

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

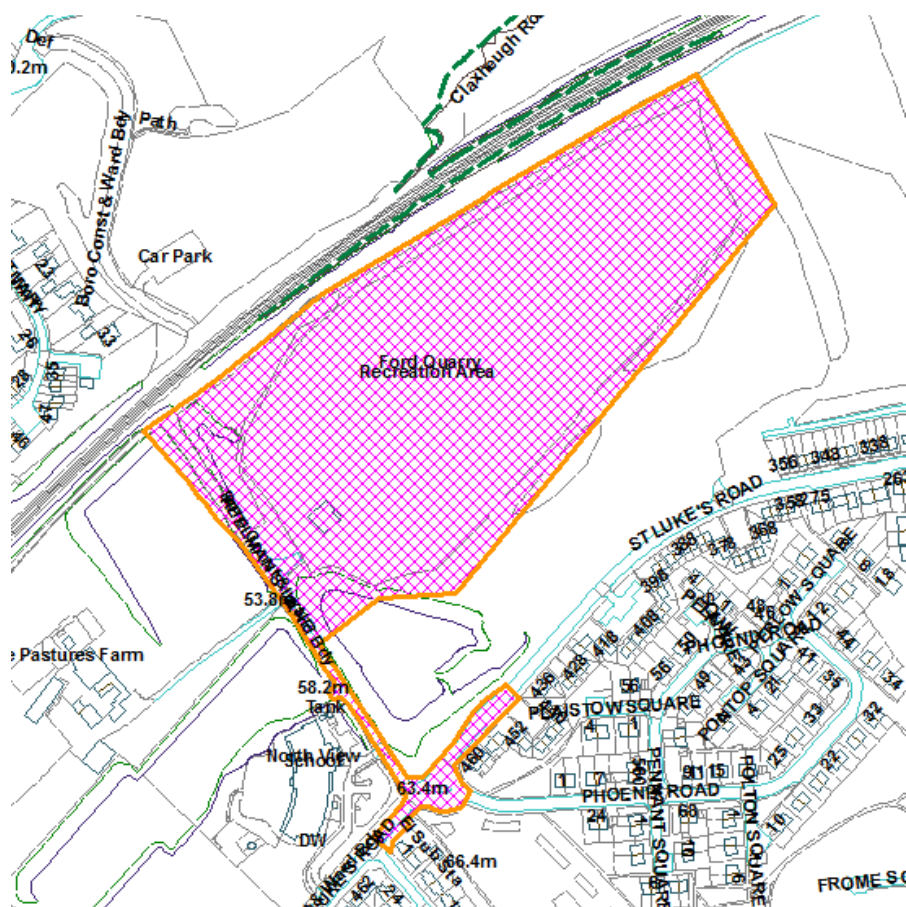
Reference No.: 17/02426/LP3 Local Authority (Reg 3)

Proposal: Engineering works to re-grade site and install drainage to facilitate the provision of 1no artificial grass pitch with stadia and associated fencing and floodlighting and provision of 2no artificial grass pitches with associated fencing and floodlighting. Extension and refurbishment of existing changing facilities, club room and bar, kitchenette and education space; provision of associated car and cycle parking, signage and landscaping.

Location: Ford Quarry Recreation Area Keelmans Lane Sunderland

Ward: Pallion
Applicant: Sunderland City Council
Date Valid: 19 December 2017
Target Date: 20 March 2018

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

PROPOSAL:

This application is the third "Sports Hub" application to come before the Planning and Highways Committee. Members may recall the initial two, for Washington North Area Playing Fields and the Community North Sports Complex at Downhill which were presented at the March Meeting. This further application involves the site known as Ford Quarry Recreation Area and consists of a scheme of engineering works to re-grade the site and install drainage, in order to provide the following:-

- o 3 no. artificial grass pitches, (one of which with stadia) and associated fencing and floodlighting;
- o Ancillary buildings; including toilet block and coffee kiosk;
- o An extension and refurbishment of existing changing facilities; to include club room and bar, kitchenette and education space;
- o 255 no. car parking spaces (including 12 disabled) - an increase of 174;
- o 4 no. coach parking spaces;
- o Standage for 25 no. cycles;
- o Signage and associated landscaping.

The proposals have been developed as part of the 'Parklife' programme, a collaborative enterprise between the Football Association (FA), Sport England and Local Authorities and is designed to create a sustainable model, which is not dependent on public funding, for improved football facilities, delivery and participation based around Artificial Grass Pitches (AGPs) on 'hub' sites. The Council's 2014 Playing Pitch Strategy modelled the role that an increase in the number of football compliant AGPs could play in helping to improve the quantity and quality of football pitch provision in the City and the Council's application to be a 'Parklife' authority and subsequent work with partners has articulated the number of hub sites needed, their location and the number of AGPs to be provided at each site.

These upgraded facilities on this particular site will allow the center to be run with dedicated reception staff and facilities suitable to run football association accredited training programs to develop the skills required for coaching and supporting the grassroots football community in the area, including:

- o Sunderland West End Football Club
- o Ryhope CW Football Club
- o Humbledon and Plains Farm Football Club
- o Sunderland City Juniors Football Club

In addition to the above, the proposed building extension will include a coach education space and a social space / café bar / kitchen which will be suitably sized to cater for community and club events. The pavilion will include accessible facilities as per DDA requirements. The opening hours for the hub are proposed to be from 09:00 until 22:45 each day, with pitch playing time until 22:00.

The site is located in the Ford area of Sunderland, approximately 4km to the west of the City Centre. Along the sites northern boundary, a pedestrian/cycle way runs parallel to the site with the section of Tyne and Wear Metro line which runs between Pallion and South Hylton immediately beyond. The eastern and southern boundaries are surrounded by native scrub land and wooded areas which separate the site from the North-East Ambulance Service to the east and residential properties to the south. To the west lies Keelman's Lane with open space and Sunderland Training and Education Farm beyond.

The site is accessed via Keelmans Lane which also serves as the access road for North View Academy special school and the aforementioned Sunderland Training and Education Farm. Keelman's Lane terminates beyond the application site access before converting into a pedestrian/cycle way. The Tyne and Wear Metro line is set at a lower level than the application site and has been cut into the land. The northern area adjacent to the metro is referred to as Claxheugh Rocks. This and the former Ford Limestone Quarry that lies to the immediate south and east of the redline plan form a Site of Special Scientific Interest (SSSI) which has been designated primarily due to the large exposed area of Magnesian Limestone and the grasslands associated with this which are home to a diverse range of flora and fauna and fossils.

As well as existing and proposed plans for the development, the application has been accompanied by a wide range of supporting technical information, including:

- o Planning Statement;
- o Extended Phase 1 Habitat Survey;
- o Flood Risk Assessment and Sustainable Drainage Strategy;
- o Transport Statement;
- o Visual Impact Assessment;
- o Arboricultural Impact Assessment, with Tree Protection and Tree Constraints Plans;
- o Noise Impact Assessment;
- o Extraction system details;
- o Preliminary Site Investigation Report and Ground Investigation Report;
- o Lighting Assessment;
- o Floodlighting specifications;
- o Artificial pitch specifications;

Members should note that on receipt of the application, Council officers undertook a 'screening' exercise in order to determine whether the proposed development falls within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and if it is likely to have such a significant impact on the environment so as to warrant the preparation of an Environmental Impact Assessment (EIA). Following the completion of the screening exercise and having taken into account the relevant selection criteria in Schedule 3 of the Regulations, it was concluded that the development is not 'EIA development' within the meaning of the Regulations and so the preparation of an EIA is not required.

Members are also advised that the application site is wholly within the ownership of the City Council and the application has been submitted by the Council's Executive Director of People Services.

The application has been advertised accordingly, by way of site and press notices and neighbour notifications.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environment Agency
Natural England
Parks
Network Rail
Pallion - Ward Councillor Consultation
Network Management
Environmental Health
Nexus
Northumbrian Water
Southern Area Command - Police
Flood And Coastal Group Engineer
Fire Prevention Officer
Sport England
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **06.02.2018**

REPRESENTATIONS:

Neighbours

Two letters of objection were received in relation to the neighbour consultation exercise. Issues raised with regards to the following:-

- o Concerns over encroachment upon the existing quarry
- o Impact upon wildlife.
- o Increase in vehicle movements / inadequate access arrangements.
- o Additional Noise created by the additional activity.
- o Light pollution caused by floodlighting

These matters are considered in the "Comments" section below.

Consultees

Natural England

Has no objection to the proposal, as they are of the view that the development will not damage or destroy the interest features for which Claxheugh Rock and Ford Limestone Quarry has been designated SSSI status.

County Archaeologist

Advises that as the site has been quarried since the mid-19th century, these activities will have already destroyed any archaeological remains which may have been present. As such, no archaeological investigation is required.

Sport England

Have no objections to the proposal

Northumbrian Water

Have advised that a condition should be imposed on any consent issued requiring a detailed scheme for the disposal of foul and surface water to be submitted to and approved in writing by

the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Environment Agency

Have no objections to the proposals, provided that suitable measures are put in place to deal with any contamination and remediation, which can be secured via imposition of suitably worded conditions.

Nexus

Have no objection to the proposal.

Network Rail

Has no objection in principle to the development, but have advised of some requirements which must be met, particularly in respect of the proposed drainage scheme which incorporates Network Rail and Nexus Land. These can be secured via the imposition of conditions, if consent is granted.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_3_Protection of public/ private open space (urban green space)

CN_6_Retain / enhance important open breaks & wedges between / within settlements

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_17_Tree Preservation Orders and replacement of trees

CN_18_Promotion of nature conservation (general)

CN_20_Developments affecting designated/proposed SSSI's

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_22_Developments affecting protected wildlife species and habitats

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_12_Conflicts between new development and flood risk / water resources

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

L_1_General provision of recreational and leisure facilities

L_4_Standards for outdoor sport and recreation

L_7_Protection of recreational and amenity land

SA_25_Protection of land associated with Grove Europe (Pallion) as open space

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

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

- 1) Habitat Regulations Assessment (HRA)
- 2) Principle of Development
- 3) SSI / Ecology / Wildlife implications
- 4) Amenity of nearby residents (Noise / Light)
- 5) Highways / Parking
- 6) Land Contamination
- 7) Drainage

Habitat Regulations Assessment (HRA)

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site. Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites and accordingly, a HRA Screening Opinion accompanies the application. The information submitted concludes that the nature and location of the proposed development are such that the competent authority, (the Council), could record no likely significant effect from the construction or operational phases of development on the key features of the coastal European Sites, and therefore there is no requirement for a Screening Opinion or Appropriate Assessment.

Principle of Development

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At the heart of the NPPF is a 'presumption in favour of sustainable development'. In order to achieve this, paragraph 17 of the NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should:

- o Take account of the different roles and character of different areas, promoting the vitality of our main urban areas; recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- o Support the transition to a low carbon future, taking full account of flood risk and coastal change, and encourage the re-use of existing resources;
- o Contribute to conserving and enhancing the natural environment and reducing pollution;
- o Encourage the effective use of land by re-using land that has been previously developed;
- o Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;
- o Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, focusing significant development in locations which are or can be made sustainable;
- o Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs;

Regard should also be given to section 8 of the NPPF, which is concerned with promoting healthy communities, and in particular paragraphs 73 and 74, which stress that access to high quality

open spaces and opportunities for sport and recreation can contribute importantly to health and well-being and that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless certain circumstances apply.

From a local policy perspective, the following policies are of particular relevance for the site of the recreation ground,

SA25.2 is a site specific policy that was originally imposed at the time of preparing the UDP in order to protect and maintain the status of the site as playing fields / recreational space. This was necessary as at time the land was owned by Pallion / Groves Cranebuilding and was held for the purposes of public safety in the event of a crane under test collapsing or falling over and effectively prevented the land from being built upon. However since then, the crane company now no longer exists but the recreational use has indeed continued. This is something that needs to be maintained moving forward, due to the other recreational policies that are applicable to the site, as set out below.

B3

Public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

CN6

Important open breaks and wedges within and between settlements will be retained and enhanced.

L1

In the provision of recreation and leisure facilities the city council will seek to:

(i) Enhance the quality of life for residents and visitors by providing a range of high standard recreational, sporting, cultural and community facilities; and to achieve the standards of open space provision identified in L4, L5 and L6. Whilst taking account of the environmental and sustainable policies of the plan.

(v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations.

Clearly, these Policies relate to retention / upkeep and where possible, enhancement of parks and recreational facilities, such as this site and as such, on first impression, the proposals are welcomed as they bring an enhanced offer to what is already available on site. Sport England is the statutory consultee on development proposals that affect sports pitches and playing fields, and in order to provide a detailed policy framework within which to consider such proposals, it has produced a Planning Policy Statement, entitled 'A Sporting Future for the Playing Fields of England - Policy on planning applications for development on playing fields'.

Accordingly, Sport England has reviewed the proposals against exception E5 of the above document, which states:

o E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

In assessing the proposals, Sport England have noted that Sunderland's 2014 Playing Pitch Strategy modelled the role that an increase in the number of AGPs could play in helping to

improve the quantity and quality of football pitch provision within the city. Furthermore, it is considered that the Council has clearly articulated the number of hub sites that are needed throughout the city, their location and the number of AGPs that are to be provided on each of the three Parklife Hub sites. The three AGPs on this site are designed to the FA's full specification and can accommodate a range of competitive football. Full Maintenance of the pitches will be provided as part of the Parklife agreement and as such (unlike grass pitches) they have the ability to accommodate a significant amount of play without a decline in their quality. As well as allowing the community use associated with two other pitches, it is considered that the proposals will allow Sunderland West End FC to progress further if they wish as the pitch situated nearest to the expanded clubhouse / pavilion is a stadium pitch, with means of enclosure, dug-outs and spectator accommodation.

The FA has advised Sport England that it is fully supportive of this project and it has been prioritised to receive investment via the Parklife programme. As such, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of the above policy. In conclusion, it is considered that the development assists in achieving the policy objectives of, a range of bodies involved in the promotion of football and wider sports participation, including Sport England, the FA and the Football Foundation and accords with paragraph 74 of the NPPF and the aforementioned UDP Policies and as such, is acceptable in principle. Notwithstanding this however, due regard also has to be paid to a further UDP Policy, CN20, which concerns the Claxheugh rocks SSSI, the area covered by which effectively surrounds the application site. This Policy states:

Development which will adversely affect a designated or proposed site of special scientific interest either directly or indirectly will not be permitted unless no alternative site is reasonably available and the benefits of the proposed development would clearly outweigh:-

- (i) the intrinsic national importance of the designation; and
- (ii) the national value of the network of such sites; and in all cases;
- (iii) any appropriate mitigation or compensatory measures are secured through the use of planning conditions or where appropriate, planning obligations

Accordingly, this considered in the following section.

SSI / Wildlife / Ecology implications

These aspects have been assessed by the Councils ecologists who are satisfied with the information provided and have made the following observations and recommendations. These recommendations can be secured via the imposition of appropriately worded conditions, should Members be minded to approve the application.

An Extended Phase 1 Habitat survey has been submitted in respect of the site as a whole. In brief, the report concludes that the sports site is dominated by poor amenity grassland and has poor potential for wildlife. The report goes on to suggest that opportunities exist around the edge of the site for improvement however, including a landscaped buffer and the introduction of bat and bird boxes. Additionally, due to the loss of greenspace on site, the report recommends improvements to the woodland areas on and offsite (in the SSSI) through site appropriate management schemes, including the creation of unimproved grasslands by sowing wildflower mixes and introducing annual cutting regimes. Final details of all landscaping and ecological design details should also be approved by the Local Planning Authority prior to works commencing on site. These details should include on and off site improvements to existing woodland, hedgerows, trees and geological features; wetland, grassland and scrub creation; bat

and bird roost and nest units in buildings, and a long-term maintenance schedule to sustain habitats and features in a favourable condition.

With regards trees, the application accompanied with an Arboricultural Impact Assessment, which advises that no trees are to be removed as part of the scheme. Protective fencing is recommended to protect root zones from soil stacking / compaction when the new artificial pitches are formed, which again can be secured via the imposition of an appropriately worded condition.

It is also noted that residents have queried whether the proposals would

- i) encroach upon the quarry / SSSI site and
- ii) have any harmful impact upon wildlife in the area.

This is not the case, as the extent of the proposals (apart from some drainage / highway works) are wholly contained within the existing fenceline of the sports complex and the submitted information satisfactorily presents a number of opportunities to actually secure improvements to the SSSI area, including further planting and management. As such, the proposal is considered to accord with all relevant Policy and Guidelines in this regard.

Amenity of nearby residents (noise / lighting)

Other concerns raised by nearby residents have included whether the proposals would result in any negative impacts arising from noise and light pollution. The application is supported with the requisite reports in this regard, the findings of which are summarised below:-

Visual Amenity

From a visual perspective, the main changes that will be brought about as a result of the proposals are the associated floodlighting columns which will be installed, in order to enable the facility to be used in the evenings, particularly during the darker months. 22 no. 15 metre high galvanised steel mast will be required to house the 46 no. luminaires, which will have minimal light spill outside of the site. Accordingly, a Lighting Assessment and Visual Impact Assessment accompany the application which provide the relevant technical data on the lighting, together with photo montages which depict the site when viewed from a distance before and after.

Visually, it is considered that the columns themselves will not result in any significant harm, primarily due to their galvanised / grey finish, which will not be readily visible against the backdrop of the sky.

In terms of pollution, the Lighting Assessment concludes that the proposals will only result in a low level of light pollution and any light intrusion that does occur at the closest residential properties will be below the recommended thresholds. As such, it is not considered that the proposal will create an unacceptable impact by way of artificial lighting. The standards that are recommended can be secured via the imposition of conditions, should Members be minded to approve the application.

o Noise

The submitted noise assessment considers a number of potential noise sources associated with the proposed use, the results of this conclude that the additional sporting activities proposed by the development will not give rise to any changes to ambient noise levels and as such is only considered to be a "low" impact. Whilst this is considered as being acceptable, it is recommended that a condition be imposed, should Members be minded to approve, requiring a validating noise

monitoring assessment to be undertaken in order to ensure the submitted noise assumptions are correct.

In addition to the above, it has been noted that the assessment does not assess against any potential amplified entertainment noise, which could occur within the improved pavilion building. As such, it will be necessary for the Applicant to be able to demonstrate that that amplified music will be inaudible at the façade of the nearest noise sensitive premises, and provide detail of any mitigation measures required to achieve this. As such, it is also considered necessary in the event of an approval for a further condition to be imposed requiring a detailed noise assessment and accompanying noise management plan to be submitted and agreed prior to occupation. Such measures will ensure that any potential amplified noise emanating from the building does not give rise to complaints.

o Light

In terms of the proposed AGP floodlighting and car park lighting at the site, the submitted technical specification and Floodlighting Assessment makes it clear that the lighting has been specifically designed to limit light pollution and spillage and is suitable for an area where low light pollution is essential. The floodlighting will also be fitted with timers to ensure the lights are automatically switched off at the end of each day. The Assessment concludes that lighting at the site will not have an unacceptable impact on the local environment in terms of light spillage and will not adversely affect the amenity of nearby residential properties. Such measures can be controlled via condition, should Members be minded to approve the application.

o Odour

As the proposal includes a kitchenette which will be used for the preparation of hot food, a suitable and effective extraction / ventilation system which efficiently captures odours and incorporates a grease, oil and smoke filtration system will be required to serve the proposed use. The extraction system will need to terminate in a suitable position above eaves level and not be fitted with any restriction at the final opening, such as a plate, cap or cowl. Such details can be secured via condition, should Members be minded to approve the application.

With regard to the above, it is considered that the implications of the proposed development in respect of visual / residential amenity and design are acceptable. In assessing these matters, due regard has been given to matters pertaining to noise, odour and light pollution and the proposal is considered to accord with all relevant policies and guidelines, subject to conditions, as described above.

Finally, in respect of residents highways concerns, these are addressed in the following section.

Highways / Parking

As mentioned at the beginning of the report, the proposal provides 255 no. car parking spaces (including 12 disabled) - an increase of 174; Coach Parking is also provided. These numbers are considered to be appropriate, considering the perceived additional activity that will be generated as a result of the proposals. The retention of the existing priority junction arrangement is considered to be appropriate and it is considered that the peak demands for use of this access can be accommodated within the existing traffic flows on Saint Lukes Road.

To create an acceptable means of pedestrian access to the site, a new footway will be required along the east side of Keelmans Lane. This can be secured as part of the highway works that will need to be undertaken as part of a scheme of Section 278 works in the public highway, the cost of which will need to be met by the applicant. These works will also secure the introduction of

waiting restrictions along Keelmans Lane and Saint Lukes Road, kerbing, provision of new lining and signage.

Provided the above measures are secured, the scheme is considered to be satisfactory from a highways perspective and in accordance with all relevant Policies and Guidelines.

Land Contamination

As explained in the earlier "Amenity of nearby residents" section of the report, matters relating to noise, light and odour pollution are considered to be acceptable and controllable. With regards ground conditions, the previous use of the proposed development site as a landfill for the deposit of wastes including inert wastes presents a high risk of contamination that could be mobilised during construction, which could pollute controlled waters, if not managed correctly. Controlled waters are particularly sensitive in this location because the proposed development site is located upon the Wear Magnesian Limestone Principal Aquifer, which is a drinking water protected area.

Accordingly, the application is accompanied with a Preliminary Investigation Report (Desk Study and Site Reconnaissance Report) which has been reviewed by Environmental Health and the Environment Agency who advise that this provides the necessary confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, subject to the imposition of appropriately worded conditions, should Members be minded to approve the application.

Drainage

As explained above, a primary concern with regards drainage is that the proposal will not affect the Aquifer upon which the site sits. Over and above this a Flood Risk Assessment and Drainage Strategy accompanies the application which has assessed that the development site has low to negligible existing flood risk and that the proposed development through inclusion of sustainable drainage and mitigation measures will be acceptable from a flood risk perspective in accordance with the NPPF. The new drainage system is considered to provide a positive effect on the surface water flow paths currently running through the site as these will channel any surface water away from the proposed buildings. In addition to the information provided, the Lead Local Flood Authority has advised that the following will be required:-

- o Confirmation of land drainage collection details around the proposed detention basin, in order to clarify how the detention basin will accommodate the land drainage identified on surface water flood risk maps.
- o Confirmation of agreement to discharge into the network downstream of the site should be provided.

These details will ensure a satisfactory form of development is achieved, which complies with all relevant policies and guidelines, which can be secured via the imposition of appropriately worded conditions, should Members be minded to approve the application.

CONCLUSION

To summarise, the principle of enhancing and improving the offer of outdoor sport and recreational facilities on this established site will clearly provide benefits in terms of supporting increased participation in sports in the City. In assessing this matter, it is acknowledged that the proposals have the direct or indirect support of a range of national bodies with an interest in increasing participation in football or sport more widely.

The principle of the development in land use terms is therefore considered to be acceptable.

In addition, for the reasons discussed above and subject to the imposition of appropriate conditions as recommended throughout the report, the proposals are considered to be acceptable in respect of matters relating to visual and residential amenity (including in relation to noise, lighting and odour pollution), highway and pedestrian safety, ecology and biodiversity, trees, flood risk and drainage and land contamination.

The proposals are therefore considered to comply with the requirements of the core principles and relevant paragraphs of the NPPF and policies B2, B3 CN6, CN16, CN17, CN18, CN20, CN21, CN22, EN5, EN12, EN14, L1, L4, L7, T14, T22 and SA25.2 of the Council's UDP in relation to these matters.

As such, the proposal is welcomed and it is recommended that the application should be approved accordingly, subject to the draft conditions set out below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

The LPA is committed to

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves-

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: Members be minded to Grant consent under the Town and Country General Regulation 2012 (as amended) and the draft conditions set out below.

RECOMMENDATION:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the approved plans and documentation, including recommendations therein, In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.
- 3 Notwithstanding any indication of materials which may have been given in the application, no above-ground development shall take place until a schedule and/or samples of all materials and finishes to be used for the external surfaces of all new buildings, extensions and structures has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall commence until a final detailed scheme for the disposal of foul and surface water from the development (based upon the principles set out in the 'Ford Quarry Flood Risk Assessment and Drainage Strategy' (Version 2, March 2018), produced by Sunderland City Council) has been submitted to and approved in writing by the Local

Planning Authority, in consultation with Northumbrian Water, the Lead Local Flood Authority and Network Rail Easements and Wayleaves (easements&wayleaves@networkrail.co.uk) and Asset Protection Team (assetprotectionneem@networkrail.co.uk). For the avoidance of doubt, the proposed scheme shall provide

- o Confirmation of land drainage collection details around the proposed detention basin, in order to clarify how the detention basin will accommodate the land drainage identified on surface water flood risk maps.
- o Confirmation of agreement to discharge into the network downstream of the site should be provided.

And ensure that

- o all surface and foul water drainage from the development area is directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.
- o Water must not be caused to pond on or near railway land either during or after any construction-related activity.
- o The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.
- o The construction of soakaways within any lease area is not permitted.
- o The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- o The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- o If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.
- o Wayleaves and or easements for underline drainage assets
The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.
- o Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

- o There must be no interfering with existing drainage assets/systems without Network Rail's written permission.
- o The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

in the interest of public safety and in order to prevent the increased risk of flooding from any sources in accordance with the NPPF and policy EN12 of the UDP.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land and details for their protection during the course of development. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatilis "Zebra"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europaea*)

A comprehensive list of permitted tree species is available upon request.

The approved landscaping scheme shall then be carried out in accordance with the timings set out by condition 6 of this decision notice, in the interests of visual amenity and the ecological and biodiversity value of the site and to comply with policies B2 and CN22 of the UDP.

- 6 All planting, seeding or turfing comprised in the details of landscaping approved pursuant to condition 5 of this decision notice shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 and CN22 of the UDP.
- 7 Prior to the commencement of the use of the new facility, final details of the recommendations and measures set out in the Extended Phase 1 Survey dated February 2018 by Durham Wildlife Services should be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details should include on and off site improvements to existing woodland, hedgerows, trees and geological features; wetland, grassland and scrub creation; bat and bird roost and nest units in buildings, and a long-term maintenance schedule to sustain habitats and features in a favourable condition. Once agreed, these measures should be implemented and managed in accordance with these details thereafter, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN18 of the Unitary Development Plan.
- 8 The development hereby approved shall be undertaken in complete accordance with the recommendations / protective measures / conclusions of the submitted Arboricultural Impact Assessment Report dated December 2017, by RPS Group in order to ensure a satisfactory form of development is achieved and in order to accord with Policies CN17 and CN18 of the Unitary Development Plan.
- 9 No development, including demolition, shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - o Arrangements for liaison with the Council's Pollution Prevention & Regulatory Services;
 - o Risk assessment in relation to the railway.
 - o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - o Construction Traffic Management
 - o Hours of construction, including deliveries;
 - o Control measures for dust and other air-borne pollutants;
 - o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - o Erection and maintenance of security hoarding;
 - o Operation, loading and unloading of plant and materials;
 - o Storage of plant and materials used in constructing the development.

The development shall then be carried out in full accordance with approved Construction Environmental Management Plan, in order to ensure a satisfactory form of development and to comply with policies EN1, B2 and T14 of saved Unitary Development Plan.

- 10 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i. A preliminary risk assessment which has identified:
 - o all previous uses;
 - o potential contaminants associated with those uses;
 - o a conceptual model of the site indicating sources, pathways and receptors; and
 - o potentially unacceptable risks arising from contamination at the site.
 - ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 11 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, , in order to ensure a satisfactory form of development and to comply with policy EN1 of the Unitary Development Plan.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

- o Unsuspected contamination may exist at the site which may pose a risk to controlled waters. The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use (i.e. landfill). The environmental setting of the site is sensitive as it lies on the Ford Formation, part of the Magnesian Limestone, a principal aquifer. Conditions 10-12 will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.
 - o To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.
 - o To prevent cause deterioration of a drinking water protected area (groundwater body - the Wear Magnesian Limestone, which the Ford Formation forms part of).
- 13 Prior to the use of the AGPs hereby approved commencing, a Noise Management Plan shall be submitted to the Local Planning Authority for their written approval. The Noise Management Plan, which should detail measures designed to prevent disturbance to local residents resulting from the approved development, shall include undertakings and procedures for:
- o An on-site supervisor responsible for the behaviour of patrons of the sports facility and for liaison with local residents;
 - o The control and use of outside areas;
 - o The recording of complaints and response to those complaints;
 - o The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan.

The approved Noise Management Plan shall be followed and/or implemented at all times for the lifetime of the development, in order to minimise the risk of noise leading to harm to amenity and to comply with the requirements of paragraph 123 of the NPPF and policy EN5 of the UDP.

- 14 Amplified music shall not be played within the interior of the pavilion building unless a Noise Management Plan has first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the management plan will be expected to contain details of the procedures and mitigation measures to be put into place as required to minimise harm to the amenity of the nearest noise-sensitive properties. At all times thereafter the Noise Management Plan shall be implemented in accordance with the approved details in the interests of limiting noise pollution and to comply with paragraph 123 of the NPPF and policy EN5 of the Unitary Development Plan.
- 15 Within 3 months of the use of the AGPs hereby approved commencing, a validating noise monitoring and assessment exercise shall be undertaken and submitted to the City Council, as Local Planning Authority, for its written approval. The assessment shall validate the predicted levels of noise in respect of the use of the AGPs and car park activity. In the event the noise levels predicted by the Noise Assessments (prepared by Acoustic Consultants Ltd, December 2017) submitted with the application are exceeded, the assessment shall include details of suggested additional means of attenuation/

mitigation for the consideration and written approval of the City Council. The approved attenuation/ mitigation measures must be in place within one month of obtaining written approval and shall be maintained thereafter for the lifetime of the approved use, in the interests of minimising noise from operations at the site and to comply with the requirements of policy EN5 of the adopted UDP and paragraph 123 of the NPPF.

- 16 The use of the extended pavilion building hereby approved shall not be carried out outside the hours of 09:00 - 22:45 Monday to Sunday, inclusive of Bank Holidays, in order to safeguard the amenity of nearby occupiers and to accord with the core principles of the NPPF and UDP policies B2 and EN5.
- 17 The floodlighting to the AGPs hereby approved shall not remain operational outside the hours of 09:00 - 22:00, in the interests of minimising intrusion from artificial lighting at the site and to comply with the requirements of the core principles of the NPPF and policies EN1 and B2 of the UDP.
- 18 No construction works on the external elevations of the extended pavilion building hereby approved shall commence until details of all necessary plant and machinery to serve the development, including a suitable ventilation/extraction/filtration system illustrating all external ducting and stacks as well as appropriate noise and odour mitigation assessments, have been submitted to and approved in writing by the Local Planning Authority and/or planning permission has been granted for such. All plant/machinery shall be fully installed in accordance with the agreed details before any use commences, in order to protect the amenity of the area and to comply with policy EN5 and B2 of the adopted UDP and the NPPF.