

Development Control Planning and Highways Committee

25th March 2024

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development 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. 23/02397/HY4
Land East And West Of The Southern Side Of The Northern Spire Bridge and
South Of Paul Watson Way, Sunderland

COMMITTEE ROLE

The Planning and Highways 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 Planning and Highways Committee Chairperson or the Development Control Manager via email 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.

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 23/02397/HY4 Hybrid Application Regulation 4

Proposal: Hybrid planning application for the creation of a film and tv studios to include the following: Detailed planning approval for the erection of soundstages with attached office buildings, production workshops, a gateway building containing security checkpoint, hospitality and administrative facilities, a multi-storey car park, a substation, a waste recycling centre, ancillary structures including for the storage of bins and cycles, with associated earthworks, site accesses, drainage, landscaping and infrastructure provision. Outline planning approval (matters reserved: scale, layout, appearance and landscaping) for film and tv studio uses including sound stages, production offices and production workshops with ancillary hospitality and administrative facilities, ancillary buildings / structures including for sub-stations, waste and cycle storage; the conversion of the red brick building into a technical education academy associated with the tv and film industry; a vendors village to provide offices and warehousing for supporting businesses; multi storey car park; the demolition of all other buildings on site; with site accesses, earthworks, drainage, landscaping and infrastructure provision. Temporary planning approval for 'meanwhile uses' associated with backlots (external filming areas) including temporary structures and infrastructure.

Location: Land East and West Of The Southern Side Of The Northern Spire Bridge and South Of Paul Watson Way, Sunderland

Ward: Pallion

Applicant: Sunderland City Council and Fulwell Cain Studios Limited

Date Valid: 27 November 2023

Target Date: 18 March 2024

DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT

This is a 'hybrid' planning application for the creation of a film and TV studios complex to include the following:

Detailed planning approval for the erection of soundstages with attached office buildings, production workshops, a gateway building containing security checkpoint, hospitality and administrative facilities, a multi-storey car park, a substation, a waste recycling centre, ancillary structures including for the storage of bins and cycles, with associated earthworks, site accesses, drainage, landscaping and infrastructure provision.

Outline planning approval (matters reserved: scale, layout, appearance and landscaping) for film and tv studio uses including sound stages, production offices and production workshops with ancillary hospitality and administrative facilities, ancillary buildings / structures including for sub-stations, waste and cycle storage; the conversion of the red brick building into a technical education academy associated with the tv and film industry; a vendors village to provide offices and warehousing for supporting businesses; multi storey car park; the demolition of all other buildings on site; with site accesses, earthworks, drainage, landscaping and infrastructure provision.

Temporary planning approval for 'meanwhile uses' associated with backlots (external filming areas) including temporary structures and infrastructure.

The development is proposed on land east and west of the southern side of the Northern Spire bridge and south of Paul Watson Way, Pallion, Sunderland.

The application site covers approximately 31.2ha and is located to the south side of the River Wear and the southern end of the Northern Spire bridge. The application site is previously developed 'brownfield' land, having historically accommodated a shipyard and then more recently being used for crane manufacturing, with this activity ending in the late 1990s following the closure of the Crown Works plant.

The application site can be split into three distinct parts, as follows:

Site A – covers approximately 12.7ha and is bordered by the southern end of the Northern Spire bridge to the west, the River Wear to the north, the new A1231 road to the south and the buildings of Pallion Engineering to the east. The land predominantly features hardstanding, sections of redundant road, grass and areas of scrub and trees. It does, however, also include the road of Woodbine Terrace, a vacant industrial building adjacent to the river and a red brick building, adjoining industrial building and car park located between Woodbine Terrace and the A1231. The red brick building is currently occupied by a printing company, with the industrial building used as an indoor climbing centre for use by paying customers.

Site B – covers approximately 15.2ha and is bordered by the southern end of the Northern Spire bridge to the east, the River Wear to the north, Paul Watson way to the south and to the west by open grass and woodland comprising the Claxheugh Rock and Ford Limestone Quarry Site of Special Scientific Interest (SSSI). The land predominantly features hardstanding, concrete floorplates and other remains of former buildings, grass and areas of scrub and trees, with a denser belt of woodland along part of the riverbank. One very small upstanding building is in evidence. There is no public access to Site B.

Sites A and B are connected by an existing track which runs underneath the Northern Spire bridge.

Site C – comprises 3.28ha and is a narrow strip of land bordered by Paul Watson Way to the north and west, the Tyne and Wear Metro line to the south and the grounds of Pallion Retail Park to the east. It is covered by grass and areas of tree and scrub planting. Much of Site C previously accommodated a football pitch and a cricket square (Groves Coles playing fields), but these have not been used for approximately 15 years. There is no public access to Site C.

Land levels vary across the sites, but generally land rises southwards away from the riverside, up to a height of nearly 33m Above Ordnance Datum (AOD) at the far western end of Site C.

In terms of the wider surroundings of the overall application site, on the north side of the River Wear are the offices and commercial buildings of Hylton Riverside, whilst to the south, beyond the Tyne and Wear Metro line, is Pallion Industrial Estate. Pallion Metro Station is located immediately to the south of the abovementioned Pallion Retail Park. Further to the east are commercial and industrial buildings along the river corridor towards the Grade II Listed Queen Alexandra Bridge and the Deptford area, whilst to the west is a wedge of riverside grassland and woodland around Claxheugh Rock. The nearest residential properties are within the Pallion area, to the south of Pallion Industrial Estate and Pallion Retail Park.

The site is subject to a pending outline planning application for up to 700 no. dwellings, a local centre, primary school, playing fields and open space (app. ref. 17/02430/OU4, submitted in December 2017). This application is at a standstill, with no correspondence on the application file since June 2019.

Members should also note that the Pallion Engineering buildings to the east of Site A, which include former shipyard buildings and dry docks, have recently been subject to an application for a Lawful Development Certificate (LDC), which sought the Council's confirmation that a proposed use of the buildings and site for a film studio and music rehearsal space was lawful for planning purposes (see app. ref. 22/02373/CLP). The certificate was granted by the Council in December 2022. There is, however, no apparent connection between this proposed use of the Pallion Engineering buildings and the development proposed by the current planning application and to confirm, the Pallion Engineering buildings do not form part of the of the current planning application site.

The development proposed by the current planning application is to deliver a major film and TV studio complex. It will comprise a wide range of buildings, with a total maximum floorspace of 155,781 sq. metres, as well as other supporting infrastructure and landscaping. Levels across the site are to be modified to accommodate the development, including the raising of land and finished floor levels above areas at risk of flooding.

The new built development involves the following elements:

Sound stages (including TV studio complex) – consisting sound and lightproof buildings in which internal filming activity will take place. The building will be designed to achieve high levels of sound reduction. In addition, these buildings would be used for construction and breakdown of sets.

Production support offices – conventional office buildings linked to the sound stages in which activities supporting filming operations will take place, such as video editing, writing, editing soundtracks, adding visual special effects and sound design. Facilities will include officers, art departments, artist facilities and green rooms and welfare.

Production support workshops – used by supporting technical and construction departments which either create or store parts of the film sets or equipment to be used. Includes facilities for carpentry, props, painting, plastering, a wood mill and a spray shop. The ground floor would accommodate ‘heavy’ workshop activities requiring machinery and lifting tools for set assembly. Given the nature of activities, these buildings will feature very few ground floor windows or openings.

Gateway building – the main entrance building into the studio complex, to include a reception area, security and deliveries office, site management office, café and other welfare facilities.

Hubs – focal point buildings providing hospitality and administration facilities, such as for catering, meetings and conferences, admin offices, VIP suites, press rooms and marketing suites, education and visitor areas and welfare facilities.

Vendors village – provides accommodation for independent businesses supplying the film and TV industry, such as equipment rental companies, catering companies (for cast and crew), set construction companies, wardrobe companies, post-production services (e.g. sound mixing, visual effects and editing) and prop rentals. The vendors village will occupy Site C.

Studio and technical academy – proposed to be housed in the existing red brick printworks building, this will provide a technical educational facility associated with the film industry. The adjoining industrial building housing the climbing wall would be demolished and replaced by a studio building.

Ancillary buildings – used for security, administration, cycle storage, waste storage and a substation.

In terms of other elements of the development, the following is proposed:

Temporary ‘backlot’ filming – large open spaces, typically covered in hardstanding, which will be used to build outdoor sets in which filming takes place. The range and type of sets built on the backlots will vary depending on the needs of individual productions. There are no typical hours of operation and filming will often occur at nighttime.

Unit bases – hard surfaced areas between sound stages which will be used for artist trailers, crew technical vehicles, location catering and portable WCs.

Parking – delivered via a combination of multi-storey car park buildings and surface level parking.

Access – achieved via a combination of new access points and upgrade of existing access points from the local road infrastructure. The main access from the A1231 will be via the existing traffic-signalled junction with Woodbine Terrace at the eastern end of Site A, which will be served by a gatehouse. A second existing access point to Site A further west along the A1231 also proposed to be used. A security-controlled access into the western end of Site B will be created from the existing roundabout stub at the end of Paul Watson Way, whilst Site C will be reached via a new access point off the south side of Paul Watson Way.

All areas within the developed area will remain private and accessible only to designated visitors, with access points managed with gatehouses as required.

Demolition works – all existing buildings and structures to be demolished, save for the red brick print works building to accommodate the technical academy.

Landscape enhancements – for visual amenity and ecological benefits.

As noted above, the planning application has been submitted in 'hybrid' form, with detailed planning permission sought for an initial phase of development and outline planning permission sought for the remainder of the development. Matters reserved for future approval as part of the outline application are for the scale, layout, appearance and landscaping of the development, with detailed permission sought for access. Temporary planning permission is sought for the 'backlot' filming activities.

The **detailed** element of the planning application relates to the eastern portion of Site A, minus the occupied red brick and industrial buildings. It seeks full planning permission for 4 no. sound stages, with a production office attached to each, 6 no. production support workshop buildings, a gateway building, a multi-storey car park, substation and waste centre and ancillary infrastructure. The total floorspace to be created in this area is approximately 33,781 sq. metres. This represents Phase 1 of the development within Site A.

Sound stages would be located along the northern edge of the site, fronting the river behind a landscaped buffer zone. Sound stage buildings are of modular, 'industrial' design and construction, with upper areas coated in steel and concrete lower sections. The sound stage buildings have a maximum height of 21m.

Production support office buildings are five storeys in scale and are attached to the northern sides of the sound stages. They will feature high quality facades featuring red cladding and serve to partially screen the sound stages in views from the north.

Workshop buildings are either single-storey flat-roofed buildings or two-storey pitched-roofed buildings and all feature external walls finished in copper-coloured cladding. The workshops will incorporate green roofs to provide visual and ecological benefits.

The gateway building and multi-storey car park are located adjacent to the main entrance at the eastern end of the site. The gateway building is designed to be a distinctive 'feature' building for the development, with a curved 'tower' and a façade of glazing and tall copper mullions. The multi-storey car park will contain 350 spaces over six levels, including 17 accessible spaces and 35 electric vehicle charging points. Architecturally, the multi-storey car park relates to the gateway building, for its façade features tall timber louvres. Metal meshes to the lower part of the river-fronting elevation will allow greenery to rise up the basement levels of the building.

The detailed proposals also include sustainable drainage infrastructure which will tie in with the wider drainage strategy for the whole site.

The **outline** elements of the planning application relate to Phase 2 of the development within Site A and the development within the whole of Sites B and C. As noted earlier, Site C will accommodate the vendors village, with Site A Phase 2 accommodating the technical academy, sound stages, offices and workshops and Site B accommodating sound stages, offices, workshops, a hub building and a multi-storey car park with up to 400 spaces. The total floorspace created within the outline areas will be approximately 122,000 sq. metres.

Sites A and B would be linked by an access road following the route of the existing track underneath Northern Spire Bridge.

Detailed proposals are not yet available and so a series of parameter plans have been submitted, which seek to fix maximum and minimum parameters for the development and give a

degree of certainty as to the maximum extent of development the site would accommodate. The following parameter plans have been submitted:

Building Height Parameter Plan – fixes maximum building heights and maximum development heights across the outline areas. The tallest buildings would be up to 40m in height and would be confined to areas closest to the River Wear within Sites A and B, where land is at the lowest level. The lowest maximum building height of 20m would be to southern areas of the site, mainly within Site C, where land is significantly higher.

Extent of Built Development and Green Infrastructure Parameters Plan – seeks to fix the location and maximum extent of areas that can be used for built development within each Site, the location and minimum widths of green infrastructure zones and the maximum quanta of floorspace and types of use to be delivered across the site.

Access and Circulation Parameters Plan – to fix points between which vehicular and pedestrian routes will be provided.

External Filming (Backlot) Parameter Plan – to fix the maximum extent of areas within each part of the site that can be used as backlots. It also seeks to fix the maximum size of an individual backlot to 2.03ha and specifies that no more than two individual backlots can be used at any one time.

In terms of other aspects of the proposals, a landscape principles plan and landscape strategy has been provided for the development and these are informed by landscaping and ecology principles. A Green Infrastructure Zone (GIZ) is an area within the site which will be free from development and in which areas of higher habitat value, trees and vegetation will be retained. It includes a corridor alongside the river, which will have a width of 10m within Site B and 12 metres throughout most of Site A, and a 25m corridor at the western end of Site B, to provide a screen to Claxheugh Rock SSSI.

The application is also accompanied by a Drainage Strategy to cover the outline areas of the site. It sets out key principles, including the incorporation of Sustainable Drainage (SuDS) features such as green roofs, rainwater harvesting and attenuation tanks, land raising in specified areas at risk of tidal flooding, flood and storm risk mitigation measures, discharging run-off into adjacent watercourses at 'greenfield' rates, and the formation of an operation and maintenance management team to look after infrastructure.

It is envisaged that subsequent applications for the approval of reserved matters would be required to accord with the submitted parameter plans, landscape principles plan and the Drainage Strategy.

In addition to the detailed and outline aspects of the proposals, the application also seeks permission to use land within the site for **temporary filming**, to take place externally in 'backlot' areas. The external filming activity is proposed as a 'meanwhile' use, i.e., making use of undeveloped land ahead of later phases of built development coming forward. Backlots would include temporary structures, sets and infrastructure, such as 'blue screens' generators, mobile cranes, booms, water bowsers, flying or stunt rigs and perimeter lighting. Filming activity could be noisy and involve the use of pyrotechnics.

The modification of the existing access points off Woodbine Terrace and the A1231 will necessitate the Stopping Up of existing highway. This process would be subject to an order under s257 of the Town and Country Planning Act 1990 (as amended).

Documents submitted with the planning application set out that the construction phase of the development would last approximately 4 years. Construction works would support around 905 full time equivalent (FTE) jobs annually, with a further 1,095 indirect and induced 'spin off' jobs. Once operational, it is estimated that the studios would support up to 2,695 FTE jobs and a further 780 FTE jobs indirectly. Total capital investment would be in the order of £474.7 million, with construction works generating £56.5 million direct gross value added (GVA) and £71.7 million direct, indirect and induced GVA per annum. Once operational, the scheme is anticipated to generate £216.9 million direct GVA and a further £44.5 million net additional GVA from indirect employment.

The planning application has been submitted jointly by Sunderland City Council and Fulwell Cain Studios Limited. Fulwell Cain Studios is a joint venture between Fulwell 73, a global entertainment company operating across film, TV, and music platforms with bases in London and Los Angeles, and Cain International, a privately held investment firm. Land comprising the application site is owned by the City Council.

Government funding to support the development, through a devolution package for north-east England, was announced at the recent Spring Budget.

The application has been accompanied by a wide range of supporting reports and technical information, comprising the following:

- Planning and Sustainability Statement
- Health Impact Assessment
- Heritage Impact Assessment
- Statement of Community Involvement
- Design Coding Document
- Flood Risk and Drainage Impact Assessment (updated during consideration of application)
- Drainage Management and Maintenance Document
- Phase 1 Desktop Study Report
- Phase 2 Geo-Environmental Assessment Reports
- Transport Assessment
- Travel Plan
- Highways Technical Notes (submitted during consideration of application)
- Arboricultural Report
- Ecological Reports
- Biodiversity Net Gain Assessments and Metrics
- Energy and Low Carbon Technology Statement
- Archaeological Desk-Based Assessment
- Lighting Strategy and Impact Assessment

Members should also note that the planning application has been accompanied by an Environmental Statement (ES). This is because the development proposal falls within section 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) ('the Regulations'), which relates to urban development projects including more than 5 hectares of development, and the development is considered likely to give rise to significant environmental effects.

The EIA undertaken by the developer's planning agent considers likely effects which may arise during the construction and operational phases of the development, including 'backlot' filming activity. It also considers the potential for cumulative effects in combination with other emerging

schemes in the area. The scope of the EIA was agreed with the Council as Local Planning Authority prior to the submission of the planning application (Scoping Opinion ref. 23/01358/SCO, issued 9th August 2023).

In line with the conclusions of the scoping exercise, the Environmental Statement submitted with the planning application covers the following topics:

- Ecology
- Transportation
- Climate Change and Resilience
- Air Quality
- Noise and Vibration
- Socio-Economics
- Water Environment
- Geology and Ground Conditions
- Glint and Glare
- Waste
- Wind Environment
- Townscape and Visual Impact

The topics required to be 'scoped in' to the Assessment have been determined by the nature of the proposed development and the characteristics of the development site and its surroundings. It was agreed with the Council that other topics could be 'scoped out' of the EIA on the basis that the environmental effects of the development in relation to those issues would not be significant.

As is required by the Regulations, the Government's National Planning Casework Unit (NPCU) and relevant statutory consultees were notified of the submission of the ES upon its receipt by the City Council.

PUBLICITY AND CONSULTATION

Publicity undertaken:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

Consultees:

National Highways
Network Management
Public Health Health Impact Assessment
Durham County Council
Planning Obligations Officer
Cllr Stephen Foster
Cllr Allison Chisnall
Cllr Denny Wilson
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Cllr George Smith
Cllr Martin Haswell
Cllr Colin Nicholson
Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
National Highways
Flood And Coastal Group Engineer
Land Contamination
Cllr George Smith
Cllr Martin Haswell
Cllr Colin Nicholson
Planning And Highways
Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Cllr Stephen Foster
Cllr Allison Chisnall
Cllr Denny Wilson
Historic England
Environment Agency
Natural England
Natural Heritage
National Highways
Network Rail
Nexus
NE Ambulance Service NHS Trust
Chief Fire Officer
Northumbria Police
Sport England
Northern Powergrid
Northumbrian Water
Northern Gas Networks

SUSTRANS
Active Travel England
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Marine Management Organisation
The Crown Estate
Newcastle International Airport
Wear Rivers Trust
Business Investment
Flood And Coastal Group Engineer
Planning Implementation
Landscape
Planning Policy
Port Manager
Environmental Health
Public Rights Of Way Officer
Network Management
Tyne And Wear Archaeology Officer

Orange Box Self Storage Container No 0120127 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Orange Box Self Storage Container No 022058 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Orange Box Self Storage Container No 0120141 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Orange Box Self Storage Container No 022055 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Tarmac Trading Ltd Brussels Road Pallion Industrial Estate Sunderland SR4 6SJ
Bay 1 Pallion New Road Sunderland SR4 6WE
Rokshaw Ltd Unit 5A Rivergreen Industry Centre East Way Pallion Trading Estate
Northern Renewable Energy Services Ltd Unit 6B Rivergreen Industry Centre East Way Pallion
Trading Estate
Hot Spot Stoves 19 Pallion Way Pallion Trading Estate Sunderland SR4 6SL
10 Palermo Street Sunderland SR4 6TH
15 Palermo Street Sunderland SR4 6TH
Tiger Filtration Unit 3 Rivergreen Industry Centre East Way Pallion Trading Estate
Callerton Kitchen Company Callerton House Brussels Road Pallion Industrial Estate
Sunderland
Edwin Trisk Systems 7 Pallion Trading Estate Sunderland SR4 6ST
Orange Box Self Storage Container No 0110190 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Orange Box Self Storage Container No 0110189 Brussels Road Pallion Industrial Estate
Sunderland SR4 6SJ
Centre Bay 3 Pallion New Road Sunderland SR4 6WE
39A Pallion Trading Estate Sunderland SR4 6SN
9 Palermo Street Sunderland SR4 6TH
Monument Foods Unit 6A Rivergreen Industry Centre East Way Pallion Trading Estate
Wear Engineering Ltd Pallion New Road Sunderland SR4 6WE
Orange Box Self Storage Limited Brussels Road Pallion Industrial Estate Sunderland SR4 6SJ
The Wallpaper Warehouse Limited Unit 4 Pallion Retail Park Woodbine Terrace Sunderland
2 Victory Street Sunderland SR4 6SY

Rinus Ltd 3 Pallion Trading Estate Sunderland SR4 6RJ
 Pallion Engineering Ltd Pallion New Road Sunderland SR4 6WE
 Northumbria Ambulance Service 29 - 32 Luxembourg Road Pallion West Industrial Estate
 Sunderland SR4 6SJ
 Nor-Dem Limited 15 - 16 Pallion Way Pallion Trading Estate Sunderland SR4 6RJ
 12 Palermo Street Sunderland SR4 6TH
 14 Palermo Street Sunderland SR4 6TH
 Broen Bespoke Ltd Unit 4B Rivergreen Industry Centre Pallion Trading Estate Sunderland
 7A Victory Street Sunderland SR4 6SY
 6 Victory Street Sunderland SR4 6SY
 Orange Box Self Storage Container No 022067 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Cancer Research UK Unit C Pallion Retail Park Woodbine Terrace Sunderland
 Matalan Unit A Pallion Retail Park Woodbine Terrace Sunderland
 4Louis 36B Pallion Trading Estate Sunderland SR4 6SX
 5 Palermo Street Sunderland SR4 6TH
 Paragon Group UK 42 Pallion Trading Estate Sunderland SR4 6ST
 Phoenix Employment Training Academy Ltd Unit 5B Rivergreen Industry Centre East Way
 Pallion Trading Estate
 6A Victory Street Sunderland SR4 6SY
 Sunderland AFC 40 Pallion Trading Estate Sunderland SR4 6SX
 Poundstretcher Units 5 And Unit 6 Pallion Retail Park Woodbine Terrace Sunderland
 1 Victory Street Sunderland SR4 6SY
 Orange Box Self Storage Container No 0120128 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Orange Box Self Storage Container No 022059 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Orange Box Self Storage Container No 022081 And 022082 Brussels Road Pallion Industrial
 Estate Sunderland SR4 6SJ
 Orange Box Self Storage Container No 011030 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Kolab Studios 15 - 16 Pallion Way Pallion Trading Estate Sunderland SR4 6RJ
 Pallion Sports And Social Club Victory Street Sunderland SR4 6SY
 Metal Improvement Company LLC 37 Pallion Trading Estate Sunderland SR4 6SX
 Costa Coffee Sunderland Pallion DT Pallion Retail Park Woodbine Terrace Sunderland SR4
 6TY
 7 Palermo Street Sunderland SR4 6TH
 8 Palermo Street Sunderland SR4 6TH
 Minister Self Drive Vehicle Hire Depot Pallion New Road Sunderland SR4 6UA
 Manbat Limited Unit 4C Rivergreen Industry Centre East Way Pallion Trading Estate
 Amcare Limited Unit 8 Rivergreen Industry Centre East Way Pallion Trading Estate
 Interplas Coatings Limited 26 Luxembourg Road Pallion West Industrial Estate Sunderland SR4
 6SJ
 Iceland Unit 3 Pallion Retail Park Woodbine Terrace Sunderland
 4 Victory Street Sunderland SR4 6SY
 Welding Supplies (NE) Limited 35D Pallion Trading Estate Sunderland SR4 6SX
 Bay 2 Pallion New Road Sunderland SR4 6WE
 THE SENORA TRUST Pallion New Road Sunderland SR4 6WE
 Saint-Gobain Building Distribution Ltd 13A Pallion Trading Estate Sunderland SR4 6SW
 Poundland Unit B Pallion Retail Park Woodbine Terrace Sunderland
 6 Palermo Street Sunderland SR4 6TH
 11 Palermo Street Sunderland SR4 6TH
 3 Palermo Street Sunderland SR4 6TH

GK Fabrications Ltd 38 Pallion Trading Estate Sunderland SR4 6SX
 Edmundson Electrical Ltd 35A Pallion Trading Estate Sunderland SR4 6SX
 JEWSON BT 16 To 26 Pallion Trading Estate Sunderland SR4 6SN
 The Big Kitchen Centre Limited 6 Pallion Trading Estate Sunderland SR4 6SN
 Orange Box Self Storage Container No 0120126 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Orange Box Self Storage Container No 022066 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Household Waste Recycling Centre Pallion Way Pallion Trading Estate Sunderland SR4 6SP
 Orange Box Self Storage Container No 022085 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Part Centre A Bay 3 Pallion New Road Sunderland SR4 6WE
 EMR Scrapyard Europa Works Pallion New Road Sunderland SR4 6TG
 YESSS (A) Electrical Ltd 34B Pallion Trading Estate Sunderland SR4 6SX
 Palion HWRC Pallion Trading Estate Sunderland SR4 6SN
 Toolstation 36A Pallion Trading Estate Sunderland SR4 6SJ
 Learning Curve Skills Centre 34A Pallion Trading Estate Sunderland SR4 6SN
 Springboard Sunderland Trust Units 1 And 2 Rivergreen Industry Centre East Way Pallion
 Trading Estate
 Dunelm Unit 1 Pallion Retail Park Woodbine Terrace Sunderland
 GO Outdoors Unit 2 Pallion Retail Park Woodbine Terrace Sunderland
 3 Victory Street Sunderland SR4 6SY
 Orange Box Self Storage Container No 0120116 Brussels Road Pallion Industrial Estate
 Sunderland SR4 6SJ
 Part Centre B Bay 3 Pallion New Road Sunderland SR4 6WE
 Parmy Limited 36C Pallion Trading Estate Sunderland SR4 6SJ
 4 Palermo Street Sunderland SR4 6TH
 Amcare 39B Pallion Trading Estate Sunderland SR4 6SN
 J & F Precision (Sunderland) Ltd Unit 4A Rivergreen Industry Centre Pallion Trading Estate
 Sunderland
 Rokshaw Ltd Unit 7 Rivergreen Industry Centre East Way Pallion Trading Estate
 5 Victory Street Sunderland SR4 6SY
 Carone Floors NE 35C Pallion Trading Estate Sunderland SR4 6SX
 New Level Gym 35B Pallion Trading Estate Sunderland SR4 6SN
 Principled Offsite Logistics Limited Maria Dickin House Pallion Trading Estate Sunderland SR4
 6SL
 Sunderland Car Wash Filling Station Pallion New Road Sunderland SR4 6UA
 Pallion Residents Enterprises Ltd Enterprise House Pallion Trading Estate Sunderland SR4
 6SN
 Rolls Royce Pallion Trading Estate Sunderland SR4 6SN
 Inland Revenue Waterside House Wearfield Sunderland Enterprise Park Sunderland
 Solar Tracking Panel Opp Jupiter Centre Wearfield Sunderland Enterprise Park Sunderland
 Allied Health Support Ltd 53 - 55 Business And Innovation Centre Wearfield Sunderland
 Enterprise Park Sunderland
 Vacent Property 1C Hylton Park Hylton Park Road Sunderland Enterprise Park Sunderland
 Jupiter Centre Business And Innovation Centre Wearfield Sunderland Enterprise Park
 Sunderland
 Scotronic Electrical Repair Service 50 - 52 Business And Innovation Centre Wearfield
 Sunderland Enterprise Park Sunderland
 Torgersens Avalon House First Floor Saint Catherines Court Sunderland Enterprise Park
 Sunderland
 Northern Housing Consortium Loftus House Colima Avenue Sunderland Enterprise Park
 Sunderland

BGL Group Vantage House Suite 1 Saint Catherines Court Sunderland Enterprise Park
 Sunderland
 Lloyds TSB Riverside House Colima Avenue Sunderland Enterprise Park Sunderland
 The Royal College Of Nursing Avalon House Second Floor Saint Catherines Court Sunderland
 Enterprise Park Sunderland
 John Monk And Co Avalon House East Saint Catherines Court Sunderland Enterprise Park
 Sunderland
 Slipway Centre Business And Innovation Centre Wearfield Sunderland Enterprise Park
 Sunderland
 Sunderland Teaching Primary Care Trust Pemberton House Colima Avenue Sunderland
 Enterprise Park Sunderland
 Cellular Solutions (N E) Limited Suite 7B Tower House Saint Catherines Court Sunderland
 Enterprise Park
 Budget Insurance Services Limited Saint Catherines Court Sunderland Enterprise Park
 Sunderland SR5 3XJ
 7 West Quay Court Crown Road Sunderland SR5 2BX
 6 West Quay Court Crown Road Sunderland SR5 2BX
 5 West Quay Court Crown Road Sunderland SR5 2BX
 4 West Quay Court Crown Road Sunderland SR5 2BX
 3 West Quay Court Crown Road Sunderland SR5 2BX
 Rorack Shipping Ltd 2 West Quay Court Crown Road Sunderland SR5 2BX
 Wessington Way Dental Practice 1B Hylton Park Hylton Park Road Sunderland Enterprise Park
 Sunderland
 North East Property Partnership 3A Hylton Park Hylton Park Road Sunderland Enterprise Park
 Sunderland
 Frank Haslam Milan Limited 3D Hylton Park Hylton Park Road Sunderland Enterprise Park
 Sunderland
 2C Hylton Park Hylton Park Road Sunderland Enterprise Park Sunderland SR5 3NX
 European Service For People With Autism Limited 2A Hylton Park Hylton Park Road
 Sunderland Enterprise Park Sunderland
 Key Property Solutions Limited 2B Hylton Park Hylton Park Road Sunderland Enterprise Park
 Sunderland
 Konica Minolta Business Solutions UK Limited 3B - 3C Hylton Park Hylton Park Road
 Sunderland Enterprise Park Sunderland
 Veterinary Vision 3E Hylton Park Hylton Park Road Sunderland Enterprise Park Sunderland
 Suite 7 Tower House Saint Catherines Court Sunderland Enterprise Park Sunderland
 Berghaus Extrem Centre 12 Colima Avenue Sunderland Enterprise Park Sunderland
 Riverside Suites Business And Innovation Centre Wearfield Sunderland Enterprise Park
 Sunderland
 Luxdon Laundries 10 Wearfield Sunderland Enterprise Park Sunderland SR5 2TA
 Suite 6A Tower House Saint Catherines Court Sunderland Enterprise Park Sunderland
 Progressive Finance Services Limited Suite 6B Tower House Saint Catherines Court
 Sunderland Enterprise Park
 Construction Ind. Training Board Suite 6C Tower House Saint Catherines Court Sunderland
 Enterprise Park
 Bibby Factors Sunderland Ltd Suite 5A Tower House Saint Catherines Court Sunderland
 Enterprise Park
 Network TV Plc Suite 7A Tower House Saint Catherines Court Sunderland Enterprise Park
 19 Silverbriar Sunderland Enterprise Park Sunderland SR5 2TQ
 Suites 2 And 3 Chapter House Saint Catherines Court Sunderland Enterprise Park Sunderland
 Royal Mail Delivery Office 9 Wearfield Sunderland Enterprise Park Sunderland SR5 2TG
 Suit 4B Tower House Saint Catherines Court Sunderland Enterprise Park Sunderland

Neal's Yard Galleries Limited Suite 4A Tower House Saint Catherines Court Sunderland
Enterprise Park
Assystem UK Limited Suite 5B Tower House Saint Catherines Court Sunderland Enterprise
Park
Mental Health Matters Avalon House West Saint Catherines Court Sunderland Enterprise Park
Sunderland
Blissful Futures Ltd 1A Hylton Park Hylton Park Road Sunderland Enterprise Park Sunderland
Onyx Scientific 17 Silverbriar Sunderland Enterprise Park Sunderland SR5 2TQ
Drake & Skull Engineering (UK) Limited Suite 5C Tower House Saint Catherines Court
Sunderland Enterprise Park
Helena Biosciences Colima Avenue Sunderland Enterprise Park Sunderland SR5 3XB
Big Ideas Business And Innovation Centre Alexandra Avenue Sunderland Enterprise Park
Sunderland

Final Date for Receipt of Representations: **02.01.2024**

REPRESENTATIONS AND CONSULTEE RESPONSES

Public consultation on planning application

Letters were issued by the Council to a total of 151 no. properties in the area, including premises on the north side of the River Wear. The application was also publicised via a series of site notices and a notice published in the Sunderland Echo newspaper.

Three representations have been received, from the occupiers of 27 Ridley Avenue, Ryhope; 10 Brookside Terrace, Ashbrooke; and 35 Ferndene Crescent, Ford Estate. All three representations are highly supportive of the proposed development, citing the job, career, and skills opportunities the scheme would create; the regeneration benefits of the development; and the positive international profile the development could give to Sunderland and wider region.

Cllr Martin Haswell (comments submitted as Ward Member for Pallion)

Cllr Haswell's comments firstly stress that he maintains an open mind in respect of the proposed development. The comments submitted provide a series of observations regarding the proposals, covering the following areas:

Land contamination – notes that the site has been subject to previous heavy industry, so pollution issues need to be properly considered and dealt with, potentially via planning conditions.

Environmental Protection – notes that the River Wear corridor and mudflats has become more popular with birds and other wildlife since the decline of heavy industry at the site and the development must be sympathetic to this. Again, it is suggested that conditions could be used to ensure the scheme is respectful of wildlife, including in respect of nesting times. Comments suggest the development should incorporate suitable landscaping to provide ecological offsetting and greenery within the site and the submitted Landscape Principles plan does indicate planted areas are of a good size.

Transport and Site Access – notes that residents have previously raised concerns about HGVs accessing Pallion Industrial Estate and the Northern Spire Bridge construction site via Saint Lukes Road and Front Road (B1405). It would be welcome if the developers were to commit to communicating to all contractors, suppliers etc. that vehicles should access the site via the A1231, given that Saint Lukes Road and Front Road are 20mph residential streets and have schools on them. Documentation relating to Site Access B shows assessments of articulated vehicles accessing the site from European Way (B1405), on to Paul Watson Way and the new access being developed; it is suggested that this access route would be acceptable if vehicles come from the direction of European Way/Pallion New Road/Pallion Industrial Estate but would meet resident objection if approaching from the B1405 through Ford Estate.

It is asked that this all be considered by Construction Traffic Management Plan and other related Transport plans for the development, particularly as works would take place over several years.

Section 106 Contributions – notes that the application submission does not appear to commit to make any Section 106 contributions. There are references to employing local people and businesses for the works as a benefit to the area but there is no specific mention of other contributions. It is suggested that the local community would welcome funds being made to invest in the area, such as towards improving or signalling the junction of Saint Lukes Road/Westmoor Road/Front Road/European Way, towards play equipment in the area or a new community centre.

Previous proposals for this site were for homes to be built with a percentage to be affordable, therefore benefiting the community, losing this option and instead building a film studio, it would be welcome if funding could be released towards one of the suggestions above.

Cllr Haswell submitted further comments in respect of potential s106 contributions and made suggestions for options to improve playing fields, sports pitches and other areas of open space and recreational facilities in the area, identifying Hylton Road playing fields, Blackie Park and the riverside footpath from Ford to South Hylton as possible opportunities for investment.

Matters relating to land contamination, environmental protection and ecology, transportation and highways impacts, and planning obligations/section 106 contributions are covered in later sections of this report.

Consultation prior to submission of application

As is typical for development proposals of this scale and nature, the applicant elected to undertake a public consultation programme prior to the submission of the planning application. Details of the form and extent of consultation undertaken, and the number and nature of the responses received, are provided in the Statement of Community Involvement (SCI) submitted with the application.

The SCI advises that consultation entailed a leaflet drop, consultation website and public exhibition. 4,100 flyers were distributed to homes and businesses within the Pallion and Ford Estate areas to the south and Hylton Riverside to the north and these gave recipients some information about the scheme, details of the website and exhibition and also included a questionnaire for return. The exhibition was then held at Sunderland City Hall between 14th and 23rd June 2023.

The SCI's summary goes on to advise that 617 no. responses to the consultation were received, with 529 no. via the website and 88 no. via the postal questionnaires and feedback box at the exhibition. The SCI advises that the majority of the responses were highly favourable towards the proposals with, for example, 98% of respondents supporting the redevelopment of the brownfield site, 97% of respondents supportive of a film and TV studios at the site and similar numbers of the view that the proposals will help boost the economy and deliver training and employment opportunities. 93% of respondents also consider the designs for the development to be appropriate for the site.

Key points and areas of concern raised in responses included:

- Increased traffic and traffic issues;
- Access to public transport;
- Location and provision of new pedestrian links;
- Ensuring local jobs are created;
- Local training and education opportunities connected with the development once operational;
- Impact on ecology and biodiversity;
- Plans for existing indoor rock climbing facility;

A small number of responses expressed opposition to the proposals, focusing on a desire to see a return to shipbuilding at the site.

Historic England

Comments advise that Historic England did not need to be consulted on the application. As such, no comments are offered.

Marine Management Organisation

No comments on the planning application. General advice is provided on marine planning considerations and activities which require a marine license.

Sport England

Comments received advise that whilst the development site includes land last used as a playing field (i.e. the Groves Coles playing pitches), as the playing fields have not been used for more than five years, consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, the comments note that Sport England has considered the proposals in line with the policy guidance in the National Planning Policy Framework (NPPF) and Sport England's own Playing Fields Policy and Guidance document. It is observed that the proposals would lead to the total loss of the former playing fields, although the amount of playing field land has reduced since its last use due to the construction of Paul Watson Way.

Sport England advises that they object to the application because it is not considered to accord with any of the exceptions to the presumption against developing playing field land set out in its Playing Fields Policy and the NPPF, insofar as a replacement facility is not being proposed and there is no assessment to demonstrate that there is an excess of playing fields in the site catchment.

The proposals could, however, be supported if the developer were to make a financial contribution of £400,269, to be spent on local pitch improvements identified in the Sunderland Playing Pitch Plan 2022. It is suggested that this be secured via a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended).

National Highways

Have submitted a series of consultation responses in respect of the application, as follows:

Comments received 20th December 2023 - recommended that planning permission not be granted until 20th June 2024. The comments focus on the Transport Assessment (TA) submitted with the application, which has been reviewed on behalf of National Highways through the Jacobs Systra Joint Venture (JSJV). It is noted that JSJV has previously undertaken a review in response to a Transport Scoping Note and EIA scoping documentation. JSJV's technical memorandum reviewing the application submission identifies several aspects of the TA which require revisitation and/or further consideration before it would be considered sufficient to appropriately advise National Highways regarding the application's impact on the Strategic Road Network (SRN).

In particular, the JSJV review of the submitted TA recommends further analysis of the capacity and safety of junctions on the A19 and an analysis of trip distribution to wider areas of the north-east and the effect this would have, in turn, on junction capacities on the SRN. Further modelling is also recommended once the identified issues relating to junction analysis and trip generation have been resolved.

In addition, given that the site does not benefit from being located within a land use allocation identified within the adopted Local Plan, National Highways seek discussions with Sunderland

City Council officers regarding the implications that the proposed development has on the delivery of the Local Plan within the context of the supporting Infrastructure Delivery Plan.

Comments received 16th January 2024 – JSJV technical memorandum which reviews the suitability of the detail provided within the Travel Plan submitted with the application. The memorandum is submitted under the umbrella of the ‘holding recommendation’ set out in the response of 20th December 2023.

The comments highlight the need for further information in respect of public transport infrastructure and timetabling improvements, the development of a parking strategy/management document and a car sharing database. Travel surveys should also be distributed at the point at which each phase is expected to be fully occupied/operational. It is also advised that greater levels of commitment are given to specific measures within the Travel Plan and that targets and monitoring measures within the Plan are more robust.

Comments received 4th March 2024 – submitted following the provision of additional information designed to address comments received on 20th December 2023 and 16th January 2024. This was submitted in the form of a ‘Technical Note’ prepared by the applicant’s transport consultant. The comments essentially advise that further trip generation modelling was required to confirm impacts on the SRN would be acceptable, including demonstrating that impacts would remain acceptable in the event mitigation proposed through the Travel Plan does not benefit the SRN. The comments confirmed that National Highways view remained that planning permission should not be granted until 20th June 2024.

A further Technical Note has been produced by the applicant’s transport consultant in response to National Highways’ comments of 4th March 2024. Further consultation has been undertaken with National Highways and an updated response is awaited. An update on National Highways’ position will be provided to Members ahead of the Committee meeting.

Environment Agency

Confirms there is no objection to the development, subject to the inclusion of a condition which requires the submission and approval of a Water Framework Directive (WFD) Assessment.

The submitted WFD Assessment should:

- consider the impacts of the proposal on the WFD status of the Wear Transitional Water waterbody and any linked water bodies,
- identify all potential risks to receptors including hydromorphology, biology (habitats and fish), water quality, WFD protected areas and invasive non-native species,
- ensure there is no deterioration resulting from the proposed activities,
- demonstrate how the development/activity will avoid adverse impacts,
- describe how any identified impacts will be mitigated for or suggest compensation for loss.

The Environment Agency (EA) comments note that Site A is primarily within Flood Zone 1 (lowest risk of flooding), with a small area in Flood Zones 2/3a (higher risks of flooding). The current proposals do not include development within Flood Zones 2/3a; any changes to the scheme which result in development within Flood Zones 2/3a would require further assessment by the EA.

The EA’s comments also provide a wide range of advice to the applicant and the Local Planning Authority, including in relation to Environmental Permits, flood warnings, management of waste

materials generated by site works, historic landfills, scour protection (if outfalls discharge to an area of intertidal mud), pollution control and biosecurity.

Active Travel England

Comments received advise that Active Travel England (ATE) is pleased to see that serious consideration has been given to assessing active travel movements generated by the development and praises the applicant for their approach to quantitative and qualitative assessments of walking, cycling and public transport within the submitted Transport Assessment. It is considered that the development will be a significant destination for trips in the local areas due to the scale and nature of the business, but overall, the quality of existing active travel infrastructure in the vicinity of the site is acceptable.

Further improvements are due to be delivered which will improve the attractiveness of walking, wheeling and cycling to the site from the city centre and the south of the site. Additional detail is required in relation to cycle parking, however ATE's comments advise that this can be secured by planning condition. It is also suggested that the wording of the submitted Travel Plan be altered to provide a firmer commitment to the delivery of a pool bike scheme.

Subject to the cycle parking condition being imposed on any planning permission, Active Travel England confirm they have no objections to the application.

Natural England

No objections to the application, on the basis that it appears that the proposed development will not have significant adverse impacts on designated sites. It is considered that Phase 1 of the development will not damage or destroy the interest features for which the Claxheugh Rock and Ford Limestone Quarry SSSI has been notified. Natural England would expect to be consulted on future phases of the development given these would be closer to the SSSI boundary.

An annex to the submitted comments provides advice to the Local Planning Authority in relation to matters such as landscape, agricultural land, protected species, locally designated sites and priority habitats and species, ancient trees and woodland, biodiversity and wider environmental gains, green infrastructure, access and rights of way and the Council's 'biodiversity duty'.

Network Rail

No objections to the development in respect of its potential impacts on the operational safety of the nearby railway (i.e. the Tyne and Wear Metro line). The submitted comments provide a list of requirements which must be met in terms of working practices and operational activities adjacent to the Metro line. These are particularly relevant to Site C, which borders the line. To this end, planning conditions are requested to cover matters including construction methodology, drainage, vehicle incursion measures, landscaping and external lighting. Other advice should be provided to the developer via informative notes attached to the planning decision notice.

Northern Powergrid

No objections to the development. The response provides details of Mains Records for the site and its surroundings.

Northern Gas Networks

No objections to the development. The site developer should contact Northern Gas Networks to discuss risks to apparatus during construction works.

Tyne and Wear Fire and Rescue Service

No objections to the proposed development. Further input will be made through the Building Regulations process.

Northumbria Police Designing Out Crime officer

Comments confirm that the site is being developed in line with the appropriate security standards and so there is no objection from a crime prevention perspective.

Northumbrian Water

Confirms that the applicant has contacted Northumbrian Water via its pre-planning service. Initial analysis suggests that additional investment to increase capacity for foul flows may be required. A condition is therefore requested, which would require the submission and approval of a detailed scheme for the disposal of foul water. Arrangements for the disposal of surface water (i.e. directly into the River Wear) are considered acceptable.

Subject to the imposition of the recommended condition, there are no objections to the application.

Newcastle International Airport

Comments received advise that the proposals have been assessed by the Aerodrome Safeguarding Team. The Airport welcomes the submitted Glint and Glare Assessment, which has been reviewed by the Airfield Technical Advisor. It is confirmed that the solar arrays within the development will have no impact on the aerodrome's operation and accordingly, the Airport does not recommend any further mitigation and has no objection to the proposals.

Durham County Council

No comments to offer.

Tyne and Wear County Archaeology officer

Initial comments noted that the applicant has provided an archaeological desk-based assessment for the site. The assessment notes the impact 19th century industrial development will have had on the archaeology of the site, including medieval and post-medieval development around the village of Pallion. The assessment does highlight the survival of an 19th century boundary wall associated with the former village, which indicates that the site has modest potential for archaeological remains associated with Pallion Hall and the Doxford and Sons Shipyard.

The comments recommended that archaeological trial trenching should be undertaken ahead of the planning application being determined, to establish whether any further site investigations are required. Conditions securing the archaeological fieldwork, the publication of a report and archaeological building recording of the boundary wall are also recommended.

The planning agent subsequently asked if it be possible to defer the undertaking of the trial trenching until post-determination of the planning application, for requiring this to be carried out 'up front' could result in a delay to the progress of the application. It was also noted that the County Archaeology officer's comments submitted for the pending outline planning application at the site did not make such a recommendation.

The matter was discussed further with the County Archaeology officer, who advised that the suggestion the trial trenching be carried out prior to the determination of the application was designed to enable the developers to plan and deal with archaeology without it disrupting their construction programme. Nevertheless, there is no objection to the trial trenching being

undertaken post-decision and the County Archaeology officer has confirmed that this can be secured via the previously recommended archaeological fieldwork condition.

Nexus (Tyne and Wear Passenger Transport Executive)

Comments received advise that Nexus welcomes this exciting opportunity for the creative sector in Sunderland and the employment, economic and regeneration benefits it will bring. Nexus' view is that a development of this nature and size should be supported by a high level of sustainable transport provision and frequency. Delivering adequate public transport provision to support the development will generate more widespread employment opportunity and greater visitor numbers from outside the region.

The comments go on to recommend that consideration be given to existing key public transport corridors and infrastructure and how this infrastructure can be promoted and utilised to serve the development site. Specific reference is made to improving accessibility to Pallion Metro station, to ensure it meets the requirements of all visitors and employees travelling to and from the development site. The potential for introducing bus services on highways that border the entire development site should also be explored, to ensure the site is fully and adequately served by sustainable transport modes. In Nexus' view, there is a unique opportunity for a number of stakeholders to ensure that an enhanced public transport package is delivered.

Nexus confirm they are happy to work collaboratively with the applicant, the Local Planning Authority, and other organisations in ensuring that sustainable transport provision can be delivered and promoted to support the application as proposed, in order to ensure the development is fully sustainable in the long term.

Council's Planning Policy team

Comments consider the proposals with reference to relevant policies within the Council's adopted Core Strategy and Development Plan (CSDP) and saved policies within the Council's Unitary Development Plan (UDP) and UDP Alteration No. 2. The comments note that the site is primarily allocated for mixed-use development by saved UDP Alteration No. 2 policy SA61.1, with part designated as a Key Employment Area (KEA5 – Pallion Shipyard) through CSDP policy EG2.

Saved UDP Alteration No. 2 policy SA61.1 supports the development of a mixed-use community at the site, with required uses being housing, a local centre and business uses and acceptable uses being education facilities, community facilities and other commercial and service uses designed to support the community. The proposed development of the site for a film and TV studios is not in line with the allocation under policy SA61.1 and so it is the role of the decision maker to consider whether there are any material planning considerations would justify departing from the policy. To this end, the Planning Policy comments recognise the benefits of the development in terms of economic growth, job creation and the regeneration of a long-term vacant brownfield site, and it is suggested that these significant benefits would justify a deviation from policy SA61.1's objectives.

The eastern end of the site is identified as Key Employment Area 5 by the CSDP and policy EG2 seeks to prevent the loss of employment land to uses outside the 'B' use classes (former use class B1 (offices and light industry, now falls within use class E), use class B2 (general industry) and use class B8 (storage or distribution) unless certain criteria are met. The Planning Statement submitted with the application suggests that as the proposed development will deliver employment benefits, it is appropriate at the site, however the Planning Policy team's comments note that the range of land uses comprising the development does not correspond with the list of acceptable uses set out by policy EG2. Notwithstanding this, it is considered that the activities involved in a film studio development of this scale can be considered akin to 'B'

uses and it is considered that the proposals would be acceptable in respect of policy EG2's objectives.

The Policy team's comments also note that land within Site C has historically accommodated a playing field and cricket square is a saved allocation under policy L1 of the UDP. CSDP policy NE4, which generally seeks to protect playing fields unless certain criteria are met, must therefore be engaged. It is noted that the Council's Playing Pitch Plan (2022) deems the pitch to be surplus to requirements, however the Playing Pitch Plan does set out strategic recommendations to mitigate the loss of the site and these should be given considerations.

The Policy team highlights a series of other policies which are relevant to the consideration of the proposals, including CSDP policy NE1 (green and blue infrastructure), NE2 (biodiversity and geodiversity), BH9 (archaeology), BH1 (design quality), BH2 (sustainable design and construction), HS1 (quality of life), ST2 (local road network), ST3 (development and transport), SP7 (health impact assessments) and M1 (minerals safeguarding).

The Policy comments conclude by suggesting that the wider ranging benefits of the development would outweigh conflict with saved UDP Alteration No. 2 policy SA61.1, whilst the character of the activities and function of the proposed development and the scale and massing of the buildings required are akin to the 'B' use classes sought by CSDP policy EG2.

Council's Flood and Coastal team (Lead Local Flood Authority)

Initial comments (received 15th December 2023) advised that the flood risk and sustainable drainage information submitted in respect of the outline elements of the scheme are acceptable.

In respect of the full planning element of the scheme (i.e. Site A, Phase 1), further information was required before it could be considered acceptable. In particular, standard details were required for all SuDS features, whilst further information was needed in respect of the method of achieving the required interception rate for rainwater.

Additional information in respect of interception methods and an inception storage strategy plan were subsequently provided by the applicant's drainage consultant. Further comments from the LLFA (received 8th January 2024) advised that the interception method details were now acceptable, however more detail was still required in respect of SuDS features such as permeable paving and green roofs.

Further information in respect of the SuDS features was provided by the applicant, which provided indicative details of green roofs to workshop buildings (with full details only available once a contractor is appointed) and confirmed that permeable paving does not form part of the SuDS infrastructure for the detailed area of the site. Whilst the submitted details appear to be generally acceptable, discussions with the LLFA are ongoing in respect of conditions required to be imposed on any planning approval. It is anticipated that details of the conditions recommended by the LLFA will be available prior to the Committee meeting and an update will be provided to Members accordingly.

Council's Land Contamination officer

Comments advise that the Phase 2 Geo-Environmental Assessment report submitted with the application demonstrates that extensive ground investigation works have been carried out. The report notes that initial ground gas monitoring results show that ground gas protection measures will be required, whilst there are number of 'hotspots' of contamination and potential risks in terms of groundwater contamination. The report recommends remedial works to address the risks identified so far.

The Land Contamination officer considers the Phase 2 investigation works to be acceptable. Further investigations, including the completion of gas monitoring/risk assessment and a detailed quantitative groundwater risk assessment, will need to be carried out before the site can be considered fully characterised. Remedial works will be required to address risks identified so far, with additional works also potentially required following completion of outstanding investigation and assessment.

A series of three conditions can address the outstanding requirements, to cover the undertaking of final site characterisation works, the preparation of a detailed remediation scheme, the implementation of the remediation scheme and the submission of a verification report. A fourth condition designed to deal with encountering unexpected contamination is also recommended. Subject to the imposition of these conditions, there is no objection to the approval of the application.

Council's Built Heritage officer

Notes that the site is relatively close to the Grade II Listed Queen Alexandra (QA) Bridge and will have some impact on views of the bridge, especially from the east. The development of the site therefore has potential to impact on the contribution the river corridor setting makes to the significance of the bridge. The scale of the development could also potentially result in changes to the setting of the Grade II Listed Webster's Ropery and public house (just to the east of the QA Bridge), and even the Grade I Listed Hylton Castle to the north and Penshaw Monument to the west.

The Council's Built Heritage officer considers that the submitted Heritage Impact Assessment acceptably assesses the significance of the abovementioned heritage assets and the impacts of the proposals on their significance. It concludes that the development will have a minor beneficial impact on the setting of the QA Bridge, for the site's current contribution to the bridge's river corridor setting is undermined by its unappealing vacant condition and the total loss of all previous historic industrial buildings and structures.

The proposed development will generally reflect the existing character of modern industrial and commercial warehouses along this part of the river corridor and provide the QA Bridge and Webster's Ropery with a more tangible setting. The Built Heritage officer concludes that the proposals will have a marginally positive impact on the significance of these Listed buildings through the introduction of a compatible built form within their immediate riverside corridor setting.

Hylton Castle and Penshaw Monument are more remote from the site and opportunities for intervisibility between these buildings and the site is limited. The Built Heritage officer concurs with the Assessment's view that the application site makes no contribution to the setting and significance of these buildings and so any impacts on their setting will be imperceptible and the development will have no impact on their significance.

The Built Heritage officer considers that the requisite great weight has been given to the conservation of the affected heritage assets and that it can be concluded that the development will have a minor positive impact on the setting of the Queen Alexandra Bridge and local character and distinctiveness, in line with national and local planning policy objectives.

The loss of an historic, pre-industrial limestone boundary wall from the site is unfortunate but given its low level of significance as a non-designated asset, the impact of its loss is minimal and, in the view of the Built Heritage officer, would be outweighed by the substantial economic

benefits of the development and the heritage benefits of repurposing the red brick printworks building, the only other heritage asset at the site.

Finally, the Built Heritage officer confirms agreement to the conditions recommended by the Tyne and Wear County Archaeology officer.

Council's Highways team

Comprehensive comments have been received which, in summary, set out that there is no objection to the proposed development subject to the delivery of agreed highway mitigation schemes and public transport improvements. It is also noted that detailed discussions took place between the developer's team and the Council's Highways prior to the submission of the planning application, to establish the scope of required assessments and other supporting information.

The comments consider the submitted Transport Assessment (TA) and Travel Plan and it is noted that traffic generation and parking requirement data is based on a review of other comparable film studio and similar facilities elsewhere in the UK. Vehicle movements to and from the site have been assessed during peak AM and PM demands on the road network as a worst-case scenario, although given the nature of the proposed development, staff and operative journeys and delivery vehicles are likely to be distributed across the working day.

A total of 19 no. junctions have been assessed by the TA and the assessment undertaken allows for a phased delivery of the development and future traffic growth. An assessment of the junction of St. Luke's Road/Hylton Road was included at the request of the Council's Highways team and the analysis shows that existing traffic signals can continue to operate satisfactorily with the additional traffic.

The TA also includes a road safety review of traffic collisions on the local and strategic road network and the proposals are not considered to introduce any additional issues or concerns in relation to road safety.

Site access and parking arrangements were discussed in detail prior to the submission of the application and are considered acceptable. Accesses to Site A will utilise existing junctions with the A1231, with Site B accessed via the existing roundabout at the western end of Paul Watson Way. The new access from Paul Watson Way to serve Site C will require approval via an agreement under s278 of the Highways Act. Parking is generally located adjacent to main access points, in order to minimise vehicular movements within the site. Access to the underside of Northern Spire Bridge will have to be maintained to enable inspections and repairs by Council staff. Vehicle tracking for articulated lorries has been supplied by the applicant and demonstrates that safe means of access can be achieved to and from each plot.

Parking provision for the site has been established using the Council's adopted parking standards and accessibility questionnaire and the amount and form of parking proposed for the development is considered acceptable. Proposed levels of cycle parking are also considered acceptable, with a condition recommended to require approval of final details. HGV parking and waiting areas are also to be provided.

In terms of highways improvements, the existing roundabout junction at the western end of European Way is to be replaced with a signal-controlled junction as part of wider plans to upgrade cycling routes. The scheme is being funded by the Council through the Active Travel Fund. Similarly, proposals to upgrade junctions on the A1231 Wessington Way at Hylton Grange and with the A19 are subject to Department for Transport funding and it is accepted that submitted analysis of the existing junctions indicates existing congestion would not be

significantly worsened by the proposed development. Other offsite highway improvement works to various junctions near to the site are also recommended and it is suggested that details of the design and delivery of these improvements is subject to a condition. Traffic signalling to junctions in Pallion is not considered necessary.

Measures set out within the submitted Travel Plan are welcomed and are considered to support the sustainable travel of staff, operatives and visitors to and from the site. Provision of a managed pool bike scheme and the use of e-bikes and e-cargo bikes would be supported. Initial proposals are to reduce single car occupancy by 10% and this can be monitored and improved annually by review. It is noted that the applicant proposes to establish a Transport Advisory Board and it is recommended that this is managed by the site Travel Plan Coordinator. The proposed Board can be supported by the Council's Sustainable Transport team and membership can include Nexus, the Council's Cycling and Public Rights of Way officers and bus operators.

With regard to public transport, the nearest bus services operate along St. Luke's Road/Terrace and Pallion New Road. Discussions will need to take place with Nexus to explore options for a new or diverted bus service along Paul Watson Way and the A1231. New bus infrastructure would be required to serve any new provision. A demand-responsive bus or minibus service is an alternative option for consideration. The site is well-connected to cycling routes and Pallion Metro station, although it is noted that Nexus have suggested localised accessibility improvements to the station. Funding and delivery of public transport improvements should be addressed through the proposed Transport Advisory Board.

The submitted Highways comments advise on procedures for the Stopping Up of redundant sections of highway within the site and confirm that the submitted Glint and Glare assessment does not suggest any road safety issues would occur, provided proposed mitigation measures are adopted.

The Council's Highways team also note comments submitted by Active Travel England and National Highways and confirm that discussions have taken place between National Highways and Council staff regarding committed developments in the city. Nexus' comments regarding public transport improvements and accessibility improvements are largely supported and it is reiterated that the proposed Transport Advisory Board is the most appropriate mechanism to discuss and agree public transport improvements going forward.

In conclusion, the proposed development is supported subject to the delivery of highway mitigation schemes and public transport improvements – an agreement should be reached as to how these will be funded and delivered. Planning conditions are recommended to cover the following matters:

- submission and approval of a Construction Management Plan
- submission and approval of a Freight Management Plan
- offsite highways improvements
- detailed highway layout for left in/left out and bus bay layout
- detailed Travel Plan and travel survey requirements
- Stopping Up of highway plans
- solar PV arrangements to address glint and glare
- electric car charging point details
- cycle parking details

The Council's Highways officer has advised that it is intended to provide some additional comments on the application following the publication of this report. These comments would

summarise the local highways position in response to the Technical Notes submitted by the applicant and the associated conclusion of consultation with National Highways. The comments will also summarise the outcome of further dialogue between the Council's Highways officers and Nexus. Details of the Highways officer's additional comments will be provided to Members ahead of the Committee meeting.

Council's Environmental Health team

Comments confirm there are no objections to the development given the nature of the proposals and the character of the site and surrounding area. A comprehensive appraisal of the development has been carried out, focusing on considerations relating to noise, air quality and odour abatement and disruption during construction works.

In terms of the characteristics of the site and proposed development, it is noted that the site is former heavy industrial land. The layout of the development uses existing topography to screen the proposals against the river embankment. It is also recognised that commercial filming requires an environment where external noise sources do not impact upon sound quality for film and TV production. Nearest residential receptors are approximately 300m from Site A at Palermo Street in Pallion and these are most likely to be susceptible to noise and disturbance from demolition and construction activities.

In respect of noise, it is considered that the submitted assessment considers the appropriate legislation, guidance and British Standards relating to the exposure of individuals at work and impacts upon residential occupiers and a baseline noise survey has been undertaken.

Demolition and construction related noise and vibration will be subject to specific controls set out in a Construction Environmental Management Plan. Road traffic noise has been assessed using predicted traffic flow data and concludes that changes in road traffic noise are unlikely to have a discernible impact on the local environment.

Operational noise has been assessed, albeit on an indicative basis, subject to the future intentions for individual workshops and sound stages and the use of external backlots. The assessment's overall conclusion that noise impacts will not be significant in relation to residences, even in respect of external 'backlot' filming activities, is largely agreed with, based on:

1. the need to protect internal noise stages from excessive ingress of noise from the external environment
2. the need to minimise emission of noise from workshops where it may impact nearby filming sets
3. control of external set construction works will be in accordance with British Standard BS5288
4. control of external filming activities is in accordance with 'best practicable means'

It is suggested that items 2, 3 and 4 above would benefit from the imposition of planning conditions to determine the scope of mitigation measures to be applied. Suggested wording for such conditions has been provided.

In respect of air quality and odour, the submitted assessment addresses the construction phase and operational phase of the development. The construction phase assessment has been undertaken using appropriate guidance from the Institute of Air Quality Management. Mitigation measures are embedded within an outline Construction Environmental Management Plan submitted with the application and with these measures in place, there are not expected to be any significant effects as a result of the development.

Impacts associated with the operational phase of the site have been assessed by modelling road traffic emissions and this is considered appropriate. Sensitive receptors, including ecological receptors, have been identified and the assessment concludes that concentrations of nitrogen dioxide and particulate matter will be negligibly impacted at all sensitive receptors considered. The effect of the proposed development on human receptors is therefore considered to be not significant.

Potential emissions from the construction of film sets, which could produce localised emissions from painting, woodworking, metalworking etc, has not been considered within the submitted assessment. It is therefore recommended that the applicant produces further Air Quality Assessments once the end use of each workshop is known, to ensure that emissions will not have a detrimental impact on the local area.

The applicant should also undertake an odour abatement risk assessment in respect of buildings where food will be prepared and served. Depending upon the results of such an assessment, details of any new extraction/exhaust system required should be provided. This information can be secured by a planning condition.

As noted earlier, the application submission indicates that the control of noise and vibration will be embedded into a Construction Environmental Management Plan. This must identify specific measures with regard to both specific site works and exceptional works such as piling of foundations, significant excavations and movement of heavy loads and out of hours working. It is recommended that a suitable condition is imposed on any planning permission to ensure that an environmental management plan is submitted that addresses impacts that may arise due to demolition works, site clearance and subsequent construction activities.

In summary, the Council's Environmental Health team do not object to the application, subject to the imposition of conditions to address potential noise emissions from workshops and external filming activities, air quality in respect of set construction activity, odour abatement and the approval of a final Construction Environmental Management Plan.

Council's Public Health team

Have appraised the Health Impact Assessment (HIA) submitted with the planning application. The comments provided note that the submitted HIA has a number of strengths, including its summary of international, national and local policy in relation to HIAs, a detailed assessment of current context, a narrative response to each aspect of the Council's HIA Matrix and insightful recommendations on how negative health impacts can be mitigated and positive health impacts maximised. Some areas of the HIA could, however, be improved, including better referencing of local public health policy background documents and better assessment of impacts on those living closest to the site.

It is, however, recognised that the proposed film studio development represents a unique and important opportunity to improve the health of Sunderland residents via job creation and, overall, the Council's Public Health welcome the development.

Council's Landscape team

Submitted comments provide a detailed analysis of the proposals, with consideration given to the quality of the landscaping provided within the development and the scheme's impact on the existing landscape and townscape and views of the river corridor. The comments advise that overall, the landscape scheme makes the most of the available opportunities and is appropriate to its setting. The implementation of landscaping should seek to maximise the ecological benefits and conditions should be used to ensure this is achieved.

The comments advise that the Townscape and Visual Impact Assessment contained within the submitted Environmental Statement has provided a detailed assessment of the site and its potential impact on the prevailing landscape. Due to the previous industrial uses at the site, it is considered that large scale buildings can be considered visually appropriate. The curve of the River Wear adjacent to the site means that protecting more natural vistas is potentially possible, although the site will be highly visible from points immediately to the north and east.

It is noted that there will potentially be some intrusion into eastward views along the river corridor past Claxheugh Rocks, however it is recognised that this impact could be reduced at the detailed design stage for Site B and through mitigation provided by additional planting and landscaping. Additionally, it is recognised that the provision of the landscaped buffer to the riverbank will assist in softening the development's impact on views from Northern Spire bridge and from public vantage points on the north bank of the Wear.

In terms of the detailed landscaping proposals for the site, this is considered broadly acceptable, however a range of comments have been made which make suggestions for areas of potential improvement and require the submission of further details. Many of the comments/recommendations relate to the outline areas of the site and so can be addressed, where necessary, via future applications for the approval of reserved matters. Other matters can largely be addressed via suitably worded planning conditions.

Council's Ecology officer

Comments firstly note the relevant local and national planning policies which relate to ecology and biodiversity. Policy NE2 of the CSDP requires applications to follow the mitigation hierarchy set out at paragraph 186(a) of the NPPF, which specifies that where it is not possible to avoid or adequately mitigate harm, compensation is required in respect of that harm. Policy NE2 also has the effect of requiring any adverse effects on ecology to be adequately compensated.

The Ecology officer has reviewed the application submission in the context of the abovementioned policies. It is noted that the proposals include the use of outline areas of the application for 'backlot' filming, which may include activities with the potential to result in disturbance impacts to the important wintering bird assemblages using the adjacent mudflat habitats. It is noted that Ecology Chapter D of the Environmental Statement sets out the following mitigation measures in respect of this:

- avoiding use of temporary lighting within 10 m of the Green Infrastructure Zone (GIZ), which is shown on drawing ref. 2208-4DS-CRL11-XX-DR-A-08503-PL2 (Appendix C1 of the Environmental Statement).
- Avoiding backlot filming within a buffer from the area used by the highest concentrations of wintering wading birds from November to February inclusive. This buffer is shown on Figure D2 (Appendix D of the Environmental Statement).
- The use of acoustic screens of at least 2 m height around backlot filming activities.

These measures sit alongside those set out in Chapter H of the ES (Noise and Vibration), which includes providing noise management plans on a case-by-case basis for backlot filming. It is considered that a more strategic approach to mitigating the disturbance effects of backlot filming can be achieved through a condition requiring the agreement of an appropriate strategy/plan. Any such document would need to incorporate the ecology mitigation measures listed above.

Whilst the application area and areas within the zone of influence of the proposed development include important ecological features, the mitigation hierarchy set out in the NPPF has been effectively applied and proposed mitigation and compensation measures set out in Chapter D of

the ES are considered both adequate and practicable. Mitigation has been comprehensively incorporated into the development proposals and in order to secure these measures, a number of conditions are recommended. Assuming such conditions can be applied, it is considered that the proposals satisfy requirements in terms of preventing adverse ecological effects.

Local and national policies also require development to provide ecological enhancements, which include but are not exclusive to the delivery of measurable biodiversity net gain (BNG). Enhancements should include the creation of opportunities for priority species.

The application is accompanied by separate BNG reports and completed BNG Metric tools for both the detailed and outline elements of the proposals. For both areas, trading rules are not satisfied, but there is a quantitative net gain, and the landscaping scheme includes mitigation designed in to avoid long-term significant harm to biodiversity. As such, the Ecology officer is satisfied that the proposals demonstrate compliance with policy NE2's requirements.

Conditions are recommended to secure details of the establishment, management and monitoring of habitat delivery for the detailed application area to ensure the scheme delivers a specified net gain. For the outline areas of the site, the submitted information demonstrates that the proposals are capable of delivering quantitative BNG within the site boundary, however further detail will be required to accompany future applications for the approval of reserved matters. A condition for this purpose is recommended.

Measures within the proposals are considered sufficient as enhancement for ecological features other than habitats.

In terms of Habitats Regulations, the shadow Assessment submitted as an appendix to Chapter D of the ES has been reviewed and it is considered that there are no likely significant effects on the Northumbria Coast Special Protection Area.

In summary, assuming recommended conditions are applied, the Ecology officer considers that the detailed proposals can be implemented in accordance with national and local policies and there is no objection to the detailed element of the application. For the outline area, the Ecology officer is satisfied that the information provided demonstrates that a policy compliant scheme can be achieved, subject to further detail to accompany the reserved matters application(s).

CONSIDERATION OF APPLICATION

Relevant policy framework

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. In undertaking this exercise, planning case law has established that the development plan must be considered as a whole, a point reinforced by the recent *Cornwall Council v Corbett* Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

To this end, where conflict with development plan policies is identified, it is incumbent upon the decision-maker to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act. The most recent iteration of the NPPF dates from December 2023.

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

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

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

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted, but Local Planning Authorities may take decisions that depart from an up-to-date development plan if material considerations indicate that the plan should not be followed.

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and sets out a vision that within this period, Sunderland will be a place that:

- is healthy, safe and prosperous, where people have the opportunity to fulfil their aspirations;
- creates new diverse job opportunities;
- is vibrant and growing with excellent access to a range of job opportunities for all ages, abilities and skills; and
- is open to business and is responsive to the changing needs and demands of the growing economy.

Policies within the CSDP serve to replace most policies within the Council's Unitary Development Plan (1998) and UDP Alteration No. 2 (Central Sunderland) (2007). Some UDP and UDP Alteration No. 2 policies have, however, been saved pending the intended production of an integrated Development Plan for the City by the year 2025.

In addition, the Council has also adopted a range of Supplementary Planning Documents (SPDs) and other planning guidance which are relevant to the consideration of the current planning application. These are:

- Development Management SPD
- Planning Obligations SPD

Although it does not form part of the Council's adopted Development Plan, regard should also be given to the Council's City Plan 2023-2035. This sets out the Council's vision, being 'by 2035 Sunderland will be a connected, international city with opportunities for all'. Three key themes will drive this vision, these being:

- A Dynamic Smart City
- A Healthy Smart City
- A Vibrant Smart City

Key to underpinning these themes is, amongst other measures, the creation of more and better jobs and thriving businesses. The City Plan also sets out a wide range of specific and more general delivery objectives for the period up to 2030 – the development of the film studios is noted as a specific objective and the Indicative Timeline within the City Plan sets out a delivery programme for the development, with potential completion between 2026 and 2029.

The adopted CSDP firstly sets out a list of Strategic Priorities for the City, in order to achieve its Spatial Vision for 2033. These Strategic Priorities are:

1. To deliver sustainable economic growth and meet objectively assessed employment and housing needs;
2. To identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
3. To promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;

4. To provide a range of choice of accommodation, house types and tenures;
5. To provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;
6. To support and improve the vitality and economic performance of the Urban Core and designated centres;
7. To protect, sustain and enhance the quality of our built and historic environment;
8. To protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;
9. To adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;
10. To manage waste as a resource and minimising the amount produced and sent to landfill;
11. To promote sustainable and active travel and improve transport infrastructure;
12. To manage the City's mineral resources;
13. To ensure the City has the infrastructure to support its growth and prosperity;

A wide range of more specific CSDP policies are relevant to the consideration of the proposed development, as set out below.

SP1 – sets out the Council's sustainable economic growth strategy for the Plan period, including the creation of at least 7,200 new jobs and the delivery of at least 13,410 new homes. Most new development will be focused on the existing urban area and at sustainable locations and in higher densities around existing transport hubs.

SP2 – the Urban Core of the City will be regenerated and transformed into a vibrant and distinctive areas by, amongst other measures, increasing employment opportunities and growing the leisure, tourism and cultural economy.

SP5 – South Sunderland will continue to grow and be a spatial priority for housing and economic development. Economic growth will be focused in identified Employment Areas and at the Port of Sunderland.

SP7 – the Council will seek to improve health and wellbeing in Sunderland through a range of measures. Planning applications for large-scale development should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

SP8 – the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

SP10 – to improve connectivity and enhance the City's transport network, the Council will deliver a range of new highways schemes (including the Sunderland Strategic Transport Corridor), improve transport routes, support improvements to the Metro and improve and extend the City's cycle network.

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

HS2 – development sensitive to noise or which would result in noise impacts (including vibration) will be controlled by a range of measures. In areas of existing low levels of noise,

proposals for development which may generate noise will have to be accompanied by an assessment of potential noise impacts and, where necessary, propose appropriate mitigation measures to ensure receptors are not adversely affected.

HS3 – development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

EG2 – designates Pallion Shipyard as a Key Employment Area (KEA). The release of vacant land or premises within KEAs for non-employment uses will normally only be considered acceptable if: evidence suggests the site is surplus to requirements; that the integrity of the wider KEA will not be adversely affected; that the site is not of sufficient quality to meet modern demands; and that the site has been marketed for employment uses without interest.

EG4 – development for new employment uses outside of designated areas must demonstrate that: the proposed development cannot be accommodated within designated areas; can be provided with appropriate vehicular access; and would not be detrimental to local amenity.

BH1 – development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views.

BH2 – sustainable design and construction should be integral to major development proposals. Planning applications should be accompanied by a Sustainability Statement which sets out how the development incorporates sustainable resource management and high environmental standards.

BH3 – requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH7 – the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by, amongst other measures, giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

BH8 – development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

BH9 – the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains. Archive reports should be deposited with the Tyne and Wear Historic Environment Record (HER). Where demolition of a non-designated heritage asset is justified, an archaeological building recording of the asset should be carried out and results deposited with the HER and Tyne and Wear Archives.

NE1 – development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces. Development which would sever or significantly reduce green infrastructure will not normally be permitted,

unless the need for and benefits of the development clearly outweigh adverse impacts and suitable mitigation can be provided.

NE2 – where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors. Adverse impacts on European-protected sites and Sites of Special Scientific Interest will only be permitted in exceptional circumstances.

NE3 – development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 – requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery. Development which would adversely affect the amenity, recreational or nature conservation value of greenspace will only be supported if:

- i. it is clearly demonstrated that it is surplus to requirements, or
- ii. an acceptable replacement provision will be delivered, or
- iii. where replacement is not possible, a financial contribution is made to enable the Council to supply alternative provision;

NE9 – seeks to ensure that new development protects, conserves and enhances the City's landscape character.

NE11 – new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

WWE1 – promotes development which delivers or supports decentralised renewable and low carbon energy.

WWE2 – requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 – requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 – requires new development to maintain water quality. Development that discharges water into a watercourse will be required to incorporate appropriate water pollution control measures.

WWE5 – requires new development to deal with the disposal of foul water via the drainage hierarchy.

WWE6 – supports development which encourages the minimisation of waste production and the re-use and recovery of waste materials.

ST2 – states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 – development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

M1 – seeks to ensure that minerals safeguarding areas are protected where necessary.

ID1 – development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 – the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

The Proposals Map of the UDP also identifies an area of open space within the development site, this being the former Groves Coles playing pitches at Site C. The area is subject to saved UDP policy L1, which states that the Council will seek to achieve the standards of open space provision set out in subsequent policies of the UDP. Abovementioned policy NE4 of the CSDP sets out the contemporary position in terms of the consideration of development proposals affecting open space, including playing fields.

As noted in the consultation response from the Council's Planning Policy team, most of the site is subject to saved policy SA6A.1 of UDP Alteration No. 2. Policy EC5A identifies the former Groves site as a 'Comprehensive Development Site', with site-specific policy SA6A.1 then setting out that the Council will support the development of a mixed-use residential community at the site. New housing, a new local centre and business uses are identified as required uses, with education and community facilities and other uses designed to support the residential community identified as acceptable uses. Industrial uses are listed as unacceptable.

The policy also identifies a range of infrastructure, public realm and design requirements for a development of the site, including safeguarding land required for the Sunderland Strategic Transport Corridor and for a new Metro station to the west of the existing Pallion station.

Members should note that UDP Alteration No. 2 policy SA6B.2, which provided guidance for development at the Pallion Shipyards area at the eastern end of Site A, was not saved upon the adoption of the Core Strategy. The policy was deleted and is therefore not relevant in the consideration of the current application.

Saved UDP policies which are relevant to the proposed development include:

- EN10 – compatibility of development
- EN15 – land reclamation
- B12 – scheduled ancient monuments
- B13 – sites of local archaeological significance
- B14 – ancient monuments
- B19 – user friendly environments
- CN20 – SSSIs
- CN21 – local nature sites
- T10 – paths and multi road users
- T11 – people with disabilities and other special needs
- T16 – protection of existing rail corridors
- T21 – parking

SA32 – access to riverside

SA38 – views

Regard is also given to Supplementary Planning Documents (SPDs) adopted by the Council, including the Development Management SPD and Planning Obligations SPD.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed and beautiful places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

Regard has also been given to national policies relating to waste, including the National Planning Policy for Waste. Additionally, where appropriate, reference is made to the Government's National Planning Practice Guidance website, which provides detailed guidance in respect of the application of NPPF policies and in relation to other procedural matters.

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

1. Land use policy considerations
2. Public amenity and health impacts
3. Design and sustainable construction considerations
4. Landscape and visual impacts
5. Built heritage impacts
6. Archaeology considerations
7. Ecology and biodiversity impacts
8. Highways and transport impacts
9. Flood risk and drainage considerations
10. Ground and water contamination considerations
11. Waste management considerations
12. Climate change considerations
13. Socio-economic impacts
14. Summary on Environmental Statement
15. Planning obligations

1. Land use policy considerations

The planning application site is subject to several local plan policies, including from the CSDP and saved policies of the UDP, which need to be given consideration in establishing the site's suitability for the proposed development in land use terms.

Saved UDP Alteration No. 2 policy

Most of the site, including the western portion of Site A and all of Site B and Site C, is subject to UDP Alteration No. 2 policy SA6A.1, which allocates the former Groves site for residential development and a range of uses to provide supporting facilities for the new community, such as shops and professional services, food and drink outlets, educational facilities and other community facilities. Industrial uses are not considered acceptable. This policy was saved upon the adoption of the Core Strategy and Development Plan in 2020 and so remains extant.

Whilst some elements of the development proposed by the current application, such as food and drink and professional services-related uses, can be considered compliant with policy SA6A.1, the soundstages and workshops would clearly conflict with the policy's objective of delivering a residential-led development of the site.

The Planning and Sustainability Statement submitted with the application notes, however, that since the adoption of policy SA6A.1 in 2007, there have been no planning approvals for a development of the site which would align with policy SA6A.1's objectives. Whilst an outline planning application for housing was submitted in 2017 (ref. 17/02430/OU4), as noted earlier, this has not been determined and there has been no correspondence on the application since June 2019. The lack of progress in terms of a housing-led development at the site is despite the clearance of buildings from the site and completion of the Northern Spire Bridge and Sunderland Strategic Transport Corridor (A1231), which has significantly improved vehicular access to the site.

The applicant's Planning and Sustainability Statement contends that in these circumstances, an alternative development of the site should be considered positively, particularly as the proposed film and TV studios development is considered broadly compatible with the business, retail and industrial uses found nearby.

In considering whether an alternative development of the site would be appropriate, regard must be given to the Council's position relative to housing delivery and land supply, given that the site is currently allocated for a housing-led development. In this regard, abovementioned policy SP8 sets out that the Council will seek to deliver at least 745 net additional dwellings per year over the Plan period and it is also noted that the Council's most recent Strategic Housing Land Availability Assessment (SHLAA) (2020) identifies the site as being available for a development of up to 720 dwellings within 0-5 years.

The application site has not, however, been included in the Council's most recent Annual Position Statement (APS) for housing land supply, which was endorsed by the Planning Inspectorate in October 2023 and confirms that the Council can demonstrate a 5-year supply of housing land until October 2024. Given the site's exclusion from the APS, it is evident that the site is no longer envisaged as contributing to the supply of available housing land in the city. Moreover, the Council can demonstrate a 5-year supply of housing land, until at least October 2024, without relying on the delivery of the application site.

In light of the above, and particularly as the site is no longer included in the Council's 5-year housing land supply calculations, it is considered reasonable to conclude that it would be appropriate to consider the merits of an alternative (i.e. not housing-led) development of the site

covered by policy SA6A.1. Such an approach is permitted by paragraph 12 of the NPPF, which states that Local Planning Authorities can depart from an up-to-date Plan if material considerations indicate this would be appropriate.

Whilst a more detailed assessment of the socio-economic and other benefits of the proposed development is provided later in this report, the Council's Planning Policy team's comments note the unique opportunity this proposal will bring to the city on an economic scale, given the jobs associated with the development and its supply chain. The inclusive growth and regeneration benefits it will have for the city are significant. The Policy comments also highlight the location of the site in relation to the proposed uses (i.e. its general compatibility with existing land uses in the area) and the opportunity the scheme brings for the redevelopment of a long-term vacant brownfield site, a benefit that should be given substantial weight as per section 11 of the NPPF (paragraphs 123 and 124).

The Policy comments conclude by suggesting that the significant economic, social and regeneration benefits of the development would justify a departure from policy SA6A.1 and that the development proposals can be considered from the context of this position.

Core Strategy Employment Area policy

The eastern portion of Site A is, meanwhile, subject to Core Strategy policy EG2, which identifies the land as part of the Pallion Shipyard Key Employment Area (KEA) and supports uses falling within the former use class B1(b) (research and development), B1(c) (light industry), B2 (general industry) and B8 (storage and distribution). The policy essentially seeks to prevent the loss of land and buildings within KEAs to non-employment uses, setting strict criteria for when land and buildings may be released for alternative uses.

The Council's Planning Policy team's consultation response notes that the planning application submission suggests that the land uses comprising the proposed film studios development do not fall within the 'B' use classes sought by policy EG2 and so, ordinarily, the proposal would need to meet the release criteria within the policy.

The Policy team's comments observe, however, that film studios can reasonably be considered akin to a use class B1(c)/B8 development given the character of the activities and function of the development, alongside the scale and massing of the buildings required. The Policy team consider, therefore, that whilst the proposals would not fall within the use classes specified by policy EG2, in this particular instance it is considered that the proposal would be acceptable in respect of policy EG2's objectives.

Playing field policy

Site C of the application site is identified as a playing field by saved policy L1 of the UDP (former Groves Coles playing fields). Policy NE4 of the CSDP states that the Council will refuse development on greenspaces, including playing fields, which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that:

- i) The provision is clearly surplus to requirements;
- ii) An equivalent replacement facility is being provided;
- iii) An agreed contribution is made by the development towards new provision or the improvement of existing greenspace or outdoor sport and recreational facilities.

The approach set out by policy NE4 aligns with the approach set out at paragraph 103 of the NPPF.

As noted in the 'Consultation Responses' section of this report, Sport England objects to the development (albeit in a non-statutory capacity) as the loss of the Groves Coles playing fields does not accord with any of the exceptions set out in its Playing Fields Policy and Guidance. It is suggested that a financial contribution of £400,269 be sought, to be spent on local pitch improvements identified in the Sunderland Playing Pitch Plan 2022 (PPP).

The 2022 PPP concludes that the Groves Coles site is surplus to requirements, noting the absence of any use in 13 years and the reduction in the playing pitch area due to surrounding road construction. It recommends that when assessing any proposals to develop the site, consideration be given to the Strategic Recommendation (a) within the PPP, which prioritises bringing the site back into use, then utilising the site as amenity greenspace or, if the site is to be developed, seeking a financial contribution to invest in existing sports sites/facilities in the locality.

The Council has, however, also produced a more recent Sports Mitigation Strategy (August 2023), which builds on the 2022 PPP and appraises seven former playing field sites across the city which may be brought forward for development. The sites are appraised in the context of the completion of the football 'hub' facilities at Downhill, Ford Quarry and Washington. The 2023 Strategy notes that the Groves Coles site featured one adult football pitch and a cricket square and was last used in c.2009. Since then, the playing field area has been reduced by the construction of Paul Watson Way, which may make the reinstatement of the previous level of provision unfeasible. Consultation with sports bodies (English Cricket Board and Durham Cricket) has led to the conclusion that the cricket square is not strategically valuable, and it is not considered necessary to reinstate the provision or have a like-for-like replacement. Similarly, the Durham County Football Association and Football Foundation agree that there is no requirement for football provision at Groves.

The Strategy concludes that whilst no current shortfalls for football in the locality of Groves Coles, there are anticipated future shortfalls in youth 11 v 11 and youth 9 v 9 pitch capacity in the wider Sunderland West area. These future shortfalls should be alleviated for the Groves Coles site to be deemed surplus to requirements. For cricket, there is also an identified shortfall in the area amounting to eight match-equivalent sessions per season, due to overplay at Silksworth Cricket Club. This issue could be eradicated by installing a non-turf wicket at Silksworth.

The Strategy recommends that to enable development at Groves Coles, a non-turf cricket wicket should be installed at Silksworth and youth football pitch provision improved at site(s) in the area. A suggested option is reconfiguring adult provision at Hylton Road Playing Fields, so that it provides one adult 11 v 11 pitch, one youth 11 v 11 pitch and one youth 9 v 9 pitch.

Discussions have taken place with officers in the Council's Environmental Services and Active Sunderland teams, and it has been established that the cost of delivering a non-turf wicket at Silksworth Cricket Club and reconfiguring pitch provision at Hylton Road Playing Fields would cost approximately £31,500 to deliver.

Sport England's comments make clear that they do not give weight to the Council's 2023 Strategy, as they indicate they have had no input in the development of the document. Their view that a contribution of £400,269 be sought is based on the Strategic Recommendations of the 2022 PPP and the cost of replacing the 2.7ha of playing field being lost to the proposed development.

Whilst Sport England's comments are noted, it must be recognised that they are not a statutory consultee on this application given the amount of time since the Groves Coles pitches were last

used. Sport England's comments in respect of the current planning application do not, therefore, carry the same level of weight as a statutory consultation response and the Council as Local Planning Authority is consequently able to establish a position relative to playing field policy as it sees appropriate, even if this does not accord with Sport England's views.

To this end, officers are of the view that the 2023 Strategy provides a more up-to-date and targeted mitigation strategy which is informed by an analysis of playing pitch demand following the completion of the football hubs. Officers are satisfied that a financial contribution to deliver the mitigation recommended by the 2023 Strategy is a robust approach to addressing local and national policy requirements in terms of mitigating playing field loss, which is based upon the most up-to-date evidence available to the Council. A contribution to this effect would therefore be secured via a legal agreement tied to the planning application.

It is therefore considered that securing a financial contribution to deliver a non-turf cricket wicket at Silksworth Cricket Club and a reconfiguration of pitch provision at Hylton Road Playing Fields would address the requirements of CSDP policy NE4 and paragraph 103 of the NPPF, in that the loss of the playing fields is being mitigated by the improvement of outdoor sports facilities at appropriate off-site locations.

Other land use policy considerations

The Council's Planning Policy team notes that the application site is located within the 250m buffer for the surface coal mineral safeguarded area (MSA), 250m buffer for the sand and gravel bedrock MSA and 500m buffer for the limestone MSA. Policy M1 of the CSDP seeks to safeguard minerals areas from inappropriate development but it does state that an exception to this approach is where a site is allocated for development in the Plan. The Policy team concludes that given the nature of the site and the proposals, the development would not be incompatible with the minerals strategy.

The application site is bounded and crossed by the route of the Sunderland Strategic Transport Corridor (SSTC), the delivery of which is supported by CSDP policy SP10. The SSTC has, however, been completed in this area, through the construction of the Northern Spire Bridge and the A1231 to its east.

Saved UDP policy EN15 supports the reclamation of derelict land and clearly the proposed redevelopment of the site would meet this objective. Saved UDP policy SA32 supports improvements to public access to the riverside and whilst this matter will be considered further in later sections of this report, the Planning Statement submitted with the application states that public access to the riverside within the application site is not feasible given the need for film studios to be a private, secure environment and concerns over disturbance of birds which utilise the mudflats along the river bank.

Strategic policy considerations

It is considered that the proposed development would support the strategic objective of policy SP1 of the CSDP in terms of job creation, given that construction works are expected to generate approximately 2,000 direct and indirect jobs per year and that the development would support nearly 3,500 direct and indirect jobs once operational. It would also align with policy SP5's objective for South Sunderland to grow and be a spatial priority for economic development.

As explained above, the application site is no longer contributing to the Council's supply of available housing land and so the development of the site as film and TV studios would not conflict with CSDP policy SP8's objectives in terms of housing delivery. The housing delivery target of 745 dwellings per year set out by policy SP8 can still be achieved through other sites.

Conclusions relative to land use policy

As set out above, most of the site is allocated for a residential-led development by saved policy SA6A.1 of UDP Alteration No. 2. It is considered, however, that a departure from this policy is justified given the significant economic, social and regeneration benefits of the proposed development, the prospect of redeveloping a longstanding brownfield site, the lack of any progress in securing housing at the site and the site's removal from the Council's 5-year housing land supply calculations.

Minor conflict has been identified with policy EG2 of the CSDP, however the proposed development is considered appropriate within the area identified as the Pallion Shipyard Key Employment Area given the nature and scale of the proposals.

In terms of playing field policy, it is considered that the securement of a financial contribution towards the improvement of off-site cricket and football facilities, in alignment with the recommendations of the Council's 2023 Sports Mitigation Strategy, would address the requirements of policy NE4 of the CSDP. It is recognised that this approach is not endorsed by Sport England, however it is considered to represent a robust means of addressing policy NE4's requirements which is based upon the most up-to-date evidence available to the Council.

The proposals are not considered to conflict with CSDP policy M1 given the site's allocation for development and the nature of the proposals.

The proposals are considered to align with strategic policies SP1 and SP5 of the CSDP in terms of employment creation within South Sunderland, whilst the housing delivery objectives of policy SP8 will not be undermined given the site is not envisaged as contributing to the Council's housing land supply.

In conclusion, it is considered that the development satisfactorily addresses CSDP policies EG2, NE4 and M1. Whilst the proposed development represents a departure from saved UDP Alteration No. 2 policy SA6A.1, it is considered that giving the scheme favourable consideration is justifiable given the circumstances outlined above and that taking such an approach is permissible in the context of the guidance provided by paragraph 12 of the NPPF.

Notwithstanding the above, before it can be established whether the proposed development is acceptable, regard has to be given to all other material planning considerations relevant to the scheme.

2. Public amenity and health impacts

Paragraph 135 of the NPPF requires planning decisions to create places which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. Decisions should mitigate and reduce, to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should also seek to limit impacts from light pollution.

Paragraph 192, meanwhile, seeks to ensure that planning decisions sustain and contribute towards air quality objectives. Paragraph 194 makes clear, however, that planning decisions

should focus on ensuring proposed development is an acceptable use of land and recognise that other regulatory regimes exist to control certain processes and emissions.

Paragraphs 70 and 71 of the Government's National Planning Practice Guidance (NPPG) relates to developments including tall buildings and requires consideration to be given to their potential environmental impacts, including sunlight, daylight, overshadowing and wind.

The NPPF's guidance feeds policy HS1 of the CSDP, which requires new development to demonstrate that it does not result in unacceptable adverse impacts on quality of life and amenity, from sources such as air quality, noise, dust, vibration, odour and emissions. Policy HS2 specifically relates to noise and it essentially seeks to ensure that the potential noise impacts of new development on sensitive receptors are adequately understood and, where necessary, mitigated to prevent adverse impacts.

Also applicable is policy BH1 of the CSDP, which seeks to ensure that new development respects the amenity of existing residential occupiers in terms of impacts on privacy, outlook and sunlight/daylight. Policy BH1 of the CSDP also refers to tall buildings, stating they should form a positive relationship with the surrounding area.

The Council's adopted Development Management SPD, meanwhile, states that proposals for tall buildings should consider shadowing and other climatic considerations such as wind and carefully consider the micro-climate around the base of tall buildings, with landscaping and trees designed to reduce wind speeds.

The Environmental Statement submitted with the planning application includes chapters which consider environmental effects relating to air quality, noise and vibration, glint and glare and the wind environment.

The application has also been accompanied by a Health Impact Assessment, which seeks to identify, assess and present any potential effects on the health of the population of the city arising from the proposed development.

Broadly speaking, the location of the application site and its remoteness from residential and other sensitive receptors serves to limit its potential impacts and effects on amenity. The nearest residential properties are on the northern edge of Pallion, some 300m to the south of Site A, whilst there are offices to the north, on the opposite bank of the River Wear, industrial buildings to the east (Pallion Shipyards) and south-west (Pallion Industrial Estate) and open space to the west (Claxheugh Rock). The relationship between the site and its surroundings means the development does not give rise to any concerns in respect of the outlook of existing properties, their privacy or the amount of sunlight/daylight they will receive, in accordance with the requirements of the NPPF and policy BH1 of the CSDP.

The scale and nature of the proposed development does mean, however, that careful consideration must be given to its wider potential amenity and health impacts, both in terms of the construction phase of the development and its operation. Consideration is given to relevant matters below.

Noise and vibration

Chapter H of the submitted Environmental Statement (ES) assesses potential noise and vibration effects associated with the proposed development. A noise survey was undertaken around the site to establish baseline environmental noise conditions in the surrounding area. Predicted road traffic noise is based upon traffic flow information, whilst predicted noise from site operations is essentially indicative (subject to future intentions for individual workshops and

sound stages) and based on reasonable worst-case assumptions considering maximum parameters defined for the development. The assessment also identifies a series of receptors which would be exposed to noise from the development, with residential receptors attributed the highest level of potential sensitivity.

Noise and vibration from construction works was scoped out of assessment on the basis that no significant effects are anticipated with appropriate Construction Environmental Management Plan (CEMP) measures in place. This position is accepted by the Council's Environmental Health team, who recommend a condition to require the submission and approval of an appropriate CEMP.

In terms of noise from the operation of the film studios development, the ES has considered noise from a range of sources and the potential impacts on receptors, as follows:

- Road traffic noise – negligible to low impact, no significant potential effects and no mitigation or monitoring required.
- Filming within sound stages – negligible impact, no significant potential effects and no mitigation or monitoring required.
- Noise from workshops – potential high impacts at receptor R1 (climbing wall building), otherwise negligible to low impacts. No significant potential effects and no mitigation or monitoring required.
- Vehicle movements within site – negligible to medium impacts, no significant potential effects and no mitigation or monitoring required.
- Outdoor set construction – impacts ranging from high at Pallion Retail Park to negligible/medium at nearest residential receptors. Moderate adverse (significant) effects at residential receptors. Proposed mitigation involves adoption of best practicable means for construction works, in line with guidance provided by BS5228.
- Outdoor filming (pyrotechnics/special effects) – medium to high impacts at all receptors, with moderate to major adverse (significant) effects at residential receptors. Proposed mitigation is to develop and implement noise management plans on a case-by-case basis.
- Outdoor filming (temporary plant) – negligible to medium impacts, with moderate adverse (significant) effects on residential receptors. Proposed mitigation is to implement best practicable means to operational activities.

As can be seen, the most significant potential adverse effects would result from outdoor set construction and filming activities, due to the anticipated use of pyrotechnics and special effects. Mitigation measures involving the adoption of best practicable means for set construction and operation of plant and the development of bespoke noise management plans for filming are required.

The Council's Environmental Health team has reviewed the submission, and it is considered that the overall methodology is acceptable, with sensitive receptors properly identified. It is accepted that road traffic noise is unlikely to have a discernible impact on the local environment. It is accepted that operational noise has been assessed on an indicative basis and whilst it is agreed that overall noise impacts will not be significant, external set construction and filming activity has the potential to generate levels of noise which will have an adverse effect on sensitive receptors and so requires mitigation.

To ensure appropriate mitigation measures are adopted, the Environmental Health team's comments recommend the imposition of an appropriately worded planning condition (or conditions) on any decision notice. The condition(s) would require the submission of details of the activities, equipment to be used and mitigation measures necessary to minimise noise

emissions in respect of workshop operations and outdoor film set construction and filming activities.

Subject to condition(s) to this effect being imposed, there is no objection to the development from the Environmental Health team in terms of noise impacts.

To summarise the position relative to noise, it is considered that the submitted ES has appropriately assessed potential effects from noise. It has demonstrated that, overall, noise impacts on sensitive receptors from construction works and operational activities will not be significant in EIA terms, although mitigation will be required in terms of the adoption of an appropriate CEMP for construction works and measures to minimise effects from potentially noisy operations, such as outdoor set construction and filming activity.

Subject to the imposition of such conditions, it is considered that the proposed development will not give rise to any significant adverse effects on receptors in the area surrounding the application site in terms of noise. The development would therefore comply with the objectives of the NPPF and policies HS1 and HS2 of the CSDP.

Air quality and odour

Chapter G of the submitted ES assesses the proposed development in relation to air quality. It considers the baseline situation before the likely environmental effects of the proposed development at a series of sensitive receptors (15 residential dwellings in the area and nearby designated ecology sites) are identified during its construction and operational phases. Mitigation measures to reduce any negative environmental effects are identified as appropriate before the residual environmental effects are assessed.

In terms of the construction phase of the development, an overview of potential emissions from road traffic has shown that the anticipated level of vehicle movements and location of sensitive receptors means a detailed assessment is not required under Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) guidance.

An assessment has also been undertaken to determine the risk and significance of dust and fine particulate matter effects from earthworks, construction and trackout, in accordance with guidance provided by the IAQM. Mitigation to address construction dust impact and associated effects on human health and dust soiling potential is required and can be embedded in a Construction Environmental Management Plan (CEMP) and Construction Transport Management Plan (CTMP) for the development. These must include measures relating to effective dust suppression, avoidance of dust-generating activities on windy days, covering of open-backed vehicles entering and leaving the site and limitation of vehicle speeds.

In terms of the operation of the development, the submitted assessment concludes that projected pollutant concentrations in 2025, 2026 and 2039, with the development in place, will be below annual mean objectives and limit values at the receptors considered. The assessment predicts that the development will have a negligible impact on concentrations of nitrogen dioxide and particulate matter. The effect of the proposed development on human receptors is therefore concluded as being not significant in EIA terms.

The Council's Environmental Health team are satisfied that the construction phase assessment is appropriate and concurs with its conclusion that subject to the adoption of mitigation measures within a CEMP and CTMP, there are not expected to be any significant effects because of the development. The provision of a CEMP and CTMP should be a requirement of planning conditions.

Similarly, the conclusions of the assessment in relation to the operational phase of the development are accepted and it is considered to demonstrate that sensitive receptors will be negligibly impacted. The effect of the proposed development on human receptors is therefore considered to be not significant.

The Environmental Health team notes, however, that potential emissions from the construction of film sets within the workshops has not been considered. This process may produce localised emissions which require containment. It is therefore recommended that further air quality assessments are produced once the end use of each workshop is known. This can be covered by a planning condition.

The Environmental Health team also advise that a condition be imposed to require the submission of an odour abatement risk assessment in respect of premises within the development which will serve hot food. The assessment should include details of any new extraction/exhaust system deemed necessary to satisfactorily deal with odours generated by the development.

Subject to the imposition of such conditions, it is considered that the proposed development will not give rise to any significant adverse effects on receptors in the area surrounding the application site in terms of air quality and odour. The development would therefore comply with the objectives of the NPPF and policy HS1 of the CSDP.

Glint and glare

Chapter L of the submitted ES considers the potential glint and glare effects associated with the proposed development, specifically from roof-mounted solar photovoltaic arrays. The assessment primarily considers potential issues in relation to the local road and rail network, but it also assesses potential impacts from a series of observation points, including business premises and residential dwellings in the area. A detailed assessment has only been possible in relation to the area for which full planning permission is being sought; the assessment of the wider site is based on the design and layout shown on the illustrative masterplan.

Effects on these observation points have been assessed as not significant in EIA terms, with screening provided by proposed landscaping serving to significantly mitigate glint effects on surrounding receptors. No further mitigation is considered necessary at this stage. Additional mitigation may, however, be required depending on the detailed layout and design of the areas subject to the outline element of the planning application.

Given the conclusions of Chapter L of the ES, it is considered that the proposed development will not give rise to any significant adverse effects on receptors in the area in terms of glint and glare. The development would therefore comply with the objectives of the NPPF and policy HS1 of the CSDP.

Wind environment

Chapter N of the ES assesses whether the proposed development will give rise to significant impacts in terms of the wind environment, with specific regard given to effects on pedestrians and cyclists carrying out their usual activities as well as users of external terrace areas within the development. It was not considered necessary to consider impacts on the wind environment during the construction phase.

The assessment models wind environments for the existing baseline and for the proposed development during the operation phase. Several safety and comfort exceedances were identified which could lead to significant effects being realised when the wind is blowing from a

south-westerly direction. Affected areas are primarily within the northern part of the site, adjacent to the River Wear, where outline planning permission is being sought.

The assessment concludes that embedded mitigation, in the form of implementation of on-site landscaping at the earliest opportunity in order to slow wind speeds, will ensure effects are not significant in EIA terms, whilst detailed design at the reserved matters stage will include consideration of designing out any significant adverse effects through layout of buildings, soft and hard landscaping and routing of pedestrian/cycleways.

The Council's Landscape officer has suggested that further consideration should be given to potential impacts of wind on external roof terraces within the development, to ensure these spaces provide good-quality amenity for users. It is considered that this matter can be addressed via a suitably worded condition.

Given the conclusions of Chapter N of the ES and subject to the implementation of on-site landscaping and acceptable detailed design of areas of development subject to reserved matters approval, it is considered that the scheme is acceptable in relation to its impacts on the wind environment. The development would therefore comply with the objectives of National Planning Practice Guidance, policy BH1 of the CSDP and the guidance provided in the Council's adopted Development Management SPD.

Health Impact Assessment

Policy SP7 of the CSDP requires planning applications for large-scale development to be accompanied by a Health Impact Assessment (HIA). Where the HIA identifies significant adverse health impacts, development should be resisted unless appropriate mitigation can be provided.

The HIA submitted with the planning application assesses potential impacts of the development on the health of the local population by looking at changes to the determinants of health and the pathways that could have an impact on the population. It concludes that no significant adverse impacts on health are anticipated, although some mitigation and enhancement measures are recommended. A number of beneficial impacts are anticipated, most significantly the impact of the new employment opportunities associated with the development. Impacts are summarised below:

- Populations (i.e. specific groups) – minor beneficial impacts
- Access to healthy food – negligible
- Access to open space and nature – minor beneficial
- Accessibility and active travel – minor beneficial
- Social cohesion and neighbourhoods – minor beneficial
- Air quality, noise and neighbourhood amenity – minor adverse
- Crime reduction and community safety – minor beneficial
- Access to work and training – moderate beneficial
- Climate change – minor adverse
- Minimising the use of resources – moderate beneficial

It is suggested that the minor adverse impacts relative to air quality, noise and amenity will be mitigated by the adoption of a CEMP and CTMP, as has already been established as necessary through the assessment of these issues in the preceding paragraphs of this report. Additional measures can include proper maintenance of machinery and informing local residents of any loud activity.

In terms of climate change, the 'minor adverse' conclusion results from the inevitable energy use and waste impacts of the development during construction and operation. These are considered in more detail by the submitted Environmental Impact Assessment, but the HIA notes that measures designed to mitigate climate change impacts include the use of sustainable materials and construction techniques, the use of sustainable travel modes and minimising risks from flooding through design.

Opportunities from the development can be enhanced by focusing employment on the local population. The procurement process for contractors will include a requirement to demonstrate a commitment to delivering apprenticeship opportunities and the employment of residents from the local area. Notwithstanding this, it is considered that given the scale of the employment associated with the development, there will be significant opportunities for residents of the area and a range of jobs across qualification levels and skill sets.

As noted above, the Council's Public Health team have appraised the HIA and note that it has many strengths, including its summary of international, national and local policy in relation to HIAs, a detailed assessment of current context, a narrative response to each aspect of the Council's HIA Matrix and insightful recommendations on how negative health impacts can be mitigated and positive health impacts maximised. Some areas of the HIA could, however, be improved, including better referencing of local public health policy background documents and better assessment of impacts on those living closest to the site.

It is, however, recognised that the proposed film studio development represents a unique and important opportunity to improve the health of Sunderland residents via job creation and, overall, the Council's Public Health welcome the development.

It is ultimately considered that the HIA has not identified any significant adverse effects on the health of the city's population. Indeed, it demonstrates that the proposed development will give rise to public health benefits in terms of job creation and access to work and training opportunities. The proposed development is therefore considered to comply with the objectives of policy SP7 of the CSDP in this regard.

Amenity and health conclusions

Careful consideration has been given to the potential impacts of the development on the amenity and health of the local population. Distances from the site to the nearest residential and business properties serves to limit direct amenity impacts. The submitted ES has, meanwhile, provided appropriate assessments of potential noise, air quality, glint and glare and wind environment impacts and, following consultation with the Council's Environmental Health team, it has been established that impacts on sensitive receptors will not be significant, subject to the imposition of conditions to secure necessary mitigation.

Furthermore, the submitted HIA has not identified any significant adverse effects on the health of the city's population; rather, it indicates that positive health impacts will occur due to significant employment creation.

It is therefore considered that, subject to appropriate mitigation being secured by conditions, the proposed development is acceptable in relation to amenity and health considerations and as such it accords with the objectives of the NPPF, NPPG, CSDP policies SP7, BH1, HS1 and HS2 and the Council's Development Management SPD in relation to these matters.

3. Design, landscaping and sustainable construction considerations

This section of the report is concerned with the quality of the design, built form and layout of the proposed development and whether the proposed development acceptably integrates sustainable design and construction measures. Consideration of matters relating to impacts on the wider landscape and key views is undertaken in the next section of the report.

Section 12 of the NPPF is concerned with delivering 'well-designed and beautiful places', with paragraph 131 making it clear that the creation of such places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning decisions should: ensure that new developments function well; are visually attractive due to good architecture, layout and landscaping; are sympathetic to local character and history; establish a strong sense of place; optimise opportunities to sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Policy BH1 of the CSDP states that new development must achieve a high quality of design and its requirements largely echo the design and placemaking objectives set out by paragraph 135 of the NPPF. Policy BH2, meanwhile, requires sustainable design and construction to be integral to new development. Proposals should maximise energy efficiency and integrate the use of renewable and low carbon energy, reduce waste and promote recycling, make use of sustainable resources and construction techniques, be flexible and adaptable and aim to enhance biodiversity through measures such as green roofs.

Policy BH3 supports the delivery of high-quality areas of public realm, whilst policy NE1 requires the protection and enhancement of green and blue infrastructure by, amongst other measures, requiring new development to include new green infrastructure features and include and/or enhance greenspace provision. Policy NE4 is concerned with ensuring new development is afforded appropriate amounts of high-quality landscaping. Policy NE3 seeks to ensure that valuable trees and hedgerows are retained where possible.

Saved policy SA6A.1 of UDP Alteration No. 2 also remains relevant; despite promoting a residential-led development of the site, it includes a series of objectives for the design and layout of a development at the site which are considered to remain broadly applicable to the current proposals.

As previously explained, the application has been made in 'hybrid' form, with detailed planning permission sought for part of Site A and outline planning permission sought for development in the remainder of Site A and Sites B and C. As such, the only detailed plans available relate to Site A, which will feature sound stages, with a production office attached to each, production support workshop buildings, a gateway building, a multi-storey car park, substation and waste centre and ancillary infrastructure. The application submission does, however, include a Design Code, parameter plans and indicative drawings and images for development in the outline planning areas, which set out the design approach for the development as a whole.

The application has also been accompanied by a Design and Access Statement, which explains the evolution of the approach to the design, built form and layout of the development and the key design objectives the scheme is seeking to achieve.

Clearly, the scale of the development and the highly prominent location of the site, at a key gateway into the city on the A1231, adjacent to the Northern Spire bridge and with views towards the site from the north bank of the River Wear, demands a high-quality design response.

The detailed proposals for Site A show a development which is designed to respond to the topography of the site, with large south stage buildings located on the lower ground and the attached production support offices fronting the river. The smaller production support workshops will be in two rows which step up the rising ground to the rear. The Gateway Building and multi-storey car park are, meanwhile, designed to provide distinctive buildings adjacent to the main entrance to the site off the A1231.

The Design Code for the outline areas of the scheme includes the following key principles:

- The settings of buildings will respect the topography of the site and blend into the landscape;
- Clear distinction between pedestrian routes and private areas;
- Service yards, staff car parks, refuse and storage areas screened from main circulation routes and, where possible, external views;
- Inclusion of informal break out/recreation areas;
- Spatial framework that is adaptable for future use;

Architectural objectives seek to create:

- Buildings of exemplary design which seek to incorporate innovative and creative solutions;
- Buildings that are simple and robust in form, appropriate to the nature of its use;
- Designs of the buildings that reflect the type of activity taking place within;
- Building heights that do not exceed heights prescribed in the Building Heights Plan;
- Fenestration appropriate to the commercial scale of the development;
- Landmark buildings to give legibility and interest to the site;
- Buildings which follow biodiversity and landscaping strategies to minimise impacts and integrate the development with the natural landscape.

The detailed proposals for Site A and the principles for the development within the outline areas of the development are considered to demonstrate an approach to design and layout which is sympathetic to its surroundings and the prevailing character of the area. The development will respect the topography of the site and take advantage of the site's riverside setting, with key buildings oriented towards the riverbank. Despite many buildings within the development, such as the sound stages and production workshops, being of a functional nature and with specific design requirements to ensure their effectiveness, it is considered that the buildings are visually and architecturally interesting. Proposed external materials are varied and of a high quality, contributing positively to the appearance of buildings within the development.

Architectural inspiration has been taken from the industrial riverside setting of the application site and it is considered that this approach will ensure the studios development relates very well to its surroundings and respects the historic and contemporary built form along the south bank of the Wear in the locality. The scale of buildings within the development and the overall density of the development is also considered to be appropriate, again taking into account the industrial riverside location of the site and the scale of existing buildings further east in Pallion Shipyards and Deptford.

Where possible, greater levels of architectural interest are provided by key buildings, such as the Gateway Building and the multi-storey car park at the main entrance and the Hub Building to be built within Site A adjacent to the southern end of the Northern Spire bridge. The Gateway Building and multi-storey car park are especially distinctive and will provide visually interesting and distinguished built form at this key area of the site.

In terms of landscaping, a key objective has been to incorporate a significant buffer between new buildings and the riverbank, both for ecological and amenity reasons. With regard to the objectives of policy NE1 of the CSDP, the buffer is designed to maintain green infrastructure along the river corridor, and it will be enhanced where appropriate through additional planting of native woodland and scrub. Further additional planting is proposed on grass embankments around the perimeters of the sites. Retained areas of grassland will also be improved. A deep area of landscaping along the western boundary of Site B will be incorporated into the development, to provide a buffer between buildings/infrastructure and the green open space leading towards Claxheugh Rock.

Landscaped areas will provide break out spaces for users of studio facilities and these will be sensitively designed to tie in with the abovementioned landscape buffers. Green roofs are proposed to workshop buildings, to assist with sustainable drainage objectives and provide biodiversity enhancements.

The lighting strategy for the development will, meanwhile, seek to achieve the following:

- Avoidance of uniform and conspicuous lighting layouts;
- Keeping light levels low, but safe and welcoming;
- Use of small scale, discrete lighting on roads and paths;
- Independent control of illumination of roads, paths, backlot areas and buildings to match patterns of use;
- Promote walking and cycling within the site.

In relation to trees, the submitted Arboricultural Impact Assessment (AIA) identifies 9 no. individual trees and 3 no. groups of trees for removal, along with numerous small and immature scrub plants and self-seeded buddleia bushes. This will include 2 no. individual trees of moderate (Category B) quality and 7 no. trees of low (Category C) quality. The trees are not, however, considered to be of any significant stature and as highlighted above, additional tree planting is to be undertaken within landscaped areas of the site, providing compensation for trees being lost. The AIA includes a method statement for tree protection measures, which should be adopted to prevent damage to retained trees during construction activities.

The Planning Statement submitted with the application has also considered the proposals in the context of the infrastructure and design requirements for a development of the site as set out in saved UDP Alteration No. 2 policy SA6A.1. Whilst this policy relates to a prospective residential-led development, the assessment concludes that objectives relating to the built form of a development of the site and its relationship with the riverside and the bridge are met. Policy SA6A.1 does promote the creation of a new public riverside park; however, this has not been included within the proposals for reasons relating to privacy, security and ecological sensitivities.

Turning to sustainability considerations, the Sustainability Statement within the Planning Statement firstly considers the development's sustainable development credentials in terms of the NPPF's economic, social and environmental objectives and its requirement that development supports healthy lifestyles and community facilities and is accessible via sustainable modes of transport. These considerations are covered in other sections of this report and in the wider conclusion.

In terms of the objectives of policy BH2 of the CSDP in respect of sustainable design and construction, the Sustainability Statement highlights that the development is designed to be highly efficient and low carbon, with solar panels on south stages, and is seeking to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'excellent'

rating. High efficiency servicing equipment and facades selected to achieve compliance with, and improvement on, the requirements of Part L of the Building Regulations.

The following measures are designed to achieve these objectives:

- Good urban design – e.g. building orientation, spacing between blocks and building heights to allow sunlight ingress and control summer solar gains to reduce risk of overheating. Landscaping will be designed to provide beneficial solar shading. Photovoltaic panels proposed to the roofs of soundstages.
- Fabric first approach – to provide passive means of energy reduction through optimising the performance of materials and components which make up the building envelope. This will ensure thermal performance, air tightness, thermal bridging, efficient glazing and ventilation are embedded within the fabric of the building to help reduce operational costs, improve energy efficiency and reduce carbon emissions.
- Energy efficiency – technologies such as ventilation heat recovery, wastewater heat recovery, high efficiency pumps and fans, efficient appliances, low energy lighting etc.
- Low carbon and renewable energy – abovementioned solar panels and air source heat pumps to provide heating and cooling.
- Flexibility and adaptability, to allow future modification of layout and facilitate future refurbishment and retrofitting.

The Statement also highlights the retention, rather than demolition, of the existing red brick building and that the Construction Environmental Management Plan for the scheme will include measures to ensure effective management of building materials, disposal of waste and maximisation of materials recycling, reuse and recovery. Measures to conserve water resources, such as rainwater harvesting and smart toilets and sinks, will be integrated into the scheme.

Given the above, it is considered evident that the scheme has been developed with sustainable design and construction measures in mind and that appropriate sustainability measures will be incorporated into the scheme.

With regard to the comments above, it is considered that the layout and landscaping of the proposed development creates an attractive environment which respects the site's riverside setting, responds to the functional requirements of the proposals and enhances key spaces within the development to the benefit of its users. The scale and density of the development is considered appropriate for its location, and it will relate successfully to the existing industrial and commercial buildings along the banks of the River Wear. The development is also considered successful in terms of design and built form, with new buildings being architecturally interesting and with clear references to the historic and contemporary industrial development at the site and its surroundings.

As set out in the 'Consultation Responses' section of this report, the Council's Landscape team are satisfied that the scheme makes the most of available opportunities and is appropriate to its setting. The comments advise that there are some elements of the detailed landscaping scheme which could be improved and there are also some suggestions for improvements to the landscaping approach to the outline areas of the proposed development. Final details of landscaping for the outline areas will, however, be agreed through future reserved matters applications, whilst it is considered that the majority of the recommendations relating to the detailed planning area within Site A can be addressed by suitably worded conditions.

The absence of opportunities for public access to the riverside is unfortunate, however it is accepted that it would not be appropriate given the nature of the development and the evident need for security and privacy and the ecological sensitivities of the riverside in this area.

Overall, it is considered that the proposals will deliver a high-quality development at a key gateway into the city, which will integrate well into its immediate surroundings.

Additionally, the proposals are considered acceptable in terms of their impact on trees at the site, with the effect on valuable tree coverage being minimal.

The proposals also demonstrate a commitment to sustainable design and construction techniques, with the layout and build out of the development integrating a range of measures to maximise its energy efficiency, reduce its carbon consumption and limit its use of resources.

It is therefore considered that the proposed development accords with the requirements of the NPPF, policies BH1, BH2, BH3, NE1, NE3 and NE4 of the CSDP and policy SA6A.1 of UDP Alteration No. 2 in relation to design, layout, landscaping, trees and sustainable design and construction considerations.

4. Landscape and visual impacts

This section of the report is concerned with the proposed development's wider visual impact, including on the prevailing landscape/townscape and in respect of key views and vistas.

Paragraph 135 of the NPPF requires new development to be sympathetic to the surrounding built environment and landscape setting.

Policy NE9 of the CSDP seeks to protect, conserve and enhance the city's varied landscape character by demonstrating a high quality of landscape design and having regard to the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and/or enhance landscapes recommended within the Council's Landscape Character Assessment. Development that causes significant adverse impacts on the distinctive landscape characteristics of an area will not be supported unless impacts are clearly outweighed by the benefits of development.

CSDP policy NE11, meanwhile, requires new development to create and protect views, including into, out of, and within the development. Regard should be given to key local views and vistas identified within the Landscape Character Assessment, views of significant buildings (including heritage assets) and views within landscapes which are sensitive to change.

Saved UDP policy SA38 identifies a series of views of particular importance, which will be protected and, where possible, enhanced. An identified view is the River Wear valley in the vicinity of Claxheugh, with the protected views being those north-eastwards towards the Hylton riverside developments on the north bank.

Chapter O of the submitted ES comprises a Townscape and Visual Impact Assessment (TVIA), which assesses the townscape and visual considerations of the proposed development, taking into account the Landscape Character Assessment and key local views and vistas.

It identifies that no part of the site is protected by designations relating to landscape beauty or visual quality. Its character is dominated by riverside landscapes which appear more natural to the west, with more urbanising features to the east. Road and rail infrastructure, commercial, industrial and office buildings are present in the landscape, with the Northern Spire bridge forming an important gateway feature. The existing landscape primarily has a 'brownfield'

character, with landscape elements around and within areas of vacant land. At the site, the Assessment considers there to be an opportunity to bring it back into use whilst retaining and enhancing key landscape features which contribute to the existing green infrastructure framework.

The TVIA concludes that significant effects are not predicted to arise for either National or Local Character Areas, given that the proposed development is in line with key guidelines for the Landscape Character Type. 'Minor Beneficial' effects are therefore anticipated at the operational stage of the development.

The TVIA has assessed a series of views of the site, including from the River Wear Trail on the north side of the Wear, and it considers a range of factors including vegetation removal and the large-scale built form proposed at the site. 'Minor Adverse' effects are anticipated from Viewpoint 1 (Carley Hill), with impacts limited by the extent of the development likely to be visible and the context it will be seen within. From Viewpoint 8 (views south/south-east from River Wear Trail (west)) and Viewpoint 10 (views from River Wear Trail (east)), 'Moderate Adverse' effects have been identified during the construction phase, primarily due to the proximity of users of this route to the site and the open views available from these locations. This changes to 'Minor Adverse' effects from Viewpoint 10 at the operational stage, due to the presence of existing large-scale built form in the locality.

The TVIA considers views to/from recreational receptors, including Penshaw Monument, Tunstall Hills, Hylton Castle and Claxheugh Rock. In respect of Penshaw Monument, impacts are deemed 'Negligible' given its distance from the site and the intervening built form and landscape. No views of the site are available from Tunstall Hills or Hylton Castle. In relation to Claxheugh Rock, the view of which is noted by saved UDP policy SA38, its proximity to the development and likely changes experienced from this receptor through the introduction of significant built form close to a more natural riverside environment has resulted in 'Moderate Adverse but Not Significant' effects being identified.

For road receptors, Moderate Adverse effects have been identified from View 2 (Queen Alexandra Bridge) and View 9 (Northern Spire Bridge) during the construction phase, reducing to Minor Adverse for View 9 and residual for View 2 at the operation phase. Negligible effects have been identified from View 11 (A19 Hylton Viaduct) due to its distance from the site and lack of direct views.

Overall, it is recognised that at the operational stage, the proposed development is predicted to give rise to some Moderate Adverse effects in terms of views from close-range receptors, such as the River Wear Trail and Claxheugh Rock. The TVIA concludes, however, that given the scale of the proposals in relation to existing development along the river corridor, the proposals incorporating features with similar characteristics to those evident in the baseline analysis and the historic uses of the site, these effects can be categorised as 'Not Significant' in EIA terms.

The Council's Landscape team has considered the TVIA and there is general agreement with its methodology and conclusions. Some queries have been raised regarding the effectiveness of proposed tree planting within the riverside buffer in softening views of the development from the north bank of the river. Final details of landscaping in this area can be agreed by planning condition, but irrespective of this, it is considered any adverse effects on views are minor and ultimately need to be weighed in the context of the wider planning considerations relevant to the scheme.

Additionally, the Landscape team's comments note that the TVIA identifies 'Moderate Adverse but not Significant' effects in views from Claxheugh Rock. The Landscape team's primary area

of concern is that the upper areas of sound stage buildings in Site B are due appear above the ridge of the rocks and so could intrude into views and affect the value of the greenspace envelope to the west of the application site. It is, however, recognised that this area of the site is subject to the outline element of the application and so further consideration of the matter can be given through future application(s) for the approval of reserved matters.

With regard to the above comments, it is considered that the submitted TVIA, presented within Chapter O of the Environmental Statement, has provided an appropriate analysis of the potential visual impacts of the development in relation to the prevailing townscape and key views and vistas. Whilst some minor and moderate adverse effects on views, particularly from Claxheugh Rock, footpaths to the north side of the Wear and road bridges, these have been categorised as 'Not Significant' by the assessment. The Council's Landscape team has not raised any further concerns and means of reducing the potential effects can be explored through a planning condition and future reserved matters applications.

Policy NE9 of the CSDP requires significant adverse impacts on landscape to be clearly outweighed by the proposed development; whilst the adverse effects of this development are not significantly adverse, it is nevertheless considered that there are significant economic, regenerative and social benefits to the scheme which could be considered to demonstrably outweigh this harm. Further consideration of this matter in relation to the wider 'planning balance' is provided in the concluding section of this report.

Overall, it is considered that the scheme does not raise any significant concerns relating to effects on the prevailing townscape, views and vistas and so there is accordance with the objectives of the NPPF, policies NE9 and NE11 of the CSDP and saved policy SA38 of the UDP.

5. Built Heritage impacts

The planning application site is not subject to any heritage designations. It is not within a Conservation Area and there are no Listed buildings or scheduled monuments present within, or immediately adjacent to, the site boundary. The development does, however, give rise to considerations relative to the setting of nearby designated heritage assets, namely the Grade II Listed Queen Alexandra Bridge and the former Websters Ropery and Websters Public House to the east of the site, along the river corridor. The development, given its size and scale, is also within the wider setting of the Grade I Listed Penshaw Monument and Hylton Castle (also a scheduled monument).

In terms of non-designated heritage assets, an historic limestone boundary wall is present in the application site, whilst the red brick former printworks building is also of some interest.

Prior to the submission of the planning application, it was agreed that the environmental effects of the development relative to built and cultural heritage would not be significant enough to warrant assessment within the Environmental Impact Assessment. The planning application has, however, been accompanied by a Heritage Impact Assessment, which considers the proposed development's impact on the setting of the abovementioned designated heritage assets and non-designated assets.

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the responsibility of Local Planning Authorities in relation to development affecting Listed buildings, requiring LPAs to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 16 of the NPPF is concerned with conserving and enhancing the historic environment, with paragraph 195 noting that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 200 states that Local Planning Authorities should require applicants to describe the significance of any heritage assets affected by the development, including any contribution made by their setting, so that the LPA is able to understand the potential impact of the proposal on the assets' significance. Paragraph 201 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise, and to use this information when considering the impact of a proposal on a heritage asset in order to avoid or minimise any conflict between the asset's significance and any aspect of the proposal.

Paragraph 203 goes on to state that when determining planning applications, LPAs should take account of:

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

Paragraphs 205 of the NPPF requires LPAs to give 'great weight' to the conservation of a heritage asset affected by a development proposal and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraphs 206, 207 and 208 require any harm to the significance of a designated heritage asset (including from development within its setting) to be convincingly justified or outweighed by public benefits, depending on the severity of the harm and the significance of the affected asset(s). Where harm cannot be justified, planning permission should normally be refused.

In relation to non-designated heritage assets, paragraph 209 states that the effect of a development proposal on its significance should be taken into account in determining a planning application and that in weighing up effects, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset.

Paragraph 210 then advises that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Assets affected by a development proposal should also be recorded to advance understanding of the asset's significance, with such material then made publicly accessible (as per paragraph 211).

In relation to development affecting the setting of heritage assets, paragraph 212 states that LPAs should look for opportunities for new development to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The policy guidance provided by section 16 of the NPPF in relation to development affecting heritage assets is inherent to the objectives of policies BH7 and BH8 of the Council's adopted

CSDP, whilst saved UDP policy B12 seeks to prevent development which would adversely affect the setting of Scheduled Monuments.

The Heritage Impact Assessment (HIA) submitted with the planning application considers the effects of the proposed development on the setting and significance of the above-ground heritage assets in proximity to the application site. The following conclusions are reached:

Queen Alexandra Bridge (Grade II Listed) – development would preserve the bridge's historic and architectural interest. It would have a minor beneficial effect on its setting in that the proposals would see the development of an unsightly brownfield site in a manner which assimilates with the modern commercial and industrial developments along the river corridor. The development will have a neutral effect upon its significance.

Former Websters Ropery and Websters Public House (both Grade II Listed) – proposals would have a minor beneficial effect on the setting of these buildings in that the development addresses an unsightly brownfield site in a manner which assimilates with the modern commercial and industrial developments along the river corridor. The development will have a neutral effect upon their significance.

Hylton Castle (Grade I Listed and Scheduled Monument) – lies approximately 1.4km from the northern edge of the application site. The proposed development may be glimpsed from the castle at certain times of the year, but views would be heavily filtered by intervening development and vegetation. Overall, the development will have a neutral effect on the castle's setting and no effect upon its significance.

Penshaw Monument (Grade I Listed) – lies approximately 4.6km west of the application site and is separated by residential/commercial areas of South Hylton and Pennywell and agricultural land. The application site does not contribute to the Monument's setting due to intervening distance, development, vegetation and topography and so the development will have a neutral effect on its setting and no effect upon its significance.

Limestone boundary wall (non-designated) – the wall is a surviving fragment of the former boundary wall to Pallion Hall, which occupied part of the application site until the early 20th century. Its historic context has therefore been lost and the wall itself lacks noteworthy architectural or historic features. Whilst the development necessitates the loss of the wall and therefore has a major adverse effect, its low significance needs to be balanced against the public benefits of the proposed development.

As set out in the 'Consultation Responses' section of this report, there are no objections to the development from Historic England. The Council's Built Heritage officer, meanwhile, considers that the submitted HIA acceptably assesses the significance of affected heritage assets and the impacts of the proposals on their significance.

The Built Heritage officer accepts that the proposals will have a marginally positive impact on the significance of the Queen Alexandra Bridge and Websters Ropery and Public House through the introduction of a compatible built form within their immediate riverside corridor setting. Hylton Castle and Penshaw Monument are more remote from the site and opportunities for intervisibility between these buildings and the site is limited and the Built Heritage officer concurs with the Assessment's view that the application site makes no contribution to the setting and significance of these buildings and so any impacts on their setting will be imperceptible and the development will have no impact on their significance.

The Built Heritage officer considers that the requisite great weight has been given to the conservation of the affected heritage assets and that it can be concluded that the development will have a minor positive impact on the setting of the Queen Alexandra Bridge and local character and distinctiveness, in line with national and local planning policy objectives.

The loss of the historic limestone boundary wall from the site is unfortunate but given its low level of significance as a non-designated asset, the impact of its loss is minimal and, in the view of the Built Heritage officer, would be outweighed by the substantial economic benefits of the development and the heritage benefits of repurposing the red brick printworks building, the only other heritage asset at the site.

With regard to the conclusions of the HIA and the comments of the Council's Built Heritage officer, it is considered that the proposed development will not result in any harm to the setting or significance of the Queen Alexandra Bridge, Websters Ropery and Public House, Hylton Castle and Penshaw Monument. Indeed, the development will have a minor beneficial impact on the setting of the Queen Alexandra Bridge and Websters Buildings and so it is supported by paragraph 212 of the NPPF.

The development will have a negative impact upon the non-designated limestone boundary wall within the site, but it is considered that the wall has a low level of significance and, as is required by paragraph 209 of the NPPF, the loss of the wall is considered to be clearly outweighed by the significant public benefits derived by the proposed development in terms of economic growth, job creation and the regeneration of a brownfield site.

It is therefore concluded that the development is acceptable in terms of its impact on the setting and significance of above-ground heritage assets and that it accords with the objectives of Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, section 15 of the NPPF, policies BH7 and BH8 of the CSDP and saved policy B12 of the UDP.

6. Archaeology considerations

With regard to archaeology, paragraph 211 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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

Prior to the submission of the planning application, it was agreed that the environmental effects of the development relative to archaeology would not be significant enough to warrant assessment within the Environmental Impact Assessment. The planning application has, however, been accompanied by an archaeological desk-based assessment, which uses available historic environment records and site observations to identify archaeological potential in and around the application site.

The assessment concludes that a number of former heritage assets existed within the site from at least the 18th century, including Pallion Hall and Pallion village. A prehistoric flint axe has also been found at the site. It is considered that mid-late 19th century development will have removed

earlier remains, whilst more modern development, including new road infrastructure, will in turn have removed most remaining 18th and 19th century features. The limestone boundary wall is the only upstanding feature dating from the 19th century, with other visible remains at the site being predominantly 20th century in origin.

The assessment concludes that there is no evidence for archaeological remains of high (national) importance which would preclude the development of the site. If necessary, a programme of intrusive archaeological works could be secured by condition.

As set out in the 'Consultation Responses' section of this report, there are no objections to the development from the County Archaeology officer. Whilst further site investigations are required, in the form of trial trenching, it has been agreed that these works, together with the publication of a report of any findings and an historic building recording of the 19th century boundary wall, can be secured by conditions.

To summarise, it is considered that the application site has been subject to appropriate archaeological investigations, which demonstrate that the archaeological potential of the site is limited given the significant disturbance caused by recent industrial and infrastructure development. Conditions can secure necessary additional site investigations and recording work. In the absence of any objections from the County Archaeology officer, it is considered that the implications of the development relative to archaeology are acceptable, in compliance with the objectives of the NPPF and policy BH9 of the Council's CSDP.

7. Ecology and biodiversity impacts

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act), states that a 'public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires a competent authority (e.g. a Local Planning Authority) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Whether or not a plan or project (such as a development proposal) will affect a habitats site is established through a Habitats Regulations Assessment (HRA). Habitats sites are those with European-level protection, including Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites.

Section 15 of the NPPF is concerned with conserving and enhancing the natural environment. Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by, amongst a range of measures, protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity.

Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) Development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it, should not normally be permitted;
- c) Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons

- d) Development whose primary objective is to conserve or enhance biodiversity should be supported, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Paragraph 188 of the NPPF makes clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the site's integrity.

Locally, policy NE2 of the CSDP requires that, where appropriate, development must provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy. The policy then goes on to state that development must not adversely affect designated sites (either directly or indirectly) unless clear overriding justification is provided. The level of justification required is dependent on the importance of the site, with 'imperative reasons of overriding public interest' required to justify development which would impact on the integrity of European sites.

Policy NE1 relates to the maintenance and improvement of green infrastructure corridors and requires development to, amongst other measures, support the management of existing wildlife corridors, including reconnecting vulnerable and priority habitats. The River Wear corridor is identified as a green infrastructure corridor within the CSDP. Policy NE3, meanwhile, seeks to ensure valuable woodlands, trees and hedgerows are protected from development.

Saved UDP policies CN21, CN22 and CN23 seek, respectively, to ensure that development does not result in unacceptable harm to SSSIs, sites of nature conservation importance and local nature reserves and wildlife corridors.

Members should note at this point that the Environment Act 2021 has introduced a requirement within the Town and Country Planning Act that new development delivers a mandatory net gain in biodiversity of at least 10%. This mandatory requirement does, however, only apply to certain forms of development for which an application for planning permission has been made after 12th February 2024. The current application was submitted in November 2023 and so the mandatory BNG requirements introduced by the Environment Act do not apply.

Chapter D of the ES assesses the proposed development in relation to ecology, by firstly establishing the baseline situation before the likely environmental effects of the development are identified during construction and operational phases. Mitigation measures to reduce any negative environmental effects are identified as appropriate, before the residual environmental effects are assessed. Chapter D of the ES is supported by a range of technical appendices, including an Ecological Impact Assessment, Breeding Bird Survey report, Wintering Birds Survey report, Habitats Regulations Assessment and Dingy Skipper Mitigation Strategy and Management Plan summary.

Chapter D of the ES confirms that the application site comprises of extensive areas of hardstanding, ephemeral vegetation, buddleia scrub, small areas of woodland and semi-improved grassland. A small area of Open Mosaic habitat is present at the west of the site, as well as higher quality mixed scrub. A small area of semi-improved calcareous grassland is located on the riverbank to the west. Higher value habitats along the river and in the western part of the site are all to be retained and protected.

The full length of the riverbank alongside the application site features mudflats which are an important habitat for wintering birds, including 'red list' species. Woodland and scrub at the site is also of importance to breeding birds. Otters use the River Wear in the area, although there is

no evidence of otter activity at the site itself. A peak count of 14 dingy skipper butterflies were found across the site at three locations. Common pipistrelle bats accounted for 99% of all bat records at the site, with large numbers using linear features and woodland at the site.

In terms of invasive species, Japanese rose and Japanese knotweed were identified at the site.

With regard to designated sites, the ES has considered potential impacts on 15 no. designated sites within 2km of the application site, but due to the distance and/or lack of connectivity between the application site and the designated sites, it is considered that only four are likely to experience any impacts. These are Claxheugh Rock and Ford Limestone Quarry SSSI, Wear River Bank SSSI, Claxheugh Riverside Local Wildlife Site (LWS) and Timber Beach LWS. Assessing impacts from air pollution involves a different zone of influence, which means regard has been given to potential impacts on Hastings Hill SSSI and Barmston Pond Local Nature Reserve and LWS.

Potential impacts to the important on-site ecological features and nearby designated sites highlighted above includes habitat loss, degradation and damage, noise disturbance and lighting disturbance.

Embedded mitigation identified by the Chapter D of the ES includes:

- Adherence to measures set out within the outline Construction Environmental Management Plan (CEMP) to reduce impacts during the construction phase;
- Implementation of a Green Infrastructure Zone, which includes a wildlife buffer along the river corridor and the retention of some onsite habitats;
- Landscaping scheme which includes the retention and enhancements of some existing onsite habitats and creation of some new onsite habitats;
- Lighting strategy and drainage scheme designed to minimise impacts on bats, birds and the river.

Additional mitigation will include a Biodiversity Net Gain report and Landscape and Ecology Management Plan, which will deliver habitat creation, management and monitoring to ensure species and habitats of importance are retained and protected on site.

Chapter D of the ES concludes by summarising potential effects of the construction and operational phases of the proposed development on adjacent designated sites, on-site habitats, invasive species and protected and priority species. Subject to the implementation of embedded and additional mitigation, Chapter D of the ES concludes that there will be residual Moderate Adverse and Significant effects (in EIA terms) on wintering birds during the construction phase only, due to noise, light and visual disturbance. All other effects, both during the construction phase are considered Not Significant in EIA terms.

With regard to Habitats Regulations, a screening assessment has been submitted with the application which considers all impacts, including positive and negative as well as direct/indirect and cumulative on and off-site impacts over the lifetime of the proposed development. It considers disturbance effects such as noise, lighting, recreational pressures, trampling, traffic, domestic pets and vandalism.

The screening exercise has established that all potential impacts are able to be 'screened out' of assessment, either because of the distance from the application site to the nearest European designated sites (Northumbria Coast SPA and Ramsar site and Durham coast SAC) or because the commercial nature of the development will not lead to recreational pressures associated with residential uses. Furthermore, no SPA birds have been recorded on the mudflats adjacent

to the site. Impacts on European sites can therefore be categorised as Not Significant in EIA terms.

As noted in the 'Consultation Responses' section of this report, Natural England have confirmed there are no objections to the development, on the basis that it appears that the proposed development will not have significant adverse impacts on designated sites. Phase 1 of the development will not damage or destroy the interest features for which the Claxheugh Rock and Ford Limestone Quarry SSSI has been notified. Natural England would, however, expect to be consulted on future phases of the development given these would be closer to the SSSI boundary.

The Council's Ecology officer, meanwhile, has confirmed that the application submission effectively applies the mitigation hierarchy set out by paragraph 186(a) of the NPPF and that the proposed mitigation and compensation measures set out in Chapter D of the ES are adequate and practicable. The proposed green infrastructure and landscaping within the development is considered to form an integral part of the mitigation. Conditions are recommended to secure mitigation measures, both for the detailed area of the site and the outline areas.

The adverse effects on wintering birds during construction works identified by the ES has been noted, however it is accepted that these impacts are temporary, and this has been the experience from monitoring of wintering birds associated with the construction of the adjacent Northern Spire. A recommended condition also requires wintering bird monitoring and this would assist in informing requirements for any additional mitigation measures in relation to later phases of the development.

Furthermore, the submitted BNG report and metric is considered to show an acceptable net gain in biodiversity (in the context of an application for planning permission submitted prior to the introduction of the Environment Act's mandatory requirement for 10% BNG). A condition requiring the submission of further details for outline areas of the development site, informed by the detailed reserved matters proposals, is recommended.

The Council's Ecology officer also agrees with the conclusion of the submitted HRA report, in that there will be no likely significant effects on nearby European sites arising from the development.

Subject to recommended conditions, the Council's Ecology officer has no objections to the development proceeding.

With regard to the above comments, it is considered that Chapter D of the ES and the accompanying assessments and survey reports have provided a comprehensive overview of the potential impacts of the development on ecology and biodiversity, both within and outside the application site. The submission enables a full understanding of the habitats present at and around the site and the species present at and around the site. It provides a thorough assessment of the effects of the development on the site itself and adjacent sensitive areas, both during construction and operational phases.

The Council's Ecologist is satisfied that where adverse impacts have been identified, appropriate mitigation has been proposed or can be secured, with the only adverse impact unable to be mitigated being of a temporary nature. The proposals are considered to satisfactorily address biodiversity net gain requirements, whilst the Habitats Regulations Screening demonstrates that the development is not likely to impact upon European sites.

It is therefore considered that the proposed development is acceptable in relation to ecology and biodiversity considerations and so accords with the objectives of the NERC Act, the Habitats Regulations, the relevant paragraphs of the NPPF, policies NE1, NE2 and NE3 of the CSDP and saved policies CN21, CN22 and CN23 of the UDP.

8. Highways and transport impacts

This section of the report considers the highways and transport impacts of the proposed development, including its effect on the operation of the existing road network, taking into account available sustainable transport options.

Section 9 of the NPPF is concerned with the promotion of sustainable transport, with paragraph 108 stating that transport issues should be considered at the earliest stages of development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage are realised – for example, in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 109 goes on to state that the planning system should actively manage patterns of growth in support of the above objectives and significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Paragraph 114 states that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of the associated standards reflects current national guidance;
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 116, meanwhile, requires development proposals to:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive;

- d) allow for the efficient delivery of goods and access by service and emergency service vehicles;
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan and the application should be supported by a Transport Statement or Assessment so that the likely impacts of the proposal can be assessed.

Paragraph 115 makes clear that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Locally, CSDP policy ST2 seeks to protect the local road network to ensure safe and efficient movement of transport. Development proposals must not have an unacceptable adverse impact on the local road network, by ensuring they:

- i) minimise the number of new vehicular access points on to the network;
- ii) include safe and adequate means of access, egress and internal circulation;
- iii) upgrade any existing access points being used to current standards as necessary;
- iv) assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- v) provide safe and convenient access to sustainable transport modes;
- vi) will not create a severe impact in the safe operation of the highway network, resulting in potential risk to all highway users, with specific consideration given to vulnerable users.

Policy ST3, meanwhile, states that development should:

1. provide safe and convenient access for all road users in a way which would not compromise the free flow of all forms of traffic, exacerbate traffic congestion on the existing highway network, increase the risk of accidents or endanger road users;
2. incorporate pedestrian and cycle routes within and through the site;
3. submit a Transport Assessment/Statement and a Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure there is no detrimental impact on the existing highway;
4. include a level of vehicle parking and cycle storage which accords with the Council's parking standards;
5. provide an appropriate level of electric vehicle parking and charging infrastructure;
6. safeguard the existing public rights of way network.

Parking standards are set out in the Council's adopted Development Management SPD, with the level of parking appropriate for non-residential development proposals informed by the predominant use class of the development and the application site's accessibility, as ascertained by the completion of an accessibility questionnaire.

Saved UDP policies B19 (creating user friendly environments), T10 (paths and multi-road users) T11 (people with disabilities and other special needs), T16 (protection of existing rail corridors) and T21 (parking) also remain relevant.

The Design and Access Statement submitted with the planning application highlights the strong connectivity of the application site, being located off the strategic road network (A1231), with

direct access to surrounding cycling and pedestrian routes and located within 400m of Pallion Metro station and adjacent bus stops and 3 miles from the national rail network.

Junctions with the existing highway network are to be improved, with more cycle/pedestrian connections included to improve sustainable transport connections. 350 parking spaces will be provided in the multi-storey car park proposed within Site A, whilst enclosed cycle stores are situated close to the production support offices and workshops. 5% of parking spaces are accessible and a further 10% will include EV charging points, which the submitted Planning Statements suggests is in accordance with the Council's requirements.

The Planning Statement also highlights that the Design Code for the outline areas of the site seeks to ensure that, where possible, vehicular and crew access is separated from pedestrian access and where unavoidable, safe pedestrian routes should be clearly marked to avoid safety conflicts. Access circulation and parameter plans for the development show main access and circulation routes, with points of access from the existing road network clearly identified.

With regard to transport impacts, Chapter E of the ES submitted with the application covers Transportation and it evaluates the baseline situation before evaluating the likely environmental effects of the development during its construction and operational phases. It considers severance, driver stress and delay, pedestrian and cyclist amenity and delay, fear and intimidation and highway safety. Appropriate mitigation measures to reduce any adverse environmental effects are identified before the residual environmental effects are assessed.

Chapter E has been supported by the submitted Transport Assessment (TA) and Travel Plan. The TA includes results from capacity assessments, using industry standard modelling software.

The baseline conditions section of Chapter E of the ES describes the existing road network near the site, including provisions for all users and current operations and performance. It also identifies sensitive areas (e.g. residential areas, care homes and schools) and applies a sensitivity rating to each link within the study area.

During construction works, the ES identifies a need for delivery of materials such as heavy construction products. These deliveries will generate HGV trips, which are in addition to traffic movements generated by those employed in on-site construction activity. It is anticipated that such construction traffic will route via the strategic road network and a study of potential impacts on routes within the wider area indicates that no links are forecast to experience a change in traffic volumes greater than the relevant screening threshold. As such, impacts during the construction phase are considered Not Significant in EIA terms.

In terms of the operation of the site, Chapter E of the ES has identified that the proposed development will increase traffic movements on local roads and potentially further afield. A screening exercise examined traffic flows on roads within the study area from all vehicle types combined and HGV traffic specifically, by assessing the percentage increase of annual average daily traffic between the 2029 Base and Committed Development traffic flows and the forecast 2029 Base, Committed and Proposed Development flows. The assessment showed that two links (Paul Watson Way east of site access 4 and Paul Watson Way west of site access 4) would experience an increase in traffic flows above the screening threshold. All other links were, however, screened out and are considered to experience environmental effects that are Negligible and Not Significant in EIA terms.

Following this initial assessment, impacts regarding severance, driver stress and delay, pedestrian and cyclist amenity and delay, fear and intimidation and highway safety, were considered Not Significant in EIA terms for the two links from Paul Watson Way.

Overall, Chapter E of the ES has not identified any Significant effects (in EIA terms) which would require mitigation beyond that already included in the embedded mitigation identified. This includes:

- the provision of four vehicular access points into the application site;
- provision of four new bus stops to support the delivery of Sites B and C;
- internal vehicular, pedestrian and cycle routes within the site;
- the implementation of a Construction Traffic Management Plan (to be secured by condition);
- implementation of a Travel Plan.

The Transport Assessment has, however, identified mitigation to support the operation of the proposed development, including:

- capacity improvements on the St. Luke's Road/B1405 European Way/Westmoor Road roundabouts, to create two lanes on the European Way north arm;
- capacity improvements on the B1405/Holborn Road/Hylton Road roundabout, by increasing entry width and facilitating two lanes on the Hylton Road west arm;
- increased junction entry widths, widening of approach roads, additional lane creation and modification of road markings on approach roads to the A1231 Wessington Way/Colima Avenue/Castellian Road/Dene Road roundabout;
- increased junction entry widths, widening of approach roads, additional lane creation and modification of road markings on approach roads to the A1231 Wessington Way/Barrons Quay Road/Colima Avenue junction;

The TA also advises that discussions have taken place with local bus operators regarding opportunities to improve access to bus services at the application site. Whilst Site A is within 400m of bus stops adjacent to Pallion Metro station, other parts of the site are more remote, and the TA promotes either the creation of a new bus service to the site or the rerouting of an existing service. Indicative proposals for new bus stops on Paul Watson Way are provided.

The situation regarding bus service provision in the city and wider region is, however, very fluid at present and the TA therefore endorses the creation of a Transport Advisory Board (TAB) for the development, the proposed strategy for which is contained within the Travel Plan. The TAB would, as a minimum, include members from the Council, the developer, the Travel Plan coordinator, and public transport operators, and it would serve to liaise with the bus operators to develop the bus strategy for the development as it progresses.

The TA also makes recommendations for new and enhanced footways and cycleways to incentivise active travel and reduce the need to use private car. Pedestrian and cycle connections to Paul Watson Way and the A1231 are proposed to be enhanced.

The abovementioned Travel Plan includes a wide range of additional measures to reduce the need to travel to the site by private car and encourage the uptake of active and sustainable travel options. It proposes a target for the site which will reduce the mode share by single occupancy car trips by 10%. The Travel Plan includes the appointment of a Travel Plan Coordinator who, as noted above, would sit on the proposed Transport Advisory Board for the development, and would be responsible for ensuring the implementation and effective monitoring of the Travel Plan.

The Planning Statement concludes by contending that with the inclusion of such measures and other embedded mitigation as described above, potential effects relating to transport are not

considered to be significant, both during the construction phase and the operational phase. The TA is considered to include a comprehensive package of cost-effective mitigation to be delivered through and arising from the development, which will minimise the need to travel by private car and ensure good connectivity to the surrounding urban area.

The Planning Statement suggests that the TA demonstrates that proposed development will not result in a severe residual impact on the highway network or an unacceptable impact on road safety, in accordance with NPPF and CSDP objectives.

Matters relating to transport have been considered by a number of consultees, namely National Highways, Active Travel England, Nexus, Network Rail and Newcastle Airport.

As set out in the 'Consultation Responses' section of this report, National Highways identified issues with the traffic modelling provided with the application and requested that further data and modelling be provided to demonstrate that the impacts of the development on the Strategic Road Network (i.e. A19) could be accommodated without giving rise to unacceptable congestion issues. Concerns were also raised regarding the submitted Travel Plan, with the recommendation being that greater commitment be given to measures designed to reduce car traffic to and from the development, in order to ensure predicted positive impacts on the SRN are realised.

Direct responses to National Highways' consultation comments have been submitted by the applicant's transport consultant in the form of 'Technical Notes', the most recent of which encompassed updated capacity assessments and traffic flow diagrams.

Following receipt of the applicant's most recent Technical Note, further consultation has been undertaken with National Highways, to establish if their current direction that planning permission should not be granted can be withdrawn. A further response from National Highways is awaited.

The Council's own Highways team confirm there is no objection to the proposed development subject to the delivery of agreed highway mitigation schemes and public transport improvements. The comments consider that the submitted Transport Assessment is robust in its methodology. The TA also includes a road safety review of traffic collisions on the local and strategic road network and the proposals are not considered to introduce any additional issues or concerns in relation to road safety.

Site access arrangements are considered acceptable, whilst vehicle tracking for articulated lorries has been supplied by the applicant and demonstrates that safe means of access can be achieved to and from each plot. Parking provision for the site has been established using the Council's adopted parking standards and accessibility questionnaire and the amount and form of parking proposed for the development is considered acceptable. Proposed levels of cycle parking are also considered acceptable, with a condition recommended to require approval of final details. HGV parking and waiting areas are also to be provided.

In terms of highways improvements, necessary works are either programmed and subject to external funding or, in the case of offsite highway improvement works to various junctions near to the site, can be secured by planning condition. Traffic signalling to junctions in Pallion is not considered necessary.

The Highways team's comments advise that measures set out within the submitted Travel Plan are welcomed and are considered to support the sustainable travel of staff, operatives and visitors to and from the site. It is noted that the applicant proposes to establish a Transport

Advisory Board (TAB) and it is recommended that this is managed by the site Travel Plan Coordinator. The proposed Board can be supported by the Council's Sustainable Transport team and membership can include Nexus, the Council's Cycling and Public Rights of Way officers and bus operators.

With regard to public transport access, there are various options available to improve the provision of bus services around the site and further discussions will be required with Nexus, but it is the view of the Council's Highways team that the funding and delivery of public transport improvements would be best addressed through the proposed TAB for the development, the implementation of which is embedded in the submitted Travel Plan. The Board can also consider Nexus's recommendations in respect of localised accessibility improvements to Pallion Metro station.

The submitted Highways comments also advise on procedures for the Stopping Up of redundant sections of highway within the site and confirm that the submitted Glint and Glare assessment does not suggest any road safety issues would occur, provided proposed mitigation measures are adopted.

In conclusion, the proposed development is supported by the Council's Highways team subject to the delivery of highway mitigation schemes and public transport improvements – an agreement should be reached as to how these will be funded and delivered. Planning conditions are recommended to cover the following matters:

- submission and approval of a Construction Management Plan
- submission and approval of a Freight Management Plan
- offsite highways improvements
- detailed highway layout for left in/left out and bus bay layout
- detailed Travel Plan and travel survey requirements
- Stopping Up of highway plans
- solar PV arrangements to address glint and glare
- electric car charging point details
- cycle parking details

Nexus, meanwhile, have advised that the development is welcomed but that it should be supported by a high level of sustainable transport provision and frequency. Their comments recommend that consideration be given to existing key public transport corridors and infrastructure and how this infrastructure can be promoted and utilised to serve the development site. Recommendations are also made in relation to improving accessibility to Pallion Metro station and exploring the potential for introducing bus services on highways that border the entire development site, to ensure the site is fully and adequately served by sustainable transport modes.

Nexus confirm they are happy to work collaboratively with the applicant, the Local Planning Authority, and other organisations in ensuring that sustainable transport provision can be delivered and promoted to support the application as proposed, in order to ensure the development is fully sustainable in the long term.

As noted above, the Council's Highways team consider that the most appropriate vehicle to secure improvements to access to public transport is the Transport Advisory Board for the development, the membership of which can include Council officers and representatives from Nexus and local bus operators. The operation of the Board is, as previously noted, embedded as a measure of the submitted Travel Plan and a planning condition can be imposed which

requires the full adoption of the measures contained within the Travel Plan, including the proposed monitoring of its effectiveness by the Travel Plan Coordinator.

There are no objections to the development from Active Travel England, who consider the site to be highly accessible by active modes of transport given the quality of existing infrastructure. A condition relating to the submission of further details of cycle parking is required.

Similarly, Network Rail have no objections to the development, with conditions recommended to ensure construction works and the operation of the site will not have a negative impact on the rail infrastructure adjacent to Site C.

Newcastle Airport have no objections in terms of aviation safety, with specific regard to potential glint and glare from solar panels within the development.

Matters relating to the transport impacts of the development have been given careful consideration by the respective consultees. Specific details around access arrangements, site layout, parking availability, cycle storage and EV charging provision, HGV deliveries and circulation have all been assessed by the Council's Highways team and are considered acceptable, subject to the recommended conditions. Active Travel England are, meanwhile, of the view that the site is well-connected in relation to active travel options, and it is evident that the site is accessible by public transport, including via the Tyne and Wear Metro.

In terms of impacts on the road network, it is recognised that Chapter E of the ES, the Transport Assessment and the information contained within the applicant's responses to National Highways' comments all conclude that the proposed development will not give rise to unacceptable impacts on the existing road network, both in terms of traffic congestion and road safety, and that the submitted Travel Plan will be effective in encouraging the uptake of sustainable modes of transport by staff and visitors.

At present, however, there remains an outstanding direction from National Highways that planning permission should not be granted until June 2024 at the earliest, unless National Highways' direction to this effect is withdrawn. This is due to National Highways retaining concerns regarding the potential impacts of traffic from the development on the strategic road network and the ability of the submitted Travel Plan to deliver the reductions in car usage underpinning the applicant's transport consultant's analysis of impacts.

The applicant's consultant has produced a further Technical Note in response to National Highways' most recent consultation comments and further consultation has been undertaken with National Highways to establish their formal position in the context of this submission. It is hoped that the consultant's most recent Technical Note will enable National Highways to revise their current position on the application, however an update on this matter will be provided to Members ahead of the Committee meeting via a circulatory report.

In addition to the above, the Council's Highways team has advised they intend to provide comments to supplement their main consultation response, which summarises the local highways position in light of the conclusion of consultation with National Highways and following further dialogue with Nexus. Details of the Highways team's supplementary comments will also be provided to Members ahead of the Committee meeting.

9. Flood risk and drainage considerations

This section of the report covers matters relating to flood risk and considers the effectiveness of the proposed sustainable drainage strategy (SuDS) for the development.

Section 14 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change. In relation to flood risk, the overarching strategy, set out at paragraph 165, is for development to be directed away from areas of highest risk, whether existing or in the future. Paragraph 168 requires sequential tests to be used to steer development towards areas with the lowest risk of flooding.

Paragraph 173, meanwhile, states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be accompanied by a site-specific flood risk assessment.

Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Systems used should take account of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and, where possible, provide multifunctional benefits.

The flood risk and sustainable drainage policy guidance provided by the NPPF informs policies WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) of the CSDP.

The planning application has been accompanied by a Flood Risk Assessment and Drainage Impact Assessment (FRA), which includes a detailed drainage scheme for Phase 1 of the proposed development. For phases subject to outline planning consent, a drainage strategy has been prepared; this sets out principles for subsequent detailed drainage schemes to follow.

The submitted FRA identifies the closest watercourse to the application site as the River Wear, with the site located within the Lower River Wear and Estuary operational catchment. The FRA identifies that the Environment Agency's Flood Mapping shows the site to be entirely within Flood Zone 1 and so is at the lowest probability of river flooding. For tidal flooding, Site A's northern boundary is at risk and some proposed mitigation is therefore proposed in the form of land raising, with finished floor levels for soundstage buildings raised to a level of 8.5m AOD. Finished floor levels in this area will be raised to include a minimum 600mm freeboard above the 200 years plus climate change tidal flood level, to accord with local policy requirements.

Risks from surface water flooding are identified as low. Risks from groundwater flooding have been subject to further investigation and whilst boreholes have shown groundwater to be near the surface, there have been no recorded groundwater flood events at the site and risks are, overall, considered to be low given the topography of the site and the elevated nature of the proposed development.

Northumbrian Water's records have not identified any flooding from the public sewer system within the site boundary and so risks at the site are considered low. Sewers crossing the site will need to be diverted to accommodate the proposed development.

In terms of the proposed SuDS for the development, overland flows will be controlled and maintained to ensure that the greenfield rate of surface water run off discharged to adjacent watercourses is maintained and can take into account the effect of future climatic changes. The strategy includes a number of features to manage and treat run off, including green roofs, rainwater harvesting and attenuation tanks and petrol and storm interceptors. All foul water will be discharged into an existing foul water sewer, via a new foul water system to be developed on the site. Final details of connection arrangements will be agreed with Northumbrian Water.

The development is due to have an operation and maintenance management team, responsible for ensuring all drainage systems are fully maintained and managed in accordance with best practice and a maintenance and management plan for the site.

The application has been subject to consultation with the Environment Agency and no concerns have been raised in relation to flood risk. An informative note does, however, advise that a small area of Site A is within Flood Zones 2/3a, although no development is currently proposed in this area as per the outline plans. If this were to change, further consultation with the Environment Agency would be required.

Initial comments from the Council's Flood and Coastal team, in their capacity as the Lead Local Flood Authority, advised that the flood risk and sustainable drainage information submitted in respect of the outline elements of the scheme was acceptable. In respect of the full planning element of the scheme (i.e. Site A, Phase 1), further information was required before it could be considered acceptable. In particular, standard details were required for all SuDS features, whilst further information was needed in respect of the method of achieving the required interception rate for rainwater.

Additional information in respect of interception methods and an inception storage strategy plan was subsequently provided by the applicant's drainage consultant. Further comments from the LLFA advised that the interception method details were now acceptable, however more detail was still required in respect of SuDS features such as permeable paving and green roofs. Again, the required detail has been provided by the applicant and discussions are ongoing with the LLFA in respect of conditions which are required in respect of any planning permission granted. It is anticipated that final conditions will be available prior to the Committee meeting and details of the recommended conditions will be provided to Members ahead of the meeting.

Northumbrian Water have also confirmed there are no objections to the proposed development, subject to the recommended condition requiring the submission and approval of final details for foul water disposal.

To summarise the position relative to flood risk and sustainable drainage, it is considered that the submitted Flood Risk Assessment has demonstrated that the site is suitable for the development and that risks from tidal flooding can be acceptably addressed through the design of the development. The proposed Sustainable Drainage Scheme for the development is, meanwhile, considered to be acceptable and, subject to final conditions being discussed with the LLFA, will ensure that the scheme deals with surface water and foul water in an appropriate manner and means the presence of the development will not serve to increase the risk of flooding elsewhere. Details of conditions required by the LLFA will be provided to Members ahead of the Committee meeting.

The proposed development is therefore considered to address the requirements of section 14 of the NPPF and policies WWE2, WWE3, WWE4 and WWE5 of the Council's adopted CSDP.

10. Ground and water contamination considerations

Whereas the previous section of the report considered matters relating to flood risk and sustainable drainage, this section considers risks relating to water pollution and also ground conditions, including contamination from previous uses of the land.

Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new development from

contributing to soil and water pollution and, wherever possible, help to improve local environmental conditions such as water quality.

Paragraph 189 of the NPPF is concerned with ensuring that a development site is suitable for its proposed use, having regard to any risks arising from land instability and contamination and any remediation proposed. Risks can include natural hazards or those arising from former activities such as mining. Adequate site investigation information should be made available to inform assessment. Paragraph 190 makes clear that responsibility for securing safe development of a site rests with the developer.

Policy HS1 of the CSDP, meanwhile, states that development must not result in unacceptable adverse impacts arising from, amongst other sources, land contamination and instability and run-off to protected waters. Policy HS3 requires any development on contaminated land to be accompanied by assessments to establish risks from contaminants and propose suitable mitigation where required, to ensure the developed site will be suitable for the proposed use without risks from contaminants to people, buildings, services and the environment.

Policy WWE4 of the CSDP seeks to ensure that development proposals do not adversely affect the quantity and quality of surface and groundwater bodies.

Chapter J of the submitted ES is concerned with the Water Environment, whilst Chapter K covers Geology and Ground Conditions.

Chapter J of the ES provides an assessment which seeks to establish the water environment baseline condition, before identifying sensitive receptors and potential impacts of the development (both during construction and when operational) and proposing mitigation measures where necessary. Potential effects on the water environment are those which may change hydrological and hydrogeological flow regimes and those which may cause pollution and degradation of water quality. It should be read in conjunction with the submitted Flood Risk Assessment and Drainage Impact Assessment.

The assessment notes that monitoring indicates the River Wear is in hydraulic continuity with the groundwater underlying the site. Embedded mitigation measures, such as the previously described Sustainable Drainage System (SuDS) to manage surface water flow rates, handle foul water, and include treatment of runoff, have been incorporated into the design of the development and key principles include the careful design and control of sediment and potential pollutants. Final Construction Environmental Management Plans will draw upon good industry guidance and best practice measures, such as incorporating pollution prevention plans and sediment management measures, to avoid the likelihood of significant effects occurring.

The assessment concludes that with appropriate mitigation in place, the scale of potential effects on the water environment is no greater than 'minor adverse' and not significant in EIA terms.

Chapter K of the ES assesses baseline ground conditions at the site, including consideration of existing contamination and mining legacy. It identifies relevant receptors, such as human health and controlled waters, and their sensitivity and assesses potential impacts of the proposed development on these receptors, both during the construction phase and operational phase. It then proposes mitigation measures to reduce the significance of potential impacts. It should be read in conjunction with the submitted Phase 1 Desk Based Assessment and Phase 2 Geo-Environmental Assessment Report.

The assessment has identified several potentially contaminative historical activities at the site, including crane manufacturing, shipbuilding and historical landfill. The site is underlain by superficial deposits, bedrock and aquifers. The assessment notes that mitigation measures, such as adherence to a CEMP and a Materials Management Plan during construction, are embedded into the proposals. Further mitigation, in the form of addressing the presence of contamination via the Land Contamination Risk Management (LCRM) framework, carrying out remediation including gas/vapour protection measures within buildings, is also recommended to address residual effects.

With this mitigation in place, it is considered that the scale of potential effects on geology and ground conditions is no greater than 'minor adverse' and not significant in EIA terms.

The application has been subject to consultation with the Environment Agency and, as set out in the 'Consultation Responses' section of this report, it is confirmed that there is no objection to the application. This is subject to a condition requiring the submission and approval of a Water Framework Directive (WFD) Assessment, the purpose of which is to consider the WFD status of the River Wear and linked bodies, identify potential risks to receptors and demonstrate how any impacts will be mitigated to ensure no deterioration because of the development.

The EA's comments go on to provide a range of advice to the applicant and the LPA, which can be communicated by informative notes attached to any planning permission decision notice.

The Lead Local Flood Authority, meanwhile, have accepted the submitted SuDS for the development, recognising that it will be effective in handling foul water and managing surface water in terms of restricting run off and ensuring it is properly treated.

It is also noted that Northumbrian Water, who are responsible for foul water infrastructure, have no objections to the development, subject to the recommended condition requiring the submission of final details of foul water disposal for their approval.

In relation to ground conditions and land contamination, the Council's Contaminated Land officer has advised that the site assessment and investigation works carried out to date are acceptable and have not identified any contamination or other issues which would preclude the proposed development of the site. Further investigation and assessment, namely the completion of gas monitoring/risk assessment and detailed quantitative groundwater risk assessment will need to be carried out before the site can be considered fully characterised. remedial works will be required to address risks identified so far, with additional works also potentially required following completion of the outstanding investigations and assessment.

A series of conditions, designed to secure the outstanding investigations and to address encountering any unexpected contamination, have been recommended.

Given the conclusions of the relevant chapters of the ES and accompanying technical reports and assessments and the comments received from the Environment Agency, Northumbrian Water, the LLFA and the Council's Land Contamination officer, it is considered that the proposed development does not give rise to any unacceptable issues relative to ground and water contamination. This is subject to the imposition of conditions recommended by these consultees and a condition requiring the submission and approval of a final CEMP for the development.

The development is therefore considered compliant with the objectives of the NPPF and policies HS1, HS3 and WWE4 of the CSDP.

11. Waste management considerations

This section of the report considers the proposed development in relation to the legislative and policy objectives in respect of waste management.

In terms of legislation, the European Community (EC) Framework Directive for Waste (2008/98/EC), which remains environmental law in the UK following Brexit, requires member states to take appropriate measures to ensure conformity with a 'waste hierarchy'. This firstly promotes the prevention and reduction of waste production, followed by the secure recovery of waste by means of recycling, re-use or recovery, then to extract secondary raw materials or to make use of the waste as a source of energy. The EC Landfill Directive, meanwhile, seeks to minimise the use of landfill sites for waste disposal.

In terms of planning policy, paragraph 4 of the NPPF states that it must be read in conjunction with the Government's national policy for waste. At present, this is defined in the national Waste Management Plan (2013) and National Planning Policy for Waste (NPPW) and Resource and Waste Strategy. In relation to non-waste related development, the NPPW states that Local Planning Authorities should ensure that:

- The likely impact of proposed, non-waste related development on existing waste management facilities is acceptable;
- New, non-waste development makes sufficient provision for waste management; and
- The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.

At a local level, Strategic Priority 10 of the CSDP is to 'manage waste as a resource and minimise the amount produced and sent to landfill'. Policy WWE6 primarily applies to the provision of waste management facilities, but it does state that development that minimises waste production and encourages the re-use and recovery of waste materials will normally be supported. Policy BH2, which supports sustainable design and construction, requires major development to, where possible, reduce waste and promote recycling during construction and operation.

Chapter M of the submitted Environmental Statement considers the proposed development in relation to waste policy objectives. It considers the baseline situation before likely environmental effects are identified during construction and operational phases. Mitigation measures designed to reduce any negative environmental effects are identified as appropriate before residual environmental effects from waste are assessed.

During the construction phase, waste will be generated through construction and demolition works. Waste material can include soil, rubble etc. from site excavations and wood, plastics and metals not utilised in the final assembly of buildings. Potential impacts arising include adverse environmental and health effects on local amenity, a reduction in landfill void space and a need for waste treatment facilities to protect against adverse environmental effects from waste.

The ES notes that in line with the 'waste hierarchy', it is expected that the vast majority of material from the construction of buildings within the development will be recycled or recovered for another purpose. As such, general waste arisings from construction will be minimised and with the adoption of a detailed Construction Environmental Management Plan (CEMP) for the scheme, it is expected that no significant adverse effects will occur from the storage, handling and transportation of construction waste. The CEMP will also embed measures to reuse soil and earthwork used for cut and fill operations, to reduce vehicle movements and reduce resource use.

There will, however, be some need to dispose of waste arising off-site through local recycling, recovery and inert landfill outlets and the ES notes that there are a number of such sites within 20km of the application site in the South Tyne and Wear Partnership area. The availability of such sites serves to minimise transportation requirements for the removal and treatment of waste arising.

Overall, the ES concludes that waste generated during the construction phase will have a 'Minor Adverse, Not Significant' effect in EIA terms.

Furthermore, the impact on local recycling, recovery for reclamation and inert landfill outlets for waste streams arising from the development is not considered to be significant in all phases of the proposed development, inclusive of initial site development (i.e. Phase 1) and further development as an outline assessment (Phases 2 and 3).

In terms of the operation of the development, commercial waste will be generated, whilst there will also be waste from grounds maintenance and litter sweeping. Recycling will take place wherever possible, ensuring that waste can be sent to a recycling facility rather than landfill or an energy from waste facility, in line with the waste hierarchy. Levels of waste arising from the operation of the site are, ultimately, anticipated to be negligible, leading to an effect which is 'Minor Adverse, Not Significant' in EIA terms.

It is considered that the ES demonstrates that the proposed development does not give rise to any waste management issues which would not be expected for a development of this scale and nature. Through proposed embedded mitigation measures, including the adoption of a detailed CEMP and the recycling and reuse requirements of the waste hierarchy, waste arising from the proposed development will not give rise to any significant environmental effects. Waste generated from both the construction phase of the development and its operation will not result in any significant harm to local amenity and nor will it have a significant impact on local recycling, recovery and reclamation outlets.

It is therefore considered that the proposed development is acceptable in relation to the management of waste arising from the development and that the proposals accord with the relevant objectives of waste legislation and waste policies outlined above, including Strategic Priority 10 and policy WWE5 of the CSDP.

12. Climate change considerations

There is a wide range of national legislation, policy, standards, guidance and local policies which are relevant to the consideration of climate change in respect of the development proposals.

Firstly, the Climate Change Act 2008 establishes the framework for the UK to set and deliver greenhouse gas (GHG) emission reduction targets. A 2019 amendment to the Act commits the UK government to reduce GHG emissions to a minimum of 100% below 1990 baseline levels by 2050 (i.e. Net Zero Carbon Emissions). The Government's Net Zero Strategy (NZS) sets out its long-term plan for a transition to Net Zero emissions, with plans for each sector of the UK economy. The Heat and Buildings Strategy sets out immediate actions and long-term signals required to reduce emissions for buildings to near zero, with the primary focus on reducing emissions generated by heating buildings.

The EIA Regulations, meanwhile, require the consideration of climate change within an Environmental Impact Assessment.

Building Regulations have also been subject to recent improvements in relation to conservation of fuel and power (Part L of the Regulations) and ventilation (Part F). Part O sets minimum mitigation standards for reducing overheating risks, whilst Part S requires specified levels of electric vehicle charging infrastructure.

Section 14 of the NPPF is concerned with 'Meeting the challenge of climate change, flooding and coastal change', with paragraphs within this section requiring new development to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Development must be planned in ways which avoids vulnerability to climate change and supports the increase in the use and supply of renewable and low carbon energy and heat.

Locally, there are several Core Strategy policies which include elements requiring development to address matters relating to climate change, including policies BH1 (design quality), BH2 (sustainable design and construction), NE1 (green and blue infrastructure), WWE1 (decentralised, renewable and low carbon energy), WWE2 (flood risk and coastal management), WWE3 (water management) and WWE4 (water quality). The CSDP's Spatial Vision is for Sunderland to be a place that is 'resilient to climate change', whilst abovementioned Strategic Priority 9 is for the city to 'adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding'.

Members should also note that after the adoption of the CSDP, the Council adopted a 'Low Carbon Framework'. The Framework states that 'Sunderland is committed to playing its part in tackling the global climate change emergency' and that 'we are proposing to embed climate change and carbon neutrality throughout our city'. It goes on to state that local planning policies (i.e. those within the CSDP) have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy.

The Council has also adopted a 'Low Carbon Action Plan' which has been prepared to align with the Low Carbon Framework. The Plan sets out 'where Sunderland City Council needs to go and focuses on the actions we can start to take now'.

Chapter F of the submitted ES addresses Climate Change and Resilience considerations, focusing on the development's impacts on climate and its resilience to projected changes in climate. It assesses the construction phase of the development and its operational phase. The baseline situation is considered before the likely environmental effects of the proposed development are identified. Mitigation measures to reduce any negative environmental effects are identified as appropriate, before residual environmental effects are assessed.

The ES highlights that overall impacts on climate change from a development of this nature will only ever be negative due to the guaranteed release of GHG emissions. The primary purpose of the assessment is, therefore, to consider the efforts of the development to minimise the negative impact.

In respect of impacts on the climate, the ES concludes that the receptor that will be affected by GHG emissions released during the construction and operational phases of the development is the global climate. Emissions are generated by embodied carbon contained within raw building materials, manufacturing of building products, transportation of materials and the construction and installation process. In line with Institute of Environmental Management and Assessment (IEMA) 2022 guidance, all GHG emissions associated with the proposed development are

‘Significant’, with a permanent adverse and long-term impact on climate change through contributing to the global warming effect.

During the construction phase, the proposed development will have a Moderate Adverse and Significant effect (in EIA terms) on climate change due to the short-term release of GHG emissions. It is also highlighted that current industry standards for the built environment not yet being on a clear pathway towards net zero. This factors in embedded mitigation measures, such as sustainable management of materials, retention of existing buildings (rather than demolition) and including emissions reduction measures in the Construction Traffic Management Plan for the development.

The ES notes, however, that at this stage of the planning process, it has not been possible for the developer to commit to additional measures which would potentially provide some further mitigation, such as use of energy efficient plant and machinery, sustainable site offices, reuse and recycling of materials and water consumption reduction measures. This is primarily because a contractor for the development has not yet been appointed; consideration of additional measures during the construction phase may therefore be possible at the reserved matters stage for outline areas.

During operation, relative GHG emissions for the development have been estimated as 28% less than the baseline BaU (business as usual) scenario, based on the assumption that outline designs will match the detailed designs for the whole site. This signifies an improvement on the 27% emissions reduction required by current building standards for energy efficiency.

The proposed development will comply with Building Regulations, meet emissions targets within policy and pursue further action and commitment to sustainable development through targeting a BREEAM ‘Excellent’ rating (via measures previously highlighted in section 3 of this report). With these mitigation measures in place, the ES considers that residual effects during the operation phase can be categorised as ‘Minor Adverse, Not Significant’ in EIA terms. Emissions savings for regulated energy achieved over the 60-year reference study period for the development will be further reduced when taking into account the decarbonisation of the National Grid, which negates any additional savings over a longer timeframe.

In terms of climate resilience, the ES notes that the sensitive receptor is the development itself, including its buildings, structures, workforce, other site users, species and habitats. Potential climatic factors include soil drying, temperature, relative humidity, precipitation, gales, storms, extreme weather, solar radiation and cloud cover. It is not possible to eliminate all risks relating to climate change, but through intelligent design, preparation and responsible construction, risks will be minimised. Measures include:

- Designing the drainage strategy to accommodate surface water run off for a 1 in 100 year plus climate change storm event;
- Buildings to have raised minimum finished floor levels to help mitigate residual flood risks;
- Drainage design to incorporate SuDS features such as green roofs, rainwater harvesting and attenuation tanks and petrol and storm interceptors;
- Careful consideration of building fabrics to support natural heating and cooling and renewable energy options; and
- Encouraging workers to travel by sustainable modes of transport to reduce use of fossil fuels.

Reduction measures in key areas, such as overheating, flooding and extreme weather, takes into account the health and safety of users of the proposed development (site workers and

occupants) and also the resilience of the proposed development itself in respect of future climate impacts. With implementation of mitigation measures suggested throughout the submitted ES, Chapter F concludes that there will not be a significant adverse impact on the development because of long-term climate change.

To summarise the position relative to climate change, Chapter F of the submitted ES identifies that construction works will have a Moderate Adverse and Significant effect in relation to climate change, but this is primarily due to building industry standards not yet being on a clear pathway to net zero. Additional measures designed to mitigate potential impacts could, however, be implemented at the reserved matters stage for outline areas of the site. In terms of the operation of the site, Minor Adverse and Not Significant effects are identified, with the development performing well in terms of GHG emissions and the pursuit of a BREEAM 'Excellent' rating.

The ES concludes that In relation to climate change resilience, mitigation measures will mean there will not be a significant adverse impact on the development because of climate change in the long-term. The applicant has, for example, submitted a Flood Risk Assessment and Sustainable Drainage Strategy which accounts for the potential effects of climate change on flood risk and severe weather events, and which has been accepted by the Lead Local Flood Authority.

The submitted ES makes clear that the impact overall for a development of this scale can only ever be negative due to the guaranteed release of GHG emissions. It is therefore inevitable that the development will have some adverse impacts in terms of climate change considerations, with Chapter F of the ES identifying construction works as the phase of the development which will give rise to the most significant effects. This is, however, primarily due to building industry standards not yet adopting a clear pathway to net zero and it must be recognised that the planning system cannot reasonably impose requirements on a developer which exceed current standards. Construction phase effects will, however, be short-term and additional mitigation to reduce effects can be secured at the reserved matters stage.

Impacts are lower at the operational stage and the scheme is considered to include measures which mean emissions reduction targets will not just be met but exceeded. Appropriate mitigation measures will also be in place to ensure the development is acceptably resilient in terms of long-term climate change impacts.

It is ultimately considered that the development proposals have had the necessary regard to climate change considerations, with measures incorporated into the operation of the development to mean emissions reduction targets will be exceeded. The development is also considered to incorporate appropriate measures to ensure it is resilient to climate change.

The proposed development is therefore considered to acceptably address relevant planning policies relating to climate change, as outlined above. Moreover, the development's wider compliance with policies within the CSDP (for the reasons explained in the various sections of this report) means that the development aligns with the objectives of the Council's Low Carbon Framework, given that the CSDP policies are designed to ensure that the impacts of development proposals on climate change are minimised.

13. Socio-economic impacts

This section of the report considers the socio-economic effects of the proposed development. These are assessed within Chapter I of the submitted ES, which firstly considers baseline conditions before identifying the likely effects of the proposed development during its

construction and operational phases. Mitigation measures to reduce any negative environmental effects are identified as appropriate before residual effects are assessed.

Socio-economic effect covered by Chapter I of the ES include:

- Employment and economic output generated during construction works;
- Employment and economic output generated during the operational phase of the development;
- Effects of the development on the labour market;
- Effects of the development on commuting; and
- Effects of the development on deprivation levels in the local community.

In terms of relevant policy considerations, as set out earlier in this report, paragraph 7 of the NPPF outlines that the overarching purpose of the planning system is to contribute to the achievement of sustainable development. There are three elements to the achievement of sustainable development – economic, social and environmental. The economic objective involves helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places. The social objective involves supporting strong, vibrant and healthy communities with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.

Section 6 of the NPPF concerns building a strong, competitive economy, with paragraph 81 requiring planning decisions to help create conditions in which businesses can invest, expand and adapt. It places significant weight on the need to support economic growth and productivity.

Chapter I of the ES also references the aspirations for economic growth outlined in the Government's Industrial Strategy (2017), the Levelling Up White Paper (2022) and the North-East Local Enterprise Partnership Strategic Economic Plan (2022). Specific to the film industry is the North-East Screen Industries Partnership, a delivery vehicle formed by the Combined and Local Authorities across the region to facilitate the strategic development of the TV and screen industry in the region.

In terms of local policy, the ES highlights the vision of the CSDP for Sunderland in the year 2033 and the Plan's objective of helping to secure Sunderland's long-term economic future. Policy SP1, meanwhile, supports sustainable economic growth and job creation, with policy SP5 setting out that South Sunderland will be a spatial priority area for economic development. Policy SP2 supports the growth and improvement of the city's Urban Core. In addition, Strategic Priorities 1, 5 and 6 of the CSDP seek, respectively, to deliver sustainable economic growth, provide a wide portfolio of employment sites and support and improve the vitality and economic performance of the Urban Core and Designated Centres.

The ES also notes the objectives of the City Plan and its vision that by 2035, Sunderland will be a connected, international city with opportunities for all. The proposed development is considered to align with the 'dynamic smart city' core theme of the City Plan most closely.

The Planning Statement submitted with the planning application summarises the economic and social benefits of the proposed development as follows:

- Creation of a centre of excellence to meet the growing demands of the film and TV industry and enhancing the economic infrastructure of Sunderland, generating a total capital investment of c. £474.7 million;
- Supporting around 905 gross direct full time equivalent (FTE) jobs annually during the 4-year construction phase, of which a proportion will be taken up locally, particularly if measures are put in place to increase local skill levels and promote local recruitment;

- Supporting a further 1095 indirect and induced 'spin off' jobs, generating £56.5 million of direct gross value added (GVA) and a total of £71.7 million of direct, indirect and induced GVA for each year of construction;
- Delivery of 2695 permanent gross FTE jobs on-site once operational, based upon maximum floorspace creation, based on a conservative occupancy rate of 75% per annum;
- Supporting a further 780 net additional FTE indirect jobs in Sunderland;
- Generation of £216.9 million direct GVA per annum through the creation of operational jobs and a further £44.5 million of net additional GVA resulting from indirect employment;
- Up-skilling of local residents, with the number of local jobs increasing as the local population becomes more experienced, generating wider social benefits in relation to creating a major uplift in higher skilled jobs;

The ES concludes that the proposed development will have an overall beneficial effect on the local economy. During construction works, the delivery of the development will support construction industry jobs which, in turn, will generate an increased economic output (Gross Value Added). No negative effects have been identified, but to maximise the benefits arising locally, it is suggested that local labour agreements could be used to maximise opportunities for local contractor, that priority be given to the use of local workers and that local apprenticeships be offered. A condition requiring the submission and approval of a Training and Employment Management Plan (TEMP), an objective of which would be to promote training and employment opportunities for local people, can be imposed.

Residual effects for the construction phase of the development are therefore categorised as Moderate Beneficial and Significant (Temporary) in EIA terms.

During the operational phase, the development will support jobs across a range of sectors, including the film and TV industry which, in turn, will generate an increase in economic output. Beneficial effects have been identified in respect of employment, the economic output of the information and communication sector, labour market opportunities and deprivation. The ES suggested that greater beneficial effects could be gained by employing measures to encourage local recruitment for job opportunities within TV and film production, providing training and development opportunities via work experience and apprenticeship schemes by independent third-party producers which commission film and TV production.

The only negative environmental effect identified is an increase in commuting activity, but this has been categorised as a Minor Adverse effect and Not Significant in EIA terms.

Overall, residual effects for the operational phase of the development have been categorised as Moderate Beneficial and Significant (Permanent) in EIA terms. No mitigation measures are considered necessary to address any adverse effects of the development.

With reference to the above comments, it is considered that the socio-economic benefits of the proposed development are significant in terms of its contribution to the local economy and its generation of direct and indirect employment during both construction and operational phases. The development will generate high levels of employment temporarily during construction works and permanently once the studios are operational. Jobs being created will be varied in nature and cover a range of different skill sets and levels, from highly skilled technical roles in film production, sound recording, editing etc. to lower skilled roles in building, cleaning and catering, for example. Opportunities for apprenticeships and work experience are also anticipated. The recommended condition for a TEMP can ensure opportunities are afforded to local people.

The proposed development would, therefore, contribute positively to national objectives in relation to economic growth and the economic and social strands of sustainable development as set out in the NPPF. The proposed development would also clearly align with the Core Strategy's vision for Sunderland in 2033, Strategic Priorities 1, 5 and 6 and policies SP1, SP2 and SP5 of the CSDP and the ambitions of the City Plan in terms of the significant positive contribution it would make to the city's economy and available employment opportunities.

It is advised to Members that the socio-economic benefits of the proposed development should be given significant positive weight in the consideration of the planning application. This positive aspect of the proposed development must ultimately, however, be considered in the 'planning balance', having regard to the position reached in respect of all other material planning considerations relevant to the development and its wider positive and negative effects and impacts. The final section of this report provides a summary of conclusions in respect of the relevant planning considerations and the weight they should be afforded in the planning balance, prior to offering a recommended decision on the application.

14. Summary on Environmental Statement

At this point, it is highlighted that the National Planning Policy Guidance, at paragraph ID 4-002-20140306, says that 'the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process'.

The Guidance continues, at paragraph ID 4-003-20170728, that 'the Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development...'

Officers would advise that given the nature of consultee responses and officers' own analysis of the ES and development proposals, the submitted ES is considered to have met the requirements of Regulation 18 of the EIA Regulations i.e. the document has been prepared by competent experts and includes information reasonably required to assess the likely significant environmental effects of the development.

As required by the EIA Regulations, the submitted ES has considered alternatives to the proposed development and also considered what may happen at the site in the event the development did not go ahead. If the development did not come forward, it is assumed the site would remain vacant. In terms of alternatives, the proposals have emerged through a process of discussion and engagement with key consultees, which has allowed the continued evolution of the design to accommodate measures to reduce adverse impacts and incorporate measures designed to positively benefit the environment.

The submitted ES assessed a range of potential environmental effects arising from the proposed development, with the topics covered agreed with the Council as LPA prior to its preparation. Assessments have been informed by a range of 'embedded' mitigation measures which are included in the proposed development or will be implemented during the construction and operation of the proposed development. Such measures have been detailed in preceding sections of this report, but to summarise, include:

- Preparation and implementation of a detailed Construction Environmental Management Plan (CEMP), informed by the key principles set out in the Outline CEMP submitted with the application;

- Implementation of the Travel Plan to encourage the use of sustainable and active modes of travel;
- Implementation of the submitted Landscape Strategy for Phase 1 and adherence to the Landscape Principles Plan for the remainder of the site;
- Provision of a wildlife corridor alongside the River Wear;
- Implementation of a sustainable drainage scheme for Phase 1 and adherence to the submitted Drainage Strategy for the remainder of the site.

For ease of reference, the outcomes of the assessments (which take into account the embedded mitigation described above and additional mitigation described in preceding sections of this report) are summarised below:

Chapter D – Ecology

Effects during construction works are **Not Significant**, except for effects on wintering birds using mudflats adjacent to the site, which are **Moderate Adverse, Significant** due to noise, light and visual disturbance.

Effects during operation are **Not Significant**.

Chapter E – Transportation

Effects during construction works are **Negligible, Not Significant**.

Following further assessment of impacts regarding severance, driver stress and delay, pedestrian and cycle amenity and delay, fear and intimidation and highway safety on two links from the site via Paul Watson Way, effects during operation of the site are concluded as **Negligible, Not Significant**.

Chapter F – Climate Change and Resilience

Effects on climate change are considered **Moderate Adverse, Significant** during construction and **Minor Adverse, Not Significant** during operation.

Effects in respect of climate change resilience are **Minor Adverse, Not Significant** for both the construction and operational phases.

Chapter G – Air Quality

Effects during construction are **Not Significant**.

Effects during operation are **Not Significant**.

Chapter H – Noise and Vibration

Effects from most operational activities are **Not Significant**, but potential **Significant** effects could occur as a result of outdoor filming activities. Additional mitigation in the form of noise management plans for outdoor filming activity is therefore required.

Chapter I – Socio-Economics

Effects during construction are **Moderate Beneficial, Significant** on both economic output and employment.

Effects during operation are categorised as **Major Beneficial, Significant** on economic output of the information and communication sector, **Moderate Beneficial, Significant** on employment, **Minor Beneficial, Not Significant** on the labour market and deprivation and **Minor Adverse, Not Significant** on commuting.

Chapter J – Water Environment

Effects during construction are **Not Significant**.

Effects during operation are **Not Significant** due to implementation of sustainable drainage strategy for the site.

Chapter K – Geology and Ground Conditions

Effects during construction are **Not Significant**.

Effects during operation are **Negligible, Not Significant** subject to implementation of additional mitigation measures.

Chapter L – Glint and Glare

Effects during operation are **Not Significant**, subject to detailed final designs for solar panels within outline areas of the site.

Chapter M – Waste

Effects during construction are **Minor Adverse, Not Significant**.

Effects during operation are **Minor Adverse, Not Significant**.

Chapter N – Wind Environment

Effects during operation are **Negligible, Not Significant** due to density and layout of landscaping.

Chapter O – Townscape and Visual Impact

Effects during construction on landscape amenity determined to be **Negligible to Minor Adverse, Not Significant**. Effects on visual receptors varied from **Negligible to Moderate Adverse, Not Significant**.

Effects during operation are **Minor Beneficial, Not Significant** in respect of the Local Character Type and **Negligible to Minor Adverse, Not Significant** for visual receptors.

The ES has also assessed whether additional impacts could arise if the proposed development is considered alongside other emerging proposals in the surrounding area, i.e. a 'cumulative assessment'. A search of the Council's Planning records identified seven projects for consideration, as follows:

1. Planning app. ref. 22/01123/FUL – industrial and commercial development on land at Deptford Terrace;
2. Planning app. ref. 21/02204/LP3 – engineering operations on land north of Deptford Terrace;
3. Planning app. ref. 22/01592/FUL – flexible commercial units at West Quay, Crown Road;
4. Planning app. ref. 20/02391/LP3 – high level pedestrian bridge across River Wear;
5. Planning app. ref. 21/00225/FU4 – residential development and ancillary uses on land north of St. Mary's Way/former Vaux Brewery site and Galleys Gill;
6. Planning app. ref. 21/02938/FD4 – demolition of Civic Centre and development of 265 dwellinghouses, site of Sunderland Civic Centre, Burdon Road;
7. Certificate of lawful development for film studio and music rehearsal space at Pallion Dry Dock, Pallion New Road

The cumulative assessment has been undertaken in relation to each technical topic as identified above and has concluded that no adverse significant cumulative impacts are considered likely.

Mitigation measures identified in the submitted ES are considered sufficient to address effects arising.

Consideration has been given to whether any mitigation is required in respect of synergistic effects; whilst there is potential for some groundwater sensitive receptors to be subject to effects, the nature of these is considered very similar as both are due to the potential for contaminants to mobilise into the ground water. Mitigation in place in respect of the proposed development is considered sufficient to address potential impacts.

To conclude in relation to the submitted ES, the submitted document is considered to meet the requirements of the Regulations in terms of the competency of its authors and the information it provides to enable an assessment of the development's likely significant effects on the environment. The only Significant Adverse effects identified relate to impacts on wintering birds and climate during the construction phase of the development only. All other adverse effects identified are Not Significant. Wider socio-economic effects of the development have been assessed as Significant Beneficial and are permanent.

15. Planning obligations

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

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

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

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

With regard to the current planning application, the only mitigation measure which requires the making of a financial contribution is the off-site non-turf cricket wicket at Silksworth Cricket Club and improvements to pitch facilities at Hylton Road playing fields, designed to mitigate the loss of the former Groves Coles playing pitches within the application site and ensure compliance with the objectives of CSDP policy NE4 and the Council's Sports Mitigation Strategy.

All other measures required to mitigate effects of the proposed development can be secured by planning conditions or through other non-planning agreements (e.g. agreements under the Highways Act or Environment Agency licenses).

It is noted that Ward Councillor Haswell has suggested that contributions could be made to the improvement of other infrastructure and facilities in the area, however it is considered that the assessment of the application has not identified a need for any such contributions in order to mitigate impacts of the proposed development. As such, contributions to this effect would not meet the 'tests' set out in the NPPF and CIL Regulations and could not reasonably be requested by the Council.

16. Conclusions

As set out earlier in this report, s38(6) of the 2004 Act makes it clear that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. Case law has established that decisions must be made in accordance with the development plan as a whole – in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In the context of the above, regard must be given to all relevant material considerations and all the relevant policies of the Council's development plan before it can be determined whether the proposed development accords with the development plan or not. Where conflict with development plan policies is identified, it is then incumbent upon the decision-maker, i.e. Members of the Committee, to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

The planning application for the major film and TV studios at the site has been assessed in detail in the context of relevant local and national planning policies and other material planning considerations, having regard to the submitted plans, technical surveys and reports and the accompanying Environmental Statement. It is considered that the ES and other supporting material demonstrates that the proposals successfully address the majority of the relevant local and national planning policy objectives and environmental considerations and that adverse environmental impacts arising from the development are primarily not significant (in EIA terms). Significant beneficial impacts have been identified in respect of the economic growth and employment opportunities associated with the proposals.

There are, however, points of planning policy conflict insofar as the film and TV studios is proposed to be built on a site which remains allocated for a housing-led development through a saved policy of the Council's UDP Alteration No. 2, whilst part of Site A is identified as a Key Employment Area by the CSDP. Site C, meanwhile, is identified as a playing field by the UDP and as set out earlier in this report, Sport England objects to Site C's development unless appropriate off-site mitigation is provided.

Some adverse environmental effects of significance have been identified, namely a moderate adverse effect (in EIA terms) on wintering birds using adjacent mudflats during construction works and moderate adverse effects (in EIA terms) in relation to climate change during construction works. A non-designated heritage asset, in the form of an historic limestone boundary wall, will also be lost from the site.

The final position relative to highways impacts is also still being established, pending the receipt of a further consultation response from National Highways.

These negative aspects of the scheme and resulting policy conflicts need to be considered in the context of a wider assessment of the scheme, including the benefits to be derived from the proposed development. To assist with this 'planning balance' exercise, the following table summarises the residual positive, neutral or negligible and negative impacts arising from the development in the context of the three strands to sustainable development identified by the NPPF (the CSDP policies relevant to each impact are in brackets):

	Positive	Neutral/negligible	Negative
Economic	<p>High profile major TV and film studio development which will create a new landmark facility for a growth industry in the UK, enhancing the economic infrastructure of the city, and generating a total capital investment of nearly £475m (SP1, SP2, SP5, SP7).</p> <p>Development will directly deliver significant employment, training and apprenticeship opportunities, both during construction and operational phases. Estimate of 905 FTE jobs created during construction phase and 2695 FTE jobs when fully operational. Opportunities created will be varied and cover a wide range of skill sets (SP1, SP2, SP5, SP7)</p> <p>Development will support significant levels of indirect job creation, estimated 1095 FTE jobs during construction and 780 FTE jobs when fully operational (SP1, SP2, SP5, SP7).</p> <p>Construction works estimated to generate £56.5m GVA and total of £71.7m GVA each year. Operation of site to generate estimate of £216.9m GVA per annum and additional £44.5m net additional GVA from indirect employment (SP1, SP2, SP5, SP7)</p>		
Environmental	Redevelopment of an extensive vacant	Development will not have any significant adverse	Temporary adverse noise and disturbance

	<p>brownfield site within the existing urban area (SP1)</p> <p>Site has excellent links to sustainable modes of transport and active travel opportunities (SP1, ST3)</p> <p>Development provides a high standard of design and layout which will enhance its surroundings and the setting of nearby heritage assets, as advised by the Council's Built Heritage officer (BH1, BH7, BH8)</p> <p>Red brick former printworks building to be retained and repurposed (BH1, BH2, BH8)</p> <p>Development includes high quality areas of landscaping, contributing to green infrastructure and ecology objectives (BH3, NE1, NE2, NE4)</p> <p>Development will deliver on-site net gains in biodiversity (NE2)</p> <p>Development will enable remediation of former industrial land (HS3)</p>	<p>impacts on local amenity in terms of noise and vibration, air quality, glint and glare and wind, subject to conditions addressing potential noise from external filming and adoption of a robust CEMP for construction phase (HS1, HS3, BH1)</p> <p>Majority of temporary and permanent impacts on site habitats and species satisfactorily mitigated. Impacts on designated ecology sites satisfactorily mitigated, as confirmed by Natural England and Council's Ecology officer (NE2)</p> <p>Foul and surface water drainage arrangements are acceptable, as confirmed by Northumbrian Water and LLFA (WWE2, WWE3, WWE5)</p> <p>No unacceptable impacts on local highway network, as confirmed by Council's Highways officer. Parking and access arrangements are acceptable (ST2, ST3)</p> <p>Impacts relating to trees are acceptable (NE3)</p> <p>Proposals acceptably deal with waste (WWE5)</p> <p>Land and groundwater contamination risks can be satisfactorily mitigated, as confirmed by Environment Agency and Council's Land Contamination officer (HS3, WWE4)</p> <p>Design and construction of site buildings follows sustainable development principles, with CO2 emissions lower than required by Building Regulations (BH2)</p> <p>Development is acceptably resilient to climate change (BH2)</p> <p>Appropriate archaeological investigations and building</p>	<p>impacts on wintering birds during construction works (NE2)</p> <p>Climate change impacts caused by greenhouse gas emissions from construction activity, however this is an inevitable outcome of building operations given current construction industry practices (BH2)</p> <p>Loss of non-designated heritage asset at the site (i.e. limestone boundary wall) (BH8)</p> <p>Some minor visual harm during construction works, but this is temporary in nature (NE9)</p> <p>Current 'holding response' from National Highways expressing concerns regarding impact of development on Strategic Road Network. National Highways comments question the effectiveness of the proposed Travel Plan in relation to this matter (ST2, ST3)</p>
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		<p>recordings have taken place (BH9)</p> <p>Operational development has acceptable impacts on townscape, landscape and key views (BH1, NE9, NE11)</p>	
Social	<p>Significant economic and employment benefits arising from the development, as outlined in the 'Economic' section above (SP1, SP2, SP5, SP7)</p> <p>Development will have a beneficial impact on the local labour market and deprivation (SP1, SP2, SP5, SP7)</p> <p>Positive impact on health and well being of residents of the city due to increased employment and skills opportunities (SP7)</p> <p>Employment and training benefits can be secured locally through TEMP (SP1, SP5, SP7)</p>	<p>Scheme will address loss of Groves Coles playing fields by making financial contributions towards offsite sports facilities (NE4, ID1, ID2)</p>	

At this point, it is also considered appropriate to consider the scheme in the context of the Strategic Priorities set out in the CSDP:

Strategic Priority 1: to deliver sustainable economic growth and meet objectively assessed employment and housing needs

The development will directly deliver high numbers of new jobs and make a significant contribution to the local economy. The development will also indirectly support the creation of high numbers of new jobs and have an indirect positive impact on the local economy. Development will also generate training, apprenticeship and work experience opportunities. Job creation and positive economic impacts will occur during both the construction and operational phases of the development.

Strategic Priority 2: to identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;

The development makes use of an extensive vacant brownfield site within the existing urban area with good road, public transport and active travel links. No significant adverse impacts on the local environment have been identified.

Strategic Priority 3: to promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;

The development is highly accessible by active travel options and sustainable modes of transport and incorporate recreational greenspace areas for the use of staff and visitors. Wider positive health impacts derived from increased direct and indirect employment and training opportunities and positive economic impact of the development.

Strategic Priority 4: to provide a range of choice of accommodation, house types and tenures;

Development does not deliver housing itself but will not impact upon the Council's housing delivery strategy as set out in the CSDP.

Strategic Priority 5: to provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;

The application site partly includes a Key Employment Area and the proposals are for a development which will deliver a high level of new employment, both directly and indirectly during construction and operation.

Strategic Priority 6: to support and improve the vitality and economic performance of the Urban Core and designated centres;

Site is outside the designated Urban Core but will have indirect positive impact on the Urban Core due to the development's positive economic impact and the indirect employment, training and apprenticeship opportunities it will deliver.

Strategic Priority 7: to protect, sustain and enhance the quality of our built and historic environment;

Although a non-designated heritage asset at the site will be lost, the proposed development will have a positive impact on the setting of nearby designated heritage assets, including the Queen Alexandra Bridge and Webster's Ropery.

Strategic Priority 8: to protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;

The scheme will deliver net gains in biodiversity and will not adversely impact ecological and geological sites in the City. The development includes high quality greenspaces which contribute to green infrastructure corridors and has acceptable impacts on the prevailing landscape and townscape.

Strategic Priority 9: to adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;

Construction works have an inevitable impact on climate change, but the operational development is designed to achieve an 'excellent' BREEAM rating and exceed carbon emissions reduction targets. The development is not at significant risk of flooding and sustainable drainage measures will ensure flood risk is not increased elsewhere.

Strategic Priority 10: to manage waste as a resource and minimising the amount produced and sent to landfill;

Proposals indicate that waste creation will be limited will re-used where possible, in order to minimise the amount sent to landfill.

Strategic Priority 11: to promote sustainable and active travel and improve transport infrastructure;

The site is well connected to walking and cycling infrastructure and is close to local public transport options, including the Tyne and Wear Metro and bus services. Proposed Travel Plan commits to exploring opportunities to introduce new or re-routed bus services to the site.

Strategic Priority 12: to manage the City's mineral resources;

No impacts on mineral resources

Strategic Priority 13: to ensure the City has the infrastructure to support its growth and prosperity;

Infrastructure impacts are being acceptably mitigated by planning obligations as necessary.

The proposals are also considered to clearly align with the 'dynamic city' objectives of the City Plan and its drive to deliver employment opportunities and economic growth.

As set out above, the proposals largely address local and national policy objectives, resulting in a wide range of positive and many neutral or negligible impacts in respect of economic, environmental and social matters.

There are some residual negative environmental impacts arising from the development. In relation to impacts on wintering birds during construction works, the Council's Ecologist accepts that these impacts are temporary in nature and that experience from the Northern Spire bridge development shows that impacts are not long-lasting. Negative visual impacts during construction works are also temporary in duration. The loss of the non-designated limestone wall within the site is unfortunate, but it can be properly recorded, and the Council's Built Heritage officer does not object to its removal. Negative climate change impacts arising from construction works are, meanwhile, unavoidable and the development is not considered to give rise to impacts which would exceed those reasonably anticipated for a scheme of this scale.

The final position relative to highways impacts, particularly in relation to the strategic road network, is still being established; it is hoped the applicant's most recent Technical Note will have acceptably addressed outstanding issues identified by National Highways, however a further consultation response from National Highways is awaited.

In addition to the residual negative environmental impacts detailed above, the proposal also gives rise to conflicts with land use allocations in the Council's Development Plan, namely the housing-led development allocation within UDP Alteration No. 2, the Key Employment Area allocation within the CSDP and the Groves Coles playing field allocation of the UDP (although the loss of the playing field can be mitigated by proposed contributions to off-site facilities).

The residual negative aspects of the scheme must, however, be weighed against the positive aspects of the scheme and as set out in the table above, these are wide ranging.

Significant positive weight must be given to the development's anticipated positive impact on the city's economy and the opportunities it will bring in terms of employment and skills, the financial and job-creation figures for which are provided in the table above. These impacts will be manifested throughout the lifetime of the development, starting with construction works and then through the operation of the studios and will be both direct and indirect given the 'spin off' jobs the development is anticipated to generate. Roles supported by the development will be wide-ranging in terms of skill levels, from highly specialised film production roles through to lower skilled roles in areas such as catering, cleaning, administrative work etc. The development will also give rise to learning and apprenticeship opportunities for local residents.

It is also considered that the extensive economic, employment and skills benefits to be derived from the development will have wider positive health and wellbeing impacts on the population of the city, as set out in the submitted Health Impact Assessment, by creating a wider range of opportunities for work and education.

More broadly, it must be recognised that the proposed development is of such a scale and standing that it will benefit the profile of the city and wider region. The UK film and TV sector is a growth industry, and the proposed development would be a flagship facility of major standing with the ability to provide infrastructure to deliver additional filming capacity and support the continued growth of the industry in the north-east and the wider nation.

In addition to the clear and significant economic and employment benefits of the development, significant positive weight should be given to the scheme's re-use of a long-time vacant brownfield site within the existing urban area, which is well-connected in terms of road infrastructure and active travel opportunities, with the site easily accessible on foot and by cycle. The development will also enable the remediation of this former industrial site.

Positive weight should also be attributed to the design quality of the development and its relationship with designated heritage assets – the Council's Built Heritage officer considers the impact of the development on the setting of nearby assets to be positive and the NPPF states that such development should be treated favourably.

The scheme will also contribute positively to green infrastructure and deliver net gains in biodiversity, although these will be modest in scale.

Many of these benefits directly align with the objectives of the City Plan and the Strategic Priorities set out within the CSDP and again, it is considered that the development's ability to support the Council's stated strategic objectives should be given positive weight in the decision-making process.

In conclusion, it is considered that in this case, the significant benefits of the proposed development, especially in terms of economic growth and employment, health and wellbeing, regeneration of a brownfield site, design, green infrastructure and setting of heritage assets, should be seen to clearly outweigh the relatively minor residual negative impacts identified.

These benefits of the development are also considered to outweigh identified policy conflicts, particularly as, for reasons discussed earlier in this report, the development of the site would not undermine the Development Plan's wider strategic objectives relating to housing, employment land and (subject to the securement of a financial contribution towards off-site mitigation) playing pitch provision. With regard to mitigation for the loss of the Groves Coles playing pitch, it is acknowledged that the proposed off-site measures to be delivered at Hylton Road Playing Fields and Silksworth Cricket Club do not address Sport England's non-statutory position on the application, however the proposed measures align with the Council's most recent Sports Mitigation Strategy and are considered to represent the most appropriate means of mitigating the loss of the pitch.

Whilst the benefits of the scheme are considered to outweigh the established residual negative impacts of the development and policy conflicts as detailed above, as noted previously in this report a further consultation response is awaited from National Highways, to inform final conclusions relating to the development's impact on the strategic road network. It is hoped that the applicant's transport consultant's most recent Technical Note will enable National Highways to amend their current position that planning permission should not be granted until June 2024, however a further consultation response from National Highways is pending.

It is anticipated that a response from National Highways will be received ahead of the Committee meeting and details of the response, together with an update to the recommended decision on the application, will be provided to Members ahead of the Committee meeting.

Additionally, the Council's Highways team has advised they intend to provide supplementary comments to their main consultation response following the conclusion of consultation with National Highways, and details of these comments will be provided to Members ahead of the meeting.

Details of final conditions required in respect of the sustainable drainage system for the development will also be provided to Members ahead of the meeting.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Grant Consent for the proposed development under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the receipt of further comments from National Highways and the Council's Highways team, confirmation of sustainable drainage conditions from the Lead Local Flood Authority and the completion of a legal agreement to secure the off-site sports mitigation contribution and subject to the imposition of the draft conditions below:

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

Members be MINDED TO GRANT CONSENT for the proposed development under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the receipt of further comments from National Highways and the Council's Highways team, confirmation of sustainable drainage conditions from the Lead Local Flood Authority and the completion of a legal agreement to secure the off-site sports mitigation contribution, and subject to the imposition of the draft conditions below:

DRAFT RECOMMENDED CONDITIONS

1. The development for which full planning permission is hereby granted must commence not later than three years beginning with the date on which permission is granted.

Reason: To ensure that the development is carried out within a reasonable period of time and to comply with section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development (excepting demolition works, site investigation works and ecological mitigation works required to discharge conditions of this planning permission) in respect of which outline planning permission is hereby granted shall commence in any part of the outline area until the details of appearance, landscaping, layout and scale (hereinafter referred to as the "reserved matters") for the development in that part have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. All applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development for which outline planning permission is hereby granted must commence not later than two years from the date of the last reserved matters approval.

Reason: To ensure that the development is carried out within a reasonable period of time and to comply with section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

OUTLINE PLANS

Building Height Parameter Plan 2208-4DS-CRL11-XX-DR-A-08502-PL1

Extent of Built Development and Green Infrastructure Parameters Plan 2208-4DS-CRL11-XX-DR-A-08503-PL2

Access and Circulation Parameters Plan 2208-4DS-CRL11-XX-DR-A-08505-PL

External Filming (Backlot) Parameters Plan 2208-4DS-CRL11-XX-DR-A-08506-PL1 Landscape Principles Plan 1444_SGL_ZZ_XX_DR_L_90_150

Site B - Access General Arrangement 22I69-SYS-HSP-Z1-DR-CH-90-P01

Site B - Access Swept Path Analysis 22I69-SYS-HSP-Z1-DR-CH-90-P01

Site C - Access General Arrangement 22I69-SYS-HSP-Z1-DR-CH-91-P01

Site C - Access Swept Path Analysis 22I69-SYS-HSP-Z5-DR-CH-91-P01

DETAILED PLANS

Existing Site Plan 2208-4DS-CRL11-XX-DR-A-08507-PL

Masterplans

Masterplan Phase 1 - Level 00 East 2208-4DS-CRL00-00-DR-A-20101-PL

Masterplan Phase 1 - Level 00 West 2208-4DS-CRL00-00-DR-A-20102-PL

Masterplan Phase 1 - Welfare Diagram 2208-4DS-CRL00-00-DR-A-20103-PL

Masterplan Phase 1 - Accessibility Diagram 2208-4DS-CRL00-00-DR-A-20104-PL

Masterplan Phase 1 - Waste Diagram 2208-4DS-CRL00-00-DR-A-20105-PL

Masterplan Site A Sections 2208-4DS-CRL00-ZZ-DR-A-20201-PL

Masterplan Site A Long Sections 2208-4DS-CRL00-ZZ-DR-A-20202-PL

Masterplan North Site Elevation 2208-4DS-CRL00-ZZ-DR-A-20301-PL

Masterplan South Site Elevation 2208-4DS-CRL00-ZZ-DR-A-20302-PL

Masterplan Proposed Phase 1 (Sheet 1) 2208-4DS-CRL00-XX-DR-A-08506-PL

Masterplan Proposed Phase 1 (Sheet 2) 2208-4DS-CRL00-XX-DR-A-08507-PL

Masterplan Proposed Phase 1 2208-4DS-CRL00-XX-DR-A-08508-PL

Gateway Building

Gateway Building Proposed Lower Ground Floor 2208-4DS-CRO03-LG-DR-A-20101-PL

Gateway Building Proposed Ground Floor 2208-4DS-CRO03-00-DR-A-20101-PL

Gateway Building Proposed First Floor 2208-4DS-CRO03-01-DR-A-20101-PL

Gateway Building Proposed Second Floor 2208-4DS-CRO03-02-DR-A-20101-PL

Gateway Building Proposed Third Floor 2208-4DS-CRO03-03-DR-A-20101-PL

Gateway Building Proposed Roof plan 2208-4DS-CRO03-RF-DR-A-20101-PL

Gateway Building Sections 2208-4DS-CRO03-ZZ-DR-A-20201-PL

Gateway Building North and South Elevation 2208-4DS-CRO03-ZZ-DR-A-20301-PL Gateway Building East and West Elevation 2208-4DS-CRO03-ZZ-DR-A-20303-PL

Multistorey Car Park A

Multistorey Carpark A Proposed Basement - 2 2208-4DS-CRC01-B2-DR-A-20101-PL

Multistorey Carpark A Proposed Basement - 1 2208-4DS-CRC01-B1-DR-A-20101-PL

Multistorey Carpark A Proposed Ground Floor 2208-4DS-CRC01-00-DR-A-20101-PL

Multistorey Carpark A Proposed First Floor 2208-4DS-CRC01-01-DR-A-20101-PL Multistorey

Carpark A Proposed Second Floor 2208-4DS-CRC01-02-DR-A-20101-PL Multistorey Carpark A
Proposed Third Floor 2208-4DS-CRC01-03-DR-A-20101-PL Multistorey Carpark A Sections
2208-4DS-CRC01-ZZ-DR-A-20201-PL
Multistorey Carpark A North and South Elevations 2208-4DS-CRC01-ZZ-DR-A-20301-PL
Multistorey Carpark A East and West Elevations 2208-4DS-CRC01-ZZ-DR-A-20303-PL

Soundstage and Office Type A

Soundstage and Office Type A Proposed Ground Floor 2208-4DS-CRS01-00-DR-A-20101-PL
Soundstage and Office Type A Proposed First Floor 2208-4DS-CRS01-01-DR-A-20101-PL
Soundstage and Office Type A Proposed Second Floor 2208-4DS-CRS01-02-DR-A-20101-PL
Soundstage and Office Type A Proposed Third Floor 2208-4DS-CRS01-03-DR-A-20101-PL
Soundstage and Office Type A Proposed Fourth Floor 2208-4DS-CRS01-04-DR-A-20101-PL
Soundstage and Office Type A Proposed Roof plan 2208-4DS-CRS01-RF-DR-A-27101-PL
Soundstage and Office Type A Proposed Gantry Floor 2208-4DS-CRS01-G3-DR-A-20101-PL
Soundstage and Office Type A Sections A-A, 1-1 2208-4DS-CRS01-ZZ-DR-A-20201-PL
Soundstage and Office Type A North and South Elevation 2208-4DS-CRS01-ZZ-DR-A-20301-PL
Soundstage and Office Type A East and West Elevation 2208-4DS-CRS01-ZZ-DR-A-20303-PL

Sound Stage B & C and Office Type A

Soundstage B C and Office Type A Proposed Ground Floor 2208-4DS-CRS02-00-DR-A-20101-PL
Soundstage B C and Office Type A Proposed First Floor 2208-4DS-CRS02-01-DR-A-20101-PL
Soundstage B C and Office Type A Proposed Second Floor 2208-4DS-CRS02-02-DR-A-20101-PL
Soundstage B C and Office Type A Proposed Third Floor 2208-4DS-CRS02-03-DR-A-20101-PL
Soundstage B C and Office Type A Proposed Fourth Floor 2208-4DS-CRS02-04-DR-A-20101-PL
Soundstage B C and Office Type A Proposed Gantry Floor 2208-4DS-CRS02-G3-DR-A-20101-PL
Soundstage B C and Office Type A Proposed Roof plan 2208-4DS-CRS02-RF-DR-A-20101-PL
Soundstage B C and Office Type A Section AA, 1-1 2208-4DS-CRS02-ZZ-DR-A-20201-PL
Soundstage B C and Office Type A North and South Elevation 2208-4DS-CRS02-ZZ-DR-A-20301-PL
Soundstage B C and Office Type A East and West Elevation 2208-4DS-CRS02-ZZ-DR-A-20303-PL

Substation & Waste

Substation & Waste Proposed Ground Floor 2208-4DS-CRP01-00-DR-A-20101-PL Substation
& Waste Proposed Roof Plan 2208-4DS-CRP01-RF-DR-A-20101-PL
Substation & Waste Section A-A and Section B-B 2208-4DS-CRP01-ZZ-DR-A-20201-PL
Substation & Waste North and South Elevation 2208-4DS-CRP01-ZZ-DR-A-20301-PL
Substation & Waste East and West Elevation 2208-4DS-CRP01-ZZ-DR-A-20303-PL

Workshop Type A

Workshop Type A Proposed Ground Floor 2208-4DS-CRW01-00-DR-A-20101-PL
Workshop Type A Proposed Roof plan 2208-4DS-CRW01-RF-DR-A-20101-PL
Workshop Type A Cross Section 01-01 & 02-02 2208-4DS-CRW01-ZZ-DR-A-20201-PL
Workshop Type A North and South Elevation 2208-4DS-CRW01-ZZ-DR-A-20301-PL Workshop
Type A East and West Elevation 2208-4DS-CRW01-ZZ-DR-A-20303-PL

Workshop Type B

Workshop Type B Proposed Ground Floor 2208-4DS-CRW02-00-DR-A-20101-PL

Workshop Type B Proposed First Floor 2208-4DS-CRW02-01-DR-A-20101-PL
Workshop Type B Proposed Roof Plan 2208-4DS-CRW02-RF-DR-A-20101-PL
Workshop Type B Section A-A 2208-4DS-CRW02-ZZ-DR-A-20201-PL
Workshop Type B Section 1-1 2208-4DS-CRW02-ZZ-DR-A-20203-PL
Workshop Type B North and South Elevation 2208-4DS-CRW02-ZZ-DR-A-20301-PL Workshop
Type B East and West Elevation 2208-4DS-CRW02-ZZ-DR-A-20303-PL

Workshop Type D

Workshop Type D Proposed Ground Floor 2208-4DS-CRW04-00-DR-A-20101-PL
Workshop Type D Level G1 2208-4DS-CRW04-01-DR-A-20101-PL
Workshop Type D Roof Plan 2208-4DS-CRW04-RF-DR-A-20101-PL
Workshop Type D Section 01-01 and 02-02 2208-4DS-CRW04-ZZ-DR-A-20201-PL Workshop
Type D North and South Elevation 2208-4DS-CRW04-ZZ-DR-A-20301-PL Workshop Type D
East and West Elevation 2208-4DS-CRW04-ZZ-DR-A-20303-PL

Access

Site A - Phase 1 - General Arrangement 22I69-SYS-HGN-PH1-DR-CH-01-P01
Site A - Phase 1 - Swept Path Analysis 22I69-SYS-HSP-PH1-DR-CH-01-P0
Site A - Waiting Area SPA 22I69-SYS-HSP-Z0-DR-CH-01-P01

Drainage

Site A - Phase 1 - Proposed Detailed Drainage Strategy Plan 29002-HYD-XX-XX-DR-C-1100
P03
Site A - Phase 1 - Surface Water Catchment Plan 29002-HYD-XX-XX-DR-C-1102 P02
Site A - Phase 1 - Maintenance Responsibilities Plan 29002-HYD-XX-XX-DR-C-1103 P02 Site A
- Phase 1 - Flood Exceedance Plan 29002-HYD-XX-XX-DR-C-1104 P02
Site A - Phase 1 - Proposed Levels 29002-HYD-XX-XX-DR-C-2000 P07
Site A - Phase 1 - 1 in 200 + CC Projected Tidal Flood Outline 29002-HYD-XX-XX-DR-C-1202
P02
Site A – Phase 1 – Inception Storage Strategy Plan 29002-HYD-XX-XX-DR-C-1105 P01
Indicative Green Roof proposals 1444_SGL_ZZ_XR_DR_L_90_170

Landscape

Landscape Strategy - Phase 1 1444_SGL_ZZ_XX_DR_L_90_110

Reason: in order to ensure that the completed development accords with the scheme approved and to complies with the relevant policies of the CSDP.

5. Each application for reserved matters shall be accompanied by a compliance statement which explains how that reserved matters application meets the design principles and indicative parameters set out within the following plans:

Building Height Parameter Plan 2208-4DS-CRL11-XX-DR-A-08502-PL1
Extent of Built Development and Green Infrastructure Parameters Plan 2208-4DS-CRL11-XX-
DR-A-08503-PL2
Access and Circulation Parameters Plan 2208-4DS-CRL11-XX-DR-A-08505-PL
External Filming (Backlot) Parameters Plan 2208-4DS-CRL11-XX-DR-A-08506-PL1 Landscape
Principles Plan 144_SGL_ZZ_XX_DR_L_90_150

Reason: In order to achieve a comprehensive and cohesive form of development and comply with the objectives of the relevant policies the CSDP.

6. No development within any part of the application site shall commence until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The CEMP for each part shall be informed by the Outline CEMP and measures recommended in the Environmental Statement and other supporting technical reports submitted with the planning application and, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CEMP
- o Legal Compliance
- o Summary of the Requirements of this condition
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Ecology mitigation measures, informed by the measures identified in Chapter D of the submitted Environmental Statement
- o Visual Impacts
- o Artificial Lighting
- o Measures to improve climate change impacts of construction work, informed by recommendations identified in Chapter F of the submitted Environmental Statement
- o Measures to protect vegetation/landscaping to be retained within the development
- o Emergency Procedures
- o Conclusions

Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information (including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development shall then be implemented in accordance with the approved CEMP for that Phase.

Reason: In order to protect the amenity of adjacent occupiers and the adjacent highway network and to comply with policies BH1 and ST3 of the CSDP.

7. No development (excepting site investigation works and ecological mitigation works required to discharge conditions of this planning permission), shall commence within Site A until a programme of archaeological fieldwork (to include evaluation and, where appropriate, mitigation excavation) for that part of the site has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the requirements of paragraph 211 of the NPPF and policies BH8 and BH9 of the CSDP.

8. The building(s) hereby approved within Site A shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork for that part of the site, undertaken in pursuance of condition 7, has been submitted to and approved in writing by the Local Planning Authority.

Reason: the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the requirements of paragraph 211 of the NPPF and policies BH8 and BH9 of the CSDP.

9. The building(s) hereby approved within Site A shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the requirements of paragraph 211 of the NPPF and policies BH8 and BH9 of the CSDP.

10. The demolition of the limestone boundary wall within Site A must not commence until a programme of archaeological building recording of the wall has been completed in accordance with a specification provided by the Local Planning Authority. A report of the results shall be

submitted to and approved in writing by the Local Planning Authority prior to any demolition works on the wall commence.

Reason: to provide an archive record of the historic structure and accord with paragraph 211 of the NPPF and policies BH8 and BH9 of the CSDP.

11. No development, other than demolition and site investigation works required to discharge conditions of this planning permission, shall commence within any part of the application site until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination within that part of the site (whether or not it originates on that part of the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA.

The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems;
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the NPPF paragraphs 180(f) and 189 and policy HS3 of the CSDP.

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

12. No development, other than demolition and site investigation works required to discharge conditions of this planning permission, shall commence within any part of the application site until a detailed Remediation Scheme to bring that part of the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of

works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the NPPF paragraphs 180(f) and 189 and policy HS3 of the CSDP.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the NPPF Paragraphs 180(f) and 189 and policy HS3 of the CSDP.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the NPPF paragraphs 180(f) and 189 and policy HS3 of the CSDP.

15. Any application(s) for the approval of reserved matters must be accompanied by up-to-date surveys of faunal species and groups relative to the application site, unless any such survey submitted with the hybrid planning application remains valid. The up-to-date surveys shall be used to inform the ecological mitigation, enhancement and management measures for the reserved matters proposals.

Reason: the proposals are for phased development there is potential for the distribution and abundance of protected and priority species to change before implementation of the latter phases of development. Up-to-date surveys are therefore required to ensure potential impacts on ecology and biodiversity are understood and addressed by the reserved matters proposals, in compliance with the objectives of the NPPF and policy NE2 of the CSDP.

16. Any future reserved matters application must be accompanied by information that demonstrates that a biodiversity net gain can be achieved for the area included in the reserved matters application. This information will need to include, as a minimum:

- A completed biodiversity metric calculation tool;
- 'Before and after' development habitat maps showing the habitat types and areas used to populate the calculation tool; and
- A supporting report providing justification for the remaining metric input values, including full details of condition assessments.

Development within the reserved matters areas must then be undertaken in full accordance with the agreed biodiversity net gain details.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

17. Prior to the commencement of development in any part of the site, details of the appointment of an Ecological Clerk of Works (ECoW) for development in that part of the site must be submitted to and agreed with the Local Planning Authority. The submitted details must include the identity of the proposed ECoW (who, for the avoidance of doubt, must be suitably qualified and experienced) and their roles and responsibilities. The ECoW must then be in place prior to development commencing and undertake their roles and responsibilities in accordance with the agreed details for the duration of works being undertaken on site.

Reason: to ensure the effective management of the site from an ecological and biodiversity perspective and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

18. Prior to development within the detailed planning application area first coming into use, a Habitat and Biodiversity Management and Monitoring Plan for the detailed planning area, which covers at least a 30-year period, must be submitted to and agreed in writing with the Local Planning Authority. The plan must incorporate the habitat types and target conditions from the Biodiversity Net Gain: Crown Works Film Studios report (by Durham Wildlife Services and dated November 2023) and those relevant measures specified in the Dingy Skipper Mitigation Strategy and Management Plan Summary (submitted as Appendix D9 of the Environmental Statement). Monitoring should also be included for wintering birds. The Plan should refer to Natural England's HMMPT checklist.

The agreed plan must then be enacted in full for its lifetime.

Reason: to ensure habitats and biodiversity at the site is effectively managed and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

19. Any application(s) for the approval of reserved matters must be accompanied by a Habitat and Biodiversity Management and Monitoring Plan for the area subject to the reserved matters application. The plan must cover at least a 30-year period and must be agreed with by the Council as Local Planning Authority. The plan will incorporate the habitat types and target conditions from the Biodiversity Net Gain: Crown Works Film Studios – Outline Scheme report (by Durham Wildlife Services and dated November 2023) and those relevant measures specified in the Dingy Skipper Mitigation Strategy and Management Plan Summary (submitted as Appendix D9 of the Environmental Statement). Monitoring should also be included for wintering birds. The Plan should refer to Natural England's HMMPT checklist.

The agreed plan must then be enacted in full for its lifetime.

Reason: to ensure habitats and biodiversity at the site is effectively managed and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

20. No external or internal lighting within the detailed planning application area shall be installed until a detailed lighting design strategy, to be prepared in conformity with the submitted Lighting Strategy (submitted as Appendix O5 of the Environmental Statement) and including measures to minimise light spill from buildings along the riverbank, has been agreed in writing with the Local Planning Authority. All lighting must then be installed in accordance with the agreed strategy and maintained in accordance with the strategy for the lifetime of the development.

Reason: to ensure lighting from the development does not adversely affect the ecological and biodiversity value of the site and its surroundings, in accordance with the objectives of the NPPF and policy NE2 of the CSDP.

21. No external or internal lighting within any Site of the application site (i.e. Site A (outline area), Site B or Site C) shall be installed until a detailed lighting design strategy for that Site, to be prepared in conformity with the submitted Lighting Strategy (submitted as Appendix O5 of the Environmental Statement) and including measures to minimise light spill from buildings along the riverbank and the nearby rail infrastructure, has been agreed in writing with the Local Planning Authority in consultation with Network Rail. All lighting for that Site must then be installed in accordance with the agreed strategy and maintained in accordance with the strategy for the lifetime of the development.

Reason: to ensure lighting from the development does not adversely affect the ecological and biodiversity value of the site and its surroundings or local rail infrastructure, in accordance with the objectives of the NPPF and policies NE2 and SP10 of the CSDP.

22. Prior to the occupation of any individual workshop building, details of the intended activities to take place within the workshop building, the equipment to be used within the building and the mitigation measures necessary to prevent or minimise the emission of noise to the external environment, must be submitted to and approved in writing by the Local Planning Authority. Proposed mitigation measures should be informed by an expert assessment of potential noise

impacts arising from the use of each workshop. Each workshop building shall then be constructed and operated in accordance with the mitigation measures agreed in respect of that building for the lifetime of the development.

Reason: to ensure the noise impacts of the development are acceptable and comply with the objectives of the NPPF and policy HS2 of the CSDP.

23. Prior to the occupation of any individual workshop building, details of the intended activities to take place within the workshop building, the equipment to be used within the building and the mitigation measures necessary to prevent or minimise impacts on local air quality, must be submitted to and approved in writing by the Local Planning Authority. Proposed mitigation measures should be informed by an expert assessment of potential air quality impacts arising from the use of each workshop. Each workshop building shall then be constructed and operated in accordance with the mitigation measures agreed in respect of that building for the lifetime of the development.

Reason: to ensure the air quality impacts of the development are acceptable and comply with the objectives of the NPPF and policy HS2 of the CSDP.

24. No building within the development which will, either in full or in part, be used for the preparation and serving of food, shall be brought into use until an odour risk assessment (link here: [Odour Risk Assessment Pro Forma.pdf \(sunderland.gov.uk\)](#) has been submitted to and approved in writing by the Local Planning Authority. The submitted assessment must be accompanied by the details of any extraction/exhaust system required to acceptably address identified odour impacts, including details of the design, size, siting, acoustic treatment, finish and odour abatement techniques of the proposed system. Any approved system shall then be installed in accordance with the agreed details and maintained in an effective condition for the lifetime of the development.

Reason: to ensure odour emissions are adequately dealt with and comply with the requirements of the NPPF and policy HS1 of the CSDP.

25. No 'backlot' external filming activity shall take place until a Noise Management Plan Framework has been agreed in writing with the Local Planning Authority. The Framework, which must be informed by specialist advice from both a noise consultant and ecologist, shall specify the range of activities and equipment to be employed during external filming events, together with suitable noise mitigation measures to ensure the impacts of noise and artificial lighting on local amenity and ecology (particularly wintering birds) are limited to an acceptable level.

Measures should include:

- Limitation of hours of activity;
- Selection of suitable locations for filming (i.e. distant from receptors) within the application site;
- Use of temporary noise barriers/acoustic screens of at least 2m height around backlot filming activities;
- Use of low noise plant and equipment;
- Avoiding use of temporary lighting within 10 m of the Green Infrastructure Zone (GIZ), which is shown on drawing ref. 2208-4DS-CRL11-XX-DR-A-08503-PL2 (Appendix C1 of the Environmental Statement).

- Avoiding backlot filming within a buffer from the area used by the highest concentrations of wintering wading birds from November to February inclusive. This buffer is shown on Figure D2, Appendix D of the Environmental Statement.

All external filming activity must then take place in accordance with the agreed Framework for the lifetime of the development.

Reason: to ensure the noise impacts of the development on local amenity and wintering birds are acceptable and to comply with the objectives of the NPPF and policies HS2 and NE2 of the CSDP.

26. Any application(s) for reserved matters approval (other than any such application relating solely to landscaping) shall be accompanied by an updated glint and glare assessment, informed by the submitted reserved matters details, for the written approval of the Local Planning Authority. The assessment must include details of any mitigation measures considered necessary to address any negative impacts arising from glint and glare, both in relation to public amenity and transport safety. The development shall then be carried out in accordance with the agreed measures.

Reason: to ensure that the development of the site does not give rise to any unacceptable glint and glare issues and to accord with the objectives of policies HS1 and ST3 of the CSDP.

27. Any application(s) for reserved matters approval shall be accompanied by details of the design and mitigation measures to be incorporated into the development to ensure the development does not give rise to unacceptable negative wind impacts, both in relation to the local environment and users of the development (including external roof terraces). The proposed measures shall be informed by the wind modelling and recommendations of Chapter N (Wind Environment) of the submitted Environmental Statement. The development shall then be carried out in accordance with the agreed measures.

Reason: to ensure that the development of the site does not give rise to any unacceptable issues relative to wind and to accord with the objectives of policies HS1 of the CSDP.

28. No development, other than site investigation works required to discharge conditions of this planning permission, shall commence until such a time as a Water Framework Directive (WFD) Assessment has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The plan shall then be implemented as approved. The WFD Assessment should:

- Consider the impact of the proposal on the WFD status of the Wear Transitional Waterbody (GB5103024002900) and any linked water bodies;
- Identify all potential risks to the following receptors: hydromorphology, biology – habitats, biology – fish, water quality, WFD protected areas and invasive non-native species (INNS);
- Ensure that there is no deterioration resulting from the proposed activities;
- Demonstrate how any identified impacts will be mitigated for or suggest compensation for loss.

Guidance on how to assess the impact to WFD is available at: [Water Framework Directive assessment: estuarine and coastal waters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612311/Water-Framework-Directive-assessment-estuarine-and-coastal-waters.pdf)

Reason: the WFD Regulations 2017 and the Northumbrian River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. It specifically states that no waterbody should deteriorate in status and aim to achieve a Good Status or Good Ecological Potential as soon as is reasonably practicable. Any proposed plan or development should not contradict the Northumbrian River Basin Management Plan 2015.

29. No development, other than demolition and site investigation works required to discharge conditions of this planning permission, shall commence within each part of the application site until a detailed scheme for the disposal of foul water for that part of the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the LLFA. Thereafter, the development shall take place in accordance with the approved details.

Reason: in order to prevent an increase in the risk of flooding from foul water sources, in accordance with the requirements of the NPPF and policies WWE2, WWE3, WWE4 and WWE5 of the CSDP.

30. Prior to the first occupation of Phase 1 of the development (i.e. Site A, detailed area), full details of the location and design of cycle parking, lockers and changing/showering facilities to serve Phase 1 shall be submitted to and approved by the Local Planning Authority in consultation with Active Travel England. The cycle parking details shall include the following:

- 120 cycle parking spaces;
- A ceiling height of at least 2.7m where there are two-tier racks;
- All two-tier racks shall be spring loaded or gas assisted;
- A minimum of 6 cycle parking spaces shall be identified/marked as reserved for adapted/non-standard/disabled-user cycles and shall be designed to accommodate these cycles

The agreed facilities must be completed and made available for the use of employees at the site prior to first occupation of this phase. Thereafter, cycle parking stores/rooms shall always remain free from obstruction and available for these purposes.

Reason: to support cycling to and from the site and comply with the Council's Development Management SPD, CSDP policies ST1, ST2 and ST3 and LTN 1/20.

31. Any application for the approval of reserved matters (other than an application relating solely to approval of landscaping details) must be accompanied by full details of the cycle parking facilities to be provided within the area of the site to which the reserved matters application relates. For the avoidance of doubt, a total of 360 cycle parking spaces must be provided within Phase 2 of the development (i.e. outline areas) and any submission of cycle parking details made in respect of this condition must demonstrate how the facilities being provided contribute to the total number of cycle parking spaces required for this Phase.

The agreed facilities must then be completed and made available for the use of employees at the site prior to the first occupation of the phase and thereafter, the cycle parking stores/rooms shall always remain free from obstruction and available for these purposes.

Reason: to support cycling to and from the site and comply with the Council's Development Management SPD, CSDP policies ST1, ST2 and ST3 and LTN 1/20.

32. No development (excepting site investigation works required to discharge conditions of this planning permission) shall commence within any part of the application site until details of a Construction Traffic Management Plan (CTMP) for that part of the site has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority and National Highways.

The CTMP for each Site shall include:

- Routing of movements including details of any abnormal loads;
- Details of a route management plan to control HGV movements during the construction phase to avoid travelling through residential areas and streets in Pallion and Ford Estate
- Contractor parking and site compound arrangements;
- Measures to prevent debris being displaced onto the highway;
- Details of any temporary highway / rights of way closures and alternative routes;
- Temporary traffic management and site access control measures; and
- Site security and contract details.

Any site operations and activities associated with the periods for construction (excluding deliveries) shall only be carried out between 0700 hours and 1830 hours on Mondays to Fridays, only between 0800 hours and 1400 hours on Saturdays. Any deliveries associated with the periods of construction shall only take place between 0800 hours and 1430 hours and between 1700 hours and 0600 hours on Mondays to Saturdays. No construction work or construction related deliveries should take place on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the adopted CSDP.

33. No development shall be brought into use until the completion of a Road Safety Audit stages 1 and 2 and the approval of detailed highway designs, to be agreed with the Local Highway Authority. Locations for detailed highway designs must include the left-in/left-out site access from the A1231 and alterations to junctions at:

- St Luke's Road/Westmoor Road,
- Holborn Road/Hylton Road,
- Wessington Way/Dene Road/Castellian Road/Colima Avenue; and
- Barrons Quay Road/Colima Avenue.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the adopted CSDP.

34. No development shall be brought into use until the scheme of highway improvements to alter the section of the A1231 required to form a new highway access for Phase 1 of the development has been completed to the satisfaction of the Local Highway Authority.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the adopted CSDP.

35. No development on Site B shall be brought into use until a scheme of proposed offsite highway improvements to improve traffic flow and capacity at:

- St Luke's Road/Westmoor Road;
- Holborn Road/Hylton Road;
- Wessington Way/Dene Road/Castellian Road/Colima Avenue; and
- Barrons Quay Road/Colima Avenue

has been submitted to and approved in writing by the Local Planning Authority and a programme for the delivery of the improvements agreed with the Local Highway Authority.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the adopted CSDP.

36. No development shall be brought into use until a detailed scheme for bus stop infrastructure improvements and links for Paul Watson Way and the A1231 in the vicinity of the proposed development, together with a programme for their implementation, have been submitted to and agreed in writing by the Local Planning Authority and then completed to the satisfaction of the Local Highway Authority in accordance with the agreed programme.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the adopted CSDP.

37. No development shall be brought into use until full details are identified on a plan showing sections of highway to be stopped up and approved by the Local Highway Authority.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the CSDP.

38. No development shall be brought into use until full details of a Freight Management Plan has been submitted and approved by the Local Highway Authority. This will need to include details of a route management plan and signage to control HGV movements once the development is operational to avoid travelling through residential areas and streets in Pallion and Ford Estate.

Reason: To ensure that requirements are met for the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST1, ST2 and ST3 of the CSDP.

39. No development shall be brought into use until a detailed Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority and National Highways. The TP shall include:

- establishment of a Transport Advisory Board to coordinate travel planning measures with membership including representatives from the Council's Sustainable travel team, Nexus and potentially bus operators;
- details of appointment of a Travel Plan Coordinator for the development;
- an undertaking of an initial baseline travel survey within six months of occupation of each building, with a full Travel Plan adopted within 12 months of occupation, to be submitted and agreed subject to the satisfaction of the Local Highway Authority;

The measures within the agreed Travel Plan must then be adopted in full for the lifetime of the operation of the approved development.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST2 and ST3 of the adopted CSDP.

40. No development shall be brought into use within any part of the site until a scheme for the provision of electric vehicle charging point infrastructure for the development within that site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be implemented in accordance with the approved details and shall be available for use and be subject to the satisfaction of the Local Highway Authority.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies ST2 and ST3 of the adopted CSDP.

41. Buildings within each part of the development site shall not be brought into use until the parking space(s) for that part of the site have been constructed and made available for the use of staff and/or visitors.

Reason: to ensure that adequate and satisfactory provision is made for the parking of vehicles and to comply with policy ST3 of the CSDP.

42. Development shall not commence in Site C until a construction methodology has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The developer shall thereafter be carried out in accordance with the approved construction methodology.

Reason: to ensure local rail infrastructure is not adversely affected by construction works and to accord with policy SP10 of the CSDP.

43. Buildings within Site C shall not be brought into use until details of proposals for the design and installation of suitable measures to prevent vehicle incursions from within the site onto adjacent rail infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The agreed measures shall then be

installed prior to buildings within Sites B and C being brought into use and maintained in an effective condition for the lifetime of the development.

Reason: to ensure local rail infrastructure is not adversely affected by construction works and to accord with policy SP10 of the CSDP.

44. No development within each part of the site (excepting demolition works and site investigation works required to discharge conditions of this planning permission) shall commence until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of landscaping and treatment of hard surfaces for that part of the site. For the avoidance of doubt, the submitted details, which must be informed by the landscaping and ecological recommendations made within the submitted Environmental Statement and other technical reports submitted with the application as relevant, shall include:

- indications of all existing trees, hedgerows and areas of vegetation on the land, and details for their protection during the course of construction works;
- information on detail of planting, levels, boundary treatments, construction methods and specific materials to be used;
- lifespan of gabions, to ensure trees in the terraced areas can reach maturity;
- confirmation that tree planting does not clash with drainage infrastructure;
- final details of breakout areas and roof terrace areas, to include details of measures to address any issues from wind modelling;
- opportunities for advance planting for ecological benefits and wind speed mitigation and phasing of landscaping works within the Site

The agreed landscaping scheme shall then be implemented in accordance with the timings set out in condition no. 45.

Reason: in order to ensure the final landscaping scheme for the development is acceptable, in the interests of visual amenity and to comply with policies BH1, BH3, NE1 and NE4 of the UDP.

45. All planting, seeding or turfing comprised in the details of landscaping (approved pursuant to condition no. 44) shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in order to ensure the success of the final landscaping scheme for the development, in the interests of visual amenity and to comply with policies BH1, BH3, NE1 and NE4 of the UDP.

46. No trees or areas of vegetation shown to be retained on the approved landscape and parameter plans shall be cut down, uprooted or destroyed during construction works without the prior consent of the Council as Local Planning Authority.

Reason: in the interests of visual amenity and to comply with policies BH1 and NE3 of the CSDP.

47. All works shall be undertaken in complete accordance with the submitted Arboricultural Method Statement (AMS) and Tree Protection Measures within the Elliott Consultancy Ltd. report dated May 2023. The recommended protective fencing to retained trees must be erected at the locations shown on the Tree Protection Plans within the report prior to any works (including demolition) commencing on each Site (i.e. Site A (detailed area), Site A (outline area), Site B and Site C) and must remain in place until the construction works at the Site are complete.

Reason: in the interests of ensuring retained trees at the site are not unacceptably damaged or harmed by the development and to comply with the objectives of policy NE3 of the CSDP.

48. The development hereby approved shall not commence within each part of the site until details of a Training and Employment Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and include:

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour
- Targets for work experience opportunities
- Measures to provide training opportunities in respect of any new jobs created
- Requirements to submit monitoring information on the plan at regular intervals to the LPA

The development within each part of the site shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the LPA.

Reason: In the interests of promoting economic and training opportunities in association with approved developments in accordance with the NPPF and CSDP policies SP1 and SP7.

49. The development hereby approved shall be carried out in full accordance with the sustainable design and construction measures set out within the 'Planning and Sustainability Statement' (Lichfields, November 2023) submitted with the application.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.