bay, it might be possible for the upper floor to be extended over the service area, thereby potentially reducing the overall area of the available site utilised by the development.
- If there is a need for on-site car parking, to ramp it up rather than down. This would be necessary to accommodate the extended service area suggested above. Also, by providing rooftop parking, it would add to the massing of the building, in accordance with the Council's design policies.
- Any further development to the north would have to take the form of a separate block, with the return frontage to the current proposal forming an east-west mall linking Crowtree Rd with Bishopwearmouth Green over the extended service area.
- Development of the northern part of the Leisure Centre site should make maximum use of the site to provide additional retail development to make as great a contribution to the City Centre's overall floorspace requirements as is possible. A mixed use development, incorporating student accommodation or apartments at the upper levels, would potentially provide a better return on capital outlay, and, by increasing the massing, meet the Council's design and conservation objectives. Provision of a range of retail, restaurant bars and cafe outlets to the High Street West frontage would provide the 'active' frontage sought by the Council, facilitating greater pedestrian movement into and through this area improving the connectivity of the Bishopwearmouth Conservation Area to the west.
- Both the current and any future development should be sympathetic to the need to enhance the Conservation Area, be to a high standard of design and use quality materials.

NB Although not part of the current consideration, it would be interesting to know the longer term intentions of both the Council and Pavilion Property Trustees for the western side of the remaining part of the Leisure Centre building (ie fronting The Green).

Detailed Comment on the Present Scheme

The Principle

In the abstract, a retail development here accords with the UDP and the emerging Local Plan. It will also increase footfall towards High Street West, where at present the retail offer is in decline, and to the new Keel Square hence the Vaux site. However, in practice the current scheme does not represent the optimum use of the site, either in terms of the site itself and its wider strategic significance in the City Centre's future development, as is argued below.

In terms of available development sites, the scope for further retail development in the wider City Centre in the longer term is severely limited. In UDP Alteration No 2, the Council proposed a mixed use development within the Holmeside Triangle which could probably have satisfied foreseeable future retail needs. However, a large part of the site is now being developed as a college. This effectively thwarts any significant retail development there and piecemeal development on what is now effectively a 'fringe' area is unlikely. The other possibility for additional retail development could have been the Vaux site, but the Council has adopted a policy which severely restricts the amount of retail use to be allowed there.

Consequently, short of a major change in policy on the part of the Council, the only obvious site for further retail expansion over the period of the Local Plan is here, on the Leisure Centre site. The Council's emergent Local Plan anticipates a future City Centre requirement of an additional 17,500 sq metres gross floorspace up to 2021/22 (Sunderland Local Plan-Core Strategy and Development Management Policies. Draft Revised Preferred Options; August 2013; Policy CS.1.2 (c) on page 38). Of this, 3,500 sq m was anticipated to be on this site and the current proposal, at around 4,000 sq m is broadly in line with this. However, the potential scale of new development required and the apparent lack of alternative sites means that strategically, it is of vital importance that the full potential of the whole of the Leisure Centre site is exploited. The present scheme only uses part of the site and, in its present form, will effectively preclude development of the remainder.

The Extent of Retail Development

As stated above, the development only occupies about half of the present site, the intention apparently being to retain the balance as open space. There is plenty of open space in the immediate vicinity (Town Park as a 'green' space; Keel Square and the square proposed in front of the former fire station as 'urban' squares for events and formal gatherings). There is consequently no obvious need to retain this area of grass and indeed, as I will show, approved Council policy is for an urban environment in this locality. Consequently I can see no reason why the whole site should not be developed over time.

Scope for Future Development of The Site

The importance of maximising the potential of the wider site for retail development in the longer term has been shown. However, if the scheme goes ahead in its present form it will be difficult to subsequently develop the remainder of the site. The reason for this is the need to make provision for access for service vehicles delivering to the shops. The present scheme will be serviced from beneath the Leisure Centre block with access via Debenhams service yard. However, the configuration of the building and the proposed underground car parking associated with it would preclude the further extension of this service area northwards. Consequently any further development of the remainder of the site would require separate service access. This could only be provided from High Street West, and would thereby preclude any shopfronts here. Since 'dead' frontages were a criticism of the design of the Leisure Centre it is important to learn from past

mistakes particularly given the Council's desire for an 'active' frontage to High Street West as set out in approved policy documents (see below).

The Environmental Context

There are two Council approved planning documents which describe the physical parameters within which the Council considers this site should be developed. These are:

Sunderland Central Area Urban Design Strategy: This document sets out a framework to guide urban design within the City Centre. It was adopted by the City Council as a Supplementary Planning Document on 25th July 2008, meaning in planning terms it is a 'material consideration' when considering planning applications.

There are a number of relevant references in it which impact upon the former Leisure Centre site. On page 17 there is a diagram showing the part of High St West adjacent to the site and west of it to be "high quality townscape" having landmark buildings within it. Although excluded from the defined area, the leisure centre site immediately adjoins it and therefore the form of its development will have a significant impact on this sensitive area.

On page 52 a plan identifies the various open spaces and squares proposed by the Strategy. The space in front of the old Fire Station is identified as a proposed square, 'Empire Square'. Para 3.80 outlines proposals for this square: "Empire Square will form a new space within Bishopwearmouth and will take its character from the quality of the surrounding buildings (my emphasis)..... The square will use high quality materials such as local stone, appropriate for its Conservation Area designation, and be a focus for the evening economy with up-market restaurants, cafes and bars fronting onto the space". In this context it should be noted that the southern side of the proposed square will be determined by the design of any building(s) on the Leisure Centre site. It is apparent from the text that a high standard of design is anticipated in the new square; it is not unreasonable to hope that the building forming the south side of the square will similarly be of a high quality.

The Urban Design Strategy does not identify an open space at the north end of the Leisure Centre site. Quite the contrary; paragraph 5.86 on page 109 sets out the 'key elements' to be considered as part of the design process for the redevelopment of the Leisure Centre. Relevant points can be summarised as:

- The design of key frontages must address the High St West frontage;
- A storey height within the range of 4-6 storeys with 6 storey development adjoining Crowtree Rd and the corner of Crowtree Rd and High St West
- Design proposals to enhance the setting of ...the adjoining Almshouses
- A need to provide east-west linkages through the site to improve pedestrian movement

Section 6 of the Strategy, 'Implementation', states in paragraph 6.5 that "The Urban Design Strategy identifies a number of opportunity sites..... These will require the preparation of detailed Development Frameworks.... ." The Leisure Centre site is identified as a Key Regeneration Opportunity (Item 14 on the plan on page 144. Consequently, proposals for this site should have been brought within the context. As far as I am aware, none has been prepared.

Clearly the intention of the Strategy is for a very 'urban' form of development on this site, utilising the whole of the site and with up to 6 storeys to create a suitable environment to enhance the adjoining Conservation Area. The scheme currently proposed falls far short of this in that it does not utilise the whole site and the massing is inadequate, potentially creating a rather bleak open effect rather than the urban environment envisaged by the Council in the Strategy. Further, it has not been prepared within a Development Framework as intended.

Bishopwearmouth Conservation Area Character Appraisal and Management Strategy: This was adopted by the Council as the framework for this Conservation Area in March 2007.

The former Leisure Centre site is not within the area designated as a Conservation Area. However it is immediately adjacent to it, the boundary running along the northern and western boundaries of the site. Consequently its development will have a very significant impact on the character of the area, for better or worse. Development within a Conservation Area is expected to enhance the area and, by implication, be of a high standard of design sensitive to the qualities of the area. Given the critical juxtaposition of the site with the Conservation Area it is reasonable to expect development here will be subject to a close evaluation as to its visual impact. The need for a high quality design is emphasised by the fact that the Character Appraisal and Management Strategy identifies a number of 'landmark' buildings in proximity to the site

On page 44 Management Objective 5 relates to the site. It states: "To secure the enhancement of the Conservation Area through reinstatement of a desirable street frontage to the historic High Street" (my emphasis). Under this Objective, Proposal 5a states: "The Council will require all forms of new development along High Street to display high quality contemporary designs that will respect and enrich their historic context having special regard to the massing and materials of surrounding listed buildings" (my emphasis).

The supporting text to this proposal relating to the Leisure Centre site states: "...the total lack of any active frontage (that means shops, cafes, bars etc) has proved to be unsympathetic to the area's townscape value. The Leisure Centre currently dwarfs surrounding historic buildings, compromising their settings and presenting generally unsatisfactory blank frontages to all aspects.... . There is a possibility that it may become available for redevelopment in the longer term, probably to make way for a further extension to The Bridges Shopping Centre. Should this transpire it presents a major opportunity to reinstate the High Street frontage next to the Black Bull (now Vesta Tilleys)... . Any future redevelopment will need to be very carefully considered given the sensitivity and importance of the site and its surroundings. A high quality and imaginative design solution will be required with issues such as scale, height, and elevational treatment being of paramount importance" (again, my emphasis)

Clearly the Council, in this document, is seeking a solution sympathetic to the site's sensitive location. The present scheme fails in this because it does not extend as far as High Street West and therefore does not reinstate a High Street frontage. Further, the design proposed is not high quality or imaginative, nor does it deal appropriately with issues of scale and height.

Listed Buildings: There are a number of listed buildings near to the site. The nearest of these, The Londonderry public house (Grade 2), is immediately adjacent to it. Nearby are The Dun Cow public house (also Grade 2) and The Empire Theatre (Grade 2*). A little further away is the Magistrates Court (Grade 2). On the north side of High Street West is the former fire station, another building of some architectural importance which is proposed to be refurbished, with a public square in front of it.

The form of development proposed on the Leisure Centre site will inevitably impact on the setting of these listed buildings. This is a factor the Council is required to take into account in deciding any planning application here.

It is concluded the scheme as currently designed will in no way enhance the setting of these buildings, which are highly 'urban' in design, whereas the current modest scheme does not make a complementary and positive contribution to the setting of these buildings, particularly 'The Londonderry' public house.

The representation comments listed above are covered off in the relevant sections of the report. The objections covers wider issues than the current application site, members are reminded that they can only consider the submitted scheme as proposed.

POLICIES:

In the Unitary Development Plan and Alteration Number 2 the site is subject to the following policies;

SA65
SA_74
SA-74A
SA60
T23A
SA69
SA97
SA81
S2A
S12
B14
SA82
SA78
SA79
SA83
Sa55B
EC5
SA64
EC10A
T14
B2
B4
B10

COMMENTS:

The report contains 9 section as listed below:-

1. 1 The Principle of Development
2. Conservation Area and Heritage Assessment in terms of Scale, Massing and Layout
3. Flood Risk and Drainage
4. ecology
5. Highways
6. 6.Land Contamination
7. 7 Noise, Vibration and Disturbance
8. Archaeological
9. 9 Equalities Statement.

1 The Principle of Development

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined with the Development Plan unless material considerations indicate otherwise.

Local planning policy for Sunderland consists of the saved policies of the 1998 Unitary Development Plan (UDP), alterations made in 2007 (Central Sunderland) and the new Local Plan (2013), which is currently in draft form. In addition to the local policies are national planning policies, which are set within the National Planning Policy Framework (NPPF), which was issued in March 2012

National Planning Policy Framework (NPPF)

The NPPF advises planning should be positive, promoting competitive town centre environments and growth. It recognizes that town centres are at the heart of communities and it is essential that their viability and vitality is supported.

The Framework goes on to state that town centres should provide customer choice and a diverse retail offer, with suitable sites to meet the scale and type of retail and other development need. Local planning authorities should plan positively for their future to encourage economic activity, with sites being sequentially tested to ensure that applications for main town centre uses are located in town centres.

The NPPF promotes the efficient use of land through higher density, mixed use development recognising the need for different land uses to support sustainable local communities and the use of suitably located previously developed land and building.

The Framework and associated guidance also advocates high quality design, acknowledging the environmental parameters, with respect to the context of the site, together with the need to achieve sustainable development ensuring strong economic growth that responds to the challenges of the economy.

The NPPF is a material consideration in the determination of planning applications and advises that development that accords with an up-to date Local Plan should be approved, alternatively development that conflicts should be refused unless other material considerations indicate otherwise.

Section 2: Ensuring the vitality of town centres of the NPPF recognises town centres as the heart of their communities and aims to support their viability and vitality

The following NPPF guidance is relevant to this application:

Paragraphs 131, 137 and 118

Paragraph 131

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 137

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

Paragraph 118 states

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles (set out within this paragraph of the NPPF).

Key adopted Local Planning Policies (Unitary Development Plan and Alteration Number 2) relevant to this site.

Unitary Development Plan (1998): Policies B4, B6 and B10 of the 1998 UDP note that it is important that development in and adjacent to Conservation Areas do not detract from their value. With Policy B11 noting that the protection of the archaeological heritage of Sunderland will be promoted and measures taken to ensure any remains discovered will be either physically preserved or recorded.

Unitary Development Plan Alteration (2007): Policy S2A directs new retail development to the retail core, with the Council anticipating demand for additional comparison floorspace in the next 10 years.

Policy CS1.3 seeks to ensure a sustainable pattern of development, with the release of land reflecting suitable, viable and deliverable previously-developed sites and buildings within urban areas, particularly around public transport nodes.

A number of locations are identified where major development or redevelopment will assist in the regeneration of the city. Policy CS2 identifies the Crowtree Leisure Centre, along with others, as a Location for Major Development (LMD).

Locations for Major Development (LMDs) are large sites where new business or residential development will be encouraged, with the LMD's along the riverside and in the City Centre/Central Area having primary emphasis on redevelopment for manufacturing/business uses.

The Vaux site, which is situated to the north of the city centre retail core is noted as a Strategic Site where employment led mixed use development will be encouraged. Comprising a mix of business (Class B1) and residential (Class C3) uses, with emphasis on the development of high-density Class B1a office floorspace.

The City Council will continue to support the roles of its centres via Policy CS5.1 to ensure that they remain thriving and viable destination that is consistent with their scale and function. The City Centre is identified as a principal location. This stance is reinforced by Development Management Policy DM 5.1, which notes that the Council will favourably consider proposals for new retail development in, or on the edge of, designated centres identified in Policy CS5.1.

Development Management policies cover development specifics such as access and highways. Policy DM6.1 notes that proposals for development must be acceptable in relation to highway capacity / safety and include an appropriate level of parking including safe and secure parking for cyclists and the promotion of sustainable public transport. It also requires schemes to be designed to sensitively integrate parking and servicing requirements; avoiding vehicles dominating the street scene.

All development proposals must demonstrate their effect on traffic and transport by submission of a Transport Statement/Transport Assessment, and where appropriate a Travel Plan, this will be covered in the highways section of the report.

Bishopwearmouth Conservation Area Appraisal and Strategy

The Conservation Area Appraisal (2007) considers that the fundamental character of the area derives from a combination of its medieval origins and subsequent Victorian and Edwardian development.

It is predominantly characterised by "distinctive landmark buildings, rising above refined terraced streets all set within a medieval street pattern and around an elevated Town Park upon which St Michael's Church, the City Minster, proudly stands as the dominant feature."

The site is bordered by Character Zone 1 Theatre Quarter / High Street West to the north and Zone 2 (Town Park / Low Row) to the west.

Within Zone 1 sits the Empire Theatre (Grade II* Listed) together with other listed buildings. Although there is an attractive public square to the front of the former fire station, surface car parks reduce the streetscape quality and detract from character of area.

Bishopwearmouth Conservation Area Plan

Zone 2 is characterised by the soft, spacious and quiet character of the Town Park with attractive pedestrianisation and St Michael's Church (Grade II* Listed) providing the centrepiece and most dominant feature of the Conservation Area.

All development within and adjacent to the Conservation Areas will be required to preserve or enhance its character or appearance. In addition, the City Council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting, with all future developments required to respect the setting and preserving existing views of the Minster and roofscapes of Bishopwearmouth. The impact of the building on the Conservation Area and Listed Building will be considered under the heritage section of the main report.

Supplementary Planning Guidance

Retail Needs Assessment Update (2012): The original study (2009) found that there was a limited quantitative need overall of just 4,460 sq.m gross up to 2026. Nevertheless, the study identified localised deficiencies in convenience goods to the north of the City Centre and within Sunderland City centre itself.

Development opportunities within the City Centre include the Crowtree Leisure Centre with the site having a potential to accommodate around 15,000 sq.m to 20,000 sq.m gross of modern, high quality comparison retail floorspace set over 2-3 levels.

Over the total period 2011 to 2022, the positive requirement is in the range 3,500 sq.m gross to 23,500 sq.m gross in comparison retail floorspace.

Topic Paper 1.5 - Retail and Town Centres (2009): The City Centre retail core is identified as the main location for new retailing. It notes that Sunderland City Centre is underperforming in relation to its vitality and viability, falling 35 places in the MHE (Management Horizons Europe) Index since 2003/04. Reflecting the relative lack of retail investment in the city centre in recent years.

The paper notes that retail-led regeneration provides a reconnection to economic opportunity providing direct employment and additional investment. Retailing can also play a major role in

changing perceptions of an area among both investors and residents, making it more attractive and prosperous.

There is a need to ensure that further investment is made in the City Centre retail offer to ensure its attractiveness both to shoppers and users.

Summary of Principle of Development

There is a need for such a development not only to address this particular site visually, but to also provide for the retail needs of the City of Sunderland. The proposal provides a unique opportunity to provide a large scale Next store in the heart of the City Centre, a type of store that is usually found on out of town retail parks.

The scheme complies with both national and local extant and emerging planning policy by improving the retail provision in the city centre, supporting its viability and vitality. The scheme will enhance the provision of retailing in the City Centre helping it compete with other town and out of town retail centres in the region.

In conclusion the scheme as a whole is considered acceptable in principle and complies with all relevant local and national planning policies.

2. Conservation Area and Heritage Assessment in terms of Scale, Massing and Layout

The application site is located along the edge of the Bishopwearmouth Conservation Area, the boundary of the conservation area enclosing the western and southern sides of the site. The southern part of the conservation area that lies adjacent and wraps around the application site is one of the most architecturally and historically significant parts of Sunderland City Centre. It contains an abundance of listed buildings and other historic buildings, many of which are either directly adjacent or in close proximity to the site. The grade II listed Londonderry Public House and Mowbray Almshouses being closest, the boundary wall of the latter running along the western side of the site. The grade II* listed Sunderland Minster and Empire Theatre, and grade II Dun Cow PH are a little further away from the site but are nevertheless visibly prominent in views across, to and from the site since the demolition of the Leisure Centre. The immediate area also contains Town Park, a significant space of ancient origins at the heart of the conservation area that includes a registered Village Green.

Hence, the application site is in a highly sensitive location that demands a high quality scheme that respects and enhances its historic surroundings.

Appraisal of Proposed Development

Management Objective 5 and Proposal 5a of the Bishopwearmouth Conservation Area CAMS deal specifically with the application site. The Objective and Proposal requires high quality contemporary designs for the development of the site that respect and enrich its historic context, and encourages proposals to re-establish a suitable built form along the High Street. In respect of this guidance I would comment as follows:-

Layout:

It would have been preferable to secure the reinstatement of a desirable street frontage to the historic High Street as part of the development proposals, in accordance with Objective 5 of the CAMS. However, it is recognised and accepted that for commercial reasons the proposed retail store needs to be positioned as effectively an extension to the Bridges Shopping Centre, and the amount of retail floorspace required does not allow a development of sufficient size to extend to and provide a frontage to the High Street. The development could feasibly be turned 90 degrees

to provide a more extensive frontage to Crowtree Road, but this would leave the unattractive rear service elevation more exposed directly to the rear of the Almshouses, to the detriment of the setting of the Conservation Area and abovementioned listed buildings.

Taking into account the amount of development proposed, its commercial positioning in relation to the Bridges Shopping Centre, the servicing arrangements and ability to provide attractive landscaped areas around the new building, it is considered that on balance the proposed layout of the scheme represents the most sensitive solution in terms of respecting and enhancing its historic surroundings.

Scale and massing:

The size of the proposed retail store is much smaller than the previous leisure centre which had an overbearing and harmful impact on the setting of the Conservation Area and its listed buildings, in particular the Almshouses, Minster and Londonderry PH. The proposed building is much more respectful in terms of its height and massing to the adjacent Almshouses and will allow this group of distinctive buildings to breathe, and soften the south western edge of the conservation area that had for many years been brutally 'fortressed-off' by the imposing blank elevations of the Leisure Centre. Whilst it is disappointing that the development will not re-establish a built form of suitable scale and massing to the High Street, the conservation area and aforementioned listed buildings will generally be better revealed and more prominent within this part of the City Centre and their architectural qualities and character more appreciated.

Design and Detailing:

The design of the proposed building and surrounding landscaped areas is encouraging. The simple contemporary design of predominantly glass and natural sandstone cladding will sit well in close proximity to the sandstone historic buildings in the vicinity of the site. When compared to the brutalist form and appearance of the demolished Crowtree Leisure Centre it represents a significant enhancement in the quality and attractiveness of built form within the setting of the Conservation Area and its listed buildings. The quality of the external materials, in particular the stone cladding, will ultimately be crucial to the overall attractiveness of the new building. Samples of all external materials will need to be conditioned for the approval of the Heritage Protection and Urban Design Teams.

Public Realm:

The hard and soft landscaped public realm and decked area will suitably conceal car parking and significantly improve on the appearance of the surviving unsightly concrete retaining structures and temporary grassed area, again to the benefit of the enhancement of the settings of nearby heritage assets. The detailed design of the public realm areas will need to ensure that appropriate high quality surface materials and landscape features are used that relate well to both the modern retail store but also the adjacent Conservation Area. The transition / route from the conservation area, in particular Town Park, into the newly designed public realm, and then back into the conservation across the High Street and through into the fire station square and Keel Square, will need to be very carefully handled. Elevation and cross section details showing the visual appearance of the deck and car park entrance structures from High Street West and Crowtree Road will be required to properly assess their visual impact.

There are some concerns over how the deck will be constructed in such close proximity to the historic rear boundary yard wall to the listed Almshouses. Whilst it is stated in the Design and Access Statement that the deck can be constructed independently of the boundary wall, this construction detail should be informed by a Structural Survey and the Engineers

recommendations, having regard to the conservation requirement to protect the wall. Full construction details in the form of a cross-section, together with a construction method statement, will need to be provided to enable any impacts on the listed wall to be fully considered. These may be conditioned.

Should any works be required to the boundary wall to construct the deck then a separate application for Listed Building Consent will be required.

Historic England's position

Historic England supports in principle the extension of the Bridges Shopping Centre.

They consider the proposed siting of the retail unit and the provision of an area of public realm will retain views across the site to character zones 1 & 2 of the

Bishopwearmouth Conservation Area and the significant group of listed buildings including the Grade II* listed Minster Church.

They welcome the introduction of an active frontage to the north and west elevations of the Bridges Shopping Centre which will enhance views from the conservation area and Almshouses. The proposals seek to address issues of connectivity and linkages by encouraging pedestrian movement between the eastern boundary of the conservation area including Town Park and the retail extension.

We note the proposals include the provision of car parking beneath a pedestrian deck adjoining the eastern boundary of the conservation area and Almshouses. We welcome the concealment of car parking below an area of public realm which will also link to the Town Park. Nevertheless we are concerned about the relationship and siting of the deck with the aforementioned heritage assets. We request therefore that your Council ensures further drawings are submitted, to an appropriate scale, which adequately demonstrate the relationship of the deck with the adjoining Almshouses.

With reference to the proposed north elevations, Historic England do not consider these provide enough detail regarding the external appearance of the car park and deck and the impact this structure may have on views from High Street West. We request therefore that further elevations are sought to illustrate this element of the development as part of a wider landscaping scheme. We consider there is an opportunity to increase the amount of soft landscaping in order that the development will visually link and complement adjacent heritage assets in particular the Town Park.

Historic England supports this application and recommend that the application can be determined subject to the clarification of details as set out above to ensure the proposals constitute sustainable development as defined by the NPPF.

Summary

On balance the proposed development is considered acceptable by Historic England and the Councils built heritage team. The proposed development is considered to make a key contribution to the economic regeneration of this part of the City Centre with inevitably spin-off effects of increased footfall and trade in the Bishopwearmouth Conservation Area. The new building and landscaping will, taking into consideration the negative impact of the previous Leisure Centre and the neutral impact of the current temporary landscaping scheme, have a positive impact on nearby heritage assets. The scheme will better reveal the Bishopwearmouth Conservation Area and many of its listed buildings, and whilst not reinstating a desired built form / frontage to the High Street to re-establish the traditional townscape form, it will overall enhance

the setting of the Conservation Area by re-introducing a built form on the site of improved quality and appearance and with an enhanced public realm

Conclusion on scale massing and layout

This proposal will have a positive impact on the on-going economic and physical regeneration of the Minster Quarter and will on balance better reveal and enhance the significance and settings of the Bishopwearmouth Conservation Area and listed buildings contained within it, in accordance with the requirements of NPPF paragraph 137, UDP policies B4 and B10 and the objectives of the Bishopwearmouth CAMS. The proposal is therefore acceptable considered acceptable subject to suitable conditions being imposed in respect of :-

- Full construction details, including a detailed cross section, showing exactly how the deck will be constructed adjacent to the rear boundary wall of the Almshouses.
- Method statement, supported by Structural Engineer's report/recommendation, describing how the Almshouses' boundary wall will be protected during construction of the deck.
- Fully designed and detailed landscaping scheme for the areas of public realm, including plans, elevation and cross-sections details from High Street West and Crowtree Road.
- Samples of all external materials for the new building, including stone cladding, render, glazing, roofing material.
- Full details / samples of all landscaping materials, including paving, curbing, landscape features, street furniture and lighting.
- Archaeological evaluation trenching, post excavation report and publication report conditions requested by County Archaeologist.

3 Flood Risk and Drainage

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

The Flood Zone Map for Planning has been prepared by the Environment Agency. This identifies areas potentially at risk of flooding from fluvial or tidal sources. The site is situated wholly within Flood Zone 1 which is land assessed as having a less than 1 in 1000-year annual probability of river/tidal flooding. The site is also at low risk of groundwater, surface water and reservoir flooding.

The proposed development site is situated outside (but immediately adjacent) to the Barnes Burn Critical Drainage Area. The Critical Drainage Area was established due to the unknown risk posed by Barnes Burn. As the proposed development is situated outside the Critical Drainage Area, the Barnes Burn is assumed to pose a low risk.

The site is assumed to drain to the existing sewer network due to the lack of watercourses in the local vicinity. No capacity issues have been reported to date. It is proposed that runoff from the site is restricted to greenfield rates with attenuation being provided prior to discharge to the public sewer network.

In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider

catchment area as a result of suitable management of surface water runoff discharging from the site.

A comprehensive Flood Risk Assessment has been submitted and has been reviewed by the Local Lead Flood Authority this document also includes Suds.

This Flood Risk Assessment (FRA) is compliant with the requirements set out in the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance. The FRA has been produced on behalf of AEW Europe in respect of a planning application for the proposed development of a Next store with associated car parking, Sunderland.

This report demonstrates that the proposed development is not at significant flood risk, subject to the recommended flood mitigation strategies being implemented. The identified risks and mitigation measures are summarised within Table 5.1 of the Flood Risk Document. Additional information was requested as part of the planning application process in order to ensure that the development was fully compliant with both National and Local Planning Policy.

The final assessment on the Flood Risk and Drainage submission is based on the following documents.

Flood risk assessment MCS2207/REV 3 May 2016 (originally submitted)

Phase 1 Geo-environmental Assessment Report MCS-BWB-00-XX-MJT-EN-0002-(Ph1) April 2016 (originally submitted)

Additional details requested to meet current guidance post application

Proposed Drainage Strategy NBS-BWB-HDG-XX-RP-D-0510 Rev P5 September 2016

Appendix 1 - General Arrangement (0115002/104)

Appendix 2 - Lower Level Proposed Finished Levels (NBS-BWB-HGT-01-DR-D-0600)

Appendix 2 - Upper Level Proposed Finished Levels (NBS-BWB-HGT-02-DR-D-0600)

Appendix 3 - Proposed Drainage Layout (NBS-BWB-HDG-XX-DR-D-0500)

Appendix 4 - Sewer Records and Approval (dated 14/07/2016)

Appendix 5 - WinDES Calculations (02 september 2016)

Appendix 6 - Drainage Systems Maintenance Regime

Appendix 7 - Planter Detail (0115002/110)

Appendix 8 - Pump Failure Drainage Layout (NBS-BWB-HDG-XX-DR-D-0501)

Appendix 9 - Pump Failure WinDES Calculations (02 September 2016)

Appendix 10 - Proposed Construction Layout (NBS-BWB-HKF-01-DR-D-0700)

Appendix 11 - Vehicle Tracking for Drainage Maintenance (Rev P1)

Conclusion on Flood Risk and Drainage

The revised Drainage Strategy and additional information submitted has been considered by the Lead Local Flood Authority and is considered to be acceptable and in compliance with policy EN12 of the UDP.

4 Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles.

Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

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

An Extended Phase 1 Habitat survey was undertaken on 2nd March 2015. The survey broadly followed standard methodology published by the Joint Nature Conservation Committee (JNCC)² but extended for use in Environmental Assessment (IEEM 2006)³.

The survey was conducted in a single visit, as such seasonal variations cannot be observed and potentially only a selection of all species that potentially occur within the survey area will have been noted. However, due to the site being almost entirely amenity grassland, this was not considered to be a significant constraint.

The survey was also not conducted within the optimal period for Extended Phase 1 Habitat surveys. However, as the site was almost entirely amenity grassland which was established in 2014, this was not considered to be a major constraint.

There are no designated sites (both statutory and non-statutory) within the boundaries of the proposed development site.

There are no nationally or internationally designated sites within 2km of the proposed development site boundaries. However, four locally designated sites were identified within 2km of the site and two internationally designated sites were identified within 10km and the site.

The site is also located within an Impact Risk Zone (IRZ) but the site does not fall within one or more of the categories identified by Natural England as having the potential to impact upon a SSSI.

Designated sites

Due to there being no designated sites within the proposed development area or on the boundaries, there are considered to be no direct impacts upon any of these sites. The impacts upon Northumbria Coast Ramsar site and SPA and the Durham Coast SAC have been assessed in detail as part of an Appropriate Assessment Screening document which can be found in Appendix A of the submitted Extended Phase 1 report. In summary, no significant impacts are anticipated on these sites and as such no further actions are recommended.

No impacts are anticipated on the locally designated sites due to the distance between them and the proposed development site and the inability of the potential development to support the species for which the sites are designated

In conclusion there are no direct or indirect impacts to any statutory or non-statutory sites due to the distance between them and the potential development site.

The habitats in the survey area are all considered to be of negligible value as most of the site is short sward amenity grassland which is heavily disturbed by members of the public.

There is limited potential for protected and/or notable species to be present in the survey area. No further surveys are recommended prior to works commencing.

Habitat Regulation Assessment

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

Due to the proposals nature and proximity to known Special Protection Areas (SPA's) designated under the Birds Directive a Habitats Regulations Assessment will be required to accompany any potential planning application. The assessment must be undertaken by a suitable qualified person and should be in accordance with Article 6(3) and 6(4) of the EU Habitats Directive (92/43/EEC), following the procedures set out in the European and current national guidance (European Commission, 2001; ODPM, 2005).

The submitted information has been reviewed by our Ecologist and confirms the report concludes no likely significant effects on European Sites, and by implication the Durham Coast SSSI, which the Local Authority accepts and as such the Local Planning Authority has recorded there is no requirement to proceed to full Appropriate Assessment (Stage 2) in respect of Habitat Regulation Assessment.

Conclusion on Ecology

The proposed development is considered acceptable in principle and is considered to have a neutral impact on the local biodiversity. The proposed development is considered to comply with both national and local planning policy. If members are minded to grant consent it is recommended that conditions be imposed to ensure the development is carried out in accordance with recommendation in ecology report and condition in respect of any lighting proposed on the new development.

5 Highways

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The applicant has submitted a comprehensive Transport Statement in support of this planning application.

Accessibility

The proposed development is located within the City Centre adjacent the Bridges shopping centre. The site is readily accessible by pedestrians from High Street West, Crowtree Road and from St Michaels Way via Bishopwearmouth Green to the west. Pedestrian access from the south will be subject to public access arrangements under the control of The Bridges.

Vehicular access is proposed from two locations, one is a new entrance / egress to an under-croft car parking area on High Street West. The second is an extension to the current delivery arrangements to the Bridges providing HGV delivery and servicing from St Michaels Way / Green Terrace.

The section of High Street West to the immediate north of the site is part of the on-road route for National Cycle Network Route 1.

Public Transport

Given the proposed City Centre location, the development is in close proximity to a number of public transport options.

Bus services include stops within walking distance located on St Marys Boulevard, Holmeside, Vine Place and Park Lane Interchange.

Sunderland City Centre is served by both rail and light-rail including two Metro Stations in the locality.

Nexus have been consulted and have offered no comments.

Car Parking

Given the City Centre location, the provision of parking linked to a specific development is normally considered inappropriate, and is inconsistent with both National and adopted Council policies for promoting sustainable development.

However, the proposal includes a 78 space under-croft car park which the applicant considers to be necessary to support the customer needs of the proposed development. It is understood that the car park is proposed to be privately managed with pay and display parking.

This proposal for an under-croft car park includes 78 parking spaces including 3 disabled bays adjacent the bottom of the access ramp. A minimum of 2 spaces should be provided as electric car parking bays with charging posts installed.

The design of the new car park provides a pedestrian deck over the car park in order to retain a level of permeability and connectivity with the City Centre. This is achieved by continuing public space provision from Bishopwearmouth Green allowing pedestrian access, which replaces the ramp previously enclosed by the gated mall between the former Crowtree Leisure Centre.

The vehicle access to the car park will require modifications to the footway to form the vehicular entrance with associated dropped kerbs and tactile paving. The works will be subject to a Section 278 highways agreement unless the Council are commissioned to undertake the works.

The slope of the proposed access ramp from High Street West will need to start from the back of the existing footway before falling at a 1 in 10 gradient down to the finished floor level of the car park. The existing footway levels on High Street West cater for pedestrian movement as a priority, and will need to be maintained to similar levels to keep this as the priority movement.

Retaining the current footway levels also ensures appropriate visibility splay requirements are maintained to ensure the safe movement of pedestrians on the highway.

Cycle storage

Two secure cycle stands are proposed adjacent the western entrance of the store. Additional cycle parking should be considered for inclusion within the adjacent public realm and funded as part of these works.

Public Realm and Lighting

The external paving, landscaping, street furniture and public lighting will need to be designed using high quality materials and installed to meet Council standards and requirements for future maintenance. Seats and litter bins should be incorporated and funded as part of these works.

The works will be subject to a Section 278 highways agreement unless the Council are commissioned to undertake the works. Arrangements for future maintenance for the public realm and decking above the car park need to be agreed with the Council.

Road Safety

The Transport Statement includes a review of personal injury accidents in proximity of the proposal. The findings conclude that the proposed development will not adversely impact the highway. However, the vehicle access to the under-croft car park will need to be carefully designed to ensure the safe movement of pedestrians is maintained.

Stopping Up of Highway

The applicant has identified a number of areas of highway that will need to be stopped up as public highway to enable the development to proceed. The Council has received instruction to proceed with the stopping up application to include these and other ancillary areas of highway. The intention is to progress under Section 247 of the Town and Country Planning Act, with the applicant meeting the Council's costs for the preparation, administration and advertising of the order.

Crowtree Road Alterations

The application includes an area of Crowtree Road which is proposed to be covered to form an entrance and extension to The Bridges mall. This area is included within the highway stopping up proposal and stops short of the secured pedestrian entrance to Astral and Solar house. The new entrance will include repositioned entrance doors and canopy, and retain the current hours of opening and closing for public access associated with The Bridges.

The remainder of Crowtree Road to the north is subject to a Pedestrianisation Order which restricts use of the highway to pedestrians, with exemptions for emergency service and highway maintenance vehicles. This area is proposed to be repaved in conjunction with the public realm landscaped space between the northern elevation and High Street West. The detailed design and means of implementation needs to be agreed with the City Council, and be subject to a Section 278 highways agreement.

Servicing and Deliveries

A route for HGV and other deliveries is to be provided via the existing Bridges service yard, which is capable of accommodating the turning movements for large deliveries. The service yard has

been designed to allow goods vehicles up to and including a 16.5m long articulated vehicle to turn and exit site in a forward gear. Access to the service yard is via the existing multi-storey car park access road from Green Terrace / St Michaels Way. Bin and waste collection associated with the retail use will also take place from the rear service yard.

Conclusion on Highway Issues

Based on the above confirmation of parking provision and availability of sustainable transport options, there are no objections to the proposal on highway grounds and as such the proposed development is considered to comply with Policy T14 and T22 of the adopted Unitary Development Plan, Alteration number 2 and National Planning Policy Framework. If members are minded to grant consent it is recommended that, two conditions are imposed to cover the electric charging bays and a Scheme of Work

6 Land Contamination and Ground works

Policy EN14 of the adopted UDP states that:

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

- Unstable or potentially unstable;
- Contaminated or potentially at risk from migrating contamination;
- Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site, where the degree of instability, contamination, or gas migration would allow development subject to 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.

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environmental or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination of land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

The submitted information has been reviewed by Environmental Health and the following recommendations have been put forward:-
Ground Contamination

A Phase 1 Preliminary Risk Assessment (Desk Study) has been provided for the site by BWB consultants which includes;

- Site walkover survey (7/10/16)
- Site history based on Ordnance Survey mapping 1856-2014
- Search of computerised environmental databases (Groundsure) (6/10/16)
- Coal Authority Report (6/10/15)
- Environment Agency website

Currently this 0.6ha site is public open space and a small part of the adjoining building "The Bridges" shopping centre with 85% grass, 15% hardstanding and building,

The site has been developed previously as terraced housing, public theatre (/cinema), public houses and a lodge (encroaching on the southern boundary) shown on the First Edition Ordnance Survey. The lodge site developed into smaller residential/industrial buildings and roads and by 1954 a warehouse. Removal of terraced housing in the 1960's & 1970's was a precursor to development of the site as a leisure centre in 1977 (shown in 1987 mapping). BWB understands that the leisure centre was closed in 2011 and demolished in 2014. The surrounding area includes Iron Foundry and Cornmill (<200m NE), Garages (200m NW & E), Brick Fields (300m E), Railway (400m S), Cemetery (300m NW), Bottle Works (400-500mNE), Coal Depots & Railway (500m N on R. Wear).

Based on the age and nature of the leisure development it is suggested use of asbestos in construction was possible and although hazardous materials should be removed prior to demolition, this may not have been possible (for example if the building was not safe to enter).

The risk of UXO has been considered because Sunderland was extensively targeted by bombing in WWII however due to post-war development of the site this risk is considered by BWB to be low.

The published geology is mixed glacial deposits laterally and vertically with Glacial Till to the north, Glaciolacustrine in the centre and Glaciofluvial to the south below Made Ground. Two on-site boreholes made prior to construction of the leisure centre obtained from the BGS onshore database indicate 1.2 to 1.4m Made Ground comprising hard core, clay & rubble, layered boulder clay, sand and laminated clay to depths of 7.1 to 9.1m, underlain by bedrock of Permian dolostone (Roker Formation). The bedrock forms part of the Magnesian Limestone Principal Aquifer. The Fluvioglacial deposits are classified as a Secondary (A) Superficial Aquifer. Groundwater is anticipated to be 4.5mbgl. The site is undermined by three worked seams between a depth of 460m and 570m last worked in 1928. Associated ground movement should by now have ceased. There are no known mine entries affecting the site.

Formerly the Barnes Burn was culverted across the middle of the site however it is not known whether this is still present or has any connection to site drainage.

The site appears to be unaffected by landfill however there have been numerous infilled clay-pits in the area, although gassing potential of these if any will have decreased with time.

Relict concrete foundations are anticipated to be present below the site including three former swimming pools and a basement which have been backfilled with demolition rubble. Piles are also present which may cause obstruction for future foundation options. It is considered that future piles will have to be located between existing piles, and may also need to be pre-drilled to get through buried obstacles. CFA piling has been selected as a foundation option. Consideration will need to be given to risks from asbestos and leachate migration from made ground to the underlying aquifer.

BWB has recommended that a site ordnance awareness and safety briefing be carried out prior to investigative and redevelopment works. They also consider it may be prudent to carry out an independent UXO risk assessment. Based on this advice it is recommended to request a UXO risk assessment to inform the selection of appropriate foundation options and design of site investigations.

The Made Ground has been identified as being a Moderate or Low/Moderate risk to site users through presence of possible soil contamination including asbestos and generation of ground

gases in Made Ground below the site. The recommendation of BWB is that prior to the development of the site, an intrusive investigation should be carried out at the site in order to assess the compositional, environmental and geotechnical properties of the soil. It is proposed that ground gas and groundwater monitoring instruments are installed in standpipes. The site has been identified by BWB as either requiring basic radon gas protection (Table 6) or this being recommended (Table 4), which might be considered as (/partial) mitigation for ground gases.

BWB proposes to assess risk to controlled waters as part of the Phase II investigation. Given the potential risk to the underlying Principal Aquifer and surface waters via the culverted Barnes Burn, we advise that the Environment Agency should be consulted and a Foundation Options Risk Assessment be prepared for the site to justify the selection of piling type to mitigated risk to controlled waters, exposure of workers to asbestos and UXO.

Air Quality Assessment

An assessment of the likely impacts on Air Quality due to the development, has been prepared by BWB consultancy (reference MCS2207/AQA/REV 3) The assessment has used national and local data to assess both the operational and construction phases of the development.

The assessment concludes that the operational phase of the development will have negligible impacts on the existing air quality levels at the site. The development is relatively small and not thought to generate a large amount of extra vehicle movements due to the size of the car park.

The construction phase was assessed to pose a medium risk overall for dust emissions and a low risk for PM10 health effects. In order to mitigate against these risks it is recommended that site specific mitigation be adopted to minimize the effects of dust and fine particles. The details of the mitigation recommended are specified in paragraph 5.22 of the report and in Appendix 2. It is therefore recommended that a condition requiring a construction management statement to be provided before construction commences be attached to any consent granted.

Land Contamination

It is noted that the Applicant has submitted an assessment in respect of ground contamination. This is currently under review and until it has been fully assessed I recommend that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. The responsibility for the safe development of the site rests with the developer

7 Noise, Vibration and Disturbance.

Paragraph 123 of the NPPF which states that planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the

Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

Prior to occupation of the development, a revised noise assessment shall be submitted in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound. The Assessment shall be undertaken by a suitably qualified and experienced noise control consultant. The assessment shall include both internal and external noise sources from the entire site including the car park and vehicular audible warning systems) and demonstrate that the level of noise from the site shall, throughout the lifetime of the development, not exceed the background level (LA90) as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest. Following the procedure laid down in BS 4142:2014, any necessary corrections shall be made to the specific sound level e.g. for tonality. The assessment shall accurately determine the difference between the source and existing noise levels.

This assessment, which shall include the specification of any necessary mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and be maintained as such thereafter, in order to comply with policy EN5 of the adopted Unitary Development Plan.

Prior to commencement of construction, a construction noise assessment in accordance with BS 5228-1:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise shall be submitted. The Assessment shall be undertaken by a suitably qualified and experienced noise control consultant.

Vibration from construction activities shall not exceed 1.0 mm/s measured as a PPV at the nearest residential property. The developer will also be required to submit a detailed vibration monitoring scheme before the commencement of construction works to be carried out in accordance with BS 5228-2: 2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration and BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting.

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. For the control of dust it is recommended that regard is had to the mitigation specified in paragraph 5.22 of the report and in Appendix 2 of the Air Quality Assessment are . |Methods to control noise from the construction phase should be identified by the Construction Noise Assessment to be provided.

Based on the risks identified by BWB and the recommendations for intrusive investigations to be carried out we cannot advise grant of Full Planning permission unless there are Conditions to ensure that a Phase II study and a Remedial Strategy/Verification Plan and Verification Report are prepared for the site. The Foundations Options Risk Assessment should be considered as part of the Remedial Strategy document. A UXO risk assessment should be requested to inform the selection of appropriate foundation options and design of site investigation.

Noise Assessment.

A Noise Assessment (Reference MCS2207/Noise Assessment/Rev 2) written by BWB Consultants has been provided in support of the application.

Background noise levels were taken at 4 noise locations during the daytime and 3 locations during the night time deemed to be representative of levels at the nearest noise sensitive premises.

British Standard 4142: 2014 -Methods for rating and assessing industrial and commercial sound has been used to assess the likelihood of complaints from noise from the development by comparing the existing background levels to the rating level produced by the development.

Noise from HGV movements and fixed plant on the roof of the development were identified as the primary noise sources. Noise from vehicles using the car park was not considered and no justification for this omission. BS4142: 2014 also allows for the addition of penalties to a rating level to take into account the characteristics of a sound that may make it more noticeable and therefore annoying. These could be applied for tonality, intermittency, impulsivity or if the noise is readily distinctive from the existing acoustic environment.

In the assessment of the HGV movements none of the corrections have been applied implying that the operational noise from the HGV's including the reverse beeps do not contain any of the characteristics mentioned above. This conclusion is not accepted as it is thought that in particular the reverse beeps are clearly both tonal and intermittent in nature. No additional information has been provided with respect to the number of HGV's per day visiting the site and the operational times that they are likely to visit the store which makes it very difficult to determine whether the noise will cause an adverse impact on nearby residents.

The assessment also sets the Lowest Observed Adverse Effect Level (LOAEL) as a rating level of 5dB above the background noise level. BS 4142:2014 states "A difference of +5dB is likely to be an indication of an adverse impact, depending on the context". To ensure that the development does not cause an adverse impact to noise sensitive receptors it would be more appropriate to ensure that the level of the noise from the site does not exceed the background level (LA90). The assessment also applies the same standard to the noise from the plant and also applies a 3dB correction as the sound is thought to be readily distinctive from the existing acoustic climate. No information is provided on the types, numbers and sound power levels of the plant that is to be used on the development. This information is important to define the likely characteristics of the noise and until it has been provided it is not possible that an assessment of the impact from plant noise can be made. It is therefore recommended that a planning condition can be attached to any consent granted stipulating that noise from the development shall not exceed the background level at any noise sensitive property.

Construction Vibration Assessment

The report states that an assessment of the likely level of vibration generated by the construction phase is not possible without detailed testing of the transfer function for ground borne vibration between the piling and groundwork areas for which a piling test rig would be required.

BS 5228-2: 2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration, does include a method to predict vibration levels from construction activities in Annex E. However in the absence of any predictions it is recommended that a condition to limit ground borne vibration to a maximum of 1.0mm/s measured as a PPV at the nearest residential property is attached to any planning consent granted. The developer will also be required to submit a detailed vibration monitoring scheme before the commencement of

construction works to be carried out in accordance with BS 5228-2: 2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part

Construction Noise Assessment

This has not been provided as the details of the development and construction methods have not yet been finalised. It is recommended that a condition to provide such an assessment in accordance with BS 5228-1:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise prior to commencement of construction shall be attached to any consent granted.

Summary Conclusion on Land Contamination and Noise and Vibration

In conclusion the submitted information has been reviewed and is considered acceptable in principle subject to conditions in respect of noise, land contamination in order to ensure the development is fully compliant with policies EN14 and relevant sections of the National Planning Policy Framework.

8 Archaeological Assessments

An archaeological desk based assessment has been submitted as part of the planning application.

The assessment concludes that the development has the potential to impact on buried Anglo Saxon, medieval and post medieval remains.

The village of South Wearmouth dates back to 930 AD. This could equate with either Bishopwearmouth or old Sunderland. The Church of St. Michael has its origins in the 10th century.

The boundaries of medieval Bishopwearmouth are thought to have been High Street West to the north, Crowtree Road to the east, Vine Street to the south and Low Row and Green Terrace to the west. The development therefore lies within the former extent of the medieval settlement. In the 14th century (Hatfield Survey), Bishopwearmouth contained a windmill, bakehouse, ten cottages and twelve tofts. Rain's Eye Plan of 1785-90 shows the development site as occupied by a range of buildings, gardens and yards.

By the 19th century there were three rows of terraced housing with the site (Crow Street and Carter Street). By 1894 the People's Palace and the Three Tuns Public House had been built on High Street West.

Some of the 19th century buildings which were once present on the site had cellars, which are likely to have truncated or destroyed archaeological remains.

The 1975 leisure centre had substantial foundations, a small basement and two large pools cut into ground level, which will probably have truncated or destroyed archaeological remains.

Nevertheless, archaeological evaluation trenching will be required to ascertain if pockets of archaeological remains have survived in-between the cellars and foundations of previous buildings.

Therefore it is recommended that if members are minded to grant planning permission, suitable conditions should be imposed to covering the following:-

- Archaeological excavation and recording;
- Production of a post excavation report; and
- Publication of archaeological fieldwork.

The proposed development is considered acceptable in terms of archaeology and as such is in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

9) Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

Conclusion on proposed development

The proposed development is considered acceptable in principle and is a welcome addition to the City Centre, the proposed development is considered to comply with both National and Local Planning Policy as such members are recommended to approved the application subject to the condition listed below in the main report.

RECOMMENDATION: Members are recommended to approve the application subject to the draft conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Site Location Plan PL01 Rev B
 - Roof Plan PL04 Rev E
 - Lower Level Site and Floor Plan PL05 Rev K
 - Upper Level Site and Floor Plan PL06 Rev H
 - Proposed Sections A-A and B-B PL07 Rev E
 - Proposed North Elevation PL08 Rev F
 - Proposed East and West Elevations PL09 Rev H
 - Proposed C-C Section and West Elevation PL10 Rev F
 - Proposed North-South Sections PL11 Rev B
 - Details of Access Ramp to Car Park PL12 Rev B

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

- 3 Prior to the commencement of the construction of the scheme hereby approved details of the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. This should include a detailed surface water drainage layout. This detailed drainage layout should be directed by the completion of ground investigations and drainage surveys and should include for;
 - a) Location and invert level of manhole for offsite discharge of surface water,
 - b) Detailed specification of pumps,
 - c) Detailing of geocellular storage, including clearly marked access and maintenance manholes,
 - d) Specification of interceptor and separators, and
 - e) Final plan position of and specification of all planters.

Thereafter the development shall be built in accordance with the agreed details unless otherwise first agreed in writing by the Local Planning Authority. To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework paragraph 103 and policy EN12 of the saved adopted Unitary Development Plan.

- 4 No construction or deliveries works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 Monday to Friday and 07.30 and 14.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 5 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:
 - i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
 - ii. provision and location of facilities for the loading and unloading of plant and materials;
 - iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control noise, dirt, dust and other airbourne pollutants, vibration, smoke and odour during construction;
 - vii. full details of any lighting required during the construction phase;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.

- 6 Notwithstanding any indication of materials which may have been given in the application, prior to construction of the development a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 7 Prior to construction of the store full construction details, including a detailed cross sections, showing exactly how the deck will be constructed adjacent to the rear boundary wall of the Almshouses, the information is required to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 and B4 of the Unitary Development Plan.

- 8 Prior to construction of the store a full method statement, supported by Structural Engineer's report/recommendation, describing how the Almshouses' boundary wall will be protected during construction of the deck the information is required to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 and B4 of the Unitary Development Plan.
- 9 The premises shall only operate between the following hours for the purposes hereby approved:
Monday to Saturday (except Bank Holidays) 07:00 to 22:00;
Sunday and Bank Holidays 08:00 to 18:00.
In order to protect the amenities of the area in accordance with policies S12 and B2 of the UDP.
- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 11 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan

- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 13 Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 14 Unexpected Contamination 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks

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

- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy of the UDP.
- 16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy of the UDP.
- 17 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

- 18 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (17) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

- 19 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow

public access to the work undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

- 20 Prior to occupation of the development, a revised noise assessment shall be submitted in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound. The Assessment shall be undertaken by a suitably qualified and experienced noise control consultant. The assessment shall include both internal and external noise sources from the entire site including the car park and vehicular audible warning systems) and demonstrate that the level of noise from the site shall, throughout the lifetime of the development, not exceed the background level (LA90) as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest, the information shall be submitted and approved in writing by the Local Planning Authority and maintained thereafter in the interest of achieving a satisfactory form of development and comply with policy EN6 of the Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.
- 21 Prior to commencement of construction, a construction noise assessment in accordance with BS 5228-1:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise shall be submitted. The Assessment shall be undertaken by a suitably qualified and experienced noise control consultant. The information shall be submitted and approved in writing by the Local Planning Authority and implemented thereafter in the interest of achieving a satisfactory form of development and comply with policy EN6 of the Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.
- 22 Prior to construction a detailed vibration monitoring scheme shall be submitted before the commencement of construction works to be carried out in accordance with BS 5228-2: 2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration and BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. The information shall be submitted and approved in writing by the Local Planning Authority and implemented thereafter in the interest of achieving a satisfactory form of development and comply with policy EN6 of the Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.
- 23 Vibration from construction activities shall not exceed 1.0 mm/s measured as a PPV at the nearest residential property in the interest of achieving a satisfactory form of development and comply with policy EN6 of the Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.
- 24 No development shall commence until a written detailed Foundation Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The Foundation Risk Assessment shall then be carried out in strict accordance with the approved details in the interest of achieving a satisfactory form of development on site and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

- 25 No development shall commence until a written detailed UXO risk assessment is submitted to and approved in writing by the Local Planning Authority. The Foundation Risk Assessment shall then be carried out in strict accordance with the approved details in the interest of achieving a satisfactory form of development on site and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.
- 26 The biodiversity enhancement and mitigation measures set out in the Extended Phase 1 Report dated August 2015 shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.
- 27 Notwithstanding the submitted car parking layout prior to construction of the development a plan shall be submitted showing two spaces allocated for electric charging bays the plan shall approved in writing by the Local Planning Authority. The development should then be implemented and maintained thereafter in accordance with the approved details; in the interests of visual amenity and to comply with policies B2 and T14 of the Unitary Development Plan.