

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 21/00221/FUL Full Application

Proposal: **Erection of a detached storage building to north elevation.**

Location: Ronbar Factors Limited Unit 2 Crowther Road Crowther Washington

Ward: Washington South
Applicant: Ronbar Factors Ltd
Date Valid: 16 April 2021
Target Date: 16 July 2021

PROPOSAL:

Full planning permission is sought for the erection of a new storage building within the grounds of Ronbar Factors, Limited, Unit 2, Crowther Industrial Estate.

The largely rectangular site which measures some 1800sqm in area and is occupied by Ronbar Factors Ltd which is a manufacturer and electrical distribution company. The site is situated on the western periphery of the industrial estate with further commercial units located to the north, south and east and tree belt buffering and the A1 (M) to the west.

The new storage building is proposed to be erected towards the north-western corner of the land and on the site of an existing disused boiler house and tanks which will be removed to facilitate the development. The extension would also extend over an area of existing parking which sits centrally to the north of the site.

The new building is required to provide additional storage of materials which are ancillary to the main unit and to ensure the businesses continued operational success. The new metal clad building would present an overall floor area of some 1,130sqm, presenting a width of 56m, a depth of 25m and a maximum height of 13.5m.

The scheme constitutes major development based on the wider operational area of the site and has therefore been accompanied by the following associated documents and technical reports

- o A Flood Risk Assessment/Drainage Strategy
- o Design and Access Statement
- o Land Contamination Assessment and Coal Mining report

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington South - Ward Councillor Consultation
Network Management
Land Contamination

Environmental Health
Flood And Coastal Group Engineer
The Coal Authority

Final Date for Receipt of Representations: **13.07.2021**

REPRESENTATIONS:

Public consultation - The application has been publicised by way of site notice, press notice and neighbour consultation letters. No representations have been received.

External consultees

The Coal Authority - In reviewing the proposals it is confirmed that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the northern part of the site lies within an area of probable shallow coal mining that could be attributed to the thick coal seam inferred to outcrop within the surrounding area.

Having carried out a review of the available information, the report author considers that the site is potentially at a high risk from unrecorded coal seams / workings beneath the site. Therefore, in order to confirm the actual ground conditions (depth / condition of the coal seam / competent rock cover) the report author informs that "the Coal Authority, as a statutory consultee will require the determination of the presence or otherwise of any coal on the site in order to assess possible risks and liabilities".

The planning application is accompanied by a Phase II Geo-Environmental Assessment June 2021 which has been informed by the findings of intrusive ground investigations in the form of 3no. rotary boreholes drilled to 30m below ground level. Borehole logs and a plan to illustrate where the boreholes were drilled are appended to the report. We are pleased to note that the Coal Authority's permission was obtained, and works were carried out under the terms and conditions of permit ref: 21356. Section 6.10 informs that the rotary drilling did not identify any shallow coal seams or evidence of historic mine workings (voids / loss of flush). Therefore, based on the findings of the rotary drilling, the report author concludes that there are no unacceptable degree of risk associated with shallow coal mine workings and no further investigations and / or mitigation strategy relating to former coal mining activity has been identified.

The Coal Authority is satisfied with the conclusions of the Phase II Geo-Environmental Assessment June 2021 informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority has no objections to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Internal

Council's Transportation Engineer - The application form states that there are 28 car parking spaces and 43 additional rented parking spaces available within the site.

In terms of the proposed parking arrangements, the application form states that as a result of the proposal only 28 car parking spaces will be retained.

Sunderland City Council Guidelines state that 1 parking space should be provided per 50sqm of floor space area up to a total of 200sqm, then a total 1 parking space per 200sqm of floor space area should be provided.

Parking standards have been calculated with regard to the above formula and for the proposal to be accepted the applicant must ensure that 50 car parking spaces are provided on site. The applicant should therefore demonstrate that this can be met with an amended plan illustrating 50 parking spaces within the site.

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

Council's Environmental Health team - No objections offered

Ground contamination - Subject to qualification from the Coal Authority that the Phase 1 Report is satisfactory, ground conditions are not an impediment to the safe development of the site. A single condition regarding unexpected contamination should be imposed on any consent given.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies: BH1, EG2, HS1, HS2, HS3, NE2, ST3, WWE2, WWE3

COMMENTS:

Issues to consider

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

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

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

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

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

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

- Build a strong, competitive economy (section 6);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15)

These core principles of the NPPF feed into the local policies contained within the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, EG2, HS1, HS2, HS3, NE2, ST3, WWE2, WWE3

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

1. Land use considerations;
2. The implications of the development in respect of amenity;
3. The impact of the development in respect of highway and pedestrian safety;
4. The impact of the development in respect of flooding and drainage;
5. The impact of the development in respect of ground conditions;

1. Land use considerations

Section 6 of the NPPF seeks to encourage sustainable economic growth and help create the conditions in which businesses can invest, expand and adapt. Locally, CSDP Policy EG2 looks to safeguard Crowther Industrial Estate which is designated on the Policies Map under KEA1) as a Key Employment area, for B1(Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.

With regard to the above, the creation of a new storage building within the site would fully accord with the aims and objectives the aforementioned policies by facilitating economic growth and the expansion of an existing business. In this regard from a land use perspective the LPA are satisfied that the principle of the development is considered to be acceptable and in accordance with the CSDP policy EG2.

2. The implications of the development in respect of amenity;

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

In terms of residential amenity, the commercial nature of the area dictates that there are no nearby residential properties that would be unduly impacted by the development.

In terms of visual impact, although the building would be relatively large it is to occupy a position towards the north-western corner of the site and would be set well back from the commercial frontage. Some degree of visual mitigation would be achieved to the west by virtue of the existing tree belt which will serve to screen elements of the development from the nearby A1(M), whilst the materials to be used in the construction of the building, in this respect metal cladding, are considered to be commensurate with the commercial nature of the site.

With regard to the potential impact of the development on the nearby tree belt it has been confirmed by the agent that the existing retaining wall which lies between the location of the new building and the embankment containing the trees will not be disturbed. In this respect and given the evident spacing that would be retained between the trees and the new building, it is not considered that the development would have an adverse impact on the amenity of the existing trees.

Overall, the impact of the development on the amenity of the industrial estate and beyond is considered to be acceptable and in accordance with the requirements of CSDP Policy BH1.

3. Impact of the development on highway and pedestrian safety

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

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

Policy ST3 of the CSDP advises that development should not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other road users and include a level of vehicle parking in accordance with the Council's parking standards.

As set out in the 'Representations' section of this report, the Council's Transportation Officer noted that the new storage building would result in the removal of a number of existing parking bays with just 28no. spaces shown to be retained on the proposed site plan. In this regard and based on the existing and new level of floor area to be created by this development, the comments state that the developer should provide a minimum of 50 car parking spaces across the site.

In response to the above, the agent has provided a revised site plan/parking plan which now illustrates a total of 50 no spaces laid out within the site. This is considered to be acceptable and a planning condition will be imposed on any consent granted to ensure that these spaces are marked out and available for use, prior to first operation of the building.

Overall, it is considered that the proposal will have no adverse impact on the operational aspects of the existing business, or the local road network, whilst the level of parking to be provided is acceptable and in accordance with the Council's standards. The proposed development therefore accords with policies ST2 and ST3.

4. Implications of development in respect of flooding/drainage

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

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

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

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

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

The application has been accompanied by Drainage Strategy which has been the subject of consideration by the Lead Local Flood Authority. The summary to the drainage strategy confirms;

- o Flows from the rooftops, roads, footpaths and all hard-standing areas and conveyed via gravity.
- o All flows will be conveyed by the drainage network and will not infiltrate into the ground.
- o Flows will be drained to a new surface water network which in turn will discharge to the private surface water system.
- o A flow control device will restrict flows from the site to 2.5l/s to the Surface Water system.
- o No surcharge for the 1 in 1-year

- o No flooding for the 1 in 100-year + 40% CC
 - o No building, third party land or access road flooding for the 1 in 100-year event + 40% CC
- The LLFA has confirmed that on the basis of the details provided, the drainage strategy is acceptable subject to the imposition of a standard verification condition.

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

5. Implications of development in respect of ground conditions

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

The application was initially submitted with Phase 1 Desk Top Study with a Phase 2 Site Investigation subsequently received during the consideration of the application. These reports also cover mining legacy due to the fact that the host site lies within a Coal Mining High Risk Area. The Phase 1 and Phase 2 reports have been the subject of consideration by both the Councils land contamination consultant and the Coal Authority.

Based on the content of the reports, the consultation responses confirm that they are satisfied that the existing ground conditions which include coal mining legacy, are not significant and do not pose an impediment to the safe development of the site. In this regard it is only considered necessary to impose a single condition on the consent to deal with any unexpected contamination that may be encountered during the development process.

In light of the above, the proposal is considered to accord with the principles of CSDP Policy HS3 and Para 178 of the NPPF.

Conclusion

The LPA are satisfied that the proposal represents an appropriate land use within Crowther Industrial estate and provides opportunity to facilitate economic growth through the expansion of an existing business. The size, scale and appearance of the building raises no significant adverse impacts on the amenity of the area, whilst the implications on parking provision have been considered carefully by the Council's Highways team and subject to the recommended condition are deemed to be acceptable. In addition, and subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect flood risk/sustainable drainage and ground conditions/land contamination. Members are therefore recommended to approve the application subject to the conditions listed below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

- 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.

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

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

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

The existing and proposed site plans received 01.02.2021 (Plan ref's 1000 P02, 1100 REV P02).

The proposed elevations received received 01.02.2021 (Plan ref: 1150 REV P02)
The existing and proposed parking plan received 04.06.2021 (Plan ref: 1120 REV P01)
The location plan received 12.02.2021 (Plan ref: 1110 REV P04).

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

3 The external materials to be used in the development hereby approved shall be those specified by the submitted plans and supporting documents (including the materials listed in respect of Q7 of the submitted planning application form and page 8 of the Design and Access Statement, unless the Local Planning Authority first agreed any variation in writing.

4 The parking bays illustrated on plan ref: 1120 REV P01, shall be laid out in accordance with the details of the approved plan prior to the occupation/first use of the building and shall be made available for such use at all times thereafter.

Reason: In the interests of highway safety and in accordance with Policy ST3 of the Core Strategy Development Plan.

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

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to comply with policy WWE2, WWE3 and WWE5 of Core Strategy Development Plan.

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

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

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

Reference No.: 21/00739/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing workshop/horticulture building to facilitate the erection of a two storey vehicle storage depot, incorporating vehicle maintenance, storage, parking and associated office. Facility to provide Electric Charging (EV) hub, via captured energy from roof mounted solar photo voltaic and battery storage units.**

Location: Parsons Depot 13 Parsons Road Parsons Washington NE37 1EQ

Ward: Washington West

Applicant: Esh Construction

Date Valid: 31 March 2021

Target Date: 30 June 2021

PROPOSAL:

The proposal involves the development of a new vehicle depot to house Sunderland City Council's commercial fleet, vehicle maintenance, storage and associated back of house offices at 13 Parsons Road, Washington.

The site is relatively flat apart from the access to the south east that slopes up from the highway A182, bound by a tree belt to the north, west and partially to the south. The east of the site contains an industrial unit operated by Fastflow Pipeline Services Ltd.

The proposed development seeks to occupy the whole of the 2.58 hectare site (175 metres length and 150 metres depth) to provide a rationalised co-location of services such as Fleet Management , Highways Operations and Place Management (Refuse Collection, Horticulture Services and Road Gritting).

The main building will take the form of a steel framed structure with mono pitch roof, composite cladding to the walls and roof with a photovoltaic solar system taking up the majority of the south facing roof slope. The building is proposed to act as an Electrical Vehicle charging hub for the council's fleet of vehicles, with the energy provided by the PV's and battery storage units.

The proposal is split into two distinct phases. Phase 1 will comprise of the construction of a new building and associated fleet parking. Phase 2 will see the demolition of the existing workshop/horticulture building and construction of vehicle parking bays.

The application has been subject to pre-application discussions and has been supported by the following documents:

- Design and Access Statement.
- Landscape details.
- Tree Survey.
- Transport Assessment.
- Flood Risk Assessment.
- Land Contamination Reports.
- Drainage Strategy.

- Noise Assessment.
- Sustainability Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Nexus
Washington West - Ward Councillor Consultation
Network Management
Northumbrian Water
Environmental Health
Flood And Coastal Group Engineer
NE Ambulance Service NHS Trust
Fire Prevention Officer
Northumbria Police
North Gas Networks
Northern Electric
Land Contamination

Final Date for Receipt of Representations: **12.07.2021**

REPRESENTATIONS:

Northumbria Police - Overall Northumbria Police have no objection to the proposed development, we would however urge the Applicant to consider the security of and access to padlocks in the review they state they will undertake to the perimeter fence.

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

The Fire Authority have no objections.

Public Protection and Regulatory Services - Noise report - Nova Acoustics:5802EC dated 22/3/21. Methodology and conclusions are broadly accepted.

Noise assessment has measured existing background noise levels, and existing ambient including road traffic from A194(M) and A182, and existing industrial operations in the immediate area. Predicted noise levels from operational vehicles, workshop activities and fixed plant have been produced using known data from existing sites, and manufacturer's data.

Calculations and interpretations of results have complied with the procedures and guidance set out in BS4142:2014, BS8233:2014 and the DoT Calculation of Road Traffic Noise

Noise exposures have been modelled using a suitable computational noise model Soundplan 8.2.

It is predicted that operations on the application site will not have a significant adverse impact upon the nearest residential receptors, with rated noise levels (using BS4142) indicating levels during the daytime will fall below the existing background LA90 and shall exceed the night time background LA90 by 1dB, which is not significant.

The building construction has been identified as twin wall steel sheet of Euroclad Elite Plus System 52, and a roof structure of Euroclad System1, together with a known roller shutter door constructional specification.

Conclusions of the noise assessment are based on the known fixed plant and known building construction, which must therefore be implemented as a minimum in order to meet the predicted noise impacts.

Building specification should be, as a minimum:
A façade construction sound reduction of 40dB Rw
A roof construction sound reduction of 41dB Rw
Roller shutter doors sound reduction of 25dB Rw

Fixed external plant that varies from the specification provided in the noise assessment must be assessed and rated using BS4142:2014 prior to installation.

Additionally, a noise management plan has been recommended that particularly should focus upon emergency and overnight operations, which are seen as an exception rather than the norm. The noise management plan should address as a minimum:

- o Pre-positioning of vehicles for overnight operations and movements
- o Closing of workshops doors during operations within
- o Minimisation of engine idling
- o Management of slat barn loading/unloading
- o Noise management training plan
- o Identification of specific high noise plant and operations and use of daytime scheduling

Air Quality Assessment ref. NJD21-0039-001R of March 2021 refers.

The assessment has considered the anticipated vehicle flows set out in the Transport Statement. This concludes that the HDV/LDV vehicle flows will not increase significantly from those resulting from the previous depot use. The additional service provision (MOT testing and visitors) predicts an increase of 38 vehicles AADT. Screening criteria for introduction of new traffic is +100 AADT for HDVs and +500 AADT for LDVs (notably motor cars). Even allowing for increased staff vehicles and the predicted figures are well below the threshold for an air quality assessment.

The air quality statement in relation to operations is accepted.

The Assessment additionally considers the potential impacts associated with site preparation and construction of the development, utilising appropriate IAQM guidance and specifically examining the potential impacts of nuisance dust and fine particulates (PM10).

The assessment concludes that the providing suitable mitigation measures are implemented on site preparation/earth works, construction of Phase 1 and demolition/construction of Phase 2, then potential impacts are likely to be minimised.

Mitigation measures set out in Table 4 of the AQ assessment should be implemented in conjunction with the detailed dust control strategy submitted with the application.

The full suite of measures should form a comprehensive Construction Environmental Management Plan. A vehicle refuelling facility is identified. Details should be provided of the tank capacities and expected throughputs of diesel and petroleum, to inform an assessment of the need for an environmental permit.

For clarity, the combination of the CEMP, Table 4 of the Air Quality assessment, and the Dust Control Strategy forms a suite of controls that, when implemented, will be a comprehensive mitigation plan. The content is to be recommended and the submission is accepted.

One minor point to note is that paragraph 3.3.1 (Soils) refers to a Declaration to SEPA, which should be replaced with a reference to the Environment Agency.

Land Contamination - Recommendations

At this stage, following the review of the submitted report, we recommend the following additional information is requested from the Applicant's Consultant:

Phase 1

The Petroleum Officer should be contacted to obtain any records associated with current and historic fuel storage at the Site, which can be used to suitably inform the proposed ground investigation.

Response - The officer has been contacted and a response is awaited, it is not considered to be a pertinent item however as the position of the underground tanks and their use was known and further intrusive investigations have been undertaken in their vicinity.

The presence / absence of invasive species should be confirmed prior to completing intrusive works at the Site.

Response - There are no invasive species within the planning boundary.

Sunderland City Council should be consulted to obtain contaminated land information for the site and its vicinity. The report should be updated with the response and conceptual site model updated where appropriate.

Response - The council have been contacted and a response is awaited. As the site comprises either the footprint of the building demolished by the council or, impermeable hardstanding, it is considered the risk is low. This is supported as the site's former use as a post office depot is low risk. Any contamination associated with the previous building will have been removed by the demolition process. The existing concrete areas act as a barrier to surface level contamination and therefore the likelihood of anything being discovered upon their removal is low. If any unexpected contamination is discovered this will be dealt with in the appropriate manner.

Phase 2

The Desk Study for the Site identifies a number of potential sources of contamination at the Site including a pesticide storage area, above ground oil storage, a substations, underground tanks, pipework and fuel pumps. These sources have not all been considered as part of the ground investigation. (It is recognised that the fuel pumps could not be investigated as part of this phase of works as the north of the Site remained operational). Please provide additional justification, details of further ground investigation to be undertaken.

Response - Further works have been undertaken in the area of the below ground tanks which have identified limited isolated hydrocarbons most likely associated with localised fuel spills during filling/use. This will be addressed during the works with the contaminated material removed in an appropriate manner. It is proposed to leave the tanks insitu, cleanse and fill with foamed

concrete, however if there is a subsequent need to remove the tanks a watching brief should be undertaken and further testing carried out to confirm removal of all isolated hydrocarbon impacted soils from the area. If during site preparation or construction any contamination is identified it should be assessed and removed to a suitable landfill/waste facility.

Elevated concentrations (although not above GACs) of hydrocarbons were recorded in two locations at the south-west of the Site. Do these locations correlate with the sources identified in the Desk Study? Will a Watching Brief be recommended during earthworks/construction in this area?

Response - Further works have been undertaken in the area of the below ground tanks which have identified limited isolated hydrocarbons most likely associated with localised fuel spills during filling/use, this correlates with the areas/sources identified in the desk study. A watching brief will be undertaken and if required, further testing carried out to confirm removal of all isolated hydrocarbon impacted soils from the area. If during site preparation or construction any contamination is identified it should be assessed and removed to a suitable landfill/waste facility.

Further justification of the risk to controlled waters is required, with particular regard to the area of hydrocarbon staining.

Response - There are no surface water courses with 475m of the site so there is a low to negligible risk from contamination impacting on any surface water course. The superficial cohesive natural soils are classified as an unproductive strata and the bedrock is a Secondary A aquifer that is of low quality in this area due to the historical mine workings and not used for potable water.

No groundwater testing was undertaken during the initial and additional ground investigations during the monitoring period as there was insufficient water within the wells (mainly dry or damp during monitoring or with only a centimetres water). One sample was taken of localised shallow perched water during drilling adjacent to the tank which contained elevated heavy metals and hydrocarbons.

The fuel pumps and existing building remain un-investigated. This area that remains un-investigated, will this be part of the current redevelopment? Please clearly identify the area on a plan which remains un-investigated (and outside of the current redline?).

Response - The area around the fuel pumps has now been investigated and is the subject of the addendum report. The existing building cannot be investigated as it is still in use. Its demolition will be as part of the phase two part of the works.

Coal has been recorded in the Made Ground across the Site, but not Calorific Value (CV) testing has been completed. Please provide an assessment of the CV content of the soils and implications on the development;

Response - Only infrequent coal has been identified within the made ground. These are superficial deposits which will not be a spontaneous combustion risk therefore calorific value testing is not required/appropriate.

The Phase 2 report states that mines gas and unrecorded shallow mine workings is a key hazard (H3) at the Site. The monitoring wells installed at the Site have not been installed to target potential unrecorded mine workings and mine gas. Please confirm whether this requires further investigation.

Response - From the Ian Farmer Associates desk study no shallow mine workings are present beneath the site so there will be a low to negligible risk from mine gas. There is however a risk from soil gas from made ground on site which classify as Characteristic Situation 2 conditions. This has been verified by the additional testing done around the fuel tank.

Potential unrecorded shallow mine workings have not been discussed in the report text. Please confirm whether unrecorded shallow mine workings are an issue that requires further consideration at the Site.

Response - Additional gas monitoring has been undertaken and is included in the addendum report. No shallow working investigations are necessary as the site is not in a development high risk area.

Ground Gas Report

It is understood that further investigation and ground gas monitoring will be undertaken at the Site to confirm the ground gas regime and necessary protection measures, if any.

Lead Local Flood Authority - Following submission of additional information for 21/00739/FU4 and in relation to flood risk and drainage, the proposal is suggested for approval based on the most recently submitted drainage strategy.

It is suggested that there should be a standard verification condition that can be worded as follows.

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

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

Northumbria Water Ltd - No issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk and Drainage Impact Assessment". This document contains a pre-planning enquiry from Northumbrian Water advising on connection points and restriction rates.

NWL therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Impact Assessment revision B" dated "March 2021". The drainage scheme shall ensure that foul flows discharge at manhole 4501 and ensure that surface water discharges to the surface water sewer at manhole 4502. The surface water discharge rate shall not exceed the available capacity of 95l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

PLANNING HISTORY:

88/0371 - Canopy Extension to Existing Loading Bay : Approved 28.04.1988.

89/0944 - Over-roofing of Existing Parcels Concentration Office : Approved 17.07.1989.

19/01398/DEM - Demolition of Warehouse, including Single Storey Office Block, Loading Bays and Adjacent Gas House/Bicycle Shed : Approved 16.09.2019.

POLICIES:

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

EG2: Key Employment Areas.

ST2: Local road network.

ST3: Development and transport.

HS1: Quality of life and amenity.

HS2: Noise sensitive development.

HS3: Contaminated Land.

BH1: Design Quality.

BH2: Sustainable design and construction.

NE2: Biodiversity and geodiversity.

NE3: Woodlands/hedgerows and trees.

WWE2: Flood risk and coastal management.

WWE3: Water management.

WWE4: Water quality.

WWE5: Disposal of foul water

COMMENTS:

PLANNING POLICY

All local planning policies referred to below are considered to be compliant with the National Planning Policy Framework (NPPF), which sets out the current Government's planning policies for England and how these are expected to be applied. The NPPF sets out 3 overarching objectives which aim to assist in the delivery of sustainable development. These are identified as being;

o an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

o a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

o an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development; i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 thereafter continues that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development wherever possible.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 any subsequent planning application submitted for further consideration would be considered with regard to the Council's development plan which comprises the Core Strategy Development Plan (CSDP) which has recently been formally adopted and any relevant 'saved' Policies contained within the Unitary Development Plan. The proposal would also be considered in relation to the requirements of the National Planning Policy Framework and the principle of seeking to approve applications for sustainable development wherever possible.

CONSIDERATION OF PROPOSAL

The issues which are relevant to the consideration of the proposal at the enquiry site include the following:

- o Principle of the development
- o Impact on the character and appearance of the area
- o Residential amenity
- o Highways considerations
- o Flood risk and drainage
- o Trees
- o Ecology
- o Contaminated land

Principle of Development

The site is located in a designated employment area (Parsons Industrial Estate). Consequently, the adopted Core Strategy and Development Plan (CSDP) Policy EG2: Key Employment Areas is relevant. This Policy sets out that Key Employment Areas will be safeguarded for B1, B2 and B8 Uses (as set out in the Town and Country Planning (Use Classes) Order, 1987 (as amended)). The redevelopment of the site as a depot is considered to be compliant with the requirements of Policy EG2. It is therefore considered that the principle of the proposal is in accordance with the Development Plan.

Impact on the Character and Appearance of the Area

Chapter 12 of the new NPPF places emphasis upon achieving well designed places with paragraph 124 stating that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

Policy BH1 of the adopted CSDP seeks to achieve high quality design and positive improvement and development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The enquiry submission proposes a depot and associated infrastructure and buildings new industrial units. These are considered to generally reflect the design and appearance of the existing industrial units within Parsons Industrial Estate albeit a significant improvement in carbon footprint and sustainable building design. Therefore, the character and appearance of the proposed development is considered to be in keeping with the existing building on the site.

Residential Amenity

The NPPF is clear in requiring new development proposals to maintain an acceptable standard of amenity to existing surrounding properties, an aim which is echoed by Policy BH1 of the adopted CSDP which requires that development should retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Also, Policy HS1 is relevant to quality of life and amenity and states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation arising from air quality, noise, dust, vibration and odour amongst other things. Development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community.

Whilst Policy HS2 relates to noise sensitive development and advises that a noise assessment and where necessary, a detailed schedule of mitigation should be provided.

The depot is located on the edge of Parsons Industrial Estate. The nearest residential properties appear to be those located on the opposite side of Donvale Road to the north. Given the distance between the depot site and the residential properties to the north it is not anticipated that the proposal will create any conditions prejudicial to the enjoyment of the existing dwellings.

However, to ensure that residential amenity is not adversely affected by the proposals, the application has been accompanied by a noise assessment that examines the potential for adverse noise impacts and the alternative measures that may be effective in minimising the risk of complaints from residents, an air quality assessment and a dust control strategy both documents providing mitigation measures to ensure sustainable environmental management of the site both during construction and later via the operations of the site. Public Protection and Regulatory Services are satisfied that with the imposition of appropriate conditions relating to a noise management plan and dust and air quality mitigation measures the proposal is considered to be acceptable.

Highways Considerations

Paragraph 111 of the NPPF advises that planning decisions should ensure that safe and suitable access to the site can be achieved. Also, paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy ST2 of the adopted CSDP states that development should ensure that it has no unacceptable adverse impact on the Local Road Network. Whilst Policy ST3 outlines that development should include a level of vehicle parking in accordance with the Council's Parking standards.

The following comments have been provided by the Council's Highways Engineers and with regard to the proposal.

A Transport Statement (TS) has been submitted in support of the application which has been reviewed and the following comments are made:

Site Location - The site is situated within the Parsons Industrial Estate in Washington, Sunderland and taking into account the previous use of the site the proposed use is considered acceptable.

Accessibility - The TS concludes that the site is situated in a sustainable location where there is footway and designated shared foot/cycleway on Parsons Road and throughout Parsons Industrial Estate. In addition, public transport services are available within reasonable walking distance of the site. Transportation Development agree that the site is accessible by sustainable modes of travel.

Site Access Vehicular access to the site is to be taken from the existing priority T junction onto the north side of the unnamed road, which served the former depot and is therefore deemed suitable to serve the proposed development with no proposed modifications to the existing arrangement.

Access to the depot site is to be controlled via a gated security entrance to supervise the entry of authorised council vehicles, staff and customers. The gated security entrance does not affect access to the MOT workshop, which is open for use by the general public. The proposed vehicle access arrangements are acceptable.

A 1.8 to 2.0m wide footway is to be provided within the site with zebra crossings provided within the depot area at the key pedestrian desire lines to and from the car park areas. There is also a zebra crossing provided across the access into the proposed MOT facility.

Cyclists will be able to cycle on-carriageway within the site. The proposed cycle and pedestrian access arrangements are considered to be acceptable.

Car Parking - A total of 89 car parking spaces is proposed for staff and visitors which is based on the demand associated with the former use of the site and includes the spaces required for Council vehicles to be stored at the site. A total of 5 parking spaces are to be to accessible standard and 5% of all staff parking spaces are to be fitted with EV charging points, which equates to a requirement for 5 spaces.

To 'future proof' and enhance the sustainability of the site, EV charging facilities are being provided for all existing fleet EVs and a percentage of the allocation of the site vehicles, with infrastructure allowances for future expansion to cover the full fleet as transfer to electric vehicles.

The proposed site layout includes 12 car parking spaces for the MOT facility, 3 of which are to be to accessible standard. The facility also provides 8 additional parking spaces providing a total of 20 parking spaces associated with the MOT facility.

The submitted TS concludes that the proposed parking provision is sufficient to accommodate the needs of the proposed development. It is confirmed that the proposed parking provision is satisfactory to meet the likely demand of the proposed facility and is therefore considered acceptable.

Cycle Parking - The submitted TS confirms that the proposals provide a minimum of 8 covered cycle parking spaces in the form of 4 Sheffield-style cycle stands, each accommodating 2 cycles. This is in accordance with the Councils cycle parking standards and is therefore acceptable.

Servicing - The proposed servicing arrangements for the facility are considered acceptable.

Traffic Impact - The former depot was demolished in February 2020 as part of the enabling works to provide a like-for-like purpose built modern depot facility to replace the former depot. It is accepted therefore that the predicted trips associated with the depot element of the proposed development could be 'netted off' against the trips generated by the former depot, resulting in no net change in the trips on the surrounding road network.

The number of trips predicted to be generated by the proposed MOT facility is low and it is considered that this can be satisfactorily accommodated on the local road network with no material impact.

Road Safety - The submitted TS has included a review of the recorded personal injury accidents on the road network in the vicinity of the site which has demonstrated that there are no inherent highway safety issues that the proposed development could exacerbate. This is accepted.

Travel Plan - It is noted that no Travel Plan has been submitted in support of the application. It is requested therefore that should planning approval be granted a planning condition be imposed that requires the submission of a Travel Plan, which is to be approved by the Local Highway Authority prior to the commencement of the site becoming operational.

Flood Risk and Drainage

Paragraph 155 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.

Policy WWE2 of the adopted CSDP states that development will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment that development will not increase flood risk on site or elsewhere. Whilst Policy WWE3 outlines that development must consider the effect on flood risk, on and off-site commensurate with the scale and impact.

In terms of drainage Policy WWE4 of the adopted CSDP states that the quantity and quality of surface and groundwater bodies will be protected and Policy WWE5 states that development should utilise the drainage hierarchy.

The application has been supported by a revised Flood Risk and Drainage Assessment dated June 2021 along with drainage plans, sections, water quality treatment and hydraulic modelling files, in addition to management and maintenance details.

The site is located within Flood Zone 1 for flooding from rivers. The site has low surface water flood risk on Environment Agency surface water flooding maps. The risk of groundwater flooding is < 25% as defined in the Sunderland City Council SFRA. The Council is not aware of any flooding incidents within 100m of the site. This does not mean to say that the site has no other history of flooding, only that these incidents of flooding have been reported to or recorded by the Council.

The Lead Local Flood have considered all the supporting documentation and are satisfied with the inclusion of the verification condition the proposal is compliant with relevant CSDP policies.

Trees

Policy NE3 of the CSDP relates to woodlands, hedgerows and trees and states that to conserve significant trees development should only be permitted where it can clearly demonstrate that development cannot reasonably be located elsewhere.

The proposal has been supported by an Arboricultural Survey dated 22.02.2021 which provides the following summary:

A total of four groups of trees were recorded on site, an area of mixed woodland is present off-site along the site boundary to the north. There was a mix of trees at different life stages, mostly consisting of native and naturalised species, although some cotoneaster specimens were noted. The majority of the trees were groups were assigned to Categories C1 or C2, (low quality) with group 2 categorised as being B1/B2 (moderate quality).

The proposals will result in the trees in Group 4 being removed (low quality and value). A site visit has confirmed the findings of the report and considers the loss of this group as acceptable in delivering the planned development.

Construction and demolition will be required near to some of the retained tree groups, therefore tree protection by appropriate methodology, barriers and ground protection should be implemented throughout the works.

Specifications for tree protection barriers and ground protection are provided, along with general advice on tree retention. Tree protection and methodology shall be deployed where indicated on the Tree Protection Plan. Should Members be minded to grant consent then an appropriate condition shall be imposed to ensure the protection of retained trees.

Ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity.

Policy NE2 of the adopted CSDP further advises that biodiversity will be protected, created, enhanced and managed by requiring development to demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity.

The application has been supported by an Preliminary Ecological Appraisal PEA by EcoSurv dated 01.02.2021 and an Ecological Net Gain Statement, both documents have been considered by the City Ecologist.

The site was considered to have relatively low ecological value. The building on site was considered to have negligible bat roost potential, with limited roosting features, heavy disturbance round the site including lighting, noise and vibration. Some bird nesting habitat is present within the areas of scrub vegetation on site and the woodland habitats to the western and southern boundaries.

Cotoneaster specimens were noted in three areas on site.

Any clearance of vegetation or trees on site should be timed to occur outside the bird breeding season (March - August inclusive) to avoid impacting any actively breeding birds. Alternatively, if vegetation must be removed within the breeding bird season, a competent ecologist should undertake a breeding bird risk assessment to check for any active birds' nests. If an active nest is discovered, a 5m buffer zone must be implemented in such no vegetation removal may occur until the end of the breeding bird season or the nest can be confirmed as no longer active.

Removal of the cotoneaster specimens on site needs to be done in a controlled manner to prevent the spread of this Schedule 9 listed invasive plant species. Control of cotoneaster species includes mechanical and chemical measures.

A low-level lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats, birds and small mammals that may be using boundary habitats or habitat enhancement features that may be installed within the development.

Additional measures to compensate the loss of bird nesting habitat and to ensure a net gain in the biodiversity value of the site post development, as required by the revised NPPF have also been included within the compensation and enhancement sections of this report.

The conclusion Biodiversity Net Gain Statement indicates that the Defra Metric produces an Overall Trading Acceptable and the proposed development has the potential to achieve a small net gain in biodiversity.

Some areas of soft landscaping are proposed to be planted within the car parks and small areas around site. In addition, enhancement to the retained areas of scrub on site to the boundary areas will be required to achieve biodiversity net gain. Such enhancement would comprise the removal of the invasive cotoneaster species and supplementary planting with a mixture of native shrub species.

In addition to the above, bird and bat boxes should be installed to the woodland boundaries to the south and west of the site and hedgehog boxes can be included within the areas of enhanced scrubland. It is noted that the current DEFRA metric calculation does not factor in such features when calculating biodiversity net gain, with subsequent versions to address this issue. The inclusion of such features would therefore add further improvements to net gain than that demonstrated within the calculations outlined within this statement.

The Council's Ecologist has confirmed that based on existing habitats and species on site the information provided and resulting mitigation, the proposal is considered to be acceptable and in accordance with both National and local planning policy.

Should Members be minded to grant consent it is recommended that a condition is imposed that ensures the mitigation measures proposed are implemented and managed on site.

Contaminated Land

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Policy HS3 of the adopted CSDP states that it should be demonstrated that the developed site would be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

Comments from the Council's external consultant have been received and it anticipated that the recommendations sought have been addressed in the subsequent addendum document that was provided. Members should note that a summary of the findings of the addendum will be provided prior to committee to fully address any outstanding concerns.

It is considered that Parsons Depot is likely to be affected by historic ground contamination from long standing industrial use and remediation and verification conditions will be required to ensure the effective treatment of any contaminated land should Members be minded to grant consent.

CONCLUSION

It is considered that the principle of the proposal is in accordance with the Development Plan in that it comprises a replacement depot on the site of the current Parsons Depot, in accordance with the uses defined as appropriate in Key Employment Areas, subject to Policy EG2 of the CSDP.

The industrial style building proposed is considered to be bespoke, adopting highly sustainable solutions to house the City Council's existing and future fleet with a low carbon footprint that meets both national and local policies of planning for the future.

The application has considered all matters that were raised at the pre-application stage and subject to the imposition of appropriate conditions is considered to be fully compliant with CSDP policies.

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.

RECOMMENDATION: GRANT CONSENT under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions below.

Conditions:

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

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

Drawing No.1000 Rev PO1; Site Location Plan dated 17.02.2021.
Drawing No.1001 Rev PO1; Site Plan Existing dated 17.02.2021.
Drawing No.1000 Rev D; Populated Site Layout dated 10.09.2020.
Drawing No.1001 Rev B; Way Finding Layout dated 10.09.2020.
Drawing No.0026 Rev PO1; Storage Containers Plans and Elevations dated 17.02.2021.
Drawing No.0030 Rev PO1; Gatehouse Plans and Elevations dated 17.02.2021.
Drawing No.0031 Rev PO1; Battery Storage dated 19.02.2021.
Drawing No.0009 Rev P14; Ground Floor Plan dated 23.07.2020.
Drawing No.0010 Rev P10; First Floor Plan dated 23.07.2020.
Drawing No.0011 Rev P07; Elevations dated 28.07.2020.
Drawing No.0012 Rev P07; Roof Plan dated 28.07.2020.
Drawing No.0013 Rev P04; Sections dated 30.07.2020.
Drawing No.0028 Rev P03; Proposed Boundary Treatment Plan dated 17.02.2021.
Drawing No.0032 Rev P01; Site Sections dated 19.02.2021.
Drawing No.2047-DES-ZZ_XX_DR_E_9602 Rev02; External Lighting Layout Dated 03.2021.
Drawing No.C1065234; Substation Detailed Drawing.
External Materials Schedule received 31.03.2021.

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

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

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

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

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

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

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

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

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

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

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

6 Development shall be carried out in accordance with the submitted "Construction Environmental Management Plan" dated 28.01.2021; the "Dust Control Strategy" dated 04.2021 and Table 4 - Dust emissions mitigations measures of the submitted Air Quality Assessment dated 03.2021.

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

7 Development shall be implemented in accordance with the submitted "Arboricultural Survey" by ECOSURV dated 01.02.2021.

Reason : To comply with Policy NE3 of the Core Strategy and Development Plan.

8 Development shall be implemented in accordance with Section 6 Conclusion and Recommendations of the submitted "Preliminary Ecological Appraisal dated 01.02.2021 (prepared by Ecosurv Consulting).

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

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2, WWE3, WWE4 and WWE5 of the CSDP and the NPPF.

10 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Impact Assessment revision B" dated

"March 2021". The drainage scheme shall ensure that foul flows discharge at manhole 4501 and ensure that surface water discharges to the surface water sewer at manhole 4502. The surface water discharge rate shall not exceed the available capacity of 95l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

11 A Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority, in order to reduce the number of staff arriving by car and increase the number of staff using public transport, walking and cycling as a means of travelling to/ from work and be so implemented, in the interests of traffic mitigation and environmental sustainability and to comply with policy ST3 of the Core Strategy Development Plan.

12 Before the phase 2 development hereby approved is commenced details of the means of demolition of the existing building shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy HS1; of the Core Strategy Development Plan.

13 Prior to occupation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with Section 5: Recommendations and Mitigation Measures of the Noise Impact Assessment by NOVA ACOUSTICS dated 22.03.2021.

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

Reference No.: 21/00879/LP3 Local Authority (Reg 3)

Proposal: **Erection of steel artwork between bungalows 2 and 3 granted under planning ref: 17/00866/LP3.**

Location: Land Between Chester Road And Stanley Terrace Houghton-le-Spring

Ward: Shiney Row

Applicant: Sunderland City Council

Date Valid: 23 April 2021

Target Date: 18 June 2021

PROPOSAL

The application site is a small piece of land between the boundaries of plots 2 and 3 of a new housing scheme comprising 5 bungalows for the over 55s on Chester Road/Boult Terrace. The properties are currently under construction in accordance with application ref 17/00866/LP3.

The application proposes the erection of a steel sculpture standing 3m high with the street name displayed on the column atop which will sit a bust of local miner, Robert Askew, a well-known pillar of the community and church. Mr Askew would have walked by the area being developed on his way to the Lambton coke works, where he was a rigger. The piece is designed to pay homage to him, as well as the area's mining heritage.

The proposal, which has been chosen in collaboration with the Local Ward Councillors, is intended to provide a high-quality piece of artwork to enhance the aesthetics of the new development.

As the land upon which the artwork would sit is owned by Sunderland City Council and the submission has been made by the City Council's Neighbourhood Directorate, the application is required to be determined by members of the Sunderland West Committee.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Shiney Row - Ward Councillors Consultation

Network Management

Final Date for Receipt of Representations: **07.06.2021**

REPRESENTATIONS:

Public representation - The application has been advertised by way of neighbour consultation letters and the posting of a site notice. No representations have been received.

Consultees -
Network Management - No observations have been offered

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies: BH1, BH3

COMMENTS:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the 'saved' Policies contained within the Unitary Development Plan (UDP) and the Policies contained within the adopted Core Strategy and Development Plan (CSDP).

The National Planning Policy Framework (NPPF) was revised in February 2019 and is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

On a local level, Core Strategy Development Plan (CSDP) policy BH3 states that existing and proposed areas of public realm will, where appropriate, incorporate public art in development. In terms of design and layout, policy BH1 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the wider locality.

This broadly corresponds with paragraph 127 of the National Planning Policy Framework (NPPF) which advises that planning decisions should ensure that any development functions well and adds to the overall quality of the area, is visually attractive and sympathetic to local character and history of an area.

In respect of the above it is considered that the scale and massing of the statue would be proportionate to its locality, sitting comfortably between the plots without appearing overbearing or serving to impede pedestrian flows. Further the sentiment behind the installation would clearly serve to pay respect to the immediate heritage of the area.

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

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.

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below:

Conditions:

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

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

location plan drawing number 001 received 14/4/21;

site layout plan drawing number 002 received 27/4/21;

proposed artwork details drawing number BT004 received 14/4/21;

proposed streetscene and elevations drawing number 003 received 27/4/21;

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