

## **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/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre  
Executive Director City Development

**Reference No.:** 22/00141/FUL Full Application

**Proposal:** **Demolition of existing Gurdwara (Nissen hut) and reconstruction of new Gurdwara building. Minor works to former Christ Church comprising altering the link between the vestry and the main church building by creating a wider opening to the west elevation and removing a door to the east elevation, and erection of new flagpole.**

**Location:** The Sunderland Sikh Association, Christ Church Hall, Ryhope Road, Sunderland, SR2 7ED

**Ward:** St Michaels

**Applicant:** Sunderland Sikh Association

**Date Valid:** 23 March 2022

**Target Date:** 18 May 2022

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## **PROPOSAL:**

### **INTRODUCTION**

Planning permission is sought for the demolition of an existing Gurdwara (Nissen hut) and for the reconstruction of a new Gurdwara building at Christ Church Hall, Ryhope Road in Sunderland. Minor works are also proposed to the former Christ Church comprising altering the link between the vestry and the main church building by creating a wider opening to the west elevation and by removing a door to the east elevation, as well as the erection of a new flagpole.

Sunderland Sikh association currently use the existing 320 square metre former Nissen hut to the rear of the former Christ Church for their Diwan (the focus of their religious ceremonies).

### **DESCRIPTION OF SITE AND SURROUNDINGS**

The application site relates to the Grade II listed Christ Church, positioned off Ryhope Road to the south of Sunderland City Centre. It is positioned within the Ashbrooke Conservation Area, and within an area that is primarily residential in character.

### **THE PROPOSED DEVELOPMENT**

The proposed two-storey Gurdwara would be positioned to the west of the existing Christ Church in the position of the existing Nissen hut. It would have a gross floor area of 892 square metres and would be approximately 17 metres high. It would be rectangular in floor area and would include three dome features to the front elevation, with the central dome being the largest.

The proposed Gurdwara would be constructed in the following external building materials:

- Front walls of natural sandstone cladding. This would include stone string courses. The front elevation would also include mouldings of cream cast Glass Reinforced Concrete (GRC), Jali screens and panels of white cast GRC, front doors of glazed panelled construction, and cast or concrete stone plinths.

- Side walls of natural stone cladding, buff bricks and render.
- Rear walls of buff bricks and render.
- Roof of aluminium or zinc.
- Domes of white / gold cast GRC. The main parts of the dome would be white.
- Solar panels would be installed to the south elevation.

Minor works to the former Christ Church would comprise altering the link between the vestry and the main church building by creating a wider opening to the west elevation and removing a door to the east elevation, and internal alterations to add partitions to the vestry.

The proposed flagpole would be constructed in steel or GRP.

Application details state that the proposed Gurdwara would be able to cater for the present and future needs of the Sikh community, with a 262m<sup>2</sup> Langar Hall and a 259m<sup>2</sup> Diwan, together with appropriate ancillary rooms.

Car parking and circulation of vehicles within the site would be altered. This would include a one-way system whereby entry would be from Mowbray Road and exit would be onto Ryhope Road. The existing site plan illustrates that there are 22 parking spaces within the application site, and that these would be re-configured and additional parking would be provided around the war memorial to the south of the main part of Christ Church. In total there would 33 car parking spaces provided within the application site.

The bins would be stored in the same place as existing adjacent to the kitchen within the former Christ Church building. On collection day the bins would be moved to a bin collection area.

The application has been supported by the following documents:

- Design, Access and Heritage Statement (Job Ref: 221.14) dated 26 May 2022 received 15/09/2022
- Additional Heritage Statement titled 'Conservation Area Considerations: Sunderland Gurdwara' (Job Ref: 221.14) dated 19 April 2022, received 26/05/2022
- Preliminary Roost Assessment - Bats and Birds by Tyne Ecology dated 17th August 2022, received 12/09/2022
- Bat Survey Report by Tyne Ecology dated 8th September 2022, received 12/09/2022
- Ecology Information by Tyne Ecology dated 03/10/2022, received 03/10/2022
- Transport Statement by Dynamic Transport Planning dated June 2022, received 29/06/2022
- Desk Based Study (Phase 1) (Report Ref: 220069) by Intersoil Limited dated 4 January 2023, received 06/01/2023
- Arboricultural Report (Job Ref: 221/14) received 01/03/2022
- Planning Issues Document received 11/10/2022
- Further Planning Issues Document received 01/12/2022
- Gold colour / finish document received 18/10/2022

## PLANNING HISTORY

There is no planning history of relevance to the determination of this planning application.

## TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Watermans - Land Contamination  
Planning Implementation  
Network Management  
Natural Heritage  
Watermans - Land Contamination  
Natural Heritage  
Watermans - Land Contamination  
Natural Heritage  
Planning Implementation  
Network Management  
Natural Heritage  
Watermans - Land Contamination  
Network Management  
Planning Implementation  
Natural England  
Natural Heritage  
Watermans - Land Contamination  
Cllr Lyall Reed  
Cllr Michael Dixon  
Cllr Peter Wood  
Network Management  
Planning Implementation  
Planning Policy  
Environmental Health  
Tyne And Wear Archaeology Officer  
Historic England  
Northern Gas Networks  
Northern Powergrid  
Northumbria Police  
Planning Implementation

2 Park Hall The Cloisters Sunderland SR2 7QB  
41 Park Hall The Cloisters Sunderland SR2 7QB  
43 Park Hall The Cloisters Sunderland SR2 7QB  
Vacant Property 6 - 7 The Cloisters Sunderland SR2 7BD  
1 Westbrooke Ryhope Road Sunderland SR2 7ED  
42 Park Hall The Cloisters Sunderland SR2 7QB  
40 Park Hall The Cloisters Sunderland SR2 7QB  
18 Park Hall The Cloisters Sunderland SR2 7QB  
Basement Flat 3 The Cloisters Sunderland SR2 7BD  
SPT Marine Services Limited 1 The Cloisters Sunderland SR2 7BD  
8 Westbrooke Ryhope Road Sunderland SR2 7ED  
Basement Flat 1 The Cloisters Sunderland SR2 7BD  
53 Park Hall The Cloisters Sunderland SR2 7QB  
47 Park Hall The Cloisters Sunderland SR2 7QB  
45 Park Hall The Cloisters Sunderland SR2 7QB  
6 Park Hall The Cloisters Sunderland SR2 7QB  
54 Park Hall The Cloisters Sunderland SR2 7QB

22 Park Hall The Cloisters Sunderland SR2 7QB  
4 Park Hall The Cloisters Sunderland SR2 7BQ  
30 Park Hall The Cloisters Sunderland SR2 7QB  
39 Park Hall The Cloisters Sunderland SR2 7QB  
37 Park Hall The Cloisters Sunderland SR2 7QB  
36 Park Hall The Cloisters Sunderland SR2 7QB  
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34 Park Hall The Cloisters Sunderland SR2 7QB  
33 Park Hall The Cloisters Sunderland SR2 7QB  
31 Park Hall The Cloisters Sunderland SR2 7QB  
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25 Park Hall The Cloisters Sunderland SR2 7QB  
32 Park Hall The Cloisters Sunderland SR2 7QB  
38 Park Hall The Cloisters Sunderland SR2 7QB  
51 Park Hall The Cloisters Sunderland SR2 7QB  
3 Park Hall The Cloisters Sunderland SR2 7BQ  
8 Park Hall The Cloisters Sunderland SR2 7QB  
16 Park Hall The Cloisters Sunderland SR2 7QB  
5 Park Hall The Cloisters Sunderland SR2 7QB  
56 Park Hall The Cloisters Sunderland SR2 7QB  
52 Park Hall The Cloisters Sunderland SR2 7QB  
50 Park Hall The Cloisters Sunderland SR2 7QB  
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48 Park Hall The Cloisters Sunderland SR2 7QB  
46 Park Hall The Cloisters Sunderland SR2 7QB  
44 Park Hall The Cloisters Sunderland SR2 7QB  
55 Park Hall The Cloisters Sunderland SR2 7QB  
21 Park Hall The Cloisters Sunderland SR2 7QB  
23 Park Hall The Cloisters Sunderland SR2 7QB  
11 Park Hall The Cloisters Sunderland SR2 7QB  
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19 Park Hall The Cloisters Sunderland SR2 7QB  
20 Park Hall The Cloisters Sunderland SR2 7QB  
17 Park Hall The Cloisters Sunderland SR2 7QB  
24 Park Hall The Cloisters Sunderland SR2 7QB  
15 Park Hall The Cloisters Sunderland SR2 7QB  
12 Park Hall The Cloisters Sunderland SR2 7QB  
10 Park Hall The Cloisters Sunderland SR2 7QB  
9 Park Hall The Cloisters Sunderland SR2 7QB  
7 Park Hall The Cloisters Sunderland SR2 7QB  
14 Park Hall The Cloisters Sunderland SR2 7QB  
6 Westbrooke Ryhope Road Sunderland SR2 7ED  
3 Westbrooke Ryhope Road Sunderland SR2 7ED  
4 Westbrooke Ryhope Road Sunderland SR2 7ED  
Ground First And Second Floors 5 The Cloisters Sunderland SR2 7BD  
Basement Flat 5 The Cloisters Sunderland SR2 7BD  
4 The Cloisters Sunderland SR2 7BD  
The Sunderland Sikh Association Christ Church Cottage Ryhope Road Sunderland SR2 7BD  
First Floor 2 The Cloisters Sunderland SR2 7BD  
7 Westbrooke Ryhope Road Sunderland SR2 7ED

5 Westbrooke Ryhope Road Sunderland SR2 7ED  
6 The Cloisters Sunderland SR2 7QB  
Tasker House 1 The Elms Sunderland SR2 7BZ  
Basement 2 The Cloisters Sunderland SR2 7BD  
9 Westbrooke Ryhope Road Sunderland SR2 7ED  
2 Westbrooke Ryhope Road Sunderland SR2 7ED  
The Coach House Westbrooke Ryhope Road Sunderland SR2 7ED  
The Gate House Westbrooke Ryhope Road Sunderland SR2 7ED  
The Sunderland Sikh Association Christ Church Ryhope Road Sunderland SR2 7EE  
Second Floor 2 The Cloisters Sunderland SR2 7BD  
Ground Floor 2 The Cloisters Sunderland SR2 7BD  
3 The Cloisters Sunderland SR2 7BD

Final Date for Receipt of Representations: **03.02.2023**

## **REPRESENTATIONS:**

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, two site notices being displayed, one to the north and one to east of the site, and a notice being posted in the local press.

The following consultees were consulted on the application.

- Built Heritage and Regeneration (the Conservation Team)
  - Planning Policy
  - Environmental Health
  - Transport Development (the Local Highway Authority)
  - Tyne and Wear Archaeology Officer
  - Historic England
  - Northern Gas Networks
  - Northern Powergrid
  - Northumbria Police
  - Natural Heritage
  - Watermans (Land contamination)
  - Three Ward Councillors
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- Press notice expiry date: 19/04/2022
  - Site notice expiry date: 21/04/2022
  - Neighbour notifications expiry dates: 15/04/2022 and 03/02/2023
  - Final consultation expiry date: 01/02/2023

## Neighbour Notification Responses

### Objections to original proposal

The owner / occupiers of the following properties have objected (some strongly) to the planning application and they are collectively summarised below:

- 16 Park Hall Road, Sunderland
- 26 Park Hall, Sunderland
- 27 Park Hall, Sunderland
- 35 Park Hall, Sunderland

- 38 Park Hall, Sunderland
- 39 Park Hall, Sunderland (objection to original and amended proposal)
- 44 Park Hall, Sunderland (objection to amended proposal)
- 54 Park Hall, Sunderland (objection to amended proposal)
- 4 The Limes, Sunderland (Constitutional Chairman of Residents Association and representative of 23 dwellings at The Limes).
- Sunderland Civic Society, 11 The Oaks, Sunderland
- 4 The Elms, Sunderland
- 5 The Elms, Sunderland
- 8 The Elms, Sunderland
- Ground Floor, 2 The Cloister, Sunderland
- 3 The Cloisters, Sunderland

Two anonymous objections are also summarised below.

#### Impact on heritage assets:

- The new building would be out of keeping with other buildings in the Ashbrooke Conservation Area including the adjacent Christ Church. It would have a significant impact on the area's visual amenity, failing to match existing buildings in the Ashbrooke Conservation Area.
- The proposed development would not accord with the Council's guidance documents in relation to the Ashbrooke Conservation Area. Its architectural style, aesthetics and use of materials would not be in keeping and would not reinforce the distinctive architectural character of the conservation area (red brick and Welsh slate are the principle building materials).
- The proposed building would not have the architectural merit that the Grade II listed Christ Church has. Christ Church has great appeal and townscape qualities which are enhanced by space on either side.
- Other buildings such as Landham Tower have retained the heritage. It is not right to allow such a different building.
- The existing Nissen hut is low-key and does not impose. A replacement building should enhance the distinctive character of the area.
- It would be sensible to use resources to repair, restore, renovate and transform the existing Grade II listed Christ Church into a more appropriate space in way that would embrace Sikh cultural heritage.

#### Design and general visual impact

- The proposed building should be more aspirational in design and materials.

#### Traffic and road safety:

- There are already traffic problems (car parking and congestion) relating to the existing Gurdwara.
- There are parking restrictions in place to manage traffic flows and avoid over-congestion.
- There is inadequate parking at the application site and in the vicinity, which is dangerous to other road users and pedestrians. The neighbouring streets are lined with cars (which park half on the pavement) making it difficult and dangerous for pedestrians and vehicles to leave or gain access to properties. The car parking spaces within the temple grounds are inadequate for the numbers attending events at present. Parking is worse at the weekend and when key events take place.
- The use of a bus service would not work as there is nowhere for buses to park anywhere near the property.

- There have been a number of accidents in the street over the past few years, including one involving a police vehicle.
- Recently an ambulance was required at The Elms, but there was nowhere for them to park.
- The proposal could continue or worsen parking problems, especially with reduced car parking. It would result in the net loss of 11 car parking spaces. The proposed building would be larger than the existing, and so visitor numbers and functions must also increase parking and traffic congestion. It would attract bigger crowds and become a focal point for the wider community than at present.
- Suggested uses for the existing Christ Church including a creche or sports hall would generate significant volumes of traffic and so an increase in the demand for car parking. This would also cause problems.
- Although the future use of Christ Church does not form part of this application, close consideration should be given to the adequacy of car parking provision associated with this application (a net loss of 11 spaces), in relation to the ability to deliver a beneficial use for the Christ Church building. There could be a significant constraint on future decision-making relating to the existing Christ Church building.
- If the existing Christ Church was used and the existing Nissan hut was demolished, space could be created for landscaping and additional parking.

#### Noise:

- Noise will be a problem disrupting residents. This is a residential area and usually relatively quiet.
- Music can reach excessive levels and so a bigger building would make problems worse.
- A few years ago, there were many times when complaints were made to the Environmental Health department. The church building was being used for events such as weddings, and as the 'party hall', with disco music very noisy and disturbing late at night. Although alcohol was not allowed in the Gurdwara, visitors brought their own and this was put in the actual church building and consumed there or in the street. There has only been occasional problems since then.
- Events were moved to Rainton. If the larger building is at Rainton then it should be used in the future.
- The proposed building would be larger than the existing, and so visitor numbers and functions (weddings, funerals and festivals) would increase noise levels and disturbance (especially at night).

#### Litter:

- Litter used to be a problem due to the number of functions that the larger Gurdwara would have.

#### Loss of views and natural light:

- The proposed building would block views and natural light from neighbouring apartments.

#### Objections to amended proposal

#### **Case Officer Comments:**

Only additional comments are summarised here so as not to repeat those set out above.

#### General

- A larger temple is proposed in order to hold more events - weddings, funerals and celebrations etc.

#### Impact on heritage assets:



- The proposed development would not be in keeping with the local area.
- The proposed white GRC domes would not reduce their prominence or their visual impact on the character and appearance of the conservation area in any meaningful way.
- Sandstone is used as detailing on many properties in the area but the proposed cladding on the front elevation of the Gurdwara is not in keeping with that limited use nor the stone construction of Christ Church.
- Buff brick and render of the east, west and south elevations of the proposed building do not blend in with the traditional red brick.
- Aluminium or zinc with standing seams for the roof is not in keeping with traditional slate. The Sikh Association are agreeable to changing this to natural slate.
- A 10-metre pole of a prominent design would be out of character.

#### Traffic and Road Safety

- Insufficient parking for the amount of attendees that events / occasions would attract.
- Difficulty pulling out of Park Hall gates due to existing parking issues causing obstructions.
- There is no respect for parking or allowing residents priority on street parking on Sundays or large occasions.

#### Loss of views and natural light:

- The proposed building would cast a shadow on neighbouring apartments.

#### Internal consultee responses

#### Transport Development (the Local Highway Authority)

- First representation

A Transport Statement is required to understand the potential highway and transport related impacts that could be caused by the proposed development, and to clarify whether proposed mitigation would be sufficient. The proposed Gurdwara has the potential to attract additional traffic, changes to car parking within the site are not clear, there is insufficient information in relation to the internal site layout, and objectors point out that there are problems in the vicinity in relation to traffic congestion with insufficient and inappropriate parking.

- Second representation

#### No objections subject to recommendations set out below:

- A one-way system is proposed to enable efficient flow of traffic (entrance from Mowbray Road and egress to Ryhope Road), and the layout can accommodate up to a 17-seat minibus for drop-off and pick-up. This is broadly acceptable. Internal signage should be provided to ensure the safe operation of the one-way system, and to ensure that vehicles larger than those stipulated do not enter the site.
- A total of 33 no. on-site parking spaces are proposed, including 17 no. on-site, and 16 no. at the adjacent War Memorial car park. The applicant should ensure that all on-site parking is formalised to ensure it is visible and used efficiently, with at least one bay designated for disabled access. The applicant should also consider an electric vehicle charging point for at least one in-curtilage parking bay. It is considered that there would be an acceptable level of parking provision for the site, but use of non-car modes should also be promoted.
- There is a good level of public transport provision in proximity to the proposed development, including bus stops on the adjacent Ryhope Road, and Park Lane Metro

within a 10-15 minute walk. There is also good existing provision for cyclists and pedestrians, though the applicant should consider providing cycle storage facilities. This will help promote the use of cycling to and from the site.

- The applicant should produce and maintain a Travel Plan to capture and promote the use of existing sustainable travel provision to and from the site.
- The parking survey, undertaken on a Sunday in June, is deemed acceptable, to gauge current levels of peak demand.

- Final representation

No objections to the amended proposal. The only comment would be to ensure that the operation of the site entrance gates (whether new or existing) do not hinder access or egress to the parking spaces adjacent to the entrance or restrict vehicular movements on-site in any other way.

#### Conservation Team

The need for the proposed Gurdwara is understood and it is recognised that its bespoke architectural style and internal layout needs to satisfy certain criteria for its specific purpose. It is however nonetheless not typical of the surrounding architecture that characterises Ashbrooke Conservation Area.

The proposed development of the site would be acceptable in principle and the revised scheme has been subject to lengthy discussions to improve its architectural quality and how it sits within its historic context. The design improvements to the architectural quality of the Gurdwara have minimised its adverse impact and reduced the harm to the significance of the Conservation Area and the Grade II listed Christ Church to a very minimum level. The proposed flagpole would have a minimal impact on the character of the Conservation Area and setting of Christ Church and is therefore acceptable. However, any harm whatsoever still falls within the category of less than substantial harm, and so Paragraph 202 of the National Planning Policy Framework NPPF) (July 2021) remains applicable in consideration of the proposed development.

The public benefits of the proposed development should be weighed against the 'minimal' degree of less than substantial harm, in accordance with Paragraphs 200 and 202 of the NPPF, to allow an informed decision to be made as part of the planning balance. If planning permission is to be granted, conditions are recommended to require details and samples of external materials and details of a landscape scheme to be submitted and approved, as well as in relation to any architectural building recording condition for the Nissan hut requested by the Tyne and Wear Archaeology Officer.

#### Case Officer Comments:

Only the final representation from the Council's Conservation Team has been summarised above.

#### Environmental Health

- First representation

No objections subject to a condition being attached to any planning permission relating to the submission of a Construction Environmental Management Plan (CEMP). This is required due to the proximity of neighbouring residential accommodation.

Case Officer Comments: Given that a number of objections have been raised in representation in relation to noise impacts, the Council's Environmental Health Officer was asked to provide further comments in relation to these concerns.

- Second representation

The use of a Gurdwara as a place of worship and general assembly does not in itself introduce a significant noise source, but it provides a venue for functions presumably related to its religious nature. This appears to be an established use of the site.

Whilst noting that there has been comment about noise associated with certain events in the past it seems to have been some considerable time since such an issue was raised. The proposal does not specify particularly noisy uses. There are doorways proposed to the western façade that (during events) would need to be managed appropriately to contain any noise generated within the ground floor. This is no different to many such establishments and it will be the responsibility of the management of the premises. Statutory nuisance provisions would remain available should issues arise in the future.

### Natural Heritage

- First representation

Holding objection. Although acceptable in principle, insufficient information is currently available to allow a robust assessment of the potential ecological impacts of the proposal to be made. As the potential presence of bats is a material planning consideration, information relating to such species is required in support of the planning application; this cannot be secured via condition.

- Second representation

The early September timing of the completed bat activity survey is sufficient and appropriate, and no further information is required in relation to potential roost features. No objections subject to conditions being attached to any planning permission in relation to:

- Works not commencing during the bird nesting season (March - September inclusive) unless a checking survey has been completed by a suitably qualified ecologist.
- Works being undertaken in accordance with a precautionary method statement in relation to bats.
- Works not commencing until a plan showing the location and specification of two bat boxes and two bird boxes to be installed, including any lighting strategy has been approved. The approved details should then be implemented.

### External Consultee responses

#### Tyne and Wear Archaeology Officer

If the planning application is to be approved, historic building recording would be required prior to any works commencing. This should include the recording of the link between the vestry and the main church building, the front boundary, the War memorial and the Nissen hut. As the proposed development area is located in an area associated with a number of significant prehistoric finds, intermittent archaeological monitoring of groundworks associated with this development would be required. If during the monitoring it becomes evident that the site has been too heavily disturbed during previous groundworks, discussions can be held to determine whether the watching brief should continue.

Conditions are recommended in relation to archaeological building recording, an archaeological watching brief and an archaeological watching brief report.

Historic England

No comments to make - views should be sought from the Council's specialist conservation and archaeology advisors.

Northumbria Police

Support the proposed development

Northern Gas Networks

No objections

Northern Powergrid

No objections

Natural England

No response provided

Watermans (Contamination Land Advisor)

The submitted Desk Based Study (Phase 1) concludes that the risk levels associated with identified potential sources of contamination are low, very low or negligible for all identified receptors. Section 12 of the report presents recommendations for further works, which includes an intrusive ground investigation to confirm the assumptions made and to provide data for foundation design. The conclusions of the submitted report are agreed with. Conditions should be attached to any planning permission relating to a ground investigation, a remediation strategy, a verification report, and the event of any unexpected contamination being found that was not previously identified.

## **COMMENTS:**

### **PLANNING POLICY AND LEGISLATIVE CONTEXT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

## ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Impact on Heritage Assets
3. Design and impact on visual amenity;
4. Impact on residential amenity;
5. Impact on highway and pedestrian safety;
6. Impact on ecology;
7. Impact in relation to land contamination;
8. Impact on archaeology; and
9. Impact on trees.

### 1. Principle of Development

- Strategy / Land Use Policies

Policy SP1 'Development Strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to meet people's needs, the Council, working with local communities, its partners and key stakeholders will ensure that sufficient social infrastructure is delivered. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by supporting the sustainability of existing communities in South Sunderland, and by delivering the majority of development in the Existing Urban Area, in sustainable locations close to transport hubs.

Policy SP5 'South Sunderland' of the adopted CSDP states that South Sunderland will continue to grow.

The proposed development would contribute to the delivery of social infrastructure by supporting the sustainability of the existing Sunderland Sikh Association in South Sunderland. It would also contribute to delivering sustainable patterns of development, given that it would be positioned within the Existing Urban Area, in a sustainable location within close proximity to public transport (bus services run along Ryhope Road, and Sunderland City Centre is within walking distance).

On this basis the proposed development would accord with strategic Policy SP1 and strategic Policy SP5 of the adopted CSDP.

- Community Use

Policy VC5 'Protection and delivery of community facilities and local services' of the adopted CSDP states that community facilities will be protected and enhanced by supporting the development of new and extended community facilities.

The application site is currently used by the Sunderland Sikh Association, and so operates as a community facility as defined in the glossary of the adopted CSDP. This defines community facilities as:

"A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

It is considered that the proposed development providing a larger Gurdwara would seek to enhance the existing community facility currently operating from the site by the Sunderland Sikh Association. It would therefore accord with Policy VC5 of the adopted CSDP.

- Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

## **2. Impact on Heritage Assets**

Policy BH7 of the adopted CSDP states that 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 including by giving weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy.

Policy BH8 of the adopted CHDP states that development affecting heritage assets or their settings should demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. Development affecting a listed building should conserve and enhance its significance in regard to its setting and views of it, and contribution to local character and distinctiveness; and be sympathetic and complimentary to its height, massing, alignment, proportions, form, architectural style, building materials and its setting. To preserve or enhance the significance of conservation areas development should accord with the relevant adopted Character Appraisal and Management Strategy (CAMS), and should make a positive contribution to the character and distinctiveness of the conservation area, to respect and enhance the established historic townscape and built form, street plan and its setting.

The Ashbrooke Conservation Area Character Study provides further guidance regarding the acceptability of development within this conservation area.

Paragraph 202 of the National Planning Policy Framework (NPPF) (dated 20th July 2021) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the Grade II listed Christ Church and the Ashbrooke Conservation Area), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Council's Conservation Team have advised that the proposed development would have minimal (albeit still within the category of less than substantial) harm to the Grade II listed Christ Church and the character and appearance of the Ashbrooke Conservation Area. Public benefits of the proposed development should therefore be weighed against this 'minimal' degree of 'less than substantial harm', to allow an informed decision to be made as part of the planning balance. They have suggested that conditions should be attached to any planning permission in relation to external materials of the proposed Gurdwara, and in relation to landscaping (including boundary treatments and hard surfaces).

The concerns raised in representations in relation to impact on heritage assets are noted. However, the design of the proposed Gurdwara has been subject to lengthy discussions with

the architect to improve its architectural quality and how well it sits within its historic context, in particular its visual relationship with Christ Church and its impact on the townscape of this part of the Ashbrooke Conservation Area. The amended proposal reflects these discussions and incorporates improvements to the design quality and contextual appropriateness of the architectural approach. Most importantly the introduction of natural stone as the facing material for its frontage would allow the building to sit more comfortably alongside the listed stone Christ Church, whilst the change in the predominant material and colour finish for the domes from gold GRP to white GRC would reduce the prominence and visual impact of the domes, which are somewhat alien features for the conservation area but recognised as an essential element of the Gurdwara's specific design requirements. The set-back position of the proposed Gurdwara would further reduce its visual prominence and its somewhat awkward architectural relationship with Christ Church.

The proposed flagpole and other parts of the proposed development would have minimal impact on the Grade II listed Christ Church and on the Ashbrooke Conservation Area.

The amended proposal would help the Gurdwara to sit more comfortably within its historic context though it would still appear to some degree incongruous within the distinctive architectural character of the surrounding townscape. The adverse impact on the setting of Christ Church and the character and appearance of Ashbrooke Conservation Area has however been notably reduced by the design improvements and is now minimal. That said, any harm whatsoever still falls within the category of less than substantial, and so this minimal harm must be weight against the public benefits of the proposal in accordance with Paragraph 202 of the NPPF.

The applicant's agent has listed numerous public benefits associated with the proposed development. These public benefits are summarised as follows:

- All Sikhism involves a significant charitable component. The Sunderland Sikh association is typical in this respect. It is a registered charity, raising around £125,000 a year by donations and spending this for the good of the community. The association currently has a membership of approximately 1000 families.
- In 2001, Sunderland Sikh Association gutted and refurbished the interior of Christ Church, including a community centre for the use of the association and other voluntary organisations in the Sunderland area. 90% of funding was donated by association members. In 2017, the Sikh Association restored the war memorial within the grounds of Christ Church.
- Benefits to Sikh community
- The Gurdwara is an important place of worship for Sikh children and families within Sunderland, which is the second largest ethnic group within the area.
- The elderly generation use the facility as a day centre where they can receive free meals, reducing the need for Council-financed Adult Social Care.
- The Gurdwara is a central point for the Sikh community to meet and educate members.
- The community has continued to grow and needs a facility that can work for them.
- Benefits to wider community
- Gurdwara activities include a community outreach project programme with local schools and other community associations. Initially, work was focused on explaining and answering questions on the Sikh faith and, when the refurbishment of the Gurdwara was completed, visits were arranged to tour the building with refreshments included. In the years before the pandemic more than 220 events were completed with 86 schools participating, approximately 40% of which were from outside Sunderland with schools visiting from as far as Newton Aycliffe and Consett. Post-Covid, the association is now in the process of re-vitalising the school programme.

- The association has hosted awareness programmes for other partners such as Durham Constabulary and Northumbria Police.
- The Gurdwara is regularly used by a variety of organisations and community groups for activities such as festivals, exhibitions and fundraising events. The association supports these by providing refreshments and volunteers. However, the limitations of the current building are resulting in fewer opportunities to do so.
- The association is a member of the Sunderland Interfaith forum, taking part in the annual interfaith walk and providing refreshments at the Gurdwara.
- Every year the association celebrates Chabeel Day, a Sikh tradition where in the heat of the day, cold drinks are handed out to people who pass by.
- Similarly, Vaisakhi, is the annual celebration of the founding of the Sikh order - on this day the Gurdwara is open to the everyone with displays of music, dancing and crafts and provision of meals. To date this has always been well attended by various individual members of the community as well as groups and other local partners.
- Current issues
- Maintenance and running costs of Nissen hut is funded through regular congregation that attend the Gurdwara. Energy bills are substantial - funding could be better utilised to support activities that the Gurdwara and community hall support.
- Potential to modernise the Nissen hut is limited, and heat loss is substantial.
- Layout of the Nissen hut impacts on manoeuvrability within the site - it prevents large vehicles from accessing the rear of the building towards the war memorial.
- Since the construction of a new Gurdwara in Newcastle, the number of weddings held in Sunderland has fallen from 25 per year to zero.
- Future of Sikh Gurdwara
- Proposed Gurdwara is intended to maintain and expand the work that has, and continues to be, undertaken by the association to support multi-cultural activities, raise awareness of the importance of inclusion and contribute significantly to the development of diverse and inclusive communities.
- A modern Gurdwara premises would have a smaller carbon footprint and the new location would improve the access to the building with better parking facilities. This would increase it as a choice for Sikh youths to use the facility not just for worship but for significant life event celebrations.
- The proposed development would bring a multi-cultural asset to Sunderland as a whole.

It is considered that the public benefits set out above demonstrate that the existing Gurdwara provides genuine existing benefits to both the Sikh community, as well as benefits to the wider community. The public benefits set out above also demonstrate that the proposed Gurdwara would expand on these existing benefits providing an enhanced community facility for the City of Sunderland. The proposed Gurdwara would provide a more modern, larger and more energy efficient building, which would ensure that existing public benefits are not only maintained but would be expanded upon.

Given that the harm to the Grade II listed Christ Church and the Ashbrooke Conservation Area are minimal (as advised by the Council's Conservation Team), it is considered that in the planning balance, the public benefits set out above would be sufficient to outweigh the minimal degree of 'less than substantial harm'. However, it is recommended that conditions be attached to any planning permission, as suggested by the Council's Conservation Officer, to ensure that the exact materials of the proposed Gurdwara and the landscaping scheme are acceptable at this sensitive location.

The proposed development would not fully accord with Policy BH7 and BH8 of the adopted CSDP. However, guidance within the NPPF is given significant weight in the decision-making process. Therefore, subject to the discharge of and compliance with recommended conditions,



it is considered that given the specific circumstances of this case, the proposed development would be acceptable in relating to its impact on heritage assets.

### **3. Design and impact on visual amenity**

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. It should not detract from important views of buildings, structures and landscape features.

The concerns raised in representations are noted in relation to the design and visual impact of the proposed development. However, as stated above the amended design of the proposed Gurdwara incorporates improvements to the design quality and contextual appropriateness of the architectural approach. The proposed Gurdwara would sit more comfortably within its historic context, although it would still appear to some degree incongruous with the distinctive architectural character of the surrounding townscape. The proposed flagpole and other parts of the proposed development would have no unacceptable visual impacts.

Northumbria Police have raised no objections to the proposed development from a community safety perspective.

Overall, it is considered that the proposed development would be of an acceptable scale, massing, layout, appearance and setting, and so it would have no unacceptable visual impacts to warrant refusal of the application. It is recommended that conditions be attached to any planning permission (as stated above under 'Impact on Heritage Assets') in relation to external materials of the proposed Gurdwara, and in relation to landscaping (including boundary treatments and hard surfaces).

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 of the adopted CSDP.

### **4. Impact on residential amenity**

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Park Hall flats to the west of the application site include habitable room windows. Some occupiers of these flats have raised concerns in relation to the proposed building blocking views

/ natural light and causing overshadowing. However, the proposed development would be positioned over 14 metres from the nearest windows. It is considered that occupiers of these flats would retain an acceptable level of outlook. Given this separation distance, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of these neighbouring flats in relation to privacy, outlook and over dominance, or overshadowing / loss of light.

Concerns raised by occupiers of neighbouring properties in relation to noise are noted. However, there is no evidence to suggest that the current proposed Gurdwara would cause any unacceptable noise impacts. The Council's Environmental Health Officer has raised no objections to the proposed development in relation to noise or any other impacts when the proposed development is operation. They have advised that should any noise issues arise in the future when the proposed Gurdwara is in operation (including from any events that may take place), that this could be controlled via statutory nuisance legislation. However, in order to mitigate impacts during construction, they have suggested that a condition should be attached to any planning permission to require the applicant to submit a Construction Environmental Management Plan (CEMP). It is recommended that such a condition be attached to any planning permission.

Subject to the discharge of and compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings / flats in the vicinity of the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP.

## **5. Impact on highway and pedestrian safety**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

The proposed development would be positioned close to Sunderland City Centre and so in a very sustainable location with good access to public transport nodes. A Transport Statement has been submitted as part of this planning application. The Council's Transportation Department (the Local Highway Authority) has considered this submission and raised no objections to the proposed development. They have advised that the proposed one-way system to enable the efficient flow of traffic (entrance from Mowbray Road and egress to Ryhope Road) would be acceptable, subject to internal signage being provided - to ensure the safe operation of the one-way system and to ensure that vehicles larger than those stipulated do not enter the site.

The Council's Transportation Department has advised that car parking provision within the application site would be acceptable, and that it should be formalised to ensure that it is visible and used efficiently, with at least one bay designated for disabled access and an electric vehicle charging point for at least one bay. They have also advised that there is good existing provision for cyclists and pedestrians, though the applicant should consider providing cycle storage facilities, and that the applicant should produce and maintain a Travel Plan to capture and promote the use of existing sustainable travel provision to and from the site.

Concerns raised in representations in relation to the impact of the proposed development on highway safety, including its potential to cause congestion / parking problems are noted. However, the Council's Transportation Department has given the matter detailed consideration and raised no objections subject to suggested conditions. On this basis it is considered that the proposed development would have no unacceptable impacts on highway safety. It is recommended that the suggested conditions be attached to any planning permission to control details of signage for the one-way system, the parking arrangements, the provision of 14 no cycle parking spaces, and the provision of a Travel Plan.

The Council's Transportation Department has also advised that the operation of the site entrance gates (whether new or existing) should not hinder access or egress to the parking spaces adjacent to the entrance or restrict vehicular movements on-site in any other way. It is recommended that an informative be attached to any planning permission to remind the applicant of this.

It is also recommended that a condition be attached to any planning permission to require that the bin store area and bin collection area be provided on site and retained / maintained for the lifetime of the development.

Given the comments from the Council's Transportation Department it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **6. Impact on ecology**

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that development should avoid or minimise adverse impacts on biodiversity.

A 'Preliminary Roost Assessment - Bats and Birds', a 'Bat Survey Report' and a document with further ecology information have been submitted as part of this planning application. The Council's Ecology has raised no objections to the proposed development subject to conditions being attached to any planning permission in relation to works not commencing during the bird nesting season (March - September inclusive), a precautionary method statement in relation to bats, and the installation of bat and bird boxes.

It is recommended that conditions be attached to any planning permission, as advised by the Council's Ecology Advisor, in relation to the precautionary method statement and bat and bird boxes.

Birds are afforded statutory protection. It is therefore recommended that an informative be attached to any planning permission in remind the applicant that works, including building and

vegetation clearance, should not be undertaken within the bird breeding season (March to September inclusive). It would not be necessary to attach a condition in relation to this.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on ecology. It would therefore accord with Policy NE2 of the adopted CSDP.

## **7. Impact in relation to land contamination**

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Desk Top Study (Phase 1) has been submitted as part of the application. The Council's Contaminated Land advisors have raised no objections to the proposed development, subject to conditions being attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report (ground investigation works), the submission of a remediation strategy, and the submission of a verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land advisors, it is recommended that these conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

## **8. Impact on archaeology**

Policy BH9 of the adopted 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.

Given the comments from the Tyne and Wear Archaeology Officer (set out above), it is recommended that their suggested conditions be attached to any planning permission in relation to archaeological building recording, an archaeological watching brief and an archaeological watching brief report.

Subject to the discharge of and compliance with recommended conditions, it is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

## **9. Impact on trees**

Policy NE3 'Woodlands / hedgerows and trees' of the adopted CSDP states that development should give consideration to trees and hedgerows both on individual merit as well as on their contribution to amenity and interaction as part of a group within the broader landscape setting.

There are several mature trees within and adjacent to the application site. Trees to the eastern part of the application site are subject to a Tree Preservation Order (TPO). The proposed development would be positioned to the western part of the application site, and so would have no impact on the TPO trees. However, there are trees within and adjacent to the southern boundary of the application site which would be relatively close to the proposed Gurdwara.

An Arboricultural Report has been submitted as part of this planning application. This concludes that the proposed development would have no impacts on existing trees. It states that the existing hard surfaces between the existing trees and the current Nissen hut would discourage root formation in those areas, and that other trees on site would be too far away from the proposed development. It concludes that standard tree protective fencing could be installed to the southern part of the site during construction works.

Given that the trees to the south have a relatively high visual amenity value, it is recommended that tree protective fencing be installed during construction works adjacent to the soft landscaped area to the southern part of the site. However, no tree protection plan has been submitted as part of this planning application. If planning permission is to be granted, it is therefore recommended that a condition be attached to any planning permission to require the submission of plans and particulars relating to the exact position of tree protective fencing, and to require this fencing to be installed before any equipment, machinery or materials are brought onto the site. Subject to the discharge of and compliance with this condition, it is considered that the proposed development would accord with Policy NE3 of the adopted CSDP.

## **Other Matters**

Other matters raised in representations not already addressed above, are considered as follows:

- A loss of a view is not a material planning consideration.
- There is no evidence to suggest that a proposed development of this nature would cause any litter problems.

## **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.

## **Conclusions**

The proposed development would contribute to the delivery of social infrastructure and sustainable patterns of development, given that it would be positioned within the Existing Urban Area, in a sustainable location with good access to public transport. It would also provide an enhanced community facility, and so it would be acceptable in principle.

The design of the proposed Gurdwara incorporates improvements to the design quality and contextual appropriateness of the architectural approach to the scheme that was originally submitted. However, the proposed Gurdwara would still appear to some degree incongruous within the distinctive architectural character of the surrounding townscape. The adverse impact on the setting of the Grade II listed Christ Church and the character and appearance of Ashbrooke Conservation Area has however been notably reduced by the design improvements and is now minimal. That said, any harm whatsoever still falls within the category of 'less than substantial harm', and so this minimal harm must be weighed against the public benefits of the proposal in accordance with Paragraph 202 of the National Planning Policy Framework (NPPF) (July 2021).

It is considered that the public benefits set out by the applicant would provide genuine benefits to both the Sikh community, as well as benefits to the wider community. Given that the harm to the Grade II listed Christ Church and the Ashbrooke Conservation Area would be minimal (as advised by the Council's Conservation Team), it is considered that in the planning balance, the public benefits of the proposed development would be sufficient to outweigh the 'minimal' degree of 'less than substantial harm'. The proposal would also cause no other unacceptable impacts on relation to visual amenity. It is recommended that conditions be attached to any planning permission, as suggested by the Council's Conservation Officer, to ensure that the exact materials of the proposed Gurdwara and the landscaping scheme are acceptable at this sensitive location.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to a condition being attached to any planning permission in relation to the submission of a Construction Environmental Management Plan (CEMP). Subject to the compliance with this condition, it is considered that the proposed development would have no unacceptable impacts in relation to residential amenity.

The Council's Transportation Department (the Local Highway Authority) has raised no objections to the proposed development. It would have no unacceptable impacts on highway and pedestrian safety or in relation to sustainable travel, subject to conditions being attached to any planning permission in relation to details of signage for the one-way system, parking arrangements, provision of 14 no cycle parking spaces, bin storage and collection areas and the submission of a travel plan.

Subject to the discharge and / or compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to archaeology, contamination, ecology or trees.

For the reasons set out in detail in the above assessment, whilst the proposed development would not fully accord with Policy BH7 and BH8 of the adopted Core Strategy and Development Plan (CSDP), guidance within the NPPF is given significant weight in the decision-making process. Therefore, subject to the discharge of and compliance with recommended conditions, it is considered that given the specific circumstances of this case, the proposed development would be acceptable in relating to its impact on heritage assets. It would also accord with all other relevant policies within the adopted CSDP and saved policies of the Unitary Development Plan (UDP), as well as guidance within the NPPF. It is therefore considered to be an acceptable form of development.

#### **RECOMMENDATION:**

It is recommended that Planning Committee GRANT planning permission, subject to the recommended schedule of conditions.

#### **Conditions:**

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

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

- Drawing No. 214.14 / 00 H (Site Location / As existing) received 01/03/2022
- Drawing No. 221.14 / 01 H (Site As Existing) received 01/03/2022
- Drawing No. 221.14 / 02 H (Ground Floor Plan Existing) received 01/03/2022
- Drawing No. 221.14 / 03 H (First Floor as Existing) received 01/03/2022
- Drawing No. 221.14 / 04 H (Roof Plan of Existing (Nissen Hut)) received 01/03/2022
- Drawing No. 221.14 / 05 H (Existing Elevations North) received 01/03/2022
- Drawing No. 221.14 / 06 H (Existing Elevations - sheet 2 West) received 01/03/2022
- Drawing No. 221.14 / 07 H (Existing Elevations - sheet 3 South) received 01/03/2022
- Drawing No. 221.14 / 08 H (Existing Elevations - sheet 4 East) received 01/03/2022
- Drawing No. 221.14 / 09 H (Section as Existing in Context) received 01/03/2022
- Drawing No. 221.14 / 10 H (Existing Site Layout) received 01/03/2022
- Drawing No. 221.14 / 12 U (Proposed Ground Floor Plan) received 10/01/2023
- Drawing No. 221.14 / 13 U (First Floor Plan Proposed) received 10/01/2023
- Drawing No. 221.14 / 14 U (Roof Plan Proposed) received 10/01/2023
- Drawing No. 221.14 / 15 U (Proposed Elevations) received 10/01/2023
- Drawing No. 221.14 / 16 U (Proposed Elevations - sheet 2 West) received 10/01/2023
- Drawing No. 221.14 / 17 U (Proposed Elevations - sheet 3 South) received 10/01/2023
- Drawing No. 221.14 / 18 U (Proposed Elevations - sheet 4 East) received 10/01/2023
- Drawing No. 221.14 / 19 U (Proposed Section in Context) received 10/01/2023
- Drawing No. 221.14 / 24 H (East Elevation of Existing Church Outbuildings) received 01/03/2022
- Drawing No. 221.14 / 32 V (Proposed Site Layout) received 12/01/2023
- Drawing No. 221.14 / 33 U (Site Layout at Entrance) received 10/01/2023
- Drawing No. 221.14 / 37 H (Site Layout exg. Church) received 01/03/2022
- Drawing No. 221.14 / 50 J (Link Building) received 17/05/2022
- Drawing No. 51 H (If Link Building is left in) received 01/03/2022
- Drawing No. 221.14 / 52 U (At front wall) received 10/01/2023
- Drawing No. 221.14 / 100 H (Perspective as existing) received 01/03/2022
- Drawing No. 221.14 / 107 U (Proposed perspective at entrance) received 10/01/2023
- Drawing No. 221.14 / 500 K (Trees) received 29/06/2022
- Drawing No. 221.14 / 520 H (Vestry etc Existing Ground Floor Plan) received 23/03/2022
- Drawing No. 221.14 / 521 H (Vestry etc Proposed Ground Floor Plan) received 29/06/2022
- Drawing No. 221.14 / 522 H (East Elevation of Existing Church Outbuildings) received 09/03/2022
- Drawing No. 221.14 / 523 H (East Elevation of Existing Church Outbuildings) received 09/03/2022
- Drawing No. 221.14 / 524 H (West Elevation of Existing Church Building) received 09/03/2022

In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1, Policy BH7 and Policy BH8 of the adopted Core Strategy and Development Plan.

3 Prior to the commencement of the development hereby permitted, full details and samples of all external materials including stone, stone cladding, bricks, render, aluminium or zinc roofing material, GRC for domes and mouldings / surrounds, decorative frieze, jail screens and panels including colour finishes, and solar panels to rear roof plane, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall be constructed in strict accordance with the approved details.



To preserve the setting of the Grade II listed Christ Church and the character and appearance of the Ashbrooke Conservation Area, in the interests of visual amenity, and to comply with Policy BH1, Policy BH7 and Policy BH8 of the adopted Core Strategy and Development Plan.

4 Prior to the commencement of the relevant works hereby permitted, full details of a landscaping scheme for the grounds, including any new boundary treatments and hard surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall be undertaken in strict accordance with the approved details.

To preserve the setting of the Grade II listed Christ Church and the character and appearance of the Ashbrooke Conservation Area, in the interests of visual amenity, and to comply with Policy BH1, Policy BH7 and Policy BH8 of the adopted Core Strategy and Development Plan.

5 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall set out the potential impacts arising from works of demolition and site clearance, preparation and construction, and shall identify measures to prevent or minimise those impacts upon nearby occupiers and the local environment. The development hereby permitted shall then be constructed in strict accordance with the approved CEMP.

To ensure the environmental impact of the construction of the development is adequately managed and mitigated, in the interests of the amenity of nearby occupiers, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

6 Prior to the first occupation of the development hereby permitted, full details of all signage associated with the one-way system to enable the efficient flow of traffic shall be submitted to and approved in writing by the Local Planning Authority, and the approved signage shall be installed on-site. The approved signage shall then be maintained and retained henceforth for its designated purpose.

To ensure a satisfactory form of development in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the first occupation of the development hereby permitted, the vehicle parking bays (including disabled bay and electric vehicle charging point) and cycle parking provision, as shown on Drawing No. 221.14 / 32 V 'Proposed Site Layout' received 12/01/2023 and Drawing No. 221.14 / 33 U 'Site layout at entrance' received 10/01/2023, shall be completed on-site and made available for use. The vehicle parking bays shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the first occupation of the development hereby permitted, the bin store area and bin collection area, as shown on Drawing No. 221.14 / 32 V 'Proposed Site Layout' received 12/01/2023, shall be constructed, made available for use, and retained henceforth for their

designated purpose. Refuse shall only be placed outside of the curtilage of the premises on days of awaiting collection.

To ensure a satisfactory form of development in the interests of amenity and highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

9 Within 6 months of the first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then operate in accordance with the approved Travel Plan, including its monitoring and review.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

10 No development (including demolition works) hereby permitted shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results of the archaeological building recording shall then be submitted to and approved in writing by the Local Planning Authority prior to any development (including demolition work) taking place.

To provide an archive record of the historic buildings / structures, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

11 No groundworks or development hereby permitted shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

12 The building(s) shall not be occupied / brought into use until the report of the results of observations of the groundworks pursuant to Condition 11 has been submitted to and approved in writing by the Local Planning Authority.

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, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

13 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or

not it originates on 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:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments; and
- 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".

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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.

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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.

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

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of the development hereby permitted, 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.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

17 Prior to the commencement of the development hereby permitted, a precautionary method statement, produced by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall then be constructed in strict accordance with the approved precautionary method statement.

In order to mitigate the residual risk of bats being present, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

18 Prior to the commencement of the development hereby permitted, a plan confirming details of the location and specification of 2 no. bat boxes and 2 no. bird boxes to be installed

on the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of any lighting strategy to be implemented on the site, to ensure that light levels around new bat boxes will not be so high as to prevent their potential use by such species. The bat and bird boxes shall then be installed in accordance with the approved plan, and then retained and maintained henceforth for the lifetime of the development.

In order to provide biodiversity enhancements within the site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

19 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved in writing by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

In the interests of visual amenity and to comply with Policy NE3 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 22/00701/FUL Full Application

**Proposal:** **Erection of a 94 unit Care Home including 58 apartments for Extra Care , Specialist Care and Assisted Living Accommodation and 36no. bed intermediate Care facility (Use Class C2) with associated access, landscaping and parking.**

**Location:** Former Site Of Jennings Ford, Washington Road Hylton Castle, Sunderland

**Ward:** Castle

**Applicant:** Verum Victum Healthcare

**Date Valid:** 20 June 2022

**Target Date:** 19 September 2022

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## **PROPOSAL:**

### **INTRODUCTION**

Planning permission is sought for the erection of a 94 unit Care Home including 58 apartments for Extra Care, Specialist (Dementia) Care and Assisted Living (Intermediate Care) Accommodation and a 36 bed intermediate Care facility (Use Class C2) with associated access, landscaping and parking at the former site of Jennings Ford, Washington Road, Sunderland.

The planning application is made by Verum Victim Healthcare, who specialise in developing supported housing provision. Verum Victim Healthcare's aim is to provide high quality accommodation solutions for vulnerable adults working in partnership with Local Authorities, Clinical Commissioning Groups, Registered Providers of Housing and Domiciliary Care and Support Providers. Housing provision is all purpose built or remodelled buildings designed to enhance a person's independence with their daily living.

A variety of different forms of care would be included in the proposed development as follows:

- **Extra Care:** This care would be typically for the elderly and frail - those not able to be fully independent. It would include an element of care, but not necessarily intensive subject to the level of care required by each resident. The level of care required could be increased to match resident's requirement.
- **Intermediate Care:** This would provide a range of integrated services to provide faster recovery from illness, prevent unnecessary acute hospital admissions and premature admission to longer term residential care. It would support the timely discharge from hospital and maximise independent living. It would aid the health service by easing pressure on hospital waiting lists.
- **Dementia Care:** This would be care of residents who are suffering from dementia. Key aspects of this would be increased care requirements, and the need to ensure that the environment is safe. Doors would need to be secure with keypad access to allow easy access for carers, but for the protection of residents. This would be more time intensive care, with more staff per resident than the extra care provision.

## DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises a broadly rectangular shaped parcel of land of approximately 0.645ha. It is located approximately 3.2km (2 miles) to the north-west of Sunderland City Centre, to the north of the Northern Spire River Wear bridge.

The application site has a gentle slope, falling away from North Hylton Road, down to Riverbank Road to the south. To the north the application is bounded by North Hylton Road with two-storey dwellings positioned beyond. To the east the site is bounded by Castletown Way, with an office building positioned beyond. Adjacent to this office building site, is a site recently granted planning permission for a residential development Ref: 19/01427/FUL.

To the south, the application site is partially bounded by a car sales garage which benefits from a retaining structure as part of the building, and Riverbank Road. Across Riverbank Road there is a landscaping including mature trees, and to the south east there is a large Sainsbury's supermarket. To the west, the application site is bounded by a relatively new build Lidl store which fronts onto North Hylton Road. This was originally part of a retail development which included a wider parcel of land (including the application site). However, the application site has remained undeveloped.

The application site is vacant previously developed land. It was previously a Car Sales Garage which has been demolished and cleared (although the floorplate remains visible). Part of the site is currently in use as a hand car wash facility. Surrounding the site is low-level brick walling and fencing, providing open views through and across the site.

In terms of public transport, there is a bus stop adjacent to the application site along North Hylton Road.

## THE PROPOSED DEVELOPMENT

The proposed development would comprise a single care home building, which would be three storey to the north elevation (approximately 9.1 metres in height to the eaves and 10.4 metres in maximum height) and four storey to the south elevation (12.1 metres in height to the eaves and 13.4 metres in maximum height). This would be to take into account the sloping nature of the application site (application details state that the level difference is approximately four metres from north to south). The building would be 'F' shaped in plan, although application details state that the main focus of the building would be around a horseshoe with a central communal garden.

The ground floor of the proposed building would provide 5 no. one bedroom extra care apartments and 2 no. two bedroom extra care apartments. These apartments would provide residents with some level of assisted living, but whereby the residents would still be relatively independent. Other parts of the ground floor would provide an entrance foyer / sitting area, consultants rooms, a restaurant / lounge area, a kitchen, male and female changing rooms, a salon, spa, activity and physio rooms, toilets, a buggy store, a plant room, and a refuse store.

The first floor of the proposed building would provide 19 no. one bedroom extra care apartments and 4 no. two bedroom extra care apartments - the same type of apartments that would be on the ground floor. Other parts of the first floor would provide an informal seating area, a guest room, meeting and training rooms, an office, a refuse store, and an assisted bathroom.

The second floor of the proposed building would provide 20 no. one bedroom specialist care apartments and 4 no. two bedroom specialist care apartments. The residents in these apartments would have increased needs associated with conditions such as dementia. Other parts of the second floor would provide a dining area, a quiet lounge, a laundry, a refuse store, and an assisted bathroom.

The third floor of the proposed building would provide 36 no. one bedroom intermediate care rooms and 4 no. one bedroom intermediate care apartments. The resident of these apartments would require short term accommodation before, or following, hospital operations, or who are struggling to live at home. Other parts of the third floor would provide a lounge, a dining area and kitchen, a kitchen therapy room, a medication room, an office, a laundry room, a refuse store, and an assisted bathroom.

The proposed building would be constructed in the following external building materials:

- Walls of brickwork (buff brick multi) with some standing seam cladding (dark bronze in colour) and Artstone block (buff);
- A main roof of standing seam cladding (dark bronze in colour), with some roofs of artificial green roof at lower levels;
- Artstone window surrounds (buff);
- Arstone doors / windows (dark bronze);
- Rainwater goods (dark bronze);
- Aluminium / zinc coping (buff);
- Dormer surround (dark bronze); and
- Metal railing to Juliet balcony (dark bronze)

Proposed boundary treatment would all be approximately 1.8 metres in height. It would comprise brick piers and metal railings along the northern and eastern boundaries of the application site, along the upper part of the western boundary of the application site adjacent to the Lidl store, and along parts of the southern boundary including adjacent to the vehicle access from Riverbank Road. Other boundary treatment would include a timber close boarded fence along the remaining part of the western boundary, and a new metal railing to the southern part of the site. Retaining brick walls with pillars and railings are also proposed at several points within the application site.

Hard surfaces (including the vehicle turning area) would be constructed in tarmacadam (with parking bays coloured), paths and communal terraces of pre-cast concrete paving slabs.

The submitted site plan illustrates that the proposed development would include both hard and soft landscaping, including a communal garden.

The proposed development would utilise the existing access into the site from Riverbank Road, which would be adjusted and upgraded. It would provide 25 car parking spaces and three DDA compliance spaces (28 spaces in total), and six Sheffield hoop stands (12 cycle spaces in total).

The bin store area would be positioned to the south west corner of the site. It would be enclosed by a 2.1 metre high timber fence with gated access and would provide five 1,100 litre bins.

The applicant's agent has confirmed in writing that an estimated 26 members of staff would be employed. Of these 21 would work during the daytime and 5 would work overnight.

The application has been supported by the following documents:

- Planning Statement by Peacock and Smith (dated March 2022) received 13/07/2022



- Design and Access Statement by Condyllofthouse Architects (dated July 2022)) received 13/07/2022
- Phase 1: Envirocheck Contaminated Land information received 30/03/2022
- Flood Risk Assessment and Outline Drainage Strategy by Struktura Version 5 received 17/01/2023
- Drainage Calculations by Causeway Struktura Engineering Services received 21/10/2022
- Preliminary Ecological Assessment by Natural Wild Consultants Limited (dated September 2022) received 21/10/2022
- Biodiversity Net Gains Metric received 20/09/2022
- Transport Statement by Eddisons (dated March 2022) received 30/03/2022
- Transport Technical Note by Eddisons received 05/09/2022
- Travel Plan Framework by Eddisons (dated March 2022) received 30/03/2022
- Noise Impact Assessment by Professional Consult Future Environments (dated 7 March 2022) received 30/03/2022
- Air Quality Assessment by Redmore Environment (8th March 2022) received 30/03/2022
- Sustainability Statement by Complete Sustainability Solutions (dated 7 June 2022) received 30/03/2022

## PLANNING HISTORY

- 2011 - Planning permission granted for a proposed new local centre development comprising foodstore (class A1), retail units (class A1), commercial units (class A1-A5), offices / non residential institutions (class B1a / D1) and restaurant (class A3 / A5): associated parking, landscaping, servicing and access arrangements (Ref: 11/00288/FUL).
- 2013 - Planning permission granted to vary Condition 2 (Plans) attached to planning permission Ref: 11/00288/FUL - to reduce floor area of proposed food store and to provide revised elevations (Ref: 12/02920/VAR)
- 2015 - Planning permission granted to remove Conditions 8 and 14 attached to planning permission Ref:12/02920/VAR (Ref: 14/02596/VAR).
- 2015 - Planning permission granted to vary Condition 17 (contamination verification report) attached to planning application Ref: 12/02920/VAR - to change wording to prior to occupation instead of prior to commencement of development (Ref: 15/01991/VAR).
- 2016 - Planning permission granted for the erection of a new 2,593 square metre food store including access, car park and associated works (Ref: 15/02544/FUL). This related to the Lidl store to the west of the application site.

## TYPE OF PUBLICITY:

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## CONSULTEES:

Flood And Coastal Group Engineer  
 Network Management  
 Natural Heritage  
 Flood And Coastal Group Engineer  
 Flood And Coastal Group Engineer

Network Management  
Flood And Coastal Group Engineer  
Business Investment  
Flood And Coastal Group Engineer  
Environmental Health  
Planning Policy  
Network Management  
Tyne And Wear Archaeology Officer  
Nexus  
Watermans - Land Contamination  
Natural Heritage  
Gentoo Group Ltd.  
Housing - People Services  
Northern Gas Networks  
Northern Powergrid  
Northumbrian Water  
Northumbria Police  
Natural Heritage  
Chief Fire Officer  
NE Ambulance Service NHS Trust  
Cllr Stephen Foster  
Cllr Allison Chisnall  
Cllr Denny Wilson

Riverside Sunderland Cars Ltd Riverbank Road Southwick Industrial Estate Sunderland SR5 3JJ  
Hylton Hand Car Wash Riverbank Road Southwick Industrial Estate Sunderland SR5 3JJ  
LiDL North Hylton Road Southwick Sunderland SR5 3FF  
Kingsway Claims Limited Kingsway House Riverbank Road Southwick Industrial Estate Sunderland  
89 Raleigh Road Sunderland SR5 5RB  
Nixon Hire Riverbank Road Southwick Industrial Estate Sunderland SR5 2JN  
Sunderland Driving Test Centre Riverbank Road Southwick Industrial Estate Sunderland SR5 3HQ  
Wearside Fencing Ltd Riverbank Road Southwick Industrial Estate Sunderland SR5 3JG  
Kail And Co 1 Castletown Road Sunderland SR5 3HT  
Vacant Land Riverbank Road Southwick Industrial Estate Sunderland SR5 2JN  
9 Raleigh Square Sunderland SR5 5RA  
91 Raleigh Road Sunderland SR5 5RB  
4 Raleigh Square Sunderland SR5 5RA  
87 Raleigh Road Sunderland SR5 5RB  
Metcalf Components (Sunderland) Limited Riverbank Road Southwick Industrial Estate Sunderland SR5 3JJ  
Wearside Fencing 2 - 3 Riverbank Road Southwick Industrial Estate Sunderland SR5 3JJ  
J S Duckworth Radlett Road Sunderland SR5 5QZ  
79 Raleigh Road Sunderland SR5 5RB  
81 Raleigh Road Sunderland SR5 5RB  
6 Raleigh Square Sunderland SR5 5RA  
12 Raleigh Square Sunderland SR5 5RA  
5 Raleigh Square Sunderland SR5 5RA  
10 Raleigh Square Sunderland SR5 5RA  
8 Raleigh Square Sunderland SR5 5RA  
Haskel Energy Systems Ltd Riverbank Road Southwick Industrial Estate Sunderland SR5 3JD

OCE - CCS 1 Riverbank Road Southwick Industrial Estate Sunderland SR5 3JJ  
83 Raleigh Road Sunderland SR5 5RB  
11 Raleigh Square Sunderland SR5 5RA  
85 Raleigh Road Sunderland SR5 5RB  
2 Raleigh Square Sunderland SR5 5RA  
3 Raleigh Square Sunderland SR5 5RA  
1 Raleigh Square Sunderland SR5 5RA  
7 Raleigh Square Sunderland SR5 5RA

Final Date for Receipt of Representations: **07.02.2023**

## **REPRESENTATIONS:**

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, three site notices being displayed adjacent to the site and a notice being posted in the local press.

Press notice expiry date: 09/08/2022

Site notice expiry date: 02/08/2022

Neighbour notifications expiry date: 27/07/2022

Consultation expiry dates: 28/07/2022, 29/07/2022, 11/10/2022, 11/11/2022, 02/01/2023 and 07/02/2023 (the last expiry date related to Lead Local Flood Authority comments only)

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Business Investment
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Natural Heritage
- Tyne and Wear Archaeology Officer
- Housing Peoples Services
- Chief Fire Officer
- Northumbria Ambulance Service
- North Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Watermans (Land contamination)
- Gentoo Group
- Nexus
- Three Ward Councillors

## Neighbour Notification Responses

- Owner / occupier of 91 Raleigh Road, Sunderland

What is going to happen to the business that operates on the site?

Case Officer Comments: The applicant's agent has advised that should planning permission be granted the temporary car wash facility on the site would cease.

## Internal consultee responses

### Environmental Health

The proposed development is acceptable subject to conditions being attached to any planning permission in relation to the following:

- The submission of a scheme of noise attenuation (including upgraded glazing and acoustic trickle ventilators for specific apartments);
- A scheme of kitchen extraction and odour abatement relating to the kitchen and dining area on the ground floor;
- Details of heating plant for the development (no details are provided in the Air Quality Assessment); and
- A Construction Environmental Management Plan (CEMP).

### Flood and Coastal Team (the Lead Local Flood Authority)

With regard 22/00701/FUL and in relation to flood risk and drainage, the LLFA are satisfied with the information presented within the Flood Risk Assessment & outline drainage Strategy version 7 and have no further comments.

### Transportation Development (the Local Highway Authority)

- First representation
- Access / Section 278 works - The proposed vehicle access is acceptable. Section 278 works would be required within the adopted highway to improve the access to the site and to reinstate an existing access on Castletown Way (at the applicant's expense).
- Visibility splay - 2.4 metres by 43 metres would be acceptable.
- Pedestrian access - The secondary pedestrian level access from the Lidl access road would be gated and the alternative access from this road to the south would be stepped. Clarification is required regarding how pedestrians with mobility issues would access the site from the west.
- Car parking - Based on the Council's parking standards and application details, the proposed provision of 28 car parking spaces appears to be sufficient to accommodate residents and staff. However, the remaining 6 car parking spaces appears to be inadequate given the scope of the proposed development for visitor parking. Justification is required for the inclusion of only 6 visitor parking spaces.
- Disabled bays should be clearly marked / signed and electric charging points should be included in the proposed development.
- The provision of 12 cycle spaces would be acceptable.
- Internal layout - The footway provision leading from Riverbank Road appears to go to the front of the parking bays, (no's 12 - 21), it is advised therefore that the footpath provision runs to the rear of the parking bays (for greater pedestrian safety).
- Ambulance drop-off/pick-up - This area appears constrained, especially taking into consideration the adjacent parking bays (when occupied). Clarification is required in relation to turning manoeuvres for the ambulance.
- A swept path analysis has been provided using a 10-metre refuse collection vehicle. However, a swept path drawing should be provided using a 11.2 metre pantechicon.
- Transport Assessment - The site benefits from being near to the bus stops located along North Hylton Road (and so there would be a choice of travel modes other than the private car) and it appears that the proposed development will generate a very low level

of traffic onto the local highway network. Based on the data supplied no objections are raised in relation to traffic generation.

- The Framework Travel Plan should be turned into a full Workplace Travel Plan within six months of occupation of the site. A planning condition should be attached to any planning permission to ensure that monitoring and review of the travel plan objectives are carried out.
- A Construction Environmental Management Plan (CEMP) would be required.
- To aid pedestrians crossing the private road to the west of the care home (to Lidl) it is advised that a tactile crossing facility is installed (to the north of the roundabout on the private access road).

Case Officer Comments: A Transport Technical Note was submitted providing a response to the comments raised above.

- Second representation
  - Pedestrian access appears satisfactory.
  - Car parking (for residents, staff and visitors) appears satisfactory.
  - Disabled parking appears satisfactory.
  - The development should include measures to encourage sustainable transport initiatives and make suitable provision for electric vehicle charging points; it is advised that a minimum of two spaces are provided for electric vehicles.
  - Internal layout appears satisfactory.
  - Ambulance drop-off / pick-up appears satisfactory.
  - Servicing and delivery / swept path analysis appears satisfactory.
  - The tactile crossing facility and new footway to the west of the site (private road) are desirable, but are not deemed essential.
- Third representation

No further observations to make in relation to the electric charging bays provided.

Business Investment

No response provided

Ward Councillors

Cllr Chisnell - It will look nice when done. The only concern would relate to traffic, but based on the plans deliveries etc. would be to the rear of the building.

External Consultee responses

Tyne and Wear Archaeology Officer

There are no historic environment records directly associated with the application site, and it is not associated with any previous archaeological investigations. The nearest records are associated with two nearby sandpits (HER 2668 and 2669). Historic maps show that the site remained undeveloped until a sandpit was excavated within the southern-most extent of the application site, followed by the construction of a north-south road through the centre of the site by 1919. In the 1970s a garage was constructed on the site, and an engineering works was constructed across the western edge of the site. These structures were demolished by 2009.

The proposed development area is located over 500 metres east of Hylton Castle and Chapel (HER 12 and 13). Hylton Castle was built by Sir William Hylton in late 14th to early 15th century. Hylton Castle, chapel, country house and associated 17th and 18th century gardens are a Scheduled Ancient Monument (List entry number 1017223).

The archaeological potential of the application site is low, and so no archaeological investigation is required.

#### Northumbrian Water

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. A condition should therefore be attached to any planning permission to require the applicant to submit a detailed scheme for the disposal of foul and surface water from the development.

An informative to applicant is also recommended to remind them that they should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Building Regulations.

#### Northern Gas Networks

No response provided

#### Northern Powergrid

No objections

#### Tyne and Wear Fire and Rescue Service

No objections to the proposal subject to it complying with the Building Regulations, and advising the applicant of the benefit of installing sprinklers. Query regarding whether the building would be of timber construction.

Case Officer Comment: The applicant's agent has advised that the contractor is currently reviewing construction methods, however they are being priced based on traditional masonry construction.

#### Housing People Services

No response provided

#### Northumbria Ambulance Service

No response provided

#### Northumbria Police

- First representation

Generally satisfied with the proposed design from a crime prevention perspective, although the car parking provision on the south-west corner looks potentially vulnerable. The level access secondary entrance might also attract considerable use and may need upgrading to the same

status as the main entrance, with all the security provision that requires. Given that this secondary entrance lobby gives direct access to the bedroom level on the first floor then the lobby doors to the public and private areas should be secured appropriately with visitor door entry systems and access control systems. An integrated CCTV system is recommended for the site, monitorable by on-site staff.

Case Officer Comments: The applicant's agent advised that the secondary entrance is exactly that - and would not be the main access to the site. In addition, it would be controlled by secure access arrangements - either with a card entry system for more mobile residents or by an intercom video link between the access point and the main reception area for visitors. Internally, there would also be further secure doors as part of the resident card entry system which would prevent those entering the building via the video entry system to access any other part of the site other than the reception area. It should be noted that the first-floor entrance would also contain a reception area which can be staffed during busier hours of the day, and so providing a further point of security. Northumbria Police were re-consulted following these comments.

- Second representation

No objections

Watermans (Land contamination)

The Phase 1 preliminary risk assessment concludes that in relation to future site users, risks from contamination and hazardous gas are assessed as being 'Low' to 'Moderate'. A 'Moderate' risk is considered to buildings and structures associated with hazardous gas. A 'Low' risk is allocated to the underlying 'Principal Aquifer' due to the assumed presence of cohesive drift deposits. Risks to surface waters are assessed as 'Negligible'. Risks to occupants of adjacent properties is assessed as 'Low'. Risks to construction workers are assessed as 'Low' on the assumption that standard health and safety precautions and PPE are utilised. The Phase 1 report recommends that site investigation works should be carried out to ascertain the depth and nature of any made ground beneath the site and to undertake a contamination risk assessment.

The conclusions of the Phase 1 report are agreed with. If planning permission is to be granted, conditions are recommended in relation to a Phase 2 ground investigation, a remediation strategy, and verification report, and the event of any unexpected contamination being found that was not previously identified.

Nexus

Nexus welcomes brownfield land redevelopment in areas of relatively high density in proximity to Sunderland City Centre and comments as follows:

- Public transport accessibility - There are bus stops located along North Hylton Road and Castletown Way which are both served by regular bus routes including connections to Newcastle and Sunderland City Centres. The Castletown Way bus stop does not have a shelter, and one of the bus stops along North Hylton Road has no seating provision. Due to the nature of the proposed development, these bus stops should have an appropriate shelter which should be provided at the developer / applicant's cost. It would encourage those who cannot walk long distances to use public transport on a regular basis. Solar lighting should also be added to the bus stops.
- Active travel - Due to the proximity of the application site to several local residential areas within North Sunderland, there is an increased likelihood that many visitors or employees

will opt to walk or cycle when travelling to and from the site. Nexus welcomes proposals in the Travel Plan to secure cycle parking provision. Promotion of active travel through a Travel Plan co-ordinator would further encourage sustainable travel.

- Travel ticketing - Nexus recommends that the developer / applicant meets the costs of an introductory travel ticket for one month's free travel for each new employee of the proposed development - to be provided as part of any introductory Travel Plan. The ticket in question should be a Pop Pay as you Go card with £50 credit pre-loaded onto the card. It would encourage greater use of public transport, and so should be a condition attached to any planning permission.

## Natural Heritage

- First representation

Holding objection - Data provided is insufficient to give certainty that the habitat classifications and associated assessments contained therein are robust. A survey of the site should be undertaken during the peak botanical survey period. Details should be provided regarding the suitability of habitats to support priority butterfly species, with avoidance, mitigation and compensation measures included where required. The Biodiversity Net Gains (BNG) assessment should be updated in line with the above, and a copy of the full metric provided in support of the planning application.

- Second representation

Holding objection - As previously requested, details should be provided regarding the suitability of habitats to support priority butterfly species, with avoidance, mitigation and compensation measures included where required; in the event robust justification cannot be provided which would provide surety that the proposals will not affect priority butterflies, habitats will need to be created on site which ensure they retain the potential to be used by such species following on from the completion of works. The BNG assessment should be updated in line with the above.

- Third representation

No objections - Comments and queries raised previously relating to the nature of the grasslands and certain species on site have been addressed. A net gain in biodiversity would be achieved. Following on from previous comments in relation to the presence of notable butterflies on the site, habitats suitable for use by a range of notable butterfly species will be created as part of the redevelopment works; this should be secured via an appropriately worded planning condition. Conditions are recommended in relation to the following:

- Works, including building and vegetation clearance, to not be undertaken within the bird breeding season (March to September inclusive), unless a checking survey by a Suitably Qualified Ecologist has been undertaken within the three days prior, to determine if any active bird nests are present.
- The submission of a plan which confirms specification and location for ecological enhancements - including the installation of bat and bird boxes.
- The submission of a lighting strategy.
- The submission of an Ecological Construction Environmental Management Plan.
- The submission of a landscape plan, planting strategy and Landscape and Ecological Management Plan.
- The creation of gaps in boundary treatment for hedgehogs.

Case Officer Comments: There is a need to consider Habitat Regulations Assessment (HRA). However, the Council's Ecology Officer has undertaken an HRA screening assessment and



concluded that, given the nature of the proposed development including the fact that occupiers would be unlikely to own their own vehicle, it would have no likely significant effects on any European designated habitat sites.  
Gentoo

No response provided

## **COMMENTS:**

### **ASSESSMENT OF THE PROPOSED DEVELOPMENT**

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity (including noise, odour and air quality);
4. Impact on highway and pedestrian safety;
5. Impact on ecology;
6. Impact on archaeology;
7. Impact on flooding and drainage; and
8. Impact in relation to land contamination.

#### **1. Principle of Development**

- Strategy Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states the need to support sustainable economic growth and meet people's needs including by creating sustainable mixed communities, and by ensuring sufficient social infrastructure is delivered to meet identified needs. It seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the existing urban area, and by emphasising the need to develop in sustainable locations.

Policy SP4 'North Sunderland' of the adopted CSDP states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability, and that the Council will achieve this by focussing economic development on identified Employment Areas.

The application site is located within the existing built-up urban area. The proposed development would contribute to meeting a specialist housing need, in a sustainable location with good access to public transport (regular bus services are accessible nearby).

It is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP4 of the adopted CSDP.

- Land Use Policies

The application site is part of a wider site allocated under Policy EG2 'Key Employment Areas' (viii. North Hylton Road - KEA8) of the adopted CSDP as a Key Employment Area (KEA). KEAs are those existing employment areas which are still required to meet anticipated needs for employment floorspace over the plan period, but are recognised as older and less effective employment areas, in locations of weaker demand. This allocation therefore seeks to safeguard key employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and

B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Criterion 2 of Policy EG2 of the adopted CSDP states that the release of vacant land or premises within Key Employment Areas to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:

- I. The Council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated through alternative evidence to the Council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;
- II. The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;
- III. The site is of an insufficient quality and/or suitability to accommodate existing types of industrial demand; and
- IV. The site has been unused for employment uses for at least 24 months, despite having been properly marketed on reasonable terms.

The submitted Planning Statement has concluded that the proposed development would accord with the above criteria under Criterion 2 of Policy EG2 of the adopted CSDP. However, it is considered that this is not the case as the proposed development would not accord with all criteria.

In relation to Criterion 2 i. of Policy EG2, the applicant acknowledges in the submitted Planning Statement that the Employment Land Review does not explicitly recommend that the application site be released. It states that instead the Employment Land Review acknowledges the changing landscape and characteristics of North Hylton, where the predominance of employment uses has been gradually phased out to provide a mixed-use area. However, despite this, the application site was still allocated for employment uses as part of a wider Key Employment Area in the more recently adopted CSDP. The applicant has therefore not demonstrated that the site is no longer needed or capable of accommodating B Use Class employment uses.

In relation to Criterion 2 ii. of Policy EG2, the applicant has made reference to KEA8 being a large employment designation, with eastern and western parts being two distinct areas separated by Castletown Way, and with the largest western part being within the confines of the highway network. Given the changing character of the western part of North Hylton Road (considered further below), and the larger part of KEA8 being separated from the eastern part which the application site forms a part, it is considered that the integrity, function and operation of the remaining Key Employment Area for employment purposes would not be adversely affected by the proposed development.

In relation to Criterion 2 iii. the applicant has not demonstrated that the application site is of insufficient quality or suitability to accommodate existing types of industrial demand. Whilst the changing character of the western part of North Hylton would likely make the site unsuitable for many types of industrial demand, this is not necessarily the case for all types of industrial demand.

In relation to Criterion 2 iv. the submitted Planning Statement states that the site has been marketed for a significant period of time in relation to the scheme for which planning permission has previously been granted (relating to a new local centre - see planning history above). However, no marketing information has been submitted as part of the application, and in any case the application site does not appear to have been marketed for employment uses. It is

therefore considered that the applicant has not demonstrated that the application site has been unused for employment uses for at least 24 months, despite having been properly marketed on reasonable term.

The applicant has not demonstrated that all of the release criteria under Policy EG2 have been met, and so on this basis it is considered that the proposed development does not accord with Policy EG2 of the adopted CSDP.

Notwithstanding the above, a material consideration in the decision-making process relates to the existing character of the western aspect of the North Hylton Road Key Employment Area. It is considered that the character of this area has changed somewhat in recent years. This is due to the new housing development being constructed at the former Phoenix Tower Business Park site (granted outline planning permission Ref: 14/00292/OUT and reserved matters planning permission Ref: 18/00823/REM), a car showroom (Volvo) to the south east of the application site on the eastern side of Castletown Way (granted planning permission Ref: 19/01697/FUL), and the Lidl food store to the west of the application site (see planning history above). The character of the western aspect of this area no longer reflects that of a Key Employment Area. Instead, it is characterised as a mixed-use environment. Indeed, the application site would now be more suited to a non-employment use given its proximity to residential properties, and the other neighbouring land uses as set out above. Therefore, given this site-specific material consideration, it is considered that the release of the application site for a non-employment use would be acceptable.

Given the above it is considered that the proposed development would not accord with Policy EG2 of the adopted CSDP. However, a significant material consideration in the decision-making process could be the fact that the character of the western aspect of this Key Employment Area has changed to such an extent that a residential care home would be a more appropriate land use than an employment use. Therefore, a departure from the development plan is considered to be acceptable given the site-specific circumstances of this case.

- Housing Policies

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities, and should seek to ensure that there is a choice of suitable accommodation for older people and those with special housing needs including extra care housing.

The proposed development for a care home would provide for a specialist housing need. It is therefore considered that the proposed development would accord with Policy H1 of the adopted CSDP.

- New Health / Community Facility

Policy SP7 'Healthy and safe communities' states that the Council will seek to improve health and wellbeing in Sunderland by supporting the provision of new facilities, and ensuring that new developments are age friendly, inclusive, safe and attractive.

Policy VC5 'Protection and delivery of community facilities and local services' of the adopted CSDP (Criterion 2) states that community facilities and local services will be protected and enhanced by supporting development of new community facilities.

The glossary to the CSDP defines community buildings as

"A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

The proposed development is for a new care home, which is considered to be a health and community facility. It would contribute to enhancing community facilities for residents in the City of Sunderland and contribute to improving health and wellbeing. It is therefore considered that it would accord with Policy SP7 and Policy VC5 of the adopted CSDP.

- Summary

Given the above assessment, although the proposed development would not accord with Policy EG2 of the adopted CSDP, a departure from the development plan is considered to be acceptable given the site-specific circumstances of this case.

## **2. Design and impact on visual amenity**

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. It states that development should assist in designing out crime, provide landscaping as an integral part of the development and provide visually attractive areas for servicing and parking.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include a sustainability statement.

The proposed development would be prominent, visible along North Hylton Road and Castletown Way, as well as other neighbouring roads / streets due to its size. However, it would be positioned in a non-sensitive location where there are a variety of built forms, with red brick residential properties to the north, a Lidl store to the west, an office building to the west and a car show room to the south. There is little distinctive style or character to the existing built form, with surrounding buildings constructed in a variety of external building materials.

The proposed building would enhance the appearance of a currently vacant sight, and in the context set out in the above paragraph, it would appropriately assimilate into the application site. It would address both the main neighbouring street scenes North Hylton Road and Castletown Way. It would be of an acceptable scale and massing relatively to the neighbouring built form with the north elevation being broadly the same height as the ridge of dwellings which back onto North Hylton Road. It would provide interesting elevations and materials, with the facades broken up through a change in material. It would provide residents with an internal sheltered communal courtyard, which would be south facing to take full advantage of the sun. It is considered that the proposed building would be of an acceptable scale, massing, layout, appearance and setting, and would respect and enhance the positive qualities of the locality.

Proposed boundary treatment adjacent to North Hylton Road, Castletown Way and at the vehicle entrance off Riverbank Road of brick piers and black metal railings would be visually permeable, and have no unacceptable impacts when viewed from the public domain. The same would apply to the metal railings to the southern side of the application site. The higher

boundary treatment along parts of the western boundary would not be visible from main street scenes, and so would also be acceptable in this context.

Although all external building materials would be acceptable, no specific details have been provided as part of this application. It is therefore recommended that a condition be attached to any planning permission to require the applicant to submit detailed specifications and / or samples of all external building materials (for the main building, boundary treatments and hard surfaces).

To ensure a satisfactory form of development, it is recommended that a condition be attached to any planning permission to ensure that the proposed development is constructed in accordance with finished floor levels as detailed on submitted drawings.

Northumbria Police have raised no objections to the proposed development in relation to designing out crime.

The applicant proposes to enhance the site with an appropriate soft landscape scheme. This would be integral to the proposed development and it is considered that it would improve the appearance of the site when viewed from the public domain. However, landscaping is only shown indicatively on the submitted proposed site plan. It is therefore recommended that a condition be attached to any planning permission to require the submission of detailed soft landscaping scheme.

It is also recommended that conditions be attached to any planning permission to control that the bin store be constructed in accordance with details as specified in the application.

The proposed development would comprise sustainable design and construction, including by maximising energy efficiency through the design of the building and using low energy lighting, conserving water, sourcing materials with lower environmental impacts and high levels of thermal performance, and by following a site waste management plan.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

### **3. Impact on residential amenity (including noise, odour and air quality)**

Policy HS1 'Quality of life and amenity' of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between residential developments. Between main facing windows, for one or two storey residential developments spacing should be 21 metres from any point of facing windows (26 metres plus five metres for each additional storey over three metres). Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey residential developments spacing should be 14 metres from any point of main windows (19 metres plus five metres for each additional storey above three metres).

The nearest dwellings to the proposed development back onto Hylton Road to the north. They are positioned over 25 metres from the application site boundary, and over 30 metres from the proposed building which would be three storeys facing north. All other nearest neighbouring land uses are commercial (the Lidl to the west, the office building across Castletown Way to the east, and a small car salesroom and office to the south).

Given the design and layout of the scheme and separation distances between the proposed building and habitable windows in nearest neighbouring residential properties, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties, in relation to privacy / overlooking, overshadowing / a loss of light, or outlook / dominance.

Residents of the proposed care home would also be provided with an acceptable level of residential amenity, with acceptable spacing of 28 metres between facing rooms which look onto the communal courtyard.

The Council's Environmental Health Officer has raised no objections to the proposed development in relation to impacts associated with noise, odour and air quality. However, they have recommended that conditions be attached to any planning permission in relation to the submission of a scheme of noise attenuation, a scheme of kitchen extraction and odour abatement and details of heating plant for the development. The Council's Environmental Health Office has also recommended that a condition be attached to any planning permission in relation to the submission of a Construction Environmental Management Plan (CEMP).

Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential care home with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP, and guidance within the Council's Development Management SPD (in relation to separation distances).

#### **4. Impact on highway and pedestrian safety**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, and that planning applications should include Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

The application site is located in a sustainable location and would have good access to public transport links with a bus stop positioned along North Hylton Road. From this location there are regular bus services to Sunderland City Centre, Washington town centre and to the wider conurbation.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the proposed vehicle and pedestrian accesses would be acceptable and that trips generated by the proposed development would have a minimal traffic impact on the wider highway network including during peak hours. They have advised that Section 278 works would be required in relation to improving the access to the site and to re-instate the existing access on Castletown Way. It is recommended that an informative to applicant be attached to any planning permission in relation to this.

The Council's Transportation Department have advised that car parking for residents, staff and visitors (including disabled spaces and electric vehicle charging points) and cycle parking provision for the proposed development would be acceptable. They have also advised that the internal layout including ambulance drop-off / pick-up space, and the servicing and delivery arrangements would be acceptable. It is recommended that a condition be attached to any planning permission to ensure that the up-graded vehicle access, car parking (including disabled bays and electric vehicle charging points), ambulance drop-off / pick-up bay, cycle parking provision and the service area / entrance, as detailed on submitted drawings, be constructed / completed on site, made available for use and retained henceforth for the lifetime of the proposed development.

It is recommended that a condition be attached to any planning permission, as suggested by the Council's Transportation Department, to require the submission of a full Workplace Travel Plan, and to ensure that the monitoring and review of the travel plan objectives are carried out.

The Council's Transportation Department have recommended that a condition be attached to any planning permission to require the submission of a Construction Environmental (CEMP) Management Plan. It is recommended that such a condition be attached to any planning permission. It is also recommended that a condition be attached to any planning permission to require the refuse storage area to be constructed / completed on site, made available for use, and retained henceforth for its designated purpose.

The Council's Transportation Department has advised that a tactile crossing facility and new footway to the west of the site (on a private road) would be desirable (although not essential to make the development acceptable). This would be to aid pedestrians crossing the private road to the west of the care home (to Lidl). It is recommended that an informative to applicant be attached to any planning permission to encourage the applicant to install this tactile crossing facility (to the north of the roundabout on the private access road) and new footway to improve pedestrian access to the west side of the site.

The application site is in a sustainable location with good access to public transport links, and given the comments from the Council's Transport Department, it is considered that it would cause no unacceptable impacts on the highway network in terms of its capacity and safety. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **5. Impact on ecology**

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. It states that development that would have an adverse effect on a Site of Special Scientific Interest (SSSI) will be required to demonstrate that the reasons for the development clearly outweigh any nature conservation value of the site.

Given the nature of the proposed development for a care home (residents would not be mobile whereby they could make recreational trips to the European designated sites at the coast) and separation distances, the Council's Ecology Officer has undertaken a Habitat Regulations Screening Assessment concluding that the proposed development would have no likely significant effects on the European designated sites.

The Council's Ecology Advisor has considered the applicant's Preliminary Ecological Assessment. This concludes that the site is of low ecological value (although it does include habitat for butterflies), but that mitigation, compensation and enhancement measures should be incorporated into the proposed development. Following the submission of additional information, the Council's Ecology Advisor has concluded that the proposed development would have no unacceptable impacts on ecology and in fact would provide biodiversity net gains. The Council's Ecology Advisor has therefore raised no objections but recommended that conditions be attached to any planning permission (summarised above under their consultation response) in relation to these mitigation, compensation and enhancement measures.

Given the comments from the Council's Ecology Advisor, it is recommended that all of their suggested conditions be attached to any planning permission, excepting the condition in relation to works being undertaken outside of the bird breeding season unless a checking survey is undertaken. This is because birds are afforded statutory protection. Instead, it is recommended that an informative to applicant be attached to any planning permission in relation to this matter. Following discussions with the Council's Ecology Officer it is also considered that the condition relating to the features for ecological enhancements should require 6 no. bat boxes and 6 no. bird boxes to be installed.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on ecology (and would in fact would provide biodiversity net gains), and so it would accord with Policy NE2 of the adopted CSDP.



## **6. Impact on archaeology**

Policy BH9 of the adopted 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.

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

## **7. Impact on flooding/drainage**

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WW5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted 'Flood Risk Assessment and Outline Drainage Strategy' identifies that the application site is located in Flood Zone 1 (at the lowest risk of flooding). It concludes that surface water could potentially discharge into the public surface combined sewer in Riverbank Road, and foul sewage would be discharged into the existing combined sewer in Riverbank Road.

Northumbrian Water have raised no objections to the proposed development, but they have stated that insufficient details have been submitted in relation to foul and surface water. They have recommended that a condition be attached to any planning permission in relation to the submission of a detailed scheme for the disposal of foul and surface water from the proposed development. It is therefore recommended that such a condition be attached to any planning permission.

Following the submission of additional information, the Council's Lead Local Flood Authority (LLFA) has raised no objections subject to a condition being attached to any planning permission to require the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme. It is recommended that such a condition be attached to any planning permission.

It is recommended that an informative be attached to any planning permission to remind the applicant that the surface water drainage solution should follow the Hierarchy of Preference as raised by Northumbrian Water.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and

drainage. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WW5 of the adopted CSDP.

## **8. Impact in relation to land contamination**

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 preliminary risk assessment has been submitted with the application. The Council's Contamination advisors have raised no objections to the conclusions of this report in relation to the proposed development, subject to conditions being attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report, the submission of a remediation strategy, and the submission of a verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land advisors, it is recommended that the suggested conditions be attached to any planning permission. Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

## **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.

## **Conclusions**

The proposed development would comprise a specialist care home. It would provide a community facility and contribute to meeting a specialist housing need, in a sustainable urban location with good access to public transport (regular bus services are accessible nearby). The proposed development would not accord with the designation of the site as a Key Employment Area under Policy EG2 of the adopted CSDP. However, a significant material consideration in the decision-making process relates to the existing character of the western aspect of the North Hylton Road Key Employment Area. In recent years the character of this area has changed, to the extent that it no longer reflects that of a Key Employment Area. Instead, it is characterised as a mixed-use environment, and the application site would now be more suited to a non-employment use given its proximity to residential properties, and the other neighbouring land uses. Therefore, given this site-specific material consideration, it is considered that the release of the application site for a non-employment use (and so a departure from the development plan) would be acceptable in this case.

Subject to the discharge of / compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts when viewed from the public domain, and it would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the care home with an acceptable standard of amenity.

Subject to the discharge of / compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to sustainable travel and highway safety, ecology, flooding / drainage and contamination.

For the reasons set out in detail in the above assessment, it is considered that the release of the application site for a non-employment use (and so a departure from the development) would be acceptable given the site-specific circumstances of this case. In all other respects the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

### **RECOMMENDATION:**

It is recommended that planning committee grant planning permission, subject to the recommended schedule of conditions.

### **Conditions:**

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

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

- Drawing No. 19-084-100 Rev A (Location Plan) received 13/07/2022
- Drawing No. 19-084-110 Rev H (Proposed Site Plan) received 21/10/2022
- Drawing No. 19-084-150 Rev D (Proposed Elevations 1-3) received 13/07/2022
- Drawing No. 19-084-151 Rev D (Proposed Elevations 4-7) received 13/07/2022
- Drawing No. 19-084-120 Rev G (Proposed Ground Floor Plan) received 05/09/2022
- Drawing No. 19-084-121 Rev G (Proposed First Floor Plan) received 05/09/2022
- Drawing No. 19-084-122 Rev F (Proposed Second Floor Plan) received 13/07/2022
- Drawing No. 19-084-123 Rev F (Proposed Third Floor Plan) received 13/07/2022
- Drawing No. 19-084-123 Rev C (Proposed Roof Plan) received 13/07/2022
- Drawing No. 19-084-160 Rev B (Existing & Proposed Street Scenes AA-BB) received 13/07/2022
- Drawing No. 19-084-161 Rev B (Existing & Proposed Street Scenes CC-DD) received 13/07/2022
- Drawing No. 19-084-D6.1 Rev X (Bin Store Details) received 18/07/2022
- Drawing No. 19-084-111 Rev A (Boundary Treatment Plan) received 05/09/2022
- Drawing No. 19-084-115 Rev E (Proposed Visuals) received 13/07/2022
- Drawing No. 19-084-116 Rev D (Proposed Visuals) received 13/07/2022
- Drawing No. VVHC/NHR/TS01 (Topographical Survey) received 30/03/2022
- Drawing No. 21474-STK-XX-XX-DR-C-1001 Rev P03 (Drainage Strategy General Arrangement) received 21/10/2022
- Drawing No. 21474-STK-XX-XX-DR-C-5002 (Geo-light Stormwater Attenuation System Details) received 05/09/2022

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

3 Before the relevant works begin as part of the development hereby permitted, notwithstanding details submitted full details and / or samples of all external building materials of the proposed building, boundary treatments and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter works shall be carried out in full accordance with the approved details and samples.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 The development hereby permitted shall be constructed in accordance with the ground levels and finished floor levels as detailed on Drawing No. 19-084-150 Rev D (Proposed Elevations 1-3), Drawing No. 19-084-151 Rev D (Proposed Elevations 4-7) received, Drawing No. 19-084-160 Rev B (Existing & Proposed Street Scenes AA-BB) and Drawing No. 19-084-161 Rev B (Existing & Proposed Street Scenes CC-DD) all received 13/07/2022 and on Drawing No. 19-084-110 Rev H (Proposed Site Plan) received 21/10/2022, read in conjunction with Drawing No. VVHC/NHR/TS01 'Topographical Survey' received 30/03/2022.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

5 Prior to the commencement of the development hereby permitted, details of the proposed heating plant for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the plant and equipment to be installed, its location on site and measures necessary to mitigate any adverse impacts upon sensitive receptors associated with noise and emissions to air. Any biomass plant shall be subject to an air quality screening assessment. The approved heating plant for the development shall then be implemented before the development is brought into use and retained and maintained henceforth in accordance with the manufacturer's instructions.

To safeguard the amenity of existing sensitive receptors and future occupiers of the proposed care home in relation to air quality emissions, and to comply with Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

6 Prior to the commencement of the development and site clearance works hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan must identify all potential impacts arising from site clearance and construction works, and set out the mitigation measures to be implemented to protect nearby occupiers and the local environment.

To ensure the environmental and traffic impacts of the construction of the development are adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the occupation of the development hereby permitted, a scheme of noise attenuation to be applied to the habitable rooms, as identified in the submitted Noise Impact Assessment by Professional Consult Future Environments (dated 7 March 2022) received 30/03/2022, shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise attenuation shall include enhanced double glazing and acoustic ventilators. The approved scheme of noise attenuation shall be implemented prior to occupation of the development, and then maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of future occupiers of the proposed care home in relation to noise impacts, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

8 Prior to the development hereby permitted being brought into use, details of a scheme of extraction and odour abatement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the equipment to be installed to enable effective extraction and dispersal of cooking odours from the main kitchen area and shall specify the position and height of the final discharge point. The scheme should meet the recommendations of the odour risk assessment. The approved scheme of extraction and odour abatement shall be implemented prior to the development being brought into use, and then maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of existing sensitive receptors and future care home residents in relation to odour emissions, and to comply with Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

9 Prior to the occupation of the development hereby permitted, a scheme of soft landscaping and planting scheme (read in conjunction with Drawing No. 19-084-110 Rev H (Proposed Site Plan) received 21/10/2022) shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved landscaping and planting scheme shall be carried out in the first planting season following the completion of the development, 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 order to provide biodiversity enhancements and net gains on site, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

10 Within 6 months of the occupation of the development hereby permitted, a full Workplace Travel Plan, read in conjunction with the Travel Plan Framework by Eddissons (dated March 2022) received 07/04/2022, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then operate in accordance with the approved full Workplace Travel Plan, including its monitoring and review.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

11 Prior to the first occupation of the development hereby permitted, the upgraded vehicle access from Riverbank Road, the 28 no. vehicle parking bays (including 3 no. disabled bays and 3 electric vehicle charging points), the ambulance pick-up / drop-off bay, the 6 no. cycle stands (providing 12 no. cycle spaces), and the servicing area / entrance as shown on Drawing No. 19-084-110 Rev H (Proposed Site Plan) received 21/10/2022, shall be installed / completed on-site and made available for use. The upgraded vehicle access, vehicle parking bays (including disabled bays and electric charging points), ambulance bay, cycle stands and service area / entrance shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

12 Prior to the development hereby permitted being brought into use, the bin store, as shown on Drawing No. 19-084-110 Rev H (Proposed Site Plan) received 21/10/2022 and Drawing No. 19-084-D6.1 (Proposed Bin Details) received 18/07/2022 shall be constructed, made available for use, and retained henceforth for its designated purpose. Refuse shall only be placed outside of the curtilage of the premises on days of awaiting collection.

To ensure a satisfactory form of development in the interests of amenity and highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

13 Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) (read in conjunction with the landscape and planting scheme controlled by Condition 9) covering a period of no less than 30 years, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be linked to an updated version of the BNG metric in line with the detailed landscape and planting scheme, and units to be gained may exceed, but not be any less than those detailed within the Preliminary Ecological Appraisal by Natural Wild (dated September 2022) received 21/10/2022. The LEMP shall include detailed species mixes and management strategies targeted to key butterflies, to ensure the development does not adversely affect local populations of such species, and shall correlate to the habitat proposals within the BNG metric. The LEMP shall also detail contingency measures should the habitat creation objectives shown in the landscape plans not be met, to ensure the development still delivers fully functioning biodiversity objectives in line with the habitat creation and enhancement measures detailed within the Preliminary Ecological Appraisal by Natural Wild (dated September 2022) received 21/10/2022.

In order to provide biodiversity enhancements and net gains on site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

14 Prior to the commencement of the development hereby permitted, an Ecological Construction Environmental Management Plan (E-CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Construction Environmental Management Plan must include the measures to be implemented to minimise the risk of harm to / ensure the protection of protected and notable species, and those habitat features to be retained through the works, and must include information on key working methods and timings relating to each habitat and / or protected species being considered. This will include details of pre-start checks and monitoring works to ensure the protection of protected and notable species, and ensure no invasive non-native species are caused or allowed to spread as a result

of the works. The proposed development hereby permitted shall then be constructed in strict accordance with the approved Ecological Construction Environmental Management Plan.

In order to ensure the protection of protected and notable sites and species throughout the construction works, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

15 Prior to the installation of any lighting associated with the construction or operation of the development hereby permitted, a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall include input from a Suitably Qualified Ecologist in line with current best practice guidelines and include measures to ensure that the development will not have a negative impact upon nocturnal species such as bats. It shall also include dark zones along those habitat corridors designed to benefit wildlife and areas around and leading away from bat boxes, which will be illustrated through the provision of lighting contour (isolux) plans. The development hereby permitted shall then operate in strict accordance with the approved Lighting Strategy.

In order to ensure the protection of nocturnal protected species such as bats throughout the construction works and when the development is operational, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

16 Prior to the commencement of the development hereby permitted, a plan confirming details of the specification and location of features for ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. As a minimum this shall include 6 no. bat boxes and 6 no. bird boxes, which should be integrated into the new building wherever possible; where this is not possible, external boxes shall be installed. The features for ecological enhancement shall then be installed in accordance with the approved plan / details, and then retained and maintained henceforth for the lifetime of the development.

In order to provide biodiversity enhancements within the site and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

17 The development hereby permitted shall include suitably sized holes / gaps (13 cm by 13 cm) within all boundary features, to ensure that the site remains permeable to species such as hedgehogs. These holes / gaps shall be retained and maintained henceforth for the lifetime of the development.

In order to mitigate the impact of the proposed development on species such as hedgehogs, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

18 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on 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:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments; and
- 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".

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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.

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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.

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

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of the development hereby permitted, 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.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

22 Prior to the commencement of the development hereby permitted, a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall be undertaken in strict accordance with the approved details.

To ensure that an appropriate method of connection to the existing sewerage network is achieved, to prevent the increased risk of flooding from any sources and to comply with Policies WW3 and WW5 of the adopted Core Strategy and Development Plan.

23 The development hereby approved shall not be brought into use until a verification report carried out by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include

As built drawings (in drawing / shapefile format) for all Suds components; including dimensions (base levels, inlet / outlet elevations, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;

Construction details (component drawings, materials, vegetation);  
Health and Safety file;  
Details of ownership and adoption.

The specific details of the timing of the submission of the report and the extent of the Suds features covered in the report is to be agreed with the Lead Local Flood Authority / Local Planning Authority.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for Suds and comply with policies WWE3 and WWE4 of the Core Strategy and Development Plan (2015-2033).

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**Reference No.:** 22/02601/SUB Resubmission

**Proposal:** **Erection of 2 commercial units including new vehicular access and associated parking/service areas (Resubmission) (Part retrospective).**

**Location:** 4 Turbine Way, Sunderland SR5 3NZ

**Ward:**

**Applicant:** Mr Burton

**Date Valid:** 29 November 2022

**Target Date:** 28 February 2023

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## **PROPOSAL:**

Full Planning Permission is sought for the erection 2 no. commercial buildings for uses within either of B1, B2 or B8 use classes, including new vehicular access and associated parking/services and infrastructure.

The site presently has secured planning consent under reference 20/01309/FUL, with an identical description, the only modification to this consent seeks the alteration to each of the units, to modify the floorspace allocated for each unit.

The building comprises flexible hybrid space which can be flexibly utilized for workshop / warehouse and office functions. The units have been designed as flexible employment space with warehouse / workshop space and associated offices in part over two storeys.

Office floorspace is identified as approximately 843 square metres, whilst workshop/storage space covers approximately 1705 square metres.

22 car parking spaces are provided to the front, including 4 disabled spaces with a further 10 parking spaces; split between units, proposed as overflow to the rear service yard. The total provision of 34 spaces being allocated 50% to each unit. 20 no. secure, covered, cycle spaces inc 12 no. secure, covered, motorcycle spaces are to be provided in the front parking area.

The site is located between the Sunderland Highway (A1231) which has a primary frontage and a Nissan test track to the north. The site is accessed from Turbine Way which abuts Nissan way at the north western corner of the site. The Nissan plant to the north of the site, with its associated wind turbines forms a significant backdrop and terminates long distance vistas through and across the site, notably from the A19.

The overall development site covers an area of approximately 20 hectares and forms a prominent strategic location within this overall employment location. Infrastructure has been constructed within the site to create a layout suitable to accommodate a wide range of business activities in order to create a critical mass of development providing a step change in the local economic activity. The proposed application consists of a single plot (30) @ 0.962 hectares.

The proposal has been supported by the following documents:

- Design and access statement.

- Noise impact assessment.
- Air quality assessment.
- Transport assessment.
- Ecological impact assessment.
- Flood risk and drainage assessment.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
 Cllr Jill Fletcher  
 Cllr Michael Walker  
 Cllr Peter Walker  
 Planning And Highways West  
 Environmental Health  
 Network Management  
 Natural Heritage  
 Planning Policy  
 Watermans - Land Contamination  
 The Coal Authority

Nissan European Technology Centre Nissan Way Washington NE37 3NY  
 Wincanton Logistics Retail Asda Distribution Centre Barmston Lane Washington NE38 8QA  
 Low Barmston Farm Mandarin Way Pattinson Washington NE38 8GQ  
 Unit TB20 Turbine Business Park Turbine Way Sunderland SR5 3NZ  
 Hyperdrive Innovation Ltd Nissan Way Washington SR5 3NY

Final Date for Receipt of Representations: **06.02.2023**

## **REPRESENTATIONS:**

3rd party representations.

Four letters of representation were received from occupiers of properties within the vicinity of the Low Barmston Farm hamlet. Concerns raised included the use of the site, increased noise, access and right of way, increased traffic and impact upon heritage.

Each of the matters have been assessed within the main sections of this agenda report.

Lead Local Flood Authority - With regard to application 22/02601/SUB and in relation to flood risk and drainage, as this is a resubmission for the reduction in size of Unit 1 & subsequent enlargement of Unit 2 to provide same footprint with no changes to impermeable area or drainage design as approved in application 20/01309/FUL. Therefore the LLFA have no further comments to make, the drainage design is approvable.

The verification condition should still be added to the decision notice.

Land Contamination - A shallow mining assessment prepared by Sirius Geotechnical and Environmental Limited (Sirius) has been provided in support of the planning application at the above named site.

The submitted report; however, does not directly relate to the planning application boundary. The site subject to investigation within this report is located adjacent to the east of the current planning application boundary.

The report references other pre-existing reports (a Phase 1 Site Condition Report and a Factual Report) pertaining to the wider former Nissan Motor Works within which the site is located.

Neither of these reports have been provided for review.

It is stated that the fieldwork relating to the Shallow Mining Investigation was carried out between the 3rd and the 9th October 2007.

Section 2 of the report presents the recorded geology of the site with reference to BGS mapping. It states that the site geology comprise Pelaw Clay underlain by Middle Coal Measures strata. With respect to coal seams, it is stated that the Top Hebburn Fell coal seam is conjectured to subcrop adjacent to the southwest corner of the site, dipping to the northeast beneath the site. The seam is conjectured to lie approximately 4m below the top of rockhead at its shallowest depth beneath the site. In addition, the Bottom Hebburn Fell coal seam is anticipated to lie approximately 4m beneath the Top Hebburn Fell coal seam.

The report states that the fieldwork undertaken by Sirius was aimed at assessing the thickness and depth of the Top and Bottom Hebburn Fell coal seams and determining the risk from shallow mine workings, if present.

Section 3 describes the fieldwork undertaken. Fieldwork is recorded to have comprised 9 No. rotary open-hole boreholes to depths of between 18m and 36mbgl. The boreholes were located to establish the sequence of underlying geology across the western area of the site where the two coal seams were anticipated to lie at the shallowest depth.

Section 4 describes the encountered ground conditions. Superficial deposits were proven to depths of between 10.45m and 14.8mbgl, comprising sandy or gravelly clays with occasional bands of sand or sandy silt. The superficial deposits were underlain by light grey mudstone with rare beds of sandstone and thin coal seams.

The report states that the ground conditions encountered varied considerably from those indicated on BGS maps. Coal seams were recorded in two locations only at depths of 22.7m and 31.45mbgl, with a maximum recorded seam thickness of 0.4m. The report states that, given there was no evidence of workings within the seams, together with the proven thickness, it is considered unlikely that the seams have been historically worked. The report also states that sufficient depths of competent rockhead were proven across the site. Based on these findings, the report states that it is considered unlikely that surface stability across the site will be affected by shallow mine workings.

The report concludes that no shallow mine workings are anticipated across the site and no ground stabilisation works are necessary. The report states that no mine entries are known to exist at the site; however, the possibility of encountering unrecorded mine entries cannot be discounted and as such a careful examination of all excavations should be made for evidence of mine entries. The report recommends that no construction take place over a mine entry.

Aspect Consulting Engineers Limited. Phase 2 Ground Investigation Report, August 2019. A Phase 2 Ground Investigation Report, prepared by Aspect Consulting Engineers Limited

(Aspect) has been submitted in support of the proposed development. It is stated that the purpose of the report is to comment on the ground conditions at the site to assist with the purchase of the land for the development of a new factory and offices. A review of the trial hole location plan provided with the report indicates that the area of investigation relates generally to the current planning application boundary, although the proposed development differs to that currently proposed.

No reference is made within the report to the EA's LCRM or any other contaminated land legislation or guidance.

The report states that a site inspection was carried out in August 2019 and involved the excavation of 5 No. trial pits to depths of between 1.2m and 2.3mbgl with collection of soil samples for laboratory testing.

The report states that a Phase 1 Desk Study has been carried out for the whole of the Turbine Business Park site along with a geo-environmental Appraisal report produced by Sirius, which should be read in conjunction within this document. Neither of these reports are appended to the Phase 2 Ground Investigation Report, nor have they been provided as separate documents as part of the planning application.

The report provides a summary of the site and its history. The report states that the site comprises predominantly of grassland with a network of access roads running through it. The land is recorded to slope gently from northwest to southeast and shares a joint access road with the plot immediately adjacent.

With regards to the site history, the report refers to a report produced by Sirius and states that the site has remained open agricultural land between 1857 and 2007.

Section 2 of the report describes the ground conditions encountered within the trial pits. The report states that topsoil overlies Pelaw Clay (recovered as a sandy CLAY). A band of red shale is recorded in trial hole 2. No groundwater was encountered in any of the trial holes. With respect to past mining activity, the report references a report by Sirius (ref. C2196, no date provided) and states that areas of the Turbine Business Park may have been the subject of shallow mine workings in their past. The report states that consideration should be given to this when carrying out future Phase 2 intrusive ground investigation works.

Section 3 provides recommendations in relation to foundations and floor slabs, which is outwith the scope of this review.

Section 4 is titled 'Contamination' and states that 'Notwithstanding the Red Shale found in isolation in trial hole 2 there appeared to be no issues with regard to contamination'. Chemical test results (2 No.) are provided as an appendix; however, no commentary or discussion is provided and there is no indication as to the assessment criteria applied in the determination that there are no issues with regards to contamination. No conceptual site model or risk assessment is provided.

Section 5 relates to sulphate class for concrete specification and states that a DS-2 AC-2 sulphate class would apply.

Section 6 of the report refers to gas protection measures. The report references gas monitoring carried out by Sirius for the Turbine Business Park in its entirety (no reference or date provided)

and suggests that a CS-1 situation applies and therefore gas protection measures are not required. The report also states that radon protection is not required.

The report concludes with a recommendation that the area of the proposed building is probed for potential shallow mine workings prior to the site being purchased.

A Phase 1 Desk Study, prepared by Langdale-Smith and Co. Limited (Langdale) has been submitted in support of the proposed development.

It is stated that the report contains a review of investigative works previously undertaken for the site and gives an assessment of the ground conditions from those works with respect to the proposed site use.

No reference is made to the EA's LCRM or other pertinent contaminated land legislation or guidance. The report states that the proposed development comprises the construction of two commercial light industrial units, an access road and car parking.

The report states that a number of information sources were used to compile the Phase 1 Desk Study, including the Sirius 2007 Shallow Mining Investigation, an 'Overview investigation of Southern Option' by Sirius (2007), a 'Geo-environmental Appraisal Report' by Sirius (2014), a 'Site Block Plan & Proposed Soft Landscape Plan' by Ralgreen Ltd (2018), 'Soil Classification and Chemical Analysis Tests' by Humberside Materials Laboratory (2019), the 'Phase 2 Ground Investigation Report' by Aspect (2019) and local and archive knowledge.

The report states that the site is part of the larger Nissan industrial centre in Sunderland and, at the time of writing, comprised open unused ground with irregular vegetation distribution and grassy knolls.

A site history is provided, with reference to 2008 Landmark data. The site history summary does not differ significantly from that described above. A timeline of previous investigations/groundworks is provided, as summarised below:

Sirius (2007), Supplementary Investigation - After producing a factual report of the Southern Option Land on behalf of Nissan in 2006, Sirius are stated as having undertaken a further investigation on the current site. The details of the investigation are stated as being found in a letter to Gary Howarth, dated 17th April 2007. The investigation is recorded to have comprised 5 No. window sample boreholes to a maximum depth of 4.45mbgl. No, geotechnical or contamination testing was carried out. Ground conditions were recorded to comprise topsoil over made ground to depths of between 0.6m and 1.0mbgl. The made ground was underlain by natural deposits of SAND and firm to stiff sandy gravelly CLAY.

No significant groundwater table was recorded and no visual or olfactory evidence of contamination was noted. Ash-rich made ground recovered in two of the window sample boreholes is suggested to potentially contain elevated concentrations of PAHs, metals and other contaminants.

Sirius (2007), Shallow Mining Investigation - A summary of the Sirius Mining Investigation is provided. This has been reviewed in detail above and is therefore not covered again here. The Langdale Phase report reiterates that the area of the Sirius Shallow Mining Investigation is outwith the boundaries of the current planning application site.



The Langdale Phase 1 report then states that, although no significant risks were identified with shallow mining in the Sirius report, they consider that it is possible that shallow mining operations may have occurred within the current planning application boundary.

Sirius (2014), Geoenvironmental Appraisal Report - It is stated that the site boundary used in this Sirius investigation includes the current planning application site and land immediately to the north. It is stated that the current planning application site is referred to within the Sirius report as the 'additional parcel of land' which was investigated in 2007 and is only briefly mentioned. Langdale state that no further geotechnical or environmental testing was completed on the site as part of the 2014 report. The 2014 report specifies that the area under consideration (which includes the current planning application site) indicates a very low gas regime which requires no gas protection measures.

Aspect (2019), Ground Investigation Report - A summary of the 2019 Aspect report is provided.

The Langdale summary contains greater detail than that which was included on the documentation made available on the planning portal. It is therefore considered possible that the document uploaded to the planning portal is an executive summary only and that a more detailed report is available. With reference to the contamination testing undertaken as part of the investigation, it is stated that a single exceedance of lead was recorded. The depth of the contaminated sample is not listed on the laboratory report; however, Langdale assume that it was taken from a depth of between 0.3m and 0.65mbgl from within a layer of red shale. It is stated that the Aspect report makes the assumption that the contaminated red shale will be removed as part of site remediation prior to development.

Windsor Material Handling (2019), Further Ground Investigation - It is stated that, after the production of the Aspect report, further instructions were carried out by Windsor Material Handling on behalf of Humberside Materials Labs Ltd to carry out six boreholes. The purpose of the investigation was to obtain soil strength profiles to 11mbgl to assess the suitability of the proposed works and the potential for shallow mine workings, as identified in the 2007 Sirius report.

The data collected from the investigation supported the established subsurface geology and showed no indication of shallow mine workings within the planning application site.

On the basis of the summary provided above, the Langdale report provides an assessment of site conditions. The report states that the site may be potentially contaminated by a band of red shale that is present from 0.3m to 0.65mbgl. The deposit is considered to be isolated in the central southern area of the site, but the extent has not been accurately determined.

Section 3 of the report describes the environmental conditions of the site. It is stated that the site is underlain by Pelaw Clay Member soils which overlie the Pennine Middle Coal Measures Formation. The report states that the bedrock is a low permeability minor aquifer. With respect to hydrology, it is stated that the site does not fall within a Source Protection Zone. The River Wear is stated as being located approximately 500m southeast but is unlikely to cause flooding at the site. This section of the report concludes with a statement that the natural geology and topographical positioning of the site do not pose any inherent threat to the surrounding environment and that there is a low risk of natural hazards on site.

Section 4 of the report presents a Conceptual Site Model. The report states that the only identified source of contamination is the deposit of red shale at 0.3m to 0.65mbgl present in the

southern central area of the site. The report states that the concentration of lead in this location was approximately 8 times higher than the maximum guideline levels for current land use (publicly accessible with plant uptake).

The report identifies potential receptors as flora and fauna, the general public and construction workers. Potential pathways are listed as direct exposure and sub-surface migration. An assessment of pollution linkage is provided. It states that there are no sub-surface migration pathways present at the site and that the main pathways for suspected contaminants are through direct exposure. The report assesses the potential risk as moderate and states that a strategy for remediation needs to be prepared.

Section 5 of the report presents a qualitative risk assessment and recommendations for remediation. The report states that the pollutant linkage at the site is based upon a source of elevated metals within localised made ground and that a potential pathway exists through plant uptake of lead which may then be transferred to other receptors. The report states that the presence of impermeable clays directly below and wither side of the red shale deposit, combined with the generally immobile nature of lead suggests that there is a low likelihood of further pathways existing through sub-surface leaching into watercourses or permeable ground. However, the risk is stated as being slightly exacerbated by the presence of granular material within the clays which has the potential to allow seepage beyond the limits of the contaminated deposit.

With reference to remediation, the report states that the source of contamination at the site will be covered by the presence of impermeable ground on which the commercial units will be constructed. It states that this is likely to eliminate the risk of lead exposure. However, as the actual limits of the 'red shale' layer have not been constrained, the report states that there is some ambiguity remaining as to the distribution of the contaminated deposit. It is stated that this reduces the clarity to which it can be determined whether or not the proposed development will completely conceal the pollutant linkage. The report then suggests that a reasonable recommendation would be to conduct a focussed ground investigation to determine the limits of the contaminant source. Upon this determination, the report states that it should be safely excavated prior to development to fully remove any possibility of contamination to the surrounding ecology, construction operatives or the general public.

## Comments and Recommendations

### Shallow Mining Investigation, Sirius Geotechnical and Environmental Limited

As the site lies within a Coal Authority High Risk Development Area, it is recommended that the Coal Authority are consulted on this application.

Following review of the submitted Shallow Mining Investigation and when considering that the report does not relate directly to the current planning application boundary, it is considered that the low risk identified on the adjacent site is insufficient to demonstrate that the risk on the application site is also low. We can have no further comment to make.

### Phase 2 Ground Investigation Report, Aspect Consulting Engineers Limited

Following review of the submitted document the following comments are provided:

The investigation referred to within the report was designed in relation to a previous development proposal and is limited in scope (4 No. trial holes only). As such the site ground conditions are inadequately characterised.

The information presented under the 'Contamination' section of the report is insufficient and does not meet the requirements of the EA's LCRM. Limited chemical testing has been undertaken and no commentary is provided in relation to the assessment criteria used to assess risk. Neither human health nor controlled waters risk assessments are provided, and no conceptual site model has been produced.

The 'Gas Protection Measures' section of the report makes reference to a report produced by other parties with no further detail provided. The report referred to is also not included as an appendix to the report. This is considered insufficient to adequately characterise the potential gas risk at the site.

The Phase 2 Ground Investigation Report provided is considered insufficient on its own to adequately characterise site risks in relation to contaminated land and ground gas. The report makes reference to several other reports (a Phase 1 Desk Study and a Geoenvironmental Appraisal) which should also be provided for review.

Phase 1 Desk Study, Langdale-Smith and Co. Limited

Following review of this document the following comments are provided:

Reference is made within the report to several documents/ sources of information that have not been made available to SCC for review, including a 2007 report by Sirius, a 2014 geoenvironmental appraisal prepared by Sirius, an expanded 2019 report by Aspect and a 2019 report by Windsor Material Handling.

As the conclusions and recommendations made within the Langdale-Smith report are based entirely on information contained within these reports, they should be provided (in full) to this service for review and further comment.

The Langdale-Smith report recommends that further investigation be undertaken to ascertain the extents of the 'contaminated' red shale layer identified in earlier investigations in order to finalise the remedial proposals for the site. Please confirm whether this investigation has been undertaken and, if so, please provide associated documentation and reporting for review/comment. Where this investigation was not undertaken, please provide further comment/justification that the risks relating to the red shale layer have been adequately characterised, risk assessed and mitigated under the development proposals.

A review of aerial and street mapping relating to the site suggests that the site is at least partly constructed. Please confirm whether any remediation strategy documentation was prepared for the site and if so, please provide it to this service for review and comment.

Associated with the above, please confirm whether any verification documentation has been prepared relating to remediation of the site and, if so, please provide it to this service for review and comment.

We are not able to recommend that permission is granted for this application until we are in receipt of the supporting documents for the Langdale-Smith Phase 1 Desk Study. In consideration of the comments above and the requirement for further information to be

provided, once the supporting documents are provided, it is anticipated that planning conditions CL01, CL02, CL03 and CL04 will be required in the Decision Notice.

It is recommended that the Coal Authority are consulted.

Coal Authority - Erection of 2 commercial units including new vehicular access and associated parking/service areas (Resubmission) (part retrospective); 4 Turbine Way, Sunderland, SR5 3NZ

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

#### The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's information indicates that the site lies in an area of probable shallow coal mine workings associated with thick coal seams, which may have been worked from the surface. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority notes the submitted Shallow Mining Investigation Report (dated October 2007) from Sirius Geotechnical and Environmental Ltd, the content of which confirms site investigations across the site. In terms of the results, the report confirms that only intact coal seams were encountered and that consequently, shallow coalmine workings are unlikely to pose a stability risk to the development.

On account of the above, I can confirm that the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

#### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

#### SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the

potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the information prepared by Sirius Geotechnical & Environmental Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Environmental Health - Environmental Health has considered the submitted documentation. There are no objections to the proposed development subject to the inclusion of the following conditions on any consent:

Construction Environmental Management Plan - Prior to commencement of works on site a Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for agreement. The Plan shall identify potential impacts upon neighbouring premises and the local environment associated with site clearance and construction and shall identify suitable mitigation measures to minimise those impacts. Specific regard shall be had to the dust mitigation measures proposed within the submitted air quality assessment.

Noise from fixed plant - No external fixed mechanical plant shall be installed without first being assessed for its impact utilising BS4142:2014. Such plant shall be designed so that the rated noise level assessed at the nearest sensitive receptor does not exceed the measured background LA90 (daytime and night time).

Emissions to air - Prior to installation, details of any items of plant (other than for space heating) that may result in emissions to air shall be submitted to the LPA for approval. Details shall include any emission abatement equipment and external stacks necessary to achieve appropriate control and dispersion of emissions to air.

### **COMMENTS:**

### CONSIDERATION OF APPLICATION

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

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

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without

compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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.

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

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

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. Principle of development.
2. The implications of the development in respect of the amenity of the locality.
3. The impact of the development in respect of highway and pedestrian safety.
4. The impact of the development in respect of ecology and biodiversity.

5. The impact of the development in respect of flooding and drainage.
6. The impact of the development in respect of ground conditions.

## COMMENTS:

### 1. Principle of the Development

The Core Strategy and Development Plan (2015-2033), at policy SP1 (Development Strategy), states that:

" To support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will...develop at least 95ha of employment land"

The Core Strategy and Development Plan (2015-2033), at policy SP3 (Washington), states that "Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland.

In order to achieve this:

1. economic growth will be focused in identified Employment Areas (Policies EG1 and EG2).

The site is located within an allocated Primary Employment Area (PEA9: Turbine Park) as defined in CSDP Policy EG1: Primary Employment Areas. It provides (at Criterion 1) that PEAs will be safeguarded for B1 (excluding B1a) B2 and B8.

The two commercial units would fall predominately within a B2 use class according to the application form (B1a = 463.5 square metres B2 = 845 square metres). Given that the majority of the internal floorspace would fall within B2, the proposal is considered to align to CSDP Policy EG1.

Although a small element of the proposal includes B1a, it is considered this can be considered to be ancillary to the principal B2 use which takes up the majority of the floorspace. It is therefore considered the proposal is in alignment with CSDP Policy EG1.

In the absence of any material considerations to the contrary, the principle of the proposed development would accord with the development plan.

### 2.The implications of the development in respect of the amenity of the locality.

The application has been supported by a Noise Assessment Report and an Air Quality Assessment by AVAL dated 05.2020 to determine the necessary mitigation measures required during the construction and operational phase of the proposed development.

The reports have been separately assessed by the City Council's Public Protection and Regulatory Services Section and following noted.

Separation distances to residential suggest likely impacts will be low.

Impacts of noise on office accommodation and neighbouring business premises - addressed in Section 4 and Tables 5.1 and 5.2 of the Report. Whilst the table format appears incorrect the conclusion is accepted that exposure at nearest industrial premises will be approx. 68dB(A) due to deliveries.

Given existing character of the area and level of activity this is considered reasonable.

No notes are provided in relation to any proposed equipment to be installed in the industrial units and hence a condition shall be imposed to ensure acceptability.

With specific reference to air quality the conclusions are accepted showing that the development will not lead to any significant adverse impacts, however a condition will need to be attached requiring the submission of a Construction Environmental Management Plan (CEMP) as per the recommendations within the Assessment.

The Environmental Health Officer has advised that "the development is acceptable" and have recommended conditions ensuring the provision of any future plant are controlled (air quality and noise), along with a CEMP to safeguard amenity during construction.

Officers would also advise that the proposed development would not appear to lead to a material loss of amenity for the occupiers of nearby land and properties caused by a loss of daylight or privacy.

In the absence of any material considerations to the contrary, the proposal would accord with policies SP7 (Health and safe communities), HS1 (Quality of life and amenity) and HS2 (noise-sensitive development) of the Core Strategy and Development Plan (2015-2033); subject to the recommended conditions.

## Design

The submitted Design and Access Statement says:

"The proposed building will be a pitched portal framed structure with an underside of internal portal haunch height of 6m. This corresponds to a typical single storey building of this type with enough height to accommodate ancillary 2 storey offices within. The appearance scale and massing of the facility are all in keeping with that of the majority of the facilities constructed within the surroundings of the site.....

The main entrance core is to be constructed with polyester powder coated (PPC) glazed curtain walling and vertical sections of facing blockwork. The main entrance door is to be a PPC aluminium sliding door set within a metal cladding surround. This will frame the entrance and provide a contrast within the curtain walling to help draw attention to the location. A cantilevered glass entrance canopy is proposed to be fixed into the frame surround above the main entrance doors. A recessed area above the canopy and inside the frame will provide a designated signage zone. All signage to be under separate application in due course, as required."

The office area of the proposed building is to be in metal-cladding and includes coated louvered profile metal cladding under the roof soffits.

Officers are of the opinion that the proposed development would sit comfortably within its context of the wider industrial estate. The plots would provide a two-storey building surrounded by parking / turning space and landscaping. Officers would recommend conditions covering the timing of landscaping works.



In the absence of any material considerations to the contrary, the proposal would accord with policies BH1 (design quality) and BH2 (sustainable design and construction) of the Core Strategy; subject to the recommended conditions.

3. The impact of the development in respect of highway and pedestrian safety.

The proposal has been supported by a Transport Assessment by AVAL dated 04.2020. The TA makes the following conclusion:

"the proposed development site is currently vacant and unused, the development will, involve the construction of a new warehouse with office spaces created within the warehouse. The site will also include parking spaces, footpaths and other necessary external modifications needed to ease access to the site. A total of 24 car spaces will be provided by the warehouse, with ample of space available for HGV's to park at the sides of the warehouse. The development is intended to have a local catchment, with a key market being people who travel via buses and cars, which is associated with people travelling to and from the proposed development site. For the reasons given in this TS, the proposed development is anticipated to only generate a tiny increase in additional vehicular traffic when compared to the existing conditions. As a result, there should be no reasons on transport, highways or servicing grounds why this proposal should not be acceptable to the determining authority."

The Network Management Section have reviewed the supporting document and made the following comments:

ACCESS As stated within the application the proposed access to the site was approved under Planning Application ref: 19/00509/FUL. Condition 3 of the Decision Notice for this application states:

"Before the development hereby approved is commenced the details of the means of crossing the Public Right of Way shall be submitted to and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the agreed details in the interests of highway safety and to comply with policy T14 of the UDP."

It is understood that this condition has not yet been discharged and therefore the same condition should be applied to this application should approval be granted.

The detailed highway works are subject to a Section 38/278 agreement, which will need to be updated and include any necessary traffic signing and road marking proposals.

PARKING The Transport Assessment (TA) submitted in support of the application states that a total of 24 car parking spaces are proposed to serve the proposed development. However, the submitted Site Plan and Design and Access Statement state that 32 parking spaces are to be provided. It is considered that the 32 spaces as shown on the Site Plan should be provided.

The proposed provision for motorcycle and cycle parking is welcomed.

It is considered that the traffic generated by the proposed development would not have a material impact on the operation of the local road network given the recent improvements that have been undertaken.

In the absence of any material considerations to the contrary, the proposal would accord with policies ST2 (local road network) and ST3 (development and transport) of the Core Strategy; subject to the recommended conditions.

#### 4. The impact of the development in respect of ecology and biodiversity.

Policy NE4 of the CSDP states that, 'where appropriate, development must demonstrate how it will provide net gains in biodiversity; and avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

With the above in mind, and placing the concept of net gain in context, there is currently no statutory or policy requirement to deliver a set percentage of biodiversity net gains; rather, at this time, local and national policies seek to ensure that net gains can be secured.

In this case, it is considered that marginal net gains in biodiversity can be achieved by the implementation of on-site enhancement measures and this is considered acceptable in the context of current local and national policy requirements and in the context of the wider benefits of the development proposed by the planning application and its compliance with the site's allocation for new commercial development.

The Council's Ecology consultant has recommended the imposition of a series of conditions designed to secure the mitigation and enhancement measures set out by the applicant's ecology reports and biodiversity net gain proposals. These conditions are contained within the representations section of the main agenda report.

The application has been supported by an Extended Phase 1 and Protected Species Survey updated 03.2021. The report provides a summary of compensation and enhancement measures for both habitat and species mitigation which have been incorporated on supporting landscaping drawings.

In terms of habitat mitigation, new areas of species rich planting will be provided along the northern and southern site boundaries. This will include new areas of wet tolerate planting within and around the SUDs basins and calcareous grasslands in the areas surrounding the basins. Further details of the landscaping proposals are provided within the supporting drawings P-DER-1748-01 and 02. 4.17 These areas will be sympathetically maintained to prevent scrub encroachment. The management will have the effect of preventing encroachment from scrub, a process which is evident within the site at present and will ensure that the new grassland habitats created will persist in perpetuity. Over time therefore this will have the effect of ensuring that no net loss of habitat occurs, and provides opportunity for biodiversity gains as grassland habitats fully establish and mature.

With regards species mitigation, it is recommended that any future lighting scheme is designed with reference to best practice design requirements for bats and that light spill is minimised. To compensate for the small number of potential nest sites that may be lost, bird boxes will be provided within the development.

In the absence of any material considerations to the contrary, the proposal would accord with policy NE4 (Biodiversity and geodiversity) of the CSDP, subject to the imposition of the recommended conditions.

## 5. The impact of the development in respect of flooding and drainage.

The submitted Drainage and Flood Risk Assessment states that the site is located in Flood Zone 1 and is away from known sources of flooding, the proposed land use is compatible with the Flood Zone, however the surface water arising from rainfall on the proposed impermeable areas presents a residual risk and requires mitigation.

To achieve this and avoid flooding of the highway located along the southern boundary and the neighbouring plots a series of attenuation ponds has been proposed. The ponds will be located in areas not paved, these being at the northern boundary close to the site entrance and the two larger parcels of land at the south eastern and south western corners of the plot. £no. petrol interceptors have been specified and located at the inlet to the pond to prevent large spills of diesel or oil entering the pond and remaining underground system.

To compliment the overall landscaping for the site and biodiversity aims for the site all planting in public open space SuDS features including swales, basins, ponds and wetlands should be native to Great Britain, ideally of local provenance, and from an accredited source to avoid the introduction of alien species.

The planting objective for SUDS is to establish a robust native vegetation cover as soon as possible that will assist the drainage function and develop into a biodiversity asset. It is important not to plant invasive and vigorous colonising species that will prevent later establishment of a biodiverse wetland community. These include:

- Bulrush (*Typha latifolia*).
- Great pond sedge (*Carex riparia*).
- Reed canary grass (*Phalaris arundinacea*).
- Reed sweet-grass (*Glyceria maxima*).
- Branched bur-reed (*Sparganium erectum*).
- Common Reed (*Phragmites australis*).

Planting proposals should comprise common generalist species that are robust, easily established and give visual interest to local people. Later colonisation by locally occurring species will stabilise the habitat in a few years and contribute to local biodiversity. Note in all cases any planting where a liner has been specified the plant roots should not puncture it and must be planted in crates.

The Lead Local Flood Authority (LLFA) have advised that all elements of the drainage strategy are considered to be acceptable. In the absence of any material considerations to the contrary, the proposal would accord with policies WWE2 and WWE3 of the CSDP subject to an appropriate verification condition.

## 6. The impact of the development in respect of ground conditions.

The submitted Phase 1 Ground Contamination Investigation and Assessment states that the current condition of the site represents significant plausible linkages resulting from the plant uptake due to the shallowness of the deposit and the significant concentration of contaminant.

The report continues via stating that a reasonable recommendation would be to conduct a focused ground investigation to determine the limits of the contaminant source in as great a detail as is reasonably practicable.

The City Council's Land Contamination consultants have advised that further work is necessary, however development is acceptable, this position is echoed by the Coal Authority who also require additional information.

A full commentary of the technical aspects of the reports can be found in the representations section of the agenda report.

In the absence of any material considerations to the contrary, the proposal would accord with policy HS3 (contaminated land) of the Core Strategy; subject to the recommended conditions.

## Conclusion

The principle of the proposed development would accord with the relevant policies found within the development plan.

The detailed impacts of the proposed development, such as impacts upon amenity, biodiversity, groundworks, drainage and highways, also accord with the relevant policies of the development plan; subject to the draft conditions below.

There are not any material considerations that indicate a decision should be made otherwise.

## 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:** Approve subject to draft conditions listed.

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

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

414\_(00)\_001 Site Location & Block Plan - As Existing - PL5  
414\_(01)\_001 - Site Block Plan - As Proposed - PL3  
414\_(01)\_002 - Floor Plans - As Proposed - PL2  
414\_(02)\_001 - Elevations - As Proposed - PL2  
414\_(03)\_001 - Section 1 As Proposed - PL2  
414\_(04)\_002 - Soft Landscape Layout  
P-DER-1748 - Drainage strategy  
P-DER-1748-01 - Sheet 1 drains  
P-DER-1748-02 - Sheet 2 drains

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

3 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on 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:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments; and
  - 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 National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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.

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

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

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

Policy Framework Paragraphs 170, 178, 179, and 183d.

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

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

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

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

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

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

7 No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features in respect of that phase. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

8 Where the findings of the intrusive site investigations (required by condition 7 above) identify that coal mining legacy poses a risk to surface stability, no development shall commence within that phase until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and

approval in writing. Following approval, the remedial works shall be implemented in complete accordance with the approved details.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

9 No phase of development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP(s) shall include details of construction hours, how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. The development shall thereafter be undertaken in accordance with the approved CEMP(s).

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved would not have an unacceptable impact upon amenity.

10 No building shall be brought into use until a detailed noise assessment relating to the operation of that building, including any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises (including scale plans and elevations), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include assessment of any mechanical services, ventilation equipment or external plant. The assessment shall be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards and make reference to World Health Organisation Guideline Values for Community Noise, BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and BS 4142: 2014 Methods for rating and assessing industrial and commercial sound as appropriate. The approved mitigation shall be installed before occupation of the noise-generating building and shall thereafter be retained.

Reason: To ensure, in accordance with policy of HS2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes noise mitigation.

11 With the exception set out below, no unit shall be occupied until a verification report carried out by a qualified drainage engineer in respect of the drainage scheme for that unit and its associated hardstanding has been submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

As built drawings (in dwg/shapefile format) to include Engineering drainage layouts and for SuDS components which comprise Surface Water Attenuation Tanks, Flow control devices, Downstream Defenders, Upflow filters, Pumping Stations and Permeable Paving - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;

- Details of ownership organisation/adoption & maintenance.
- Individual component details to each Unit shall be submitted when available to enable partial discharge of this condition, and within three months of occupation of each unit, in the manner prescribed above to the Local Planning Authority for its written approval.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS.

12 The development hereby approved shall only be used for purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations



2020 (or any subsequent order).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

13 Site clearance works will not be undertaken during the bird nesting period (March - September inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken no more than 3 days prior to the commencement of works, in order to ensure no active nests are present which would be affected by the proposals. In the event any active nests are identified at this time, the Ecologist will implement an appropriate buffer zone around the nest into which no works will progress until the Ecologist confirms that the nest is no longer active

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policy NE2 of the adopted Core Strategy and Development Plan.

14 Works will not commence until a suitable lighting strategy (with input from a Suitably Qualified Ecologist) has been submitted to and approved in writing by the council, in order to minimise the potential impacts of the proposals (both during and following on from the completion of works) upon nocturnal species such as bats. This is to ensure the ecological benefits of the proposed habitat creation measures are maximised through the development.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policy NE2 of the adopted Core Strategy and Development Plan.

15 A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of construction works. The plan should detail contingency measures should the biodiversity aims and objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, in line with the habitat creation and enhancement measures detailed within the BSG ecology assessment. The approved plan will be delivered in accordance with the approved details.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policy NE2 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 22/02777/LB3 Listed Building Consent (Reg3)

**Proposal:** **Installation of 5 new WCs to unused reception area.**

**Location:** Headteacher Barnes Junior School Mount Road Sunderland SR4 7QF

**Ward:** Barnes

**Applicant:** Sunderland City Council

**Date Valid:** 21 December 2022

**Target Date:** 15 February 2023

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## **PROPOSAL:**

### Background / Context

Listed building consent is sought for the installation of 5 new WCs to unused reception area at Barnes Junior School Mount Road, Sunderland SR4 7QF.

The site is located approximately 2km south west of Sunderland City Centre, as the crow flies, and is situated within a residential area comprising of predominantly terraced properties. The application property is an attractive and impressive Grade II Listed Victorian infant and junior school circa 1900, the infant and junior schools are set across two buildings separated by a newly constructed modern building, which houses a dining block and reception facilities, with the junior school located to the west of the site. The site is bounded by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and the rear lane of Ewesley Road to the east. The school buildings are set back towards the Wycliffe Road boundary, but face southwards across the school yards and car park towards Mount Road. The surrounding area is residential comprising predominantly of terraced houses.

The building is currently in the process of being refurbished with Listed Building consent being granted on the 30th November 2021 under planning application reference number 21/01697/LB3.

This application seeks Listed Building Consent to undertake additional works, as part of the Phase 1 refurbishment, to re-fit the existing reception office into new w/c's, which would mirror the existing set of ground floor toilets at the western end of the building. The Heritage and Planning Statement (HPS) states that the reception office is now redundant following the completion of the new shared dining block which includes reception facilities.

The building detailed in the Historic England listing under List Entry No. 1207105 as;

### SUNDERLAND

NZ35NE MOUNT ROAD 920-1/4/143 (North side) 10/11/78 West building of Barnes School (Formerly Listed as: MOUNT ROAD SOUTH (North side) East and west buildings to Barnes School)

### GV II

School. c1900. Bright red brick with terracotta dressings and slate roof. Symmetrical with 2 storeys, 2:2:3:5:3:2:2 windows. Right corner has pentice roof on 2-storey porch with fat

terracotta columns over steps up to doors; 2 windows above. Central section has 5 full height round-arched recesses, with finialled lesenes between, containing large windows, the lower square-headed with panelled aprons, the upper round-headed with arcaded brick-panelled aprons, top corbel table. Flanking sections have 3 windows on each floor, the lower 3 with long triple terracotta keys, the upper 3 stepped under central straight dripmould below raised segmental head of shaped gable. Stair towers between these and end bays have 2 small windows below 4 on ground floor, a further 4 with arcaded apron to central pair below top single round-headed light in arched brick panel below roof parapet. Most windows mullion and transom with upper glazing bars; round-headed windows with full glazing bars. Hipped roofs over end bays, high swept pyramids with lucarnes over adjacent towers, cross ridges to gables, and long central roof with 5 hipped dormers and tapered high ridge ventilator with domed top.

Listing NGR: NZ3789455938

The application property is located within the ward of Barnes and is within a coal mining legacy area identified as low risk.

The following documents have been submitted in support of the application;  
Design and Access Statement  
Heritage Statement

#### **TYPE OF PUBLICITY:**

Neighbour Notifications  
Site Notice

#### **CONSULTEES:**

Network Management  
Cllr Richard Dunn  
Cllr Anthony Mullen  
Cllr Helen Greener  
Planning Implementation

Barnes School House Mount Road Sunderland SR4 7QF  
Hendon Boxing Club At Barnes Junior And Infant Schools Mount Road Sunderland SR4 7QF

Final Date for Receipt of Representations: **18.01.2023**

#### **REPRESENTATIONS:**

Transportation Development  
No observations

Building Conservation - No objection:

The proposed installation of W.C.s in the redundant reception room at Barnes Junior School will largely replicate the same arrangement at the west end of the building and is a reversible addition that will not impact on any historic features or the almost entirely intact historic layout of the school building, both these internal elements making a key contribution to the significance of the listed building. Whilst the Heritage

Statement suggests that the proposals will cause minor harm to the significance of the listed building, I'm of the view that any impact on the special architectural or historic interest of the building is so negligible that there will be no harm to its overall significance.

Building Conservation - No objection:

The proposed installation of W.C.s in the redundant reception room at Barnes Junior School will largely replicate the same arrangement at the west end of the building and is a reversible addition that will not impact on any historic features or the almost entirely intact historic layout of the school building, both these internal elements making a key contribution to the significance of the listed building. Whilst the Heritage Statement suggests that the proposals will cause minor harm to the significance of the listed building, I'm of the view that any impact on the special architectural or historic interest of the building is so negligible that there will be no harm to its overall significance

## **POLICIES:**

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

Core Strategy and Development Plan (CSDP)

Policy SP1 Development strategy

Policy SP5 South Sunderland

Policy BH7 Historic environment

Policy BH8 Heritage assets

The National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## **COMMENTS:**

Appraisal of Proposals

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The matter for consideration within this application is whether the proposed development would sustain and enhance the significance of heritage assets. The NPPF at paragraph 194 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance" and at paragraph 199 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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." The NPPF at paragraph 202 advocates that "where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

CSDP Policy BH7 seeks to conserve and enhance the historic environment, whilst Policy BH8 seeks to protect designated and non-designated heritage assets.

The application proposes internal changes to a Grade II Listed Building. The work relates to the installation of W.C.s in the redundant reception room at Barnes Junior School and would replicate the arrangement at the west end of the building. The proposed works would not affect the fabric of the Listed Building and is considered to be a reversible addition that would not impact on any historic features, or the historic layout of the school building, which are considered to be important elements making a key contribution to the significance of the Listed Building.

The Building Conservation Team has been consulted on the proposal and have raised no objection stating that " any impact on the special architectural or historic interest of the building is so negligible that there will be no harm to its overall significance."

### **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.

## **Conclusion**

Taking the above into deliberation, the proposed works are considered acceptable and in accordance with local and national planning policy.

## **RECOMMENDATION:**

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant listed building consent for the proposal subject to the conditions listed below.

## **Conditions:**

1 The works 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the works are carried out within a reasonable period of time.

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

Location Plan

Layout Plan (New WCs in Old Reception): Drawing No. BPSS-ASA-XX-00-DR-A-0039

Reason: In order to ensure that the completed works accord with the scheme approved and to comply with policy BH8 of the Core Strategy and Development Plan.

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**Reference No.:** 23/00175/LB3 Listed Building Consent (Reg3)

**Proposal:** **Variation of condition 2 (plans) attached to previously approved 21/02748/LB3 - Removal of existing shop front and replacement with new traditional timber and masonry shop fronts. Repair and conservation works to the upper elevations , to include masonry and window repairs, 3 no. casement windows at first floor level to be replaced with sliding sash windows.**

**Location:** Elephant Tea Rooms 64-66 Fawcett Street SunderlandSR1 1BB

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 23 January 2023

**Target Date:** 20 March 2023

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## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a three-storey building situated on the junction of Fawcett Street and High Street West within the Sunnyside Conservation Area and the Sunderland Historic High Streets Heritage Action Zone occupying nos. 64, 65 and 66 Fawcett Street, and 229 and 230A High Street West. It is an iconic grade II listed building known as the Elephant Tea Rooms originally built between 1872-1877 for a local tea merchant in a mixture of the high Victorian Hindy Gothic and Venetian Gothic styles. The upper floors feature a variety of elaborate terracotta and faience features including elephants carrying boxes, gargoyles and ornamental birds, however the ground floor elevation has been significantly altered with the loss of the fine terracotta and faience work that can still be seen at the upper levels.

### **PROPOSAL**

Members may recall that an application for listed building consent was approved (21/02748/LB3) for a renovation scheme for the removal of the existing modern shop front and its replacement with new traditional timber and masonry shop fronts. The scheme includes repair and conservation works to the upper elevations to include masonry and window repairs with three casement windows at first floor level to be replaced with sliding sash windows. The scheme aims to make a key contribution to addressing the at-risk status of the Sunnyside Conservation Area and make an essential contribution to the wider regeneration aims of the Sunderland Historic High Streets Heritage Action Zone and Future High Street Fund initiative.

The application was approved subject to a number of conditions including the following;

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

location plan received 24/11/21,  
existing floor plans roof and site plan drawing number 1027 005 Rev A received  
24/11/21;

existing elevations and site plan drawing number 1027 006 Rev A received 24/11/21;  
proposed ground floor plan drawing number 1027 105 Rev D received 24/11/21;  
proposed elevations drawing number 1027 110 Rev D received 24/11/21;  
elevations proposed repairs drawing number 1027 125 Rev A received 24/11/21;

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

The current application seeks permission under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 to accommodate minor amendments to the design of the corner turret feature as have become necessary to avoid services that have been discovered underground beneath the area covered by the base of the previous turret design. The replacement of the brick column with a narrower stone column to the lower section of the turret will allow a narrower foundation detail that gives the required clearance for the service cable. The other revisions relate to minor alterations to the width of the entrance door to Fawcett Street and the formation of some of the brick detailing to the upper parts of the shop front to allow the retention of existing structural steelwork.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Cllr Andrew Wood  
Cllr Niall Hodson  
Cllr Julia Potts  
Planning Implementation  
Tyne And Wear Archaeology Officer  
Planning And Highways West

Furniture Lounge 63 Fawcett Street Sunderland SR1 1SN  
Yorkshire Building Society 230 High Street West Sunderland SR1 3BN

Final Date for Receipt of Representations: **28.02.2023**

#### **REPRESENTATIONS:**

Public representation

The application has been advertised by way of neighbour consultation letters and the posting of a site notice. No representations have been received to date. The period for the receipt of representations does not expire until 28 February 2023, after the preparation of this report. Any representations received will be reported to the meeting.

Consultees

County Archaeologist - no objections, no archaeological investigation will be required  
Conservation Team - no objections



## **COMMENTS:**

### **CONSIDERATION**

The Conservation Team has commented that the proposed revisions to the approved details do not compromise the quality of the previously approved restoration and enhancement scheme, indeed the revised turret design with the incorporation of additional stone adds further architectural interest and detail to the overall shop front design, to the benefit of the enhancement works. The proposals will conserve and considerably enhance the character and significance of an iconic landmark listed building and this part of the Sunnyside Conservation Area, whilst also helping to facilitate the long-term future re-use of the buildings.

The nature of the proposed amendment is considered to be minor. On the basis of the above it is considered that the proposed revision does not remarkably alter the overall nature of the scheme nor does it present any demonstrable harm to the character and significance of the listed building or the conservation area. The proposals satisfy the requirements of NPPF paragraphs 197, 199 and 206, CSDP policies BH7 and BH8 and Management Objectives 2, 3, 5, 6 and 7 of the Sunnyside Conservation Area CAMS. The proposals will importantly make a key contribution to the aims of the Heritage Action Zone and Future High Street Fund initiatives and the wider regeneration objectives for the City Centre High Street.

The original planning permission was subject to a condition which required certain details. As some of these details have been submitted and previously been discharged, the condition will be reworded accordingly.

Condition 1, which required commencement within three years of the original grant of planning permission, is no longer necessary as the development is underway.

### **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.

## CONCLUSION

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

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

### Conditions:

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

- location plan received 24/11/21,
- existing floor plans roof and site plan drawing number 1027 005 Rev A received 24/11/21;
- existing elevations and site plan drawing number 1027 006 Rev A received 24/11/21;
- proposed ground floor plan drawing number 1027 105 Rev D received 24/11/21;
- proposed elevations drawing number 1027 110 Rev H received 25/1/23;
- elevations proposed repairs drawing number 1027 125 Rev A received 24/11/21.

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

2 Notwithstanding the details submitted with the application, the development shall be carried out in accordance with the following details and samples for the remaining repair works which must first be submitted to and approved in writing by the Local Planning Authority prior to each stage of the relevant works being carried out;

- Colour finish to shopfront.
- Full details and/or samples of external materials, including, stone, terracotta, faience, leadwork, bird netting and fixings.
- Sample panels / areas of terracotta and faience repairs and lime repointing, to be provided by appointed stone mason,
- Sample of repaired / overhauled sliding sash window by sash window repair specialist.

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 BH8 of the Core Strategy and Development Plan.

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**Reference No.:** 23/00190/VA3 Variation of Condition (Reg 3)

**Proposal:** **Variation of condition 2 (plans) attached to planning application 21/02747/LP3 to allow the elevation to be amended to take account of the existing structure and services positions that could not be identified prior to works commencing.**

**Location:** Elephant Tea Rooms 64- 66 Fawcett Street Sunderland SR1 1BB

**Ward:** Millfield  
**Applicant:** Sunderland City Council  
**Date Valid:** 25 January 2023  
**Target Date:** 22 March 2023

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## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a three-storey building situated on the junction of Fawcett Street and High Street West within the Sunnyside Conservation Area and the Sunderland Historic High Streets Heritage Action Zone occupying nos. 64, 65 and 66 Fawcett Street, and 229 and 230A High Street West. It is an iconic grade II listed building known as the Elephant Tea Rooms originally built between 1872-1877 for a local tea merchant in a mixture of the high Victorian Hindy Gothic and Venetian Gothic styles. The upper floors feature a variety of elaborate terracotta and faience features including elephants carrying boxes, gargoyles and ornamental birds, however the ground floor elevation has been significantly altered with the loss of the fine terracotta and faience work that can still be seen at the upper levels.

### **PROPOSAL**

Members may recall that an application was approved (21/02747/LP3) for a renovation scheme for the removal of the existing modern shop front and its replacement with new traditional timber and masonry shop fronts. The scheme includes repair and conservation works to the upper elevations to include masonry and window repairs with three casement windows at first floor level to be replaced with sliding sash windows. The scheme aims to make a key contribution to addressing the at-risk status of the Sunnyside Conservation Area and make an essential contribution to the wider regeneration aims of the Sunderland Historic High Streets Heritage Action Zone and Future High Street Fund initiative.

The application was approved subject to a number of conditions including the following;

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

location plan received 24/11/21,  
existing floor plans roof and site plan drawing number 1027 005 Rev A received 24/11/21;  
existing elevations and site plan drawing number 1027 006 Rev A received 24/11/21;  
proposed ground floor plan drawing number 1027 105 Rev D received 24/11/21;

proposed elevations drawing number 1027 110 Rev D received 24/11/21;  
elevations proposed repairs drawing number 1027 125 Rev A received 24/11/21;

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

The current application seeks permission under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 to accommodate minor amendments to the design of the corner turret feature as have become necessary to avoid services that have been discovered underground beneath the area covered by the base of the previous turret design. The replacement of the brick column with a narrower stone column to the lower section of the turret will allow a narrower foundation detail that gives the required clearance for the service cable. The other revisions relate to minor alterations to the width of the entrance door to Fawcett Street and the formation of some of the brick detailing to the upper parts of the shop front to allow the retention of existing structural steelwork.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Cllr Andrew Wood  
Cllr Niall Hodson  
Cllr Julia Potts  
Planning Implementation  
Network Management  
Tyne And Wear Archaeology Officer  
Planning And Highways West

101 High Street West Sunderland SR1 1TX  
2 Fawcett Street Sunderland SR1 1SJ  
1 Bridge Street Sunderland SR1 1TA  
97 - 99 High Street West Sunderland SR1 3BY  
Pearson Driving Assessments Limited Part Of Second Floor Havelock Building High Street West Sunderland SR1 1TZ  
Biz-R 99 - 100 High Street West Sunderland SR1 3BZ  
Former Action For Employment Limited Havelock Building High Street West Sunderland SR1 1TZ  
The Best Connection Group 33 Bridge Street Sunderland SR1 1TQ  
Capo Salon 70 First Floor 99 - 100 High Street West Sunderland SR1 3BY  
Harrys Game Shack 1 Fawcett Street Sunderland SR1 1SJ  
Yorkshire Building Society 230 High Street West Sunderland SR1 3BN

Final Date for Receipt of Representations: **28.02.2023**

## **REPRESENTATIONS:**

### Public representation

The application has been advertised by way of neighbour consultation letters and the posting of a site notice. No representations have been received to date. The period for the receipt of representations does not expire until 28 February 2023, after the preparation of this report. Any representations received will be reported to the meeting.

### Consultees

County Archaeologist - no objections, no archaeological investigation will be required  
Conservation Team - no objections

## **COMMENTS:**

### CONSIDERATION

The Conservation Team has commented that the proposed revisions to the approved details do not compromise the quality of the previously approved restoration and enhancement scheme, indeed the revised turret design with the incorporation of additional stone adds further architectural interest and detail to the overall shop front design, to the benefit of the enhancement works. The proposals will conserve and considerably enhance the character and significance of an iconic landmark listed building and this part of the Sunnyside Conservation Area, whilst also helping to facilitate the long-term future re-use of the buildings.

The nature of the proposed amendment is considered to be minor. Issues relating to highway safety and ecology considerations have all been addressed via the original application, and the current proposal will not introduce any new circumstances that would necessitate these issues to be reconsidered.

On the basis of the above it is considered that the proposed revision does not remarkably alter the overall nature of the scheme nor does it present any demonstrable harm to the character and significance of the listed building or the conservation area. The proposals satisfy the requirements of NPPF paragraphs 197, 199 and 206, CSDP policies BH7 and BH8 and Management Objectives 2, 3, 5, 6 and 7 of the Sunnyside Conservation Area CAMS. The proposals will importantly make a key contribution to the aims of the Heritage Action Zone and Future High Street Fund initiatives and the wider regeneration objectives for the City Centre High Street.

The original planning permission was subject to a number of conditions which required certain details. As some of these details have been submitted and previously been discharged, these conditions will be reworded or deleted accordingly.

Condition 1, which required commencement within three years of the original grant of planning permission, is no longer necessary as the development is underway.

## **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.

## **CONCLUSION**

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

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

**Conditions:**

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

location plan received 24/11/21,  
existing floor plans roof and site plan drawing number 1027 005 Rev A received 24/11/21;  
existing elevations and site plan drawing number 1027 006 Rev A received 24/11/21;  
proposed ground floor plan drawing number 1027 105 Rev D received 24/11/21;  
proposed elevations drawing number 1027 110 Rev H received 25/1/23;  
elevations proposed repairs drawing number 1027 125 Rev A received 24/11/21;

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

2 Notwithstanding the details submitted with the application, the development shall be carried out in accordance with the following details and samples for the remaining repair works which must first be submitted to and approved in writing by the Local Planning Authority prior to each stage of the relevant works being carried out;

- Colour finish to shopfront.
- Full details and/or samples of external materials, including, stone, terracotta, faience, leadwork, bird netting and fixings.
- Sample panels / areas of terracotta and faience repairs and lime repointing, to be provided by appointed stone mason,
- Sample of repaired / overhauled sliding sash window by sash window repair specialist.

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 BH8 of the Core Strategy and Development Plan.



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**Reference No.:** 23/00208/TC3 Tree in Conservation Area (Reg3)

**Proposal:** **Fell 1no. Lawson Cypress tree**

**Location:** The Old Rectory The Broadway Houghton-le-Spring DH4 4BB

**Ward:** Houghton  
**Applicant:** Sunderland City Council  
**Date Valid:** 30 January 2023  
**Target Date:** 13 March 2023

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### **PROPOSAL:**

The site relates to Rectory Park and land in front of the Old Rectory Building. The tree is a Lawson Cypress and the photographs show that it is very large and is positioned inside a raised planter. The tree is intended to be removed on account of the roots pushing the wall of the planter, which would lead to the instability of the tree.

### **CONSULTEES:**

Cllr John Price  
Cllr Mark Burrell  
Cllr Juliana Heron

Final Date for Receipt of Representations: **23.02.2023**

### **ASSESSMENT:**

In the assessment of the proposal, the main issues to be considered are the following:

- 1) The amenity value of the tree
- 2) Can a Tree Preservation Order be justified?

In light of the above, the removal of the tree would prevent any movement and instability of the tree and risk of injury. The removal of the tree would lead to some loss of amenity, however a replacement would be planted in the vicinity and a Tree Preservation Order is therefore not considered to be justified in this instance and the proposal would comply with Policy NE3 in this respect.

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

#### **Conditions:**

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.

2 Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy NE3 of the CSDP.

3 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the CSDP.