

**DEVELOPMENT CONTROL (NORTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in Committee Room 2 on  
Tuesday 8<sup>th</sup> August, 2017 at 3.45 p.m.**

| ITEM                                                                                                     | PAGE |
|----------------------------------------------------------------------------------------------------------|------|
| 1. <b>Receipt of Declarations of Interest (if any)</b>                                                   |      |
| 2. <b>Apologies for Absence</b>                                                                          |      |
| 3. <b>Applications made under the Town and Country<br/>Planning Acts and Regulations made thereunder</b> | 1    |
| Report of the Executive Director of Economy and Place<br>(copy herewith).                                |      |

**E. WAUGH,  
Head of Law and Governance.**

Civic Centre,  
SUNDERLAND.

31<sup>st</sup> July, 2017



## **Development Control North Sub-Committee**

**8th August 2017**

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### **REPORT ON APPLICATIONS**

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#### **REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE**

##### **PURPOSE OF REPORT**

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### **LIST OF APPLICATIONS**

Applications for the following sites are included in this report.

1. 16/02247/FUL  
Bonners Field Sunderland SR6 0AA
2. 17/01348/LB3  
Fulwell Mill Newcastle Road Sunderland SR5 1EX

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (0191 561 8755 ) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) .

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

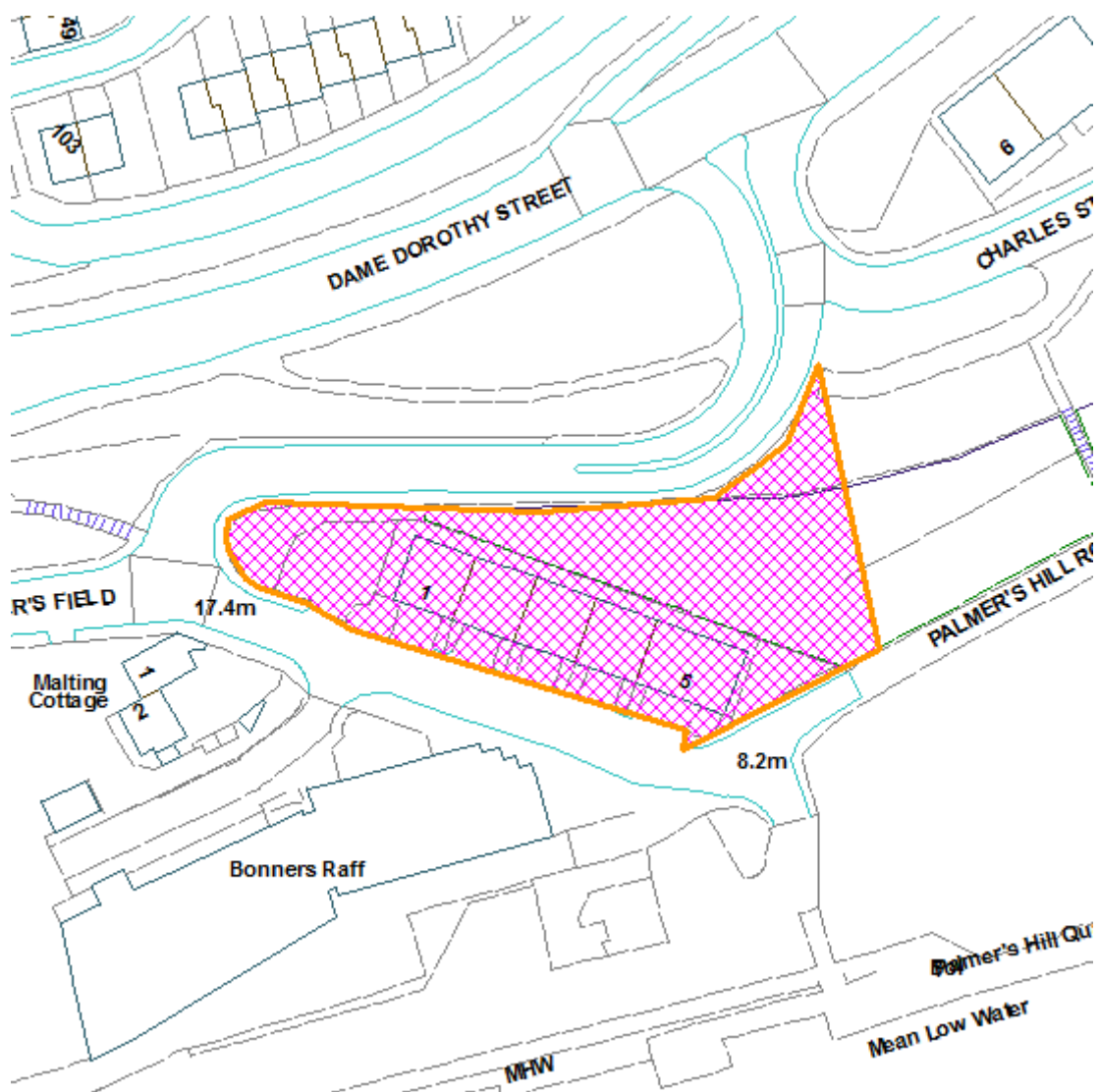
Reference No.: 16/02247/FUL Full Application

**Proposal:** Demolition of existing workshops and erection of 363 unit mixed use residential block for students (323 Units) and young professionals (40 units) (Use Class C3) with integral car parking, ancillary amenities and commercial unit (Use Class A1/A3), along with external landscaping and access works. (AMENDED DESCRIPTION)

**Location:** Bonners Field Sunderland SR6 0AA

**Ward:** St Peters  
**Applicant:** Butlers Walsall Ltd  
**Date Valid:** 13 January 2017  
**Target Date:** 14 April 2017

### Location Plan



## **PROPOSAL:**

This application relates to the erection of a 12 storey, 363 unit purpose built student accommodation block on a site on Palmers Hill Road, a street that is located to the west of Sunderland University's St Peters Campus in the St Peters Ward of the City. Accessed via a steeply sloping street, Bonnersfield from Dame Dorothy Street, the site enjoys a riverside location, next to the Bonners Raff residential apartment block. At present along the southern part of the site are 5 no. small, single, storey industrial units. Behind this, back up the slope towards Dame Dorothy Street is situated a retaining wall structure with trees and shrub planting beyond. A long concrete staircase bounds the east of the site, providing an alternative pedestrian route down to the riverside.

The proposed block will have 2 entrance points - one part-way down Bonnersfield; this will be the main entrance to the student accommodation via a new forecourt area which will be formed to the north of the block. From this level up-over there will be 9 no. storeys of accommodation. The first 6 levels comprise of single-room "studio" accommodation pods, including one "accessible" unit on each floor (314 no. units in total). Levels 6, 7 and 8 will have a total of 40 no. larger 2 bed flats, 6 no. one bed flats and 3 no. accessible flats. Below the forecourt entrance level, three further floors of ancillary facilities are proposed. This will be accessed from the south of the building on Palmers Hill Road and will include-

- o 42 no car parking spaces (for occupiers of the 2 bed flats)
- o 159 no cycle spaces
- o Student common room
- o Study rooms
- o Games room
- o Dance studios
- o Gymnasium
- o Café / restaurant/bar
- o Retail unit
- o Refuse and recycling facilities

It is understood that the gym, dance studio, café and retail elements will be available to non-residents, should they desire.

The application has been advertised accordingly, via neighbour consultations, press and site notices and is accompanied with a suite of supporting information, including

- o Design and Access Statement
- o Heritage Statement
- o Planning Statement
- o Highways Information
- o Flood Risk Assessment
- o Site Drainage
- o Noise Information
- o Air Quality Assessment
- o Sustainability Assessment
- o Ecological Information

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

St Peters - Ward Councillors Consultation  
DC North Chair And Vice Chair Consultation  
Network Management  
Tyne And Wear Archaeology Officer  
Flood And Coastal Group Engineer  
Northumbrian Water  
Southern Area Command - Police  
English Heritage  
Ministry Of Defence  
Port Manager  
Environmental Health  
Fire Prevention Officer  
North Gas Networks  
Northern Electric  
Nexus  
Sustrans  
Environment Agency  
Hendon - Ward Councillor Consultation  
St Peters - Ward Councillors Consultation  
Director Of Children's Services

Final Date for Receipt of Representations: **04.08.2017**

## **REPRESENTATIONS:**

### Consultees

Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer advises that the submitted assessment concludes that the site lies some distance from the focus of early medieval and medieval settlement at Monkwearmouth (although the precise location and extent of the settlement is not known). The site has been subject to ship's ballast dumping in the post medieval period. Palmer's Hill was an accumulation of ballast. Geotechnical work has proven that the slope of the site is primarily made up of ballast deposits.

There were buildings on the site from the early part of the 19th century and possibly earlier, including Britain's first aluminium foundry (Atlas Works), which was set up around 1885 in the north-western part of the site. The works were demolished in the 1970s and the existing commercial units were built in the 1980s. Landscaping work and the construction of the existing units are likely to have truncated industrial archaeological remains. An archaeological watching brief is recommended in order that any archaeological remains that do survive can be recorded.

Tyne and Wear Fire and Rescue Service

The Fire Authority has no objections to the proposal, subject to the provisions of the Building Regulations being adhered to.

Historic England

No comments to make

Northern Gas Networks

No objections to these proposals.

Northumbrian Water

No issues to raise

Sunderland University

Initially set out a number of factual issues regarding student numbers linked to residential demand and the requirement for new schemes to meet the city's Interim Accommodation Planning Policy. Following a subsequent meeting with the applicant's, the University has confirmed that they have no objection to the principle of student accommodation on this site, given its close proximity to the University Campus at St Peters. In the event of an approval being issued, the University would expect the appropriate controls over the management of the accommodation to be put in place by the developer to protect residential amenity of neighbours as well as ensuring that a high quality offer is delivered to occupiers.

### **Neighbours and Interested Parties**

A 26 signature petition has been received in opposition to the proposals. The concerns raised relate to:-

- o An influx of students will create noise and disturbance, particularly to the existing residents of Bonners Raff.
- o Concerns over how the building will be managed.
- o Lack of demand for this amount of student accommodation.
- o The building is too tall.
- o The roof terrace areas will be dangerous.
- o The proposal will cause parking problems.
- o There will be extra litter generated by the proposal.

In addition to the petition, a further 8 objection letters were received. In addition to those items listed above, further concerns raised include:-

- o Overdevelopment of the site
- o Loss of light

All of these are considered in detail in the comments section below.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
B\_24\_Appropriate provision for utility services in building development  
EN\_1\_Improvement of the environment  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_18\_Proposals for provision/ conversion of dwellings for multiple occupation  
R\_1\_Working towards environmentally sustainable development  
R\_4\_Incorporation of energy saving measures  
S\_12\_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to be considered in determining this application are:-

- o Principle of the Development
- o Design and Layout / Heritage Impact
- o Student Use
- o Amenity
- o Highways
- o Ecology
- o Environmental Factors - Noise, contamination, flooding etc

### **Principle of the Development**

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development

Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o Development proposals that accord with the development plan should be approved without delay;
- o Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  2. specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007. The site lies within the Central Sunderland Boundary as shown in the latter on an area identified as a Strategic Location for change. Policy EC5B requires proposals on these sites to:

- i) Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
- ii) Create linkages between different land uses;
- iii) Take account of the potential of these prominent locations in enhancing the image of the city;
- iv) Accord with UDP Supplementary Planning Guidance 'development control guidelines'.

The site, which forms part of the area referred to as the "Bonnersfield / St Peters University Campus" is described as "a site for major medium to high rise apartment development" Alteration no 2 Policy NA3B.1 then goes to provide further more detailed Policy for this specific strategic site, the relevant parts of which are set out below, with commentary:-

#### Policy NA3B.1

The City Council will encourage the more effective use of land within the Bonnersfield/ St.Peters University Campus area, for the following land uses.

#### Land use

The following uses will be acceptable

- o A1 Retail (small scale, individual retail units to serve the day-to-day needs of local residents and workers.
- o A3 Restaurants and cafes
- o C3 Housing (student accommodation)

The proposed uses are thus considered to generally accord, in principle. Notwithstanding this, further consideration is given to the specific student accommodation use with the regards the Councils adopted Interim Student Accommodation Policy, in the "Student Use" section below. Additionally, further consideration will also be given to any associated amenity issues associated with the aforementioned uses in the "Amenity" section below.

As well as identifying acceptable uses, Alteration no 2 Policy NA3B.1 also highlights the following:-

## **Environmental and access improvements**

The City Council will seek to deliver the following environmental/ access improvements:

- i) Direct pedestrian access between St. Peter's Metro station, bus stops/stands Bonnersfield and the University Campus;
- ii) Direct pedestrian and cycle access to the riverside;
- iii) Improved pedestrian links and quality of the public realm

The proposal helps deliver the above improvements, and again, these are discussed later in the report.

## **Design requirements**

Redevelopment proposals will be required to demonstrate the following design qualities:

- i) A high standard of contemporary design that is informed by the best qualities of the topography and built form in the locality to provide a distinctive and appropriate response to this prominent gateway site to the City Centre;
- ii) The design, layout, massing and scale of development proposals must be sympathetic to the candidate World Heritage Site (policy NA28.A) and must enhance and not detract from its character, its setting and views of it from the surrounding area;
- iii) Development should present an active frontage to the riverside and facilitate ready access thereto;
- iv) Residential development within 800 metres of St Peter's Metro station should achieve a minimum average density of 50 dwellings per hectare.

Once again, the proposal accords with the above policy requirements, which are discussed in more detail later in the following Design and Layout section of the report.

In addition to the above site specific policy, EC5B requires development proposals to comprise or form part of a comprehensive master plan for the whole development site. Accordingly, the site is subject to the Wearmouth Masterplan and Design Code SPD, referred to hereafter as "The Masterplan". This document was jointly commissioned by the City Council, Sunderland University, the Homes and Communities Agency (HCA) and One North East in February 2012. Specific reference to the application site is made therein; referring to it as

"a terrace of light industrial units dating from the 1980's which are predominantly vacant and of poor form. This quite substantial site is seen as suitable for a mixed use development of potentially significant physical presence".

The Masterplan includes a Design Code, which sets out the sizes and standards the City Council expects to be delivered across the wider site. Whilst the proposal is considered to accord with this, the scale and design of the proposal is assessed in detail in the following Design and Layout section.

In general terms though, to conclude matters relating to the general form and principal of a student accommodation block in this location, the proposal is considered to be in accordance with all relevant policy and guidance. Further detail regarding this compliance is now set out in the following sections.

## Design and Layout / Heritage Impact

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design.

In addition, paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

- o The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- o The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 137 then goes on to states that Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Within the aforementioned Design Code, the application site falls within a character area identified as the "Residential Quarter" which is one of the most prominent areas due to its proximity to the Wearmouth Bridges and its geographical location, as it forms part of a primary pedestrian gateway into The Masterplan area. The quarter's setting is also one of the most challenging; as the area's steep topography has to be addressed. The Masterplan echoes the NPPF's principles by requiring high quality public spaces, sensitively located statement architecture, and safe and attractive streetscapes, in order to ensure routes down to the river are as vibrant, active and legible as possible, helping to draw pedestrian flows down to the riverside and celebrating its setting adjacent to the iconic Wearmouth Bridge.

As mentioned earlier in the report, the height of the building accords with Design Code set out in The Masterplan for the area which recommends building 10 to 12 storeys (31.5m to 42m) in height on this plot. At the heart of the Design Code is the need to preserve and enhance the setting of the area's numerous heritage assets, including the Grade I listed St Peter's Church to the east of the site and to the west of the development site the Grade II listed Wearmouth and Monkwearmouth Bridges. As such, careful consideration has been given to the scale and massing to the proposals and at the request of officers the proposals have been inserted into the City's digital model to fully assess the impact, particularly with regard to the size of the building and its compliance with The Masterplan / Design Code and its impact upon the two, Grade II listed Bridges and any setting issues to St Peter's Church.

The modelling work shows that there will be some impact on both short and long-range views of the two bridges, albeit, many of these views are obscured by dense tree planting. Nevertheless, it is required by the NPPF that any harm to a heritage asset is appropriately assessed and a balanced decision on harm made by the Local Authority. The applicant has provided a revised statement acknowledging that the setting of the listed bridges will be compromised somewhat by the proposal. Seeking to minimise this harm, the applicant is proposing to use what is considered as a good, varied palette of materials and will make improvements to the public realm in and around the site. This will enhance views which are considered more important than those affected, such as those from the riverside promenade and around Bonners Raff. Moreover, the modelling has shown that once the other blocks identified within The Masterplan are constructed the proposed building will sit comfortably within its surroundings. These factors, coupled with bringing forward what has been a long-vacant development plot are considered to outweigh the

harm being done to the setting of the listed bridges. As such, the scale and massing of the proposal is considered to be acceptable and in accordance with The Masterplan.

In terms of appearance, the proposal is contemporary in both form and palate of materials. The elevational treatment comprises of 6 brick towers linked by blocks constructed of cladding panels, which helps to break-up the overall massing of the scheme. The inter-linking blocks provide some variation in fenestration and materials between floors. The three lowest floors of accommodation (levels 0, 1 and 2), incorporate "saw-tooth" window units, which angle out from the main facade looking directly west. This helps creates a horizontal banding effect which helps knit the building together. The predominant materials will be red facing brickwork, cladding panels and zinc roof. The Councils Regeneration Team is satisfied with the design and detailing of the proposed scheme. The quality of the external materials will ultimately be crucial to the overall attractiveness of the new building and as such, it is important that samples of all external materials are conditioned for the approval of the Regeneration Team, should Members be minded to approve the application.

In addition to the above, a green roof and two "living walls" are proposed; one at either end of the building, which are welcomed and provide a striking addition to the scheme. These will require detailed specifications for planting, maintenance and an identified budget and commitment thereto. Further details are also required on the planting proposals to the approach / car park and the small open space at the corner of Bonner's Field and Palmer's Hill Road. Planting details should also be submitted for the outdoor terrace at Level -1 (which will benefit from planting to enliven and soften a potentially gloomy space) and on the western roof terrace at Level 8, which can be achieved via the imposition of conditions, should Members be minded to approve the application.

In terms of the inter-relationship between the building and the neighbouring Bonners Raff apartments, it is noted that the two buildings do not directly face towards one another. Whilst the proposed building follows the line of Palmers Hill Road, the Bonners Raff block opposite is angled away. At their closet point to the east) the buildings are 12.5 metres apart, increasing to 47 metres at the western extent. This type of arrangement is supported by Alteration no 2 and The Masterplan, which promote a dense, urban grain to this edge of city centre location, wherein lesser distances between buildings are commonplace. Notwithstanding this, further commentary relating to the size / scale / spacing of the building is made later in the report in the "Amenity" section.

Moving to the inside of the building, the Interim Student Accommodation Policy sets certain guidelines at paragraph 6.15 as to the quality of accommodation to be provided. Therein, it is stated that:

- I. Bedrooms to offer a choice in size and accommodate a bed, wardrobe and study desk and chair with the minimum size being 10 square metres for a single person, (excluding any en-suite facilities);
- II. Each bedroom shall include at least one window or skylight facing directly outdoors;
- V. A communal lounge will be required of a size sufficient to accommodate the number of students in the unit;
- VI. Dining space shall be provided for all students, either separate to or as part of the lounge/kitchen area.

With regards size, the smallest studio is 21 sq m in size, moving upto 70 sq m for the 2 bedroom apartments and main living spaces in these have their own windows of an appropriate size. In terms of communal accommodation provided in the building, a range of facilities are available on the lower ground floors of the building, including a common room, study rooms, games room,

dance studios, gymnasium, café / restaurant / bar and a small shop. Not only will these facilities provide the necessary amenities for occupiers, they will also ensure that an active frontage is presented to the River Wear, which is beneficial to the wider regeneration of the area. As such, the standard of the proposed accommodation is considered to be acceptable.

Moreover, the increased number of residents accommodated within the proposed development will result in greater levels of pedestrian activity within the vicinity, particularly along the riverside frontage where students will travel to the University's St Peter's Campus.

In addition to the above, it should also be noted that the proposal is considered to have good sustainability credentials. The application states that the proposal shall be constructed to the BREEAM "Very Good" standard and

- o Will use Combined Heat and Power (CHP)
- o Will be highly insulated
- o Will incorporate SUDS, including large areas given over to green walls / roof

Conditions can be imposed to ensure the above are achieved, should Members be minded to approve the application.

To conclude matters relating to design and layout, for the reasons set out above, the proposed development is considered to accord satisfactorily with Alteration no 2 policy B2A; the Residential Design Guide SPG; The Masterplan and paragraph 6.15 of the Interim Student Accommodation Policy and as such is acceptable from this perspective.

## **Student Use**

With specific regard to the precise nature of the proposed use as student accommodation, as mentioned earlier in the report, the Council has produced and adopted an Interim Student Accommodation Policy. The policy states:-

To assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose built student accommodation on existing university campuses provided that proposals demonstrate that:

- a) The development meets an identified need in terms of quantity;
- b) The development meets an identified demand in terms of quality;
- c) The development is of a scale and appearance appropriate to its surroundings;
- d) The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;
- e) The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development.

The Interim Policy also sets out potential Section 106 Heads of Terms and planning conditions which may be imposed where planning permission is granted for student accommodation developments, which can include requiring the developer to submit details of the student residents on an annual basis for monitoring purposes and that the premises shall not be used as hostel accommodation. Potential planning conditions also include limiting occupancy of the buildings to students only.

In order to justify the proposals, the applicant has provided information relating to the demand for the amount and type of accommodation offered. Clearly, the site is well suited in terms of location

and is specifically identified for such uses in local policy. In terms of demand and number of units provided, the demand study / capacity assessment that has been prepared by the applicant has accordingly been assessed by the Councils Housing Strategy Team whose findings are as follows:-

At present (October 2016), the University currently has 10,709 students of which 5,792 live in Sunderland. It is estimated that 761 of these students live in Halls of Residence and 3136 live in the Private Rented Sector (PRS). It is understood that there are 593 current bed spaces (and 225 units of accommodation) in larger Purpose Built / Converted Accommodation (PBA) and as of October 2016 there were 366 students living here. 163 further students reside in the Echo Building which is not stipulated for student accommodation but is being used as such. This leaves 2380 living in smaller purpose built/converted or in HMOs.

After this the largest concentrations of Sunderland students are in Durham (1123), South Tyneside (848) and Newcastle (783), with the remainder residing in other outlying areas. Looking at the students living in Newcastle, who may be influenced to live in Sunderland if there were more high quality PBA, it is considered that there may indeed be a potential demand, as 415 live either in private rented accommodation or their own properties. However, one can only speculate as to why these students choose to live elsewhere. Anecdotal evidence suggests that one possible reason may be that some students choose to work late at night in the many evening economy jobs that are prevalent in Newcastle and as such, live closer to there to save costs on travel.

Intelligence also suggests that the overall current trend appears to show a downturn in terms of numbers of students enrolling at the university. This is expected to continue in the short term, with the University consolidating its offer and shrinking the number of courses it offers. BREXIT and proposals to reduce immigration to the UK (including students) may indeed impact upon this further. This will obviously result in a lower demand for accommodation than at present. With regards international students, the 363 units proposed therefore appears to be slightly larger than the particular demand (their stated market) which is 15% of the 2301 total market (346).

In response to this, the applicant has suggested that contrary to the above, there is in fact a powerful qualitative case for additional student accommodation in Sunderland City Centre in order to fulfil the Council's aspirations to create a 'University City' as recognised in the Interim Policy. This states,

"The city centre needs to be exploited more by student life to bring about these characteristics and qualities and to generate more activity, both day and night. The close proximity of the two university campuses to the city centre should also assist in driving this forward and the potential for the city centre to be a prime location for student accommodation and for Sunderland to be recognised as a great experience for students."

Like other university cities across the UK, many current students in Sunderland choose to live in Houses in Multiple Occupation (HMOs) within established residential areas of the city, such as Roker Avenue. This in part reflects Sunderland's current student accommodation offer which, as set out in the Times Higher Education Student Experience Survey 2016, is ranked within the bottom quartile of all universities nationally, as assessed by students. The development of new, high quality and bespoke student accommodation facilities such as this proposal will provide students with greater choice in terms of the accommodation offer when starting university and initially could lead to a housing decline in the traditional student areas of the city, if students choose new purpose-built facilities over the more dated, traditional residential stock. However, such a change should be considered in the context of the Council's wider housing strategy. The decline and subsequent potential release of HMOs back onto the open market could enable these

properties to be converted back to family housing, which would help Sunderland's objectively assessed housing requirement to be met at a time when the city is struggling to identify sufficient land through a Local Plan on which to meet these needs. The evidence submitted also demonstrates that a significant proportion of students attending the University do not live in Sunderland. By nature the University will undoubtedly attract a number of local students who reside at home. However, there are also many more students who currently chose to reside elsewhere (including Newcastle) rather than in Sunderland, which reaffirms the issue regarding the standard of accommodation currently on offer.

Whilst it is essentially a commercial decision (and therefore not a material consideration) for the applicant to invest in Sunderland with this form of development, the level of investment proposed clearly reflects a commercial perception that there is potential for growth within Sunderland's student housing market and is a vote of confidence in favour of the recent and ongoing regeneration that is apparent in and around the city centre. Furthermore, the applicant is of the view that both the council and the university should aspire to increase the number of students who study and reside within the city centre, as this will further add to the current positive climate. In addition, it is noted that the university themselves have now met with the applicant in order to gain a better understanding of the proposed scheme and how it could potentially operate. Given its close proximity to the St Peters Campus and the improved pedestrian links that would be provided as part of the proposals the University have confirmed that they welcome the scheme and if approved they would take the opportunity to work with the applicant to ensure that the leisure and social amenities part of the development are complimentary with the offer available on St Peters Campus and their own investment strategy.

To conclude, whilst the level of student accommodation to be provided may indeed be greater than currently required' the high quality of this, combined with the accessibility of the additional facilities are; on balance, considered to fulfil an important supportive and complimentary role in a well suited location. The site is close to other local facilities and is easily accessible to both university campuses by a variety of means including on foot, by cycle, by bus and by metro. For these reasons, the proposal is considered to accord satisfactorily with the Interim Student Accommodation Policy.

However, whilst it is evident that a quality development can be indeed be achieved, in order to ensure this, it is considered appropriate that the final version of the management plan for the site should be approved by the LPA by way of a condition imposed to any approval issued, should Members be minded to grant consent. In addition, in order to ensure that the premises remain as studios aimed at the student market and to prevent the use of the building as a hostel; this can be achieved through imposition of a planning condition removing any future change of use, which may normally be afforded to a residential dwelling. This will include prevention of change of use of the building to uses falling within Use Class C3b and C4 and would not allow for residential care uses or houses in multiple occupation to be created within the individual units. Hostel accommodation is a Sui-Generis use and given that this proposal is for individual self-contained studio apartments, such a use would represent a material change of use in any case and would require planning permission. A further measure is also considered appropriate in this instance due to the scale of the proposition, namely the requirement for a Section 106 Agreement to be entered into as recommended in the strategy, in order to ensure that the premises remains solely in use as student accommodation only.

To conclude matters relating to the student use, subject to the imposition of conditions as detailed above, the proposal is considered to be acceptable in principle with due regard to the Interim Student Accommodation Policy.

## Amenity

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is echoed in Policy B2A of Alteration no 2, requires the Council to seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit. Additionally, Policy B2B specifically relates to tall buildings and sets out criteria which all tall buildings should adhere to.

As set out earlier in the report, a petition together with a number of individual representations has been received from residents of the adjacent Bonners Raff development in opposition to the proposal. To recap, their concerns relate to:-

- o Lack of demand for a building of this size / nature
- o Noise, disturbance and litter generated by users of the building
- o The Management of the building
- o Parking issues
- o Overdevelopment of the site
- o The height of the building / overshadowing / overlooking
- o The roof terrace areas will be dangerous

Each of these factors is now considered in turn below.

Lack of demand for a building of this size / nature.

Whilst the amount of accommodation proposed by the development has been questioned by residents, as set out in the preceding "Student Use " section, it is indeed considered that a development of the size and quality in this location would be appropriate and in accordance with Policy.

Noise, disturbance and litter generated by users of the building.

Clearly any new development once complete, will bring with it a degree of impact with regards to these factors simply by way of the additional footfall generated. However, it is considered that to a large degree, such behaviours can be expected to be reasonably controlled via a robust management plan. A draft plan has been submitted at the time of writing which is considered to cover some of the areas of concern. However, it is considered appropriate that the final version of this can be developed further with input from both Council and University officers and as such, it is recommended that a suitably worded condition is imposed in order to secure such, should Members be so minded as to approve the application.

The Management of the building.

As explained immediately above, the draft Management Plan which has been prepared sets out details of the company's philosophy, and how the site will be managed. Whilst further detail is required, a degree of confidence can be given to the plan at this stage. In particular, it is noted that the plan makes clear that residents' tenancy agreements stipulate that car ownership is precluded for undergraduate students, and also that no pets are to be kept within the accommodation, in the interests of highway safety and ecology respectively.

To conclude therefore, it is considered that the building, if constructed will indeed be managed in an appropriate manner, subject to a condition relating to the agreement of the written detail of the management plan.

## **Parking issues.**

Whilst there are only 42 dedicated parking spaces proposed, this amount is considered as being acceptable for a development of this nature in this location. Further information in this regard can be found in the "Highways" section later in this report.

## **Overdevelopment of the site.**

Concerns have been raised that the proposal represents an overdevelopment of the site. In terms of scale and massing, this is however considered as being acceptable and in accordance with the parameters set out in The Masterplan for the site, as explained in the preceding "Design and Layout" section.

## **The height of the building / overshadowing / overlooking.**

As mentioned above, Policy B2B specifically relates to tall buildings and states that tall buildings will only be permitted where they:

- i) Make a positive contribution to the character of the site and the wider area;
- ii) Form a positive relationship with the skyline and topography of the site and the surrounding area;
- iii) Will not detract from established views of important buildings, structures and landscape features;
- iv) Have a proper relationship with the street;
- iv) Avoid generating adverse climatic conditions, particularly wind and overshadowing.

As already explained, The Masterplan for the area already identifies the plot as being capable of accommodating a 10-12 story development and as such, it is already considered that a tall building in this location would be acceptable and would contribute towards the character of the area. This will be added to further as and when further buildings which have been identified in The Masterplan come forward. Following detailed analysis, it has been demonstrated that the proposal fits within these height parameters and nor does it detract from the views of the Listed Monkwearmouth Bridges, as discussed earlier in the report.

With regards overshadowing of neighbouring buildings, due to the proposal being located to the north of Bonners Raff, any such shadows will only occur on the north face early in the morning and late in the evening, which is considered to be acceptable, as for the majority of the day the current daylighting situation will remain unchanged. With regards overlooking, the building has been designed to prevent this from occurring, via the introduction of "sawtooth" windows on the lower levels of accommodation, which result in no direct overlooking between the two buildings. As such, the proposal is not considered to be too large nor is it considered to give rise to any adverse overshadowing / overlooking impacts.

## **There being no demand for a building of this size / nature**

As set out in the Student Use section above, whilst the proposal may, at present, provide a slight over provision in the overall amount of student accommodation in the city, it is considered that on balance, the positive regeneration benefits that the proposal brings, combined with a perceived readjustment of the student housing market in future years, outweighs any concern in this regard.

## **The roof terrace areas will be dangerous**

Understandably, concern has been raised over the use of the roof terrace areas, in particular by young students. However, as mentioned earlier in the report, it will be a requirement of any consent issued to agree a management plan, which will contain information relating to the expected acceptable behaviours of residents. In addition to this, it is also considered appropriate in this instance to impose a further condition requiring details of the balcony areas and any associated retaining measures to be submitted and agreed with the LPA.

## Highways

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

Upon initial inspection, the Network Management Team raised some concerns regarding the limited amount of parking provision (42 no. spaces), particularly when considering the proposal seeks to provide 363 No. units of accommodation. However, following further discussions with the applicants, it has been clarified that Residents' tenancy agreements will stipulate that car ownership is precluded for undergraduate students, and that only postgraduates will be permitted vehicle ownership limited to the 42 private car parking spaces provided (on a 1:1 basis). The proposed management plan makes clear that any violation of the tenancy agreement will result in the immediate termination of the tenancy.

Furthermore, by way of justification, the applicants have submitted additional information in order to demonstrate that such levels of provision are comparable with other developments of this nature elsewhere and that car parking is neither essential nor desired for developments of this type in such close proximity to a university campus, as shown on the table below:-

| Scheme                 |              | Units | Parking Spaces | Distance from Campus |
|------------------------|--------------|-------|----------------|----------------------|
| Cassaton House         | (Sunderland) | 35    | 0              | 0.8 km               |
| Galen Building         | (Sunderland) | 128   | 0              | 0.2 km               |
| Thirkell Garage        | (Sunderland) | 100   | 4              | 1.6 km               |
| Unite                  | (Newcastle)  | 575   | 0              | 0.8 km               |
| Vita                   | (Newcastle)  | 331   | 0              | 0.7 km               |
| Application Proposal:- |              |       |                |                      |
| Bonnorsfield           | (Sunderland) | 363   | 42             | 0.3 km               |

Taking the above into consideration, Network Management accepts the justification that has been presented. The application site is in a highly sustainable location, close to both the city centre and Sunderland University's St Peters Campus. On foot, the site is connected to the immediate surrounding area, including the city centre, St Peters, Roker and Monkwearmouth, which offers immediate access to a wide range of facilities, including shops and restaurants. The closest bus stands on Dame Dorothy Street are located less than 100m walk away, and offer a range of services across Wearside and South Tyneside. St Peters Metro station is also located just 250m to the west of the site, and offers frequent light rail services across Tyne and Wear. In addition, it is noted that a 159 space secure covered cycle store is proposed.

It should also be noted that the Masterplan covers access and public realm and identifies Bonnorsfield as vehicular 'access only' pedestrian priority route. As part of the application, a scheme of public realm and off-site highway improvements have been submitted as Section 278

works, in order to facilitate the development. These proposals identify vehicular and pedestrian routes and include:-

- o A speed table at the main entrance to the front of the proposed development from Bonnersfield. This would also assist pedestrians crossing to the development from the footway on the north side of Bonners field, which terminates opposite the site access;
- o A speed table within the Bonnersfield/ Palmer's Hill Road junction. This would assist pedestrians crossing the junction on the main walking routes to Dame Dorothy Street (via the eastern steps) and the Wearmouth Bridge/ North Bridge Street (via the footway on Bonnersfield);
- o A widened footway (generally 3m) on the south side of the proposed building, which would assist pedestrians and cyclists moving to/ from the riverside;
- o A speed table/ shared surface in the turning head at the end of Palmer's Hill Road. This aligns with the rear entrance to the building and would assist pedestrians and cyclists moving to/ from the riverside; and
- o The scheme retains the possibility for the presently unused lane that extends from the east end of Palmer's Hill Road (to the car park to the east) to be brought back into use in some capacity in future.

These measures are considered as being acceptable, provided a high quality, pedestrian-friendly palette of materials are selected, such as granite setts for the shared surface tables and pre cast flags incorporating a natural aggregate textured surface for the footpaths around the buildings. In addition to these works, consideration will also be given by Network Management to the widening of the existing Traffic Regulation Order and the extent of waiting restrictions in the vicinity.

To conclude highways matters, it is considered that the proposed parking arrangements and highway improvements are acceptable. Further detail, including the specification of the proposed materials etc can be agreed via the imposition of conditions and as part of a S278 process, should Members be minded to approve the application. On this basis, the proposal from a highways perspective is considered to accord satisfactorily with UDP policies T14 and T22.

## **Ecology and Biodiversity**

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site. Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites. Accordingly, a HRA Screening Opinion accompanies the application.

The Screening Opinion advises that there are two relevant designated sites within the vicinity of the proposal; the Northumbria Coast Special Protection Area (2.1 Km away to the North East) and the Durham Coast Special Area of Conservation (3.0 Km away to the south east). The report considers that there will be no direct impacts on these site(s) or qualifying features as the development site is within the centre of Sunderland and both it and the surrounding land are unsuitable for use by any of the SPA qualifying species. In addition, given the distance from the proposed development site to the Natura 2000 site(s) (2.1km at their nearest point) there will be no direct impacts on the land within the designated site(s).

Additionally, as the proposals are for student accommodation it is also predicted that there will be no significant indirect impacts on the Natura 2000 site(s). The proposals have only limited parking opportunities compared to the number of rooms; are to provide accommodation for students and will be pet free. As such, any increase in visitors to the coast, particularly to the vicinity of the designated sites, is likely to be minimal and the development is not anticipated to result in an increase in the number of dogs being exercised at the coast. Given this, no discernible effects on the Natura 2000 sites are anticipated and therefore no mitigation is required in this instance and it is not considered that an in-combination assessment is necessary. In order to assist in minimising any ecological impact of the development upon the nearby Northumbrian Coast Special Protection Area and Durham Coast Special Area of Conservation, the applicants have confirmed that the management plan for the development will confirm that all tenancy agreements will stipulate that no pets are to be kept within the accommodation and any violation of the tenancy agreement will result in immediate termination of the tenancy. A condition can be imposed to ensure this, should Members be minded to approve the application.

## **Environmental Considerations, Noise, Contamination, Flooding etc.**

### **Noise**

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

- o Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- o Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;

A Noise survey and Façade Acoustic Design Strategy by Apex Acoustics (ref 5638.1) has been submitted with the application. Background noise measurements were taken at three locations on or near to the site. The principle noise impacts are from traffic on the A1018 and from trains which pass the site to the West over the River Wear. The façade noise impact has been calculated using noise modelling software and calculated noise levels were then used to determine a façade treatment scheme. The scheme of insulation treatments are designed to meet internal noise requirements as described in relevant guidance (BS 8233:2014). The Environmental Health (Pollution Control Team) have reviewed this information and have recommended that should consent be granted for the development that the recommended a minimum glazing and ventilation specification contained in Table 1 of the Noise Report to be installed and maintained for the lifetime of the development. Alternative façade treatments can also be considered if it is demonstrated that they deliver a comparable noise insulation performance.

If mechanical ventilation is the chosen option of the developer then it is recommended that an upper limit of 28db(A) in bedrooms and living rooms is conditioned for mechanical services noise when ventilating at the minimum low rate in accordance with Part F of the Building Regs (Approved Document F).

## **Land Contamination**

With regards ground conditions, Environmental Health has reviewed the submitted Desk Study (Phase 1) investigation ref. S160912 by Solmek. The site is described as previously being a cable factory and a warehouse. Based on these former industrial uses it is anticipated that the site will contain Made Ground which may contain asbestos, road subbase which may contain ash, electrical substations may leak hydrocarbons and PCB's. Surrounding land is expected to include similar contaminants from ship building, saw mills and various works. A Phase 2 (intrusive) investigation will be required to evaluate the risks identified in the preliminary conceptual site model. This includes cable percussive boreholes through Made Ground and Drift and rotary coring of at least 5m into bedrock. In addition, it is recommended that a remedial strategy/verification plan and verification report for the site should be conditioned in the event of an approval being issued, for the site, together with a condition for dealing with unexpected contamination.

## **Air Quality**

The submitted air quality assessment has been reviewed by the Council Environmental Health (Pollution Control) Section who has noted that the assessment has been carried out in accordance with current guidance (IAQM 'Guidance on the Assessment of Dust from Demolition and Construction 2014). The impact of the construction activities on the closest receptors has been considered. The Assessment identifies that the risk of dust soiling effects were large for construction, medium for earthworks and low for track out and this translated to a risk of human health impact of low for all activities when the size of the development etc were taken into account. These impacts can effectively be managed via a Construction Environmental Management Plan. (CEMP).

The Air Quality impact of the operational phase was assessed to be negligible. The site is marketed towards a student population and therefore there is not expected to be a large proportion of car ownership within the development. Air Quality pollutant concentrations were predicted to be below the relevant Air Quality Objectives at relevant receptors within the development. As a result no further mitigation measures are suggested. The Assessment conclusions are accepted and no further information is required.

## **Construction Phase Impacts**

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

## **Drainage**

Paragraph 103 of the NPPF advises that when determining planning applications, LPAs should ensure flood risk is not increased and that any residual risk can be safely managed, and that

priority is given to the use of sustainable drainage systems. At a local level, Policy EN12 of the UDP seeks to ensure that new development will not impede the flow of flood water or increase the risk of flooding elsewhere, nor adversely affect the quality of ground or surface water or other waters.

Accordingly, a drainage strategy has been submitted in support of the application which is still being considered by the Council's Flood and Coastal Group Engineers. At the time of writing, it is understood that recommendations have been made to develop the strategy further and an update on this will be given at the meeting. Notwithstanding this, it should be noted that the proposal includes significantly sized living walls / green roofs, which are welcome Sustainable Urban Drainage (SUDS) features.

On this basis, the proposal is considered to be acceptable with regards flood risk and drainage and accords with UDP policy EN12.

Overall, to conclude environmental considerations, subject to the satisfactory resolution of the drainage strategy,(which will be reported at the meeting) for the reasons set out above, the proposal is considered to be acceptable and in accordance with the relevant UDP Policies.

## **Conclusion**

The proposed development is considered to be acceptable with due regard to all relevant material planning considerations, as set out above. To further summarise, in the context of the NPPF's presumption in favour of sustainable development, the key economic, social and environmental impacts are as follows:

- o Economic - The applicant advises that the scheme will provide an injection of £15m of private sector capital, which will deliver just under £2.0m in local GVA per annum over the 2 year build period, as well as generating just under £2.1 million in New Homes Bonus Payments and £11,600 Business Rates payments for the City Council. This could potentially release over 130 private rented homes in the general housing market, thereby generating up to £170,000 in additional Council Tax revenues per annum;
- o Social - The proposal will make a positive contribution to the vitality of Sunderland Riverside and the interconnectivity between the city centre and St Peters university campuses. As well as attracting and retaining new students within the city centre, it is estimated that the development will deliver just over £1.2 million additional expenditure per annum in the local economy that could help to support around 18 FTE jobs in new and existing local businesses; and
- o Environmental - The proposals make good use of previously developed land on an identified strategic location for change within the Central Sunderland, which is easily accessible from St Peter's Metro station. The scheme is of a high design quality, and the proposed scale and massing is in-keeping with the surrounding area.

At a local level, the principle of redeveloping the site for a student-led, mixed use development fully accords with local planning policy for the area. It will introduce a new student population to the riverside area, and provide some impetus for the regeneration of the Bonnersfield area moving forward. In terms of Policy NA3B.1, the main policy of relevance to the subject proposals, it has been demonstrated that the application responds positively to each to the key policy criteria in respect of contemporary design, layout, massing and scale, an active riverside frontage, and minimum density requirement. The subject application is therefore considered to provide a positive impact on the on-going economic and physical regeneration of Wearmouth and is in

accordance with the requirements of the NPPF, the UDP / Alteration number no. 2 and the Masterplan for the area.

Subject to the satisfactory resolution of the drainage strategy for the development, the proposal is considered to be acceptable and should be welcomed. As such, it is recommended that Members should therefore approve the application subject to the completion of a Section 106 legal agreement, in order to ensure that the single-person residential elements of the building remain solely for the use of students only and the appropriate draft conditions as detailed 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:** Subject to the satisfactory resolution of the drainage strategy for the development, Delegate to the Executive Director of Economy and Place who is minded to Grant Consent subject to the draft conditions set out below and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

**Draft Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans and documentation, including recommendations therein:
  - o Location Plan P2580 AL000 Rev B
  - o Site Plan (Topo) P2580 AL001 Rev B
  - o Site Plan (Existing) P2580 AL002 Rev B
  - o Site Plan (Proposed) P2580 AL003
  - o Level -3 Plan P2580 AL05R Rev B
  - o Level -2 Plan P2580 AL06R Rev B
  - o Level -1 Plan P2580 AL07R Rev B
  - o Level 0 Plan P2580 AL08R Rev B
  - o Level 1&2 Plan P2580 AL09R Rev B
  - o Level 3 - 5 Plan P2580 AL011R Rev B
  - o Level 6 Plan P2580 AL014R Rev A
  - o Level 7 Plan P2580 AL015R Rev B
  - o Level 8 Plan P2580 AL016R Rev B
  - o Roof Level Plan P2580 AL017R Rev A
  - o Elevation A-A & B-B P2580 AL020R Rev B
  - o Elevation C-C & D-D P2580 AL021R Rev A
  - o Elevation E-E & F-F P2580 AL022R Rev B
  - o Section B-B P2580 AL031R Rev B
  - o Habitat Regulations Assessment (December 2016)
  - o Preliminary Ecological Appraisal and Bat Survey (December 2016)
  - o Capacity Assessment (December 2016)
  - o Planning Statement (December 2016)
  - o Design and Access Statement (01.12.2016)
  - o Design and Access Statement (Addendum - 13.07.2017)
  - o Phase 1 Desk Study S160912
  - o Noise Assessment (Apex Acoustics - December 2016)
  - o Air Quality Assessment (Wardell Armstrong - November 2016)
  - o Archaeological Desk Based Assessment (January 2017)
  - o Framework Travel Plan by Fairhurst

o Transport Assessment by Fairhurst

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

- 3 Notwithstanding any indication of materials which may have been given in the application, the construction of the building hereby approved shall not commence until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority following consultation with the Regeneration Team. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Other than demolition works associated with the development, no intrusive groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 5 The building hereby approved shall not be occupied / brought into use until the report of the results of observations of the groundworks pursuant to condition (4) has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and Unitary Development Plan Policies B11, B13 and B14.
- 6 CEMP Construction Environmental Management Plan  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
  - o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - o Arrangements for liaison with the Council's Pollution Control Team;
  - o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
  - o Hours of construction, including deliveries;
  - o Control measures for dust and other air-borne pollutants;

- o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

- 7 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Sunday in order to protect the amenities of the area and to comply with policy EN1 of the Unitary Development Plan.
- 8 No development shall be commenced until the application site has been subjected to a Phase 2 site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the Local Planning Authority. For the avoidance of doubt, due to the large depth of Made Ground anticipated and proposal for three levels of basement, the Phase 2 investigation should provide detailed data for the management of construction risk and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the Unitary Development Plan.
- 9 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the Local Planning Authority, in the interests of residential amenity and to comply with policy EN14 of the Unitary Development Plan.
- 10 Should any contamination not previously considered be identified during construction works a method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the Unitary Development Plan.
- 11 Prior to the completion of the development, precise details (and samples where necessary) of all hard landscaping including details of all proposed hard surfacing, (including the precise layout and location of footways, means of enclosure, lighting columns, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority, In the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the Unitary Development Plan.
- 12 Before the development hereby approved is commenced a plan showing the precise detail of public realm and off-site highways improvement works on Bonnersfield and Palmer's Hill Road shall be submitted to and agreed to in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include the provision of:-

- o A speed table at the main entrance to the front of the proposed development from Bonnersfield.
- o A speed table within the Bonnersfield / Palmer's Hill Road junction.
- o A widened footway (generally 3m) on the south side of the proposed building
- o A speed table / shared surface in the turning head at the end of Palmer's Hill Road.

The agreed works shall be implemented prior to the occupation of the development in order to provide a safe and appropriate highway arrangement for all users, in the interests of highway safety and in order to comply with policies T14 and T22 of the Unitary Development Plan.

- 13 No development shall take place (including soil moving, temporary access construction or any other operations that involve the use of motorised vehicles or construction machinery) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. For the avoidance of doubt, these details shall include-
- i) a schedule of the sizes / species of proposed trees / plants (including green roofs and walls, planting to external car park area and approach, the open space at the corner of Bonner's Field and Palmer's Hill Road, the outdoor area at level -1 and the western roof terrace at Level 8.  
and
  - ii) indications of all existing trees and hedgerows on the land, and details for their protection during the course of development,

Those areas indicated in (ii) above shall then be protected from damage (especially soil compaction) by the erection of barriers and / or ground protection. The size and specification of these barriers is to be agreed in writing with the Local Planning Authority prior to its implementation, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants (including green roofs and walls) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 15 Unless otherwise agreed in writing with the LPA, details of energy efficiency / renewable energy measures should be submitted to and agreed in writing with Local Planning Authority prior to the construction of the development. For the avoidance of doubt, such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of the development and maintained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainable development and in order to comply with policy R1 of the Unitary Development Plan.

- 16 Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to a minimum of the BREAM "Very Good" standard or an agreed equivalent, in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan.
- 17 Notwithstanding the submitted plans, full details of the method of preventing objects from falling / being dropped from the roof terrace areas onto the ground below shall be submitted for the consideration and approval of the Local Planning Authority. All works shall be completed in accordance with the approved details in the interests of public / highway safety and to comply with policy T14 of the Unitary Development Plan.
- 18 Notwithstanding the submitted plans, no part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. For the avoidance of doubt, this parking shall then be retained and permanently reserved for the parking of vehicles by the occupiers of the 2 bed apartments on levels 6, 7 and 8 on a one-space per apartment basis, in order to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy B2 of the Unitary Development Plan.
- 19 The building hereby approved shall not be brought into use and occupied for the purposes hereby approved until a detailed written management plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the management plan shall include details of the management companies Philosophy with regards its neighbours and tenants together with on site management, measures to control motor-vehicle parking, pet ownership, appropriate sound insulation measures, an on-going programme of maintenance, security, refuse and recycling storage, lighting, cycle storage, a helpline contact for residents, arrangements for postal delivery, laundry and drying facilities, building security plans, fire evacuation plan, weekend arrivals procedures, warden and community liaison arrangements. Thereafter, the development shall operate in complete accordance with the approved details, unless the Local Planning Authority first agrees to any variation in writing, in the interests of residential amenity and to accord with policy H18 of the Unitary Development Plan and the Interim Student Accommodation Policy.
- 20 Upon reasonable request, the management company shall provide the local planning authority with details of the following; details of the number of any breaches of tenancy agreements including whether or not these breaches were related to motor vehicle or pet ownership, in order to achieve a satisfactory form of development and in the interests of residential amenity; in accordance with policy H18 of the Unitary Development Plan and the Interim Student Accommodation Policy.
- 21 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order and the Town and Country Planning (General Permitted Development) Order, or any subsequent Statutory Instrument, revoking or altering these Orders, the 323 no 1 bed apartments hereby approved by this application shall be used for the purposes of

apartments for the student letting market (Use Class C3) only and shall be used for no other purpose, including any other purpose within Use Class C3, without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to accord with policy H18 of the Unitary Development Plan and the Interim Student Accommodation Policy.

- 22 Notwithstanding the submitted plans, the external doors of all commercial premises shall be self-closing and the walls and ceilings shall be lined with sound proofing materials in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing before the development is commenced. All works shall be implemented in accordance with the agreed details in order to protect the amenities of the area and to comply with policy S12 of the Unitary Development Plan.
- 23 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no form of external roller shutter shall be erected to any part of the building without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development to comply with policy B2 of the Unitary Development Plan.
- 24 No barrels, bottles or crates associated with any of the uses hereby approved shall be stored outside the buildings, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 25 Before the uses hereby approved are commenced, details of all external plant, including ventilation/extraction/filtration systems, including all external ducting, stacks and housings shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details before the use commences, in order to protect the amenities of the area, in compliance with policy B2 of the Unitary Development Plan.
- 26 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.

**Reference No.:** 17/01348/LB3 Listed Building Consent (Reg3)

**Proposal:** Replacement of existing external light fittings with 7no new LED fittings.

**Location:** Fulwell Mill Newcastle Road Sunderland SR5 1EX

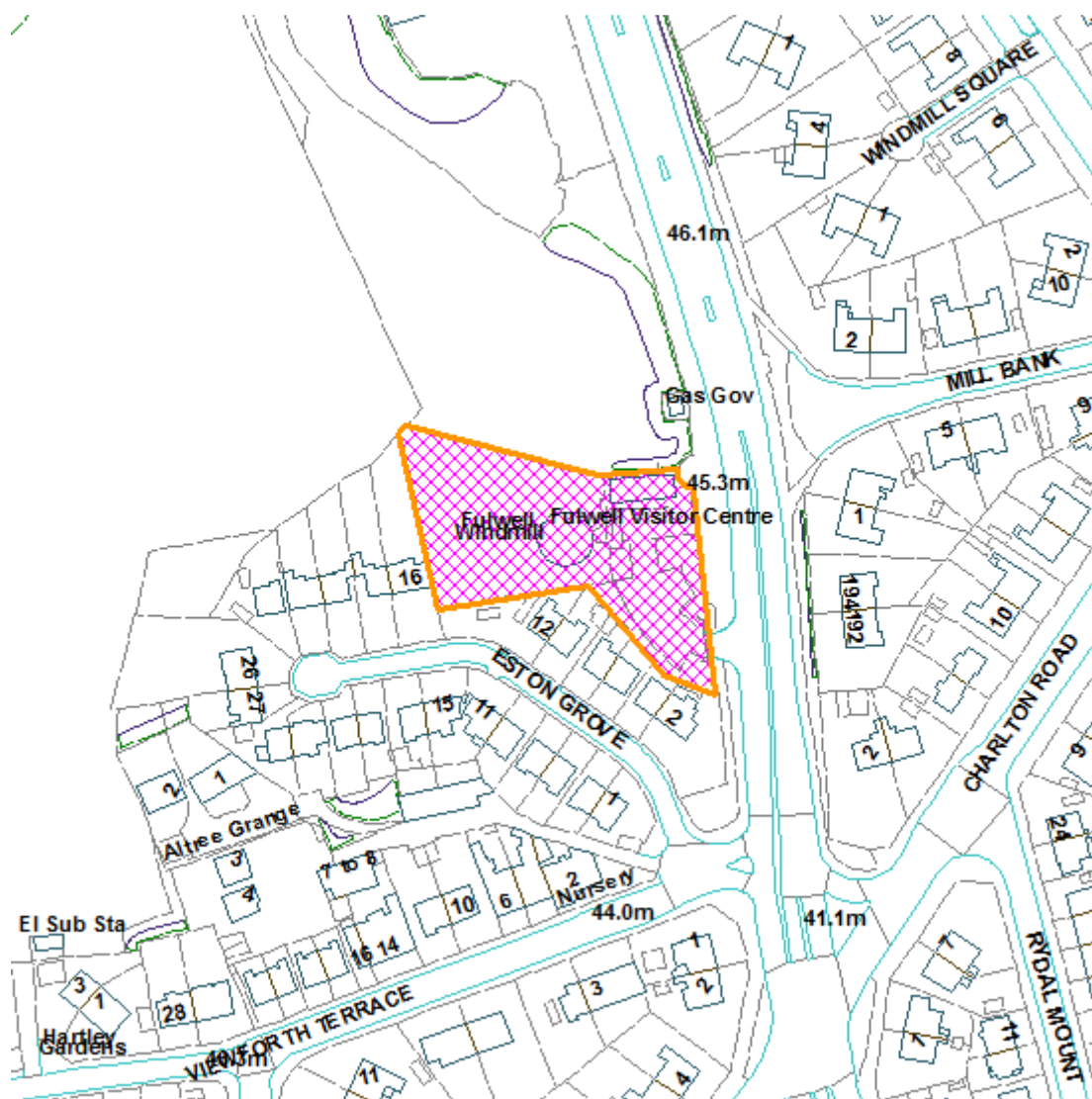
**Ward:** Southwick

**Applicant:** Ms Trina Murphy

**Date Valid:** 30 June 2017

**Target Date:** 25 August 2017

## Location Plan



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## **PROPOSAL:**

Listed Building Consent is sought for the removal of 7no. obsolete external light fittings with new LED fittings in identical locations.

The 4no. fittings at the upper ground level are to be replaced with Whitecroft Euroflood mini fittings

The 3no. fittings at the upper ground level are to be replaced with Philips ColourBlast Powercore gen 4 fittings

The new fittings will allow a colour changing facility and are part of the repair and restoration works that are currently being carried out, which would provide a visually complete and authentic windmill, allowing the windmill to be returned to full working order in the future.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Southwick - Ward Councillor Consultation  
English Heritage

Final Date for Receipt of Representations: **02.08.2017**

## **REPRESENTATIONS:**

The application has been advertised by way of site, press and neighbour notification.

Planning Implementation - No objection to the proposal

Historic England - No objection to the proposal, It is advised that further advice is sought from the Councils Built Heritage Officer.

Neighbours - no responses received as a result of the consultation process.

### **Third Party Representation**

No third party representation has been received to this application.

No representations received at the time of writing this report. Any received subsequently will be reported orally at the meeting.

## **POLICIES:**

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

B\_8\_Demolition of listed buildings

## **COMMENTS:**

The main issues to be considered in determining this application are:-

- i) Principle of the Development.
- ii) Built Heritage - The impact of the proposal on the historic fabric of Fulwell Mill.

Principle of the Development

### **ISSUES TO CONSIDER**

Local Planning Authorities are required to determine applications for Listed Building Consent with specific reference to the statutory obligation placed upon them by Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 - this sets out that LPAs must have special regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) then sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, which should be viewed as a 'golden thread' running through both plan-making and decision-taking. Within the overarching role of delivering sustainable development, the planning system should be underpinned by a series of 12 core land-use planning principles. The most pertinent core principle in relation to the current application is that the planning system should seek to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Section 12 of the NPPF provides more detailed guidance in relation to conserving and enhancing the historic environment. Paragraphs 128 and 129 firstly require Local Planning Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 131 then states that in considering proposals, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining Listed buildings.

The proposal is in accordance with UDP policy B8 and the NPPF. It is considered to be an acceptable form of development which would increase the prominence and attractiveness of the Mill as a tourist attraction.

The Heritage Team has stated that the replacement external lighting is acceptable. They believe that the proposals will have negligible impact on the significance of the grade II\* listed building and will enable this iconic structure, once restored, to be showcased. They go on to say that the replacement floodlights to the reefing stage will actually be an improvement on the existing floodlights, their slimline design and white colour will blend more discreetly into the white background of the Mill Tower, reducing their visual impact. The uplighters at ground level will largely be obscured from views and have no adverse visual impact on the Mill.

Given the above, it is considered that the proposal complies with the requirements of policy B8 of the UDP and the core principles and relevant paragraphs of the NPPF as set out above.

## **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** – Minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) and subject to the following conditions and subject to the expiry of the consultation period on the 2<sup>nd</sup> August 2017, should any representation be received these will be reported at the committee meeting.

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans and report:
  - Existing and proposed elevations and sections, drawing number 1, received 30.06.17
  - Existing plans, drawing number 1 rev.A, received 30.06.17
  - Existing and proposed plans, drawing number 10, received 30.06.17
  - Specification included in the heritage report, received 30.06.17

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



## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

| Application Ref and Ward | Applicant and Address                                             | Proposal                                                                                                                | Date Valid | Determination Date |
|--------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------|--------------------|
| 17/00786/ADV             | Community Partners Ltd                                            | Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.                                 | 10/05/2017 | 05/07/2017         |
| Castle                   | Various Roundabouts North Sunderland                              |                                                                                                                         |            |                    |
| 17/01457/FUL             | Sunderland University                                             | Change of use of vacant grassland to paddock and construction of associated stables and erection of boundary enclosure. | 17/07/2017 | 16/10/2017         |
| Fulwell                  | Land South Of South Bents And Weardale Avenues Seaburn Sunderland |                                                                                                                         |            |                    |

| Application Ref and Ward | Applicant and Address                                                  | Proposal                                                                                                                                                                                           | Date Valid | Determination Date |
|--------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------|
| 15/02266/OUT             | <b>Bolbec Hall Ltd</b>                                                 | Construction of 4 storey building to provide 55 units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments with associated access and parking.                          | 14/06/2016 | 13/09/2016         |
| <b>St Peters</b>         | Land To The South Of Saint Benets Church The Causeway Sunderland       |                                                                                                                                                                                                    |            |                    |
| 15/02265/FUL             | <b>Bolbec Hall Ltd</b>                                                 | Change of use from monastery to create 15no units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments and 1 bedroom apartments with associated car parking and access. | 14/06/2016 | 13/09/2016         |
| <b>St Peters</b>         | Saint Benets Roman Catholic Monastery The Causeway Sunderland S R6 0BH |                                                                                                                                                                                                    |            |                    |