

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.: 22/01076/LP3 Local Authority (Reg 3)

Proposal: **Demolition of Railway Club and Sinatra's Public House, to facilitate erection of a 404 space Multi-Storey Car Park (MSCP) (Sui Generis) with ground floor ancillary commercial use (Use Class E), including associated access, servicing and landscape works.**

Location: Land To South Of Holmeside Including Railway Club And Sinatra's, Holmeside, Sunderland, SR1 3HY

Ward: St Michaels
Applicant: Sunderland City Council
Date Valid: 26 May 2022
Target Date: 25 August 2022

PROPOSAL

Full planning permission is sought for the demolition of the Railway Club and Sinatra's Public House, to facilitate the erection of a 404 space Multi-Storey Car Park (MSCP) (Sui Generis) with ground floor ancillary commercial use (Use Class E), including associated access, servicing and landscape works.

The development site is positioned to the south of Holmeside within Sunderland City Centre and comprises an area of some 0.65 hectares. The land is in part occupied by two detached buildings in the form of a public house and a social club with associated parking, with the remainder of the site characterised by cleared areas of hardstanding and scrubland. Vehicular access linking to the rear of Sunderland College abuts the western curtilage of the site.

Other than in respect of the area to the front of the existing public house and social club, the remainder of the vacant site is currently bound by hoardings which run along the frontage of Holmeside to the north. The eastern curtilage of the site is bound by Network Rail land/infrastructure with the southern curtilage occupied by land within the grounds of Sunderland College City Campus.

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

As set out within the accompanying Design and Access Statement, the proposal seeks to bring forward a new 404 space multi storey car park built over 4 levels. This will include 88 spaces to be set aside for electric vehicle charge points with a further 17 disabled bays located on the ground floor. Part of the ground floor will also be utilised for secure cycle storage providing 36 spaces accessed via the Holmeside frontage. The Holmeside fronting element would also house a small commercial unit.

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

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Natural Heritage

Landscape

Flood And Coastal Group Engineer

Watermans - Land Contamination

Network Rail

Network Management

Environmental Health

Chief Fire Officer

NE Ambulance Service NHS Trust

Natural England

Natural Heritage

Planning Implementation

Flood And Coastal Group Engineer

Tyne And Wear Archaeology Officer

Historic England

Nexus

Network Rail

Landscape

Cllr Lyall Reed

Cllr Michael Dixon

Cllr Peter Wood

Network Management

Planning And Highways East

Environmental Health

Watermans - Land Contamination

Planning Policy

Northumbria Police

First Floor Burdon House Burdon Road Sunderland SR1 1QB

Burdon House Burdon Road Sunderland SR1 1QB

Proven People 1 - 2 Burdon Road Sunderland SR1 1QB

The Massage Station 21 Waterloo Place Sunderland SR1 3HX

First Floor 24 Holmeside Sunderland SR1 3JE

Pizza King 17 Holmeside Sunderland SR1 3JE

Flat C 22 Holmeside Sunderland SR1 3JE

Flat B 22 Holmeside Sunderland SR1 3JE

Flat A 22 Holmeside Sunderland SR1 3JE

Spot White Unit 8 Signal House 22 - 23 Waterloo Place Sunderland SR1 3HT
Independent 27 - 28 Holmeside Sunderland SR1 3JE
Former Community Sustainability Services 24 Holmeside Sunderland SR1 3JE
Dixy CHICKEN 22 Holmeside Sunderland SR1 3JE
Best Shwarma 20 Holmeside Sunderland SR1 3JE
Vacant Property 21 Holmeside Sunderland SR1 3JE
Former Cafe No 18 18 Holmeside Sunderland SR1 3JE
The Licensee Yates Wine Lodge 3 - 4 Burdon Road Sunderland SR1 1QB
Leveys 41 Holmeside Sunderland SR1 3HY
Second Floor Burdon House Burdon Road Sunderland SR1 1QB
Sunderland Body Art First And Second Floor 20 Holmeside Sunderland SR1 3JE
Mecca Bingo And Social Club Holmeside Sunderland SR1 3PD
Josephs Music Lounge 29 Holmeside Sunderland SR1 3JE
Panda Oriental Buffet 25 - 26 Holmeside Sunderland SR1 3JE
Supastitch 30 Holmeside Sunderland SR1 3JE
City Snippers 19 Holmeside Sunderland SR1 3JE
The Licensee Sinatras 31 Holmeside Sunderland SR1 3JE
Sunderland College City Campus Park Lane Sunderland SR1 3NX
Vacant Property 23 Holmeside Sunderland SR1 3JE
Make It Yours 28B Holmeside Sunderland SR1 3JE

Final Date for Receipt of Representations: **22.09.2022**

REPRESENTATIONS:

The application has been publicised by way of site notice, press notice and neighbour consultation letters sent to nearby properties.

As a result of the publicity undertaken, 3 no. representations have been received. 2 of the representations have been received from members of the public whilst the third has been made on behalf of the Sunderland Civic Society.

- o The first representation considers that the proposal will generate more traffic within the City Centre and that both the existing road layout and proposed layout doesn't support the idea of putting a car park on the site.
- o The second representation questions both the need for the car park and its longevity, arguing that this is a short to medium gain that will result in the loss of another unique building which is a non-designated heritage asset (Sinatra's).

The comments offered by the Civic Society are broken down into 4 points. This first point focusses on the regeneration of Holmeside and the requirements of applicable saved Policy SA55A.1, arguing that the Holmeside triangle is no longer, since the construction of Sunderland College and the reluctance of the bingo hall to relocate, a parcel of land which provides opportunity for cohesive regeneration. The comments go on to qualify that the changing trends in retailing are resulting in a major contraction in the role of town and city centres therefore the prospect for major city centre led regeneration is limited, especially in the Holmeside area given that the retailing street appears in terminal decline. In effect, the emphasis of the comments suggests that the 'remnants' of the Triangle should perhaps present opportunity for alternative forms of regeneration beyond those identified in Policy SA55A.1 and that the area subject to the location of the car park is key to the future regeneration of the site. In this regard the comments set out that they believe the car park to be piecemeal rather than a component of a comprehensive plan for the area and question whether the perceived attractiveness of the land as a development site would perhaps have a more appropriate optimal use. In stating this, the comments also acknowledge in principle,

the need for such a facility to serve the southern part of the city centre, qualifying that the Civic Society may be more accepting of the scheme if they could see how it fitted into the wider aspirations the Council have for the Holmeside area.

The Civic Society's second point raises concerns over the design of the development and the materials used in construction. The concerns specifically include comments that the building would appear overly utilitarian and temporary in appearance and that the 'feature cladding will be no more than internal lighting to each floor shining through the perforated cladding'.

The third component of the representation makes comment over the perceived detrimental impact of the development on the setting of nearby Listed Buildings.

The final comment seeks clarification on how the development will sit within the context of the adjacent site (site of the former Levy's wallpaper store) and asks whether this vacant land can be amalgamated into the development site to provide additional landscaping/wildflower/tree planting to achieve a more positive visual impression of the development within the context of the street scene.

Responses to the above representations will be offered within the main body of the report below.

Statement of Community Involvement (SCI)

Prior to submission, the developer undertook a leaflet drop which was distributed to 1,023 residents and businesses within the area surrounding the Site on 8 the April 2022 (See distribution boundary as shown on appendix B within the SCI on the online planning file).

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

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

The submitted document confirms that 2no formal comments were received in response to the public consultation. The SCI, which includes the questions posed and responses given can be viewed online as part of the supplementary information submitted with the application.

External consultees

Natural England - No response offered

Historic England - In considering the nature of the proposal, Historic England chose not to offer any comments on the scheme, advising that the views of the County Archaeologist and the Council's in house Conservation Officer should be sought.

County Archaeologist - The County Archaeologist notes that the development area was partially included in an archaeological desk-based assessment produced in 2014 which considered the site to have low archaeological potential. The report advised no further archaeological investigation was recommended. In this regard the County Archaeologist does not consider that any additional archaeological investigation will be required if the proposed works are approved but recommended that a basic photographic record of Sinatra's Public House be produced if the proposed works are to be recommended for approval. Further to these comments, a Building

Recording Report has been submitted and the County Archaeologist has confirmed that this addresses their comments, and no conditions are required.

Northumbria Police (Designing Out Crime Officer DOCO) - No objections offered.

Tyne and Wear Fire Rescue - No objections offered to the planning application. Comments offered in respect of Building Regulations.

Network Rail - No objection in principle. Comments offered with regard to ensuring NR's infrastructure and operational land is not impeded by the development. A list of standard conditions that may be applicable have been provided.

Nexus - No objection offered. Comments offered on the positives of the wider sustainable transport changes proposed for the area and the ongoing liaisons between Nexus, Network Rail and the developer in relation to the safety and security of the adjoining operational land.

Internal consultees

Council's Environmental Health team -

Noise

Operational noise assessment ref NJD21-0141-002R dated Jan 2022 refers.

DMRB guidance "LA111-Noise and Vibration" Rev 2 May 2020 has formed the basis for the assessment of the operational impact. This requires a scoping assessment to determine the magnitude of change in the 18hr LA10 basic noise level. The assessment methodology has utilised the CADNAA computational noise model and has considered the impact of additional traffic on two areas near to the development site, namely: a) The Burdon Road link adjacent to future housing on the Civic Centre site. b) The properties adjacent to the MSCP and on the proposed gyratory traffic arrangement in the city centre. The assessment concludes that noise impacts on each sector exhibit a negligible to minor level of impact over both short- and long-term periods following commencement of use. The overall conclusion in relation to road traffic noise associated with the use of the proposed multistorey car park is that any increase would not be significant in terms of the impact upon occupiers of properties in the vicinity. The methodology and conclusions are accepted.

Air Quality

An operational air quality assessment ref NJD21- 0141-001R dated January 2022 refers. The basis of the AQ assessment is the traffic flow predictions provided for the scheme and existing flows. The assessment has followed guidance in DMRB publication "LA105 - Air Quality" and refers to screening criteria that looks for significant changes in traffic numbers and speed, together with any highway carriageway changes. Detailed modelling was then undertaken using a widely accepted dispersion model ADMS-Roads, predicting the primary motor vehicle pollutant concentrations of Nitrogen Dioxide (NO₂) and Fine particulates (PM₁₀). Assumptions were made that there were residential receptors in close proximity to the affected highways in the city centre and at the future residential development at the Civic Centre. Background pollutant concentrations were obtained from DEFRA mapping data. The methodology followed is accepted. Predicted changes in pollutant concentrations at all of the identified receptors were small due to the introduction of the development with all exhibiting a change of less than 2%, but more importantly estimated concentrations of NO₂ and PM₁₀ continued to be well below the statutory air quality limit values/ air quality objectives. Frequent reviews of air quality undertaken by the

local authority have confirmed that air quality in the area has not exceeded the air quality limits / objectives and it is expected that this will continue to be the case.

Construction/Demolition works

The development proposal includes the demolition of two established buildings, clearance of the site and the building of the MSCP. The practices to be followed in undertaking each element of the development should be subjected to an effective level of environmental management to ensure that impacts upon the local environment, nearby occupiers and users of the adjacent highways are prevented or minimised.

Council's Highways Officers - The Council's Transport Development Team initial response provided commentary on the relevant documentation that had been submitted namely the Transport Assessment and the Design and Access Statement.

The Officer comments note that the proposal for the 404 space MSCP forms part of a wider regeneration of the Holmeside area, which also includes new and upgraded highway infrastructure, bus priority measures, and the demolition of the existing 630 space car park at the nearby Civic Centre, adjacent to Park Lane Metro station.

In analysing the information provided, the comments confirmed that Transportation Development had no objection in principle to the proposal, subject to the clarification of a number of points referenced in Section 2 of their consultation response. This included additional details in respect of traffic flows, occupancy profiles, information on potential route signage to direct traffic from major highway routes, servicing, emergency evacuation procedures, the potential for staff parking and clarification on the proposed changes/if any, proposed to the current Traffic Regulation Orders on Holmeside.

On receipt and review of an addendum to the Transport Assessment, the Transport Development Team have confirmed that the responses to their initial highway consultation have been clarified/addressed. A condition for a Construction Environmental Management Plan (CEMP) has been recommended.

Council's Conservation Officer - The application is supported by a Heritage Statement that has in accordance with NPPF paragraph 194 and CSDP Policy BH8 described the significance of the heritage assets affected and assessed the impact of the proposals on their significance.

The conclusions of this assessment are agreed. Whilst the proposed development site is relatively close to Sunnyside Conservation Area and several listed buildings, including Burdon House the closest at 50m to the west, it will not impact on any key views into or out of the conservation area or towards the listed buildings. Likewise, Mowbray Park which sits beyond Burdon House to the east. The development is within the wider City Centre urban setting of these heritage assets, but it will sit comfortably within this context which is characterised by a mix of different types of buildings in terms of age, scale, form and style. The proposal will therefore have negligible impact on their setting and significance.

The proposal will require the demolition Sinatra's Public House, but this building is of limited architectural and historic interest as a non-designated heritage asset. It would be sufficient for an archive photographic record to be made of the building for deposition in the Tyne and Wear Historic Environment Record. In this respect, the comments of The Tyne & Wear Archaeology Officer note that a basic level of photographic building recording should be undertaken prior to demolition. Notwithstanding this, the loss of Sinatra's should still be considered as part of the

planning balance for the application, in accordance with NPPF paragraph 203 and CSDP Policy BH8.

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

Ground contamination - It is considered that land contamination does not represent an impediment to granting planning permission for the development of the site; however, based on the information provided to date, it is recommended that conditions are required in respect of ensuring updates are made to the current Phase 2 Ground Investigation and Remediation Strategy, along with conditions to deal with verification/validation and measures to deal with unexpected contamination.

Lead Local Flood Officer - The LLFA have confirmed that they are satisfied that the proposed drainage strategy is acceptable in principle but note that final agreement with Northumbrian Water (NW) has yet to be confirmed. In this respect they are recommending that a condition is imposed which requires that the detailed drainage designs and approvals are submitted for approval by the Local Planning Authority in association with the LLFA and NW, prior to construction of the development. The standard Sustainable Urban Drainage condition (as built) will also need to be imposed.

Ecology - The response refers to the following documents submitted in support of the application which relate to the ecological impacts;

- o Holmeside Biodiversity Net Gain Plan and associated metric (Durham Wildlife Services, August 2022)
- o Ecological Impact Assessment, Holmeside MSCP (Durham Wildlife Services, June 2022)
- o Proposed External Landscaping - Drawing no (90)001, P13 dated 17/08/2022 (GSS Architecture, 2022).

Protected and Notable Species

The updated version of the EcIA provides details of the bat activity survey which has been undertaken in line with current best practice guidance and no further information is required in relation to such species.

Habitats and Biodiversity Net Gain (BNG)

The updated version of the BNG report and metric confirm that a net gain in biodiversity units of 4.39% (and 46.56% for hedgerow units) can be achieved on site through the development, with appropriate habitat creation and measures included as part of the BNG report. The previously submitted version of the document showed a higher net gain (over 11%) which included off-site enhancement via improved management of an area of magnesian limestone grassland. This offsite management has been removed from the updated version of the BNG and should still be delivered, if possible, in order to maximise the ecological benefits of the proposals however, as a net gain in units can still be achieved through the onsite works in isolation, no objection is offered subject to conditions.

COMMENTS:

Policy backdrop

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

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

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

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

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

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

- Building a strong and competitive economy (section 6);
- Ensuring the vitality of town centres (section 7);
- Promoting healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meeting the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);
- Conserve and enhance the built environment (section 16).

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF.

Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application. It sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland).

Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise which ended 12th February 2021). The A&D Plan is still going through the adoption process, however, for the avoidance of doubt, the host site is not allocated or covered by it.

All CSDP and UDP Alteration No. 2 policies referred to within this report are considered to be consistent with the NPPF.

Of relevance to this application is saved Alteration No.2 Policy SA55A.1, Strategic CSDP policies SP1 and SP2 and CSDP policies BH1, BH2, BH7, BH8, BH9, H1, H2, HS1, HS2, HS3, VC5, NE2, WWE2, WWE3, ST1, ST2 and ST3.

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

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

1. Land use considerations

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

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

Allied to the above, the Council's Core Strategy Development Plan (CSDP) Policy ST1: Urban Core Accessibility and Movement, sets out (at Criterion 6), a need to improve the provision of car parks around the ring round. In relation to this, it is noted that the site is located within relative proximity to the ring road, lying approximately 400 metres away.

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

- i. make improvements to connectivity and pedestrian movement in the Urban Core;
- ii. provide a high quality of public realm to create attractive and usable spaces;
- iii. protect and enhance heritage assets; and

iv. ensure high standard of design that integrates well with the existing urban fabric.

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

With regard to Policy SP2 it should be noted the proposed construction of the MCSP forms part of a wider strategy for public realm improvements within the Urban Core. This strategy includes the ongoing revitalisation of Sunderland Station which will serve to promote rail travel as a more attractive and sustainable proposition for those entering the city. In addition, the City Council are in the process of developing a business case for improvement works on Holmeside in order to rationalise bus movements and provide high quality facilities for non-motorised users.

The introduction of the MSCP is considered to be an important complimentary component to these schemes with the enhanced station, new cycleways, bus facilities, pedestrian crossing and active travel improvements linking the City Centre east-west corridor with the proposed MSCP.

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

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

It is noted that saved Policy SA55A.1 also sets out a number of key components which should be incorporated into the redevelopment of the triangle. These include the provision of public pedestrian access through the triangle to connect Park Lane with Holmeside and Burdon Road, to create high quality public open space and to provide complimentary parking onsite in the form of a multi-storey or undercroft. Whilst it is acknowledged that the intention of this Policy was to create a car park which would complement/serve specific onsite uses, it does, nonetheless, establish that the intended vision for the site included the provision of a MCSP.

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

The Policies outlined above place great emphasis on sustainable regeneration, economic growth and public realm improvements and it is considered that this scheme would contribute positively to towards these aims. The development will serve to support the regeneration of the Urban Core not only through its role in helping to create and link a sustainable transport hub within the Holmeside area, but also through the attraction of increased footfall and pedestrian activity on Holmeside. As noted by the Civic Society within their representation, Holmeside as a shopping

and commercial offer has notably suffered in recent years and therefore the draw of additional footfall to the area can only serve to benefit the longer-term vitality and viability of surrounding businesses.

It is acknowledged that as the proposal involves the demolition of a public house and social club, there is also a requirement to consider it against Policy VC5 of the CSDP which relates to the protection and delivery of community facilities and local services. The policy sets out in part that;

Community facilities and local services will be protected and enhanced by:

1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use, and it has been demonstrated that it is not suitable for any other community uses.

The supporting text to VC5 outlines that;

It is important to protect viable facilities so far as is practicable, unless there is an overriding justification for their loss or exceptional benefits deriving from alternative forms of development. The council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss.

With regard to the above, the application has been accompanied by a Planning Statement, which at Section 6.10, discusses the social/community implications resulting from the loss of the two buildings. Within the statement the comments qualify that the buildings are currently run down and may contain asbestos which will require substantial investment to enable them to modernise. The comments also qualify that the owners have agreed to sell the buildings to the Council with the occupiers of Sinatra's expecting to relocate to a premises on the opposing side of Holmeside.

From a planning perspective the above qualifications would, on face value, hold limited material weight as undertaking necessary renovations are a common obligation of owning commercial buildings whilst a change of ownership would not negate a requirement to maintain a business for community use in the planning sense. The reference made in respect of Sinatra's potentially relocating to the opposing side of Holmeside is noted although no specific details have been provided on this.

Notwithstanding, the statement rightly acknowledges that the loss of the two drinking establishments would not serve to unduly undermine the drinking offer in Sunderland City Centre with numerous public houses situated very close by, including Josephs, Yates's, Wetherspoons, Beehive, The Borough to name but a few.

Against the backdrop of the above which demonstrates that there will be no significant dilution in the drinking offer, the overriding justification for the loss of the two public houses manifests in the material weight afforded to the sustainable regeneration, economic growth and public realm improvements that have been discussed in detail above. In this regard, the Council, as Local Planning Authority are satisfied that the circumstances arising from the redevelopment of the site offer substantial benefits to the area that would on this occasion outweigh the loss of these community facilities.

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

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

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

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

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

The application has been accompanied by an operational noise assessment which has considered the impact of the additional traffic on two areas near the development site, namely, The Burdon Road link adjacent to future housing on the Civic Centre site and the properties adjacent to the MSCP and on the proposed gyratory traffic arrangement in the city centre.

As set out within the consultee section of this report, the assessment concludes that noise impacts on each sector exhibit a negligible to minor level of impact over both short and long-term periods following commencement of the car parks use. The Council's Environmental Health Officer (EHO) has noted and accepted the methodology and conclusions of the report which sets out that the increase in road traffic noise associated with the use of the proposed multistorey car park would not be significant in terms of the impact upon occupiers of properties in the vicinity.

In addition to the above, the methodology and conclusions of the operational air quality assessment have also been considered and agreed by the EHO with the frequent reviews of air quality undertaken by the Local Authority confirming that air quality in the area has not exceeded the air quality limits / objectives and it is expected that this will continue to be the case.

In terms of the implications resulting from the scale and massing of the new building, the application has also been supported by a solar study which models overshadowing during the spring (April), summer (July), autumn (October) and winter (January). These models adequately demonstrate that the massing of the MSCP will have a negligible impact in terms of a loss of light and overshadowing on adjacent building on Holmeside.

In order to mitigate impacts arising during the construction phase the applicant has submitted a Construction Environmental Management Plan (CEMP) and Demolition Method Statement. The report provides details of deliveries, movement of materials, management of surface water drainage, dust, the mitigations to be put in place to protect the adjacent Network land and general impacts on the surrounding environment. These method statements have been considered by the Council's Environmental Health and Highway Sections and are deemed to be acceptable. Network Rail has also considered the additional information and has confirmed that they are broadly satisfied that the development will have no adverse impact on their assets/infrastructure. However, they have advised that further clarification is required on any future lighting scheme particularly to the west of the site and therefore a condition will be placed on any consent granted to agree final lighting details. A condition will also be attached to ensure that the works outlined within the agreed CEMP and Demolition Method Statement are adhered to during the construction phase.

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

3. Visual amenity, design and sustainability considerations

Policy BH1 of the Council's CSDP also seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

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

In terms of scale and massing the new development would sit relatively comfortably within the context of an existing street scene which comprises buildings of similar proportions including the Mecca Bingo building to the west on Holmeside and Burdon House to the east. This will ensure that the proposal will not appear unduly out of character with the prevailing built forms and heights of the area.

The single storey element which, fronts onto the streetscene will house the new commercial unit, cycle storage and remaining ancillary areas to create an active frontage and natural surveillance, with the upper levels and main bulk of the development set-back to reduce dominance and create a more relatable impression within Holmeside.

Two ancillary structures are to be erected to the immediate west of the development and these will serve as a refuse storage area and a substation. These structures will be constructed out of matching brickwork and sit close to the MSCP within an area of landscaped amenity space which will lie between the MSCP and the access road to the west.

The use of materials within the build are considered to be key to how the development would be viewed and accepted within the context of the environment. In this regard it is noted that the representation from the Civic Society has raised a number of concerns over the design and the materials to be used, citing that the proposal would be overly utilitarian and exhibit a temporary/industrial appearance.

The agent has sought to offer a response to this critique by reiterating the presence of the active frontage to Holmeside and highlighting the inspiration and influence that was taken from surrounding buildings when arriving at the palette of materials. This included Sunderland City College, which utilises a lighter brick/buff brick and this has been brought through to the feature area of brickwork which will tie together the stair core and street level elements. The stair core will present an area of clear glazing within the feature brickwork which will create additional activation on to Holmeside, allow natural light into the stairwell and provide greater security for users.

The use of gold perforated cladding to the main car parking area is considered to provide interest within the development with the Design and Access Statement (DAS), confirming that it will be angled to allow ventilation with the finned panels orientated in the direction of travel to obscure views whilst approaching via Sunderland station, and in the opposite direction when travelling

along the access road to the West. The perforation of the feature cladding will also allow internal light to permeate through the development serving to enliven the cladding through the day and night.

Overall, Officers are of the view that the design and appearance of the MSCP is appropriate to the context of the street scene and that the built form will have a positive effect on the visual amenity of the locality.

Although situated within an urban, built-up environment, the scheme will include areas of soft landscaping, with the strategy for the scheme comprising amenity grass to the west of the building which is split by the road into and out of the site, with low level planting proposed directly west of the building. Pockets of native mixed scrub planting and wildflower grassland are proposed to the south of the building in order to achieve biodiversity net gains on the site. Further to comments received by the Council's Landscape Architect, the developer has also confirmed agreement to provide a 'landscape edge treatment' alongside the northern edge of the amenity grass to the west of the car park. This could take the form of hedge planting but will serve to provide a soft edge to the adjacent public realm and act as a defensible boundary. The final details of the hedge will be secured via a planning condition.

It is noted that the Civic Society has questioned whether the land to the west, (site of the former Levy's wallpaper store) could be amalgamated into the site to create a larger area of planting to improve the visual impression of the wider site. Whilst this land does not form part of the application site, it is understood, from discussions with the applicant, that it will be landscaped in time but will firstly serve as an area for compound associated with the build out of the MSCP.

In terms of sustainability, paragraph 150 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The application has been accompanied by a Sustainability Statement which sets out that the proposed energy strategy will adopt an approach that limits energy usage from the site. The approach is designed to keep energy usage to a minimum, such that the demand on the energy networks is as efficient as possible. In this respect, the development will be subject to the three-step approach of;

Lean Design: the use of advanced building modelling and passive construction techniques if appropriate.

Mean Design: specification of high efficiency systems and controls to reduce energy consumption in use.

Green Design: supplement the site services design where necessary with the inclusion of LZC technologies to further reduce carbon emission.

Within the context of the above, the statement sets out that in the design process the developers sought to provide a naturally ventilated design with a screened cladding system with sufficient openings / free area to achieve a naturally ventilated solution. In addition, the cladding type and light transmission has been considered for the screened elements to maximise the potential for natural daylight at perimeter areas.

In addition to standard measures to optimise the efficiency of the services on site, the following list of energy efficient plant and equipment has been considered:

- o Provide a naturally ventilated car park
- o Where required use occupancy based mechanical ventilation
- o Effective commissioning of building services systems
- o Maximise the use of natural daylighting in the parking areas.
- o Use of high efficiency LED Lighting
- o Use of appropriate lighting controls - occupancy & daylight linked
- o Incorporate facilities for effective metering and monitoring.

In terms of Green Design, the development includes Photovoltaic panels (PV) at roof level to generate power and this has been adopted as part of the current design. A condition them to be installed prior to first occupation of the car park, will be placed on the decision notice to ensure that they are integrated into the build. LED lamp technology is also proposed, they will be combined with occupancy detection and daylight dimming to reduce the energy consumed and to maximise the energy saving potential of natural light. The statement qualifies that this approach is seen as the most effective way of reducing carbon emission and energy consumption from the building consumption based on the constraints of the site and use of the building.

Overall, it is considered that the submission demonstrates that the development has been informed by a sustainable approach to building design and the use of materials and green technologies.

4. The built heritage considerations

The Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

The proposed Multi-Storey Car Park will be sited on land that is within reasonable proximity to the Sunnyside Conservation Area and listed buildings within it, with Mowbray Park Historic Park and Garden further to the east. It also includes Sinatra's Public House which is of some historic interest and therefore considered a non-designated heritage asset. The proposed development will require the demolition of this asset and could potentially have some minimal impact on the setting of the Sunnyside Conservation Area, some listed buildings and Mowbray Park.

Within this context and with specific regard to the perceived impact of the development on some nearby listed buildings, it is noted that the representation from the Sunderland Civic Society has raised concerns.

One of the points raised in the representation is that the submitted Planning and Heritage Statement has omitted a nearby Listed Building from consideration. This is said to be the former Gas Offices which now form part of Wilkinson's store on the corner of Holmeside and Fawcett Street and which the Sunderland Civic Society claim to be Grade II Listed. This claim has been raised with the City Council's Conservation Officer who has confirmed that (with reference to Historic England's Listed Register) the building is not listed. The assumption of the Civic Society

that the Wilko building is Listed has perhaps added weight to their concerns when they cite that most of the Listed buildings form a significant cluster at the corner of Borough Rd/Holmeside and Fawcett St/Burdon Rd.

Notwithstanding and as is set out within the consultee section towards the beginning of this report, the Council's Conservation Officer has offered no undue observations with regard to impact on the setting of nearby Listed Buildings. In assessing the information provided, the Officer is satisfied that the Heritage Statement has been prepared in accordance with NPPF paragraph 194 and CSDP Policy BH8, insofar that it has described the significance of the heritage assets affected and has assessed the impact of the proposals on their significance. Further, the Officer comments set out that the conclusions of the assessment, which considered that the impact of the proposed development on the majority of identified heritage assets to be negligible, are agreed.

In reaching the conclusion the Conservation Officer noted that whilst the proposed development site is relatively close to Sunnyside Conservation Area and several listed buildings, including Burdon House (which is the closest at 50m to the west), it will not impact on any key views into or out of the conservation area or towards the Listed Buildings or the Listed Mowbray Park which sits beyond Burdon House to the east.

Whilst the Civic Society have questioned the design and the materials to be used in the construction of the development in respect of impact on nearby Listed Buildings, the Conservation Officer has qualified in their comments that whilst the proposal is situated within the wider City Centre urban setting of these heritage assets, "it will sit comfortably within this context which is characterised by a mix of different types of buildings in terms of age, scale, form and style". The Officer thereafter concludes that "the proposal will have negligible impact on their setting and significance".

Further to the above, it is also noted that in response to consultation, no observations were offered from Historic England.

Policy BH8 of the CSDP sets out that development affecting non-designated heritage assets should take account of their significance, features and setting. The Conservation Officer has acknowledged that the proposal will require the demolition Sinatra's Public House but has qualified that the building is considered to be of limited architectural and historic interest as a non-designated heritage asset. In this regard and within the planning balance, given the limited architectural and historic interest referred to by the Conservation Officer and when taking into consideration the wider benefits that would be accrued through sustainable regeneration, economic growth and public realm improvements resulting from the development, it is not considered that the loss of Sinatra's Public House should be given overriding material weight in this instance.

Notwithstanding and as set out within consultee responses from both the Conservation Officer and the County Archaeologist, there is a requirement for the developer to undertake a Building Recording of Sinatra's prior to demolition. This work has been prepared by the developer during the course of the application's consideration and, further to consultation with the Country Archaeologist, it has been confirmed that the Building Recording is acceptable. Consequently, no archaeological conditions are required to be imposed.

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

5. The impact of the development on highways

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

- 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.

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

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

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

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

The application has been accompanied by a Transport Assessment (TA) which assesses the transport-related impacts associated with the proposed development.

In terms of access, the TA confirms that the existing access priority T-junction to the west of the site is to be retained with the associated access road upgraded to serve as a shared access for the proposed MSCP whilst continuing to provide access to the service yard for the Sunderland College City Campus site. The submitted plans illustrate that priority will be given to the access serving the entry and exit to the MSCP, as the MSCP will provide the dominant movements using the access road. The access to the service yard for the College will thereafter become the secondary access.

In terms of provision, the development will deliver 404 parking spaces which is inclusive of 289 standard car parking spaces, 17 accessible car parking spaces, 92 car parking spaces that have electric vehicle charging points (4 of which are provided as accessible spaces) and 10 motorcycle spaces. At ground floor a total of 36 cycle parking spaces are provided in a two-tier racking system with 40no. lockers also proposed.

With regards to refuse collection and servicing arrangements, these are to be taken kerbside on Holmeside in line with the current arrangements for nearby commercial buildings. This approach has been considered by the Council's Transportation Officer and is deemed to be acceptable.

In acknowledging that the development will, by its very nature, attract car borne custom, the TA sets out that the scheme will also bring forward a range of initiatives to encourage trips made by sustainable modes of transport which will include;

- o Connections to the existing footway and designated cycling provision on Holmeside;
- o Provision of safe and secure cycle parking facilities on the Ground Floor;
- o Provision of cycle maps in the lobby;
- o Promotion of the Cycling UK website (<https://www.cyclinguk.org/>) which provides useful tips and safety advice on cycling;
- o Provision of bus maps, timetables and any promotions/discounted fares offered by the bus operators in the lobby.

The above is considered to be appropriate and accords with the sentiments of Paragraph 108 of the NPPF which advises that Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be taken up. A condition shall be placed on the decision notice to ensure that these initiatives are brought forward and in place prior to first operation of the car park.

With regard to the impact of the development on anticipated traffic flows associated with the development and the subsequent operation of the highway network, the TA has, within Sections 4 and 5 provided trip generation calculations based on a comparable scheme and produced modelling based on operational assessments of the surrounding junctions. Based on the data prepared and modelling produced, the TA concludes that the network will continue to operate within practical capacity during the weekday AM and PM peak hours and that the traffic flows associated with the proposed development can be satisfactorily accommodated on the highway network, without resulting in any severe residual impacts on the free flow of traffic.

In terms of highway and pedestrian safety the proposed scheme will be safely connected to and integrated with the local transport network and with regard to a detailed review of road injury accident data undertaken as part of the TA, no particular highway safety concerns have been identified that would be materially affected by the proposed development.

Further to requesting some additional clarifications from the agent which were provided in an addendum to the TA, the above conclusions have been accepted by the Council's Transportation Officer.

A CEMP has also been submitted which identifies measures to be put in place during the construction period and includes details on access to the site and temporary roads, onsite parking arrangements, proposed traffic safety and management and dust and road pollution. These measures have been agreed and accepted by the Transportation Officer and a condition will be placed on the decision notice to ensure compliance with these details.

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

6. Implications of development in respect of ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's

presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

The accompanying Ecological Impact Assessment (EclA) has provided an assessment of habitats present within the site and features that could indicate the presence of protected species, habits of conservation importance and the presence of non-native invasive species that could represent a constraint to development. Further Any trees and buildings were assessed in terms of their potential to support, or actual evidence of, roosting bats.

In response to consultation the Council's Consultant Ecologist has noted that the EclA has detailed the baseline habitats within the site which are to be lost to the proposals. These include locally common habitats of low-local botanical and ecological value, with more interest offered by a small area of seeded grassland aligning more closely with lowland neutral grassland communities. No objection to this loss of habitat was offered given that the proposed development was to initially provide biodiversity enhancements offsite at Sunderland Riverside. This would have resulted in a post works net gain of around +11.13%. However, further to improvements to the onsite landscaping scheme the developer has now been able to provide biodiversity net gains onsite albeit at a lower gain of 4.39% with this gain focused on habitats being lost on site, i.e. grassland enhancements and native scrub planting. In addition, the proposals will also see a 46.56% net gain in hedgerow with the exiting hedgerow adjacent to the eastern boundary being retained and enhanced.

Further to a second round of consultation, the Council's Consultant Ecologist has noted that the development will still provide net gain and, whilst it would have been preferable to have seen a greater level of gain in line with the original proposals, the revised scheme remains acceptable. Further, and by way of achieving additional biodiversity enhancements on site, the Council's Consultant Ecologist has qualified that there are opportunities to provide nesting features on the building to cater for urban birds such as swifts. This has been recommended to be secured by way of condition.

With regard to existing site conditions, the EclA notes that the site does provide suitable habitat (i.e., scrub) for nesting birds and therefore care should be taken not to carry out works likely to disturb breeding. It is therefore recommended that any pruning or felling works, or external works to the building, should be carried out outside the bird nesting season (March-August inclusive). A condition will be attached to the decision notice to ensure that this is adhered to.

Overall, the habitat across the site was deemed to be of low-negligible potential for commuting and foraging bats due to limited suitable habitats within the development area. In terms of the buildings to be demolished, the EclA qualifies that they are situated in Sunderland City centre, in a well-lit area, and are therefore unlikely to be used by bats/or will be used by just a very small number of common pipistrelle bats. A bat activity survey was undertaken in line with best practice guidance the results of which have been accepted by the Council's Consultant Ecologist.

A condition will be required to ensure that the Ecological Method Statement is adhered to along with the aims and objectives set out within Section 5 (Management Plan) of the Biodiversity Net Gain Plan.

Subject to the conditions set out above, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policy NE2, of the CSDP.

7. 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 a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

With regard to the proposed drainage strategy, it is noted that the hierarchy for water discharge is first to discharge via infiltration, where this is not possible to then discharge into a watercourse and where this is not reasonably practicable, to then discharge to a public sewer network.

In terms of infiltration, the drainage strategy sets out that the ground investigations discovered soluble limestone beneath the site. As such the recommendation are that soakaways are not advised.

In terms of discharging to a watercourse, the drainage strategy notes that the nearest watercourse is approximately 600m to the north of the site. In this respect, a direct connection into the watercourse is deemed to be unfeasible due to the location of the site in relation to the watercourse.

The final method would involve discharging into the combined public sewer network which runs along Holmeside to the north of the site and a connecting sewer running south to north located to the west of the site. This would be at a reduced discharge rate of 2.8l/s as set by the Council's Lead Local Flood Authority (LLFA).

Based on the nature of the site, the final method has been accepted by the Council's Lead Local Flood Officer at the rate set out above and no objection has been offered by the LLFA. The response has been caveated however, insofar that it is acknowledged that Northumbrian Water have yet to formally agree the sewer connection. Notwithstanding, there is acceptance that agreement will be reached on this point and the LLFA are satisfied that a specific pre-commencement condition can be placed on the decision notice which requires final detailed drainage designs and agreements to be submitted for approval in writing with the LPA in conjunction with the LLFA. The standard as built verification condition will also need to be placed on the decision notice.

Subject to the above conditions, 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.

8. The impact of the development in respect of ground conditions and land contamination

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

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

The application has been accompanied by a Phase 1 Desktop Study, a Phase 2 Ground Investigation and more latterly a Remediation Strategy. These reports have been considered by the Council's Ground Contamination Consultant who is broadly in agreement with the findings. However, based on the response, some further clarifications and additional work is still required to be provided/undertaken by the applicant which will include further ground investigations following the demolition of the vacant buildings on site. Consequently, conditions are required to cover off updates to the Phase 2 Ground Investigation and Remediation Strategy, along with

conditions to deal with verification/validation and measures to deal with unexpected contamination.

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

Conclusion

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

The scheme which will deliver sustainable form of development which will have no adverse impact on residential amenity and a create a positive effect on the visual amenity of the locality. Further, Officers are satisfied that the development would have a negligible impact on the setting of the nearby Conservation Area and Listed Buildings.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and subject to the recommended conditions, it is considered that the proposals are acceptable relative to highway and pedestrian safety and the promotion of sustainable modes of transport. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage and ground conditions/land contamination.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP. It is consequently 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:

The proposed floor layouts (Sheets 1 and 2), as amended received 25.07.2022 (Ref: (00) 002 REV P7) and (00) 003 REV P7.

The proposed roof layout plan and 3D view as amended received 25.07.2022 (Ref: (00) 004 REV P7).

The proposed elevations (Sheets 1 and 2), as amended received 25.07.2022 (Ref: (00) 005 REV P6 and (00) 006 REV P6).

section through car park as amended received 25.07.2022 (Ref: (00) 007 REV P5).

The proposed site section and elevation as amended received 25.07.2022 (Ref: (00) 009 REV P3)

The substation and refuse store details as amended received 25.07.2022 (Ref: (90) 002 REV P1. The proposed external landscaping plan as amended received 17.08.2022 (Ref: (90) 001 REV P13.

The site location plan received 17.05.2022 (Ref: (00) 012 REV P2).

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

3 The development hereby approved, shall be carried out in full accordance with the agreed list of external materials as set out within Section 3 (3.3) of the Design and Access Statement and in accordance with the brick sample (Birtley Olde English Buff) submitted on 23 August 2022, unless any variation is subsequently agreed in writing by the Local Planning Authority.

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

4 Prior to first use of the development hereby approved, full details of the photovoltaic panels to include the final structural arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the photovoltaic panels shall be installed in full accordance with the agreed details prior to first use of the development.

Reason: In the interests of delivering a sustainable form of development in accordance with policies BH2 of the Core Strategy Development Plan.

5 The sustainable transport initiatives set out within Section 3.8.8 of the Transport Assessment (s.a.j Transport Consultants, May 2022), shall be implemented in full prior to first use of the development hereby approved.

Reason: In the interests of delivering and promoting sustainable modes of transport and to accord with policy ST2 of the Core Strategy Development Plan.

6 The development hereby approved, shall be carried out in full accordance with the measures and mitigations outlined within the Construction Environmental Management Plan (Dated September 15.09.2022 REV-2) and the Construction Phase Plan and Method Statement (Updated 16.09.2022 Rev 03).

Reason: In order to protect the amenity of the area during the construction phase and to accord with policies BH1, HS1 and ST3 of the Core Strategy Development Plan.

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

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

8 The onsite landscaping scheme shall be carried out in full accordance with the details agreed on plan Ref: (90) 001 REV P13. Thereafter the landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

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

9 Prior to first use of the building hereby approved, full details of the means of treating the northern edge of the area of amenity grass to the west of the car park (adjacent to Holmeside) shall be submitted for approval in writing by the Local Planning Authority. Thereafter the landscape edge treatment shall be implemented in accordance with the agreed details prior to first use of the building.

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

10 Demolition, vegetation and ground clearance works shall not be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

11 The development hereby approved shall be carried out in full accordance with the measures detailed within Section 7 of the ecology report (Ecological Impact Assessment, Holmeside MSCP, June 2022) and Sections 5 and 6 of the (Biodiversity Net Gain Plan, August 2022), both prepared by DWS Ecology.

Reason: In order to protect the biodiversity of the site and to ensure that biodiversity net gain is achieved in accordance with the objectives of policy NE2 of the Core Strategy Development Plan.

12 The development hereby approved shall not be brought into use until details of the location, specification, and number of bird nesting features to be installed on the building have been submitted to and approved in writing by the Local Planning Authority. The approved boxes shall thereafter be in situ prior to first use and retained in strict accordance with the approved details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

13 No development other than demolition, shall commence until final details of the drainage scheme and all relevant agreements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan.

14 Prior to the first use of the development, or in accordance with a timescale agreed in writing by the Local Planning Authority, a verification report carried out by a suitably qualified person must be submitted to and approved in writing 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:

- i. 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.
- ii. Construction details (component drawings, materials, vegetation).
- iii. Health and Safety file.
- iv. Details of ownership organisation, adoption & maintenance.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan.

15 No development other than demolition, shall commence until an updated Phase 2 Site Investigation Report and Remediation Strategy has been submitted to and approved in writing by the Council as Local Planning Authority (LPA). For the avoidance of doubt, such details shall action and address the outstanding points set out within the Councils Land Contamination Consultant's Response dated 20.09.2022.

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

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

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

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

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

Reference No.: 22/01328/FUL Full Application

Proposal: **Change of use from offices (B1) to three residential flats (C3) at first floor level**

Location: Jubilee House, 5 Front Street, Hetton-le-Hole, Houghton-le-Spring, DH5 9PE

Ward: Hetton

Applicant: Mr Sean Wood

Date Valid: 19 August 2022

Target Date: 14 October 2022

PROPOSAL:

The application site is the upper floor of Jubilee House, a two-storey property built in the early 20th century as offices for the Urban District Council. The front elevation is characterised by its first-floor balcony and the clock suspended on a bracket between the balcony and the central entrance doorway. To the rear, the original elevation is obscured by a part double, part single storey extension which occupies the remainder of the plot upon which the property is situated.

The ground floor is occupied by a pharmacy and the first floor has previously been utilised as office space.

The premises are situated within Hetton Town centre between the post office and a small piece of open space adjacent to a small, pedestrianized area linking Front Street with the car park and bus station to the rear. To the rear of the open space is a small public toilet block and a supermarket is situated across the pedestrianized area.

The proposal is to change the use of the first floor to three flats: two in the main part of the building and one in the offshoot. External alterations would consist of alterations to existing windows and the insertion of new windows, within the offshoot to the rear.

A previous application to convert the upper floor of the building into three flats was refused planning permission by the Council in November 2016 (planning app. ref. 16/01767/FUL). A subsequent appeal against this refusal was then dismissed by the Planning Inspectorate (appeal ref. APP/J4525/W/17/3167855). However, grounds for refusing the application relating to highway safety and the character of the area were not upheld by the Inspector and, as such, the applicant sought to address the Inspector's concerns relating to the amenity of the future occupants and the bin storage arrangements, in a revised submission on 4th July 2017 (17/01350/SUB).

The application was subsequently approved on 18th August 2017, however the planning permission was not implemented within the 3-year time period conditioned on the approval and the applicant has therefore had to submit a fresh planning application.

An application of this nature would normally be determined under delegated powers however, a statutory objection has been received from Hetton Town Council and so the application must be referred to this Committee for consideration and determination.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Iain Scott
Cllr James Blackburn
Cllr Claire Rowntree
Network Management
Hetton Town Council
Environmental Health

Pathfinder Security Services First Floor Jubilee House 5 Front Street Hetton-le-Hole Houghton-le-Spring

RO Ground Floor 19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

All Homemade Unit 3 19 Front Street Hetton-le-Hole Houghton-le-Spring

Unit 2 19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

8 Barnard Park Hetton-le-Hole Houghton-le-Spring DH5 9LZ

19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

17A Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PF

7 Barnard Park Hetton-le-Hole Houghton-le-Spring DH5 9LZ

Miami Tan Tone And Beauty Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

Superfly Wills Tattooz 17 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PF

Post Office Brewers Arms Front Street Hetton-le-Hole Houghton-le-Spring

Hutchinsons Fruit And Veg 18 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PB

Karbs Corner Ltd Unit 1 19 Front Street Hetton-le-Hole Houghton-le-Spring

Final Date for Receipt of Representations: **28.09.2022**

REPRESENTATIONS:

1 no. objection was received from a Mr Matt Harman. His comments related to the fact that the application form had incorrectly stated that his father's property (no. 4 Post Office House) was the application property and that the applicant owned the Post Office.

This issue was raised with the agent and an amended application form was received with the correct address. Re-consultation was carried out and no further neighbour objections were received.

An objection was also received from Hetton Town Council and the following issues were raised:

- Lack of parking capacity for residents;
- Restricted access for deliveries to the site;
- Building has no rear access/exit;
- Concerns re inadequate fire safety arrangements.

With regard to access arrangements and fire safety, these issues would be dealt with via the Building Regulations application.

The main issues to consider in assessing the proposal are the principle of the proposed development, the impact on residential amenity and the established character of the area, and any highway implications.

COMMENTS:

Policy

National planning guidance is provided by the National Planning Policy Framework, which requires the planning system to contribute to the achievement of sustainable development.

Paragraph 126 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Paragraph 134 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As of the 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered to be pertinent to the determination of this application are policies SP2, SP8, VC1, BH1, HS1 and ST3 of the CSDP.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. Principle of development;
2. The impact of the proposal on residential and visual amenity;
3. The impact of the development on highway safety;

1. Principle of development

The Core Strategy, at policy SP2, sets out broad support for development which diversifies the residential offer to create sustainable mixed communities.

Policy SP8 meanwhile indicates that the Council will achieve its housing target by (inter alia) the delivery of windfall sites (criterion 5). The site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

Within the adopted Core Strategy and Development Plan (CSDP) the site is identified as lying within Hetton Town Centre. Policy VC1 of the CSDP states that the vitality and viability of identified centres will be maintained and enhanced. Town Centres will have a role in providing key services including shopping, commercial, leisure, public and community facilities.

Given that this commercial use would be retained at the ground floor, the use of the upper floor for residential purposes would be considered acceptable.

The proposal will bring an under-utilised part of the building back into use and as the ground floor will retain its commercial status, the proposal is considered likely to contribute to the vitality and viability of the Town Centre in accordance with policies SP2, SP8 and VC1 of the CSDP.

2. Residential and visual amenity

Policy BH1 within the CSDP sets out planning policy in relation to design and residential amenity. In addition, it sets out adopted standards in relation to conformity to Nationally Described Space Standards (NDSS), which new residential properties should seek to meet.

Policy HS1 of the CSDP sets out that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

Given the existing commercial nature of the area it is not considered that the operation of the upper floor for residential purposes would greatly increase existing levels of activity. The Council's Environmental Health section have provided no objection to the scheme and only requested that an informative be put on the decision relating to noise guidelines.

With regard to the amenity for future occupiers the main living areas would all have an acceptable outlook, and the flats would largely accord with the Nationally Described Spacing Standards, Flat 3 would actually exceed the guidance and Flat 2 would be only marginally smaller than the guidance allows.

With regard to Flat 1, the size would be less than advised at 80% of the recommended area, however it does provide a bedroom area that accords with spacing standards and it is not considered that the amenity of future occupiers would be unacceptably compromised in this instance.

On balance, it is considered that the public benefit of allowing this building to function within the Town Centre by introducing a viable use to an underused space, outweighs any concerns in relation to Flat 1 flat being smaller than specified within the National Designated Space Standards.

It is acknowledged that there is no outdoor amenity space proposed for the flats, however, this is not an unusual situation for flats of this nature within a town centre setting. Opportunities for outdoor recreational also exist in the locality, including at the nearby Hetton Park and Hetton Lyons Country Park, which are both a short walk away. Overall, it is considered that the residential amenity afforded to prospective occupiers would be acceptable.

It is not considered that the addition of 3 windows within the northern elevation of the host property would give rise to any amenity issues given the siting of the two buildings. In fact, it is considered that the proposal will bring about a degree of surveillance to the area, particularly on an evening.

The bin storage area is proposed internally at the front of the building next to the main entrance, where there will be room for rubbish and recycling bins (one per flat). The space is considered to be broadly adequate to meet the requirements of 3 flats and as such it is not expected that there should be any refuse stored outside of the building except on refuse collection days. The proposed arrangement is also the same as with the previously-approved scheme (i.e. planning permission ref. 17/01350/SUB) and there have been no objections to the proposal from the Council's Environmental Health or Highways officers.

With reference to the proposed external works, the alterations to the fenestration in the side and rear elevations are relatively minor and are not considered likely to impact upon the visual amenities of the host property or the area in general.

Given the above it is considered that the proposal would be acceptable with regard to visual and residential amenity, in line with the NPPF and CSDP policies BH1 and HS1.

3. Highway Implications

Policy ST3 of the CSDP meanwhile requires development to provide safe and convenient access for all road users.

The Council's Highway Engineers have objected to the proposal on the following grounds:

no parking is proposed for the development - as a change of use to residential occupancy, current guidance stipulates that 3no. in-curtilage parking spaces should be provided - one for each proposed flat/maisonette.

Without dedicated parking provision, there is an increased likelihood of inappropriate parking on the public highway and in residential areas, with corresponding road safety and highway impact issues.

No cycle storage provision is proposed for the development.

Whilst no in-curtilage parking is proposed as part of this application it is accepted that this is not unusual for developments of this type, which are situated in a local centre.

It is also noted that the Planning Inspector set out within the appeal decision of 17th May 2017 (17/0002/REF), that not only is this situation not unusual in these circumstances but that a number of factors should be taken into account in considering parking requirements, including the accessibility of public parking and public transport.

To this end, the application premises is immediately adjacent to Hetton Bus Station, served by numerous regular bus services to Houghton-le-Spring, Sunderland, Durham, Newcastle and other nearby towns and villages. There are also numerous public parking opportunities within Hetton Town Centre.

As such, given previous comments of the Planning Inspector, the links to public transport in the vicinity and the availability of parking opportunities, it is considered that, on this occasion the Council's usual recommended parking provision can be relaxed and that the development would not give rise to conditions which are detrimental to highway/pedestrian safety.

The application is therefore considered to accord with the NPPF and policy ST3 of the CSDP.

Conclusion

For the reasons stated within the report, the proposed change of use is considered to be acceptable as it would not result in any significant adverse impacts on residential amenity, visual amenity or highway/pedestrian safety. The proposal therefore accords with the relevant paragraphs of the NPPF, and policies SP2, SP8, VC1, BH1, HS1 and ST3 of the CSDP. It is therefore recommended that planning permission should be granted subject to the conditions listed.

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: 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:

Location plan, received 17.06.22

Site plan, received 17.06.22

Existing and proposed floor plans, received 17.06.22

Existing and proposed elevation plans, received 17.06.22

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 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.