

## **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

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**Reference No.:** 20/02296/LP3 Local Authority (Reg 3 )**Proposal:** **Engineering works including alterations to the vehicular access from Extension Road and the re-profiling of the site (Amended plans received showing removal of northern access).****Location:** Hendon Sidings Enterprise Zone Adjacent To Prospect Row Sunderland Port Of Sunderland**Ward:** Hendon**Applicant:** Port Of Sunderland**Date Valid:** 8 December 2020**Target Date:** 9 March 2021

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**PROPOSAL:**

Full planning permission is sought for engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site at former Hendon Sidings, adjacent to Prospect Row, Sunderland.

The proposals affect a vacant area of land covering approximately 5.5ha, which was historically occupied by the Hendon rail sidings. The land in question is of a narrow, tapering shape and is bordered by Prospect Row and the remaining Sunderland Town Moor to the west, Extension Road to the south and Barrack Street to the north. To the east, it is bordered by the rail line serving the adjacent Port of Sunderland.

The application site forms part of the wider 'Hendon Sidings' area, which also includes the rail line corridor and land further to its east, which forms a proposed Local Wildlife Site. The operational land of the Port of Sunderland is located to the east of the wider Hendon Sidings area. Hendon Sidings was purchased by the City Council in 2012 to complement its operations at the Port; it does not, however, form part of its operational land as defined by the Harbours Act 1964.

The west side of Prospect Row is fronted by dwellinghouses, whilst a public house (The Welcome Tavern) stands in isolation immediately to the north of the application site at the junction between Prospect Row and Barrack Street. The front (south) elevation of the Welcome Tavern is flanked by a section of dead-end adopted highway which is informally being used for car parking and which leads to an existing gated vehicular access into the application site. The Town Moor forms a significant area of historically significant open space and is within the Old Sunderland Conservation Area; the boundary with the application site forms the Conservation Area's eastern edge. The southern tip of the site is bounded by Extension Road, which enables vehicular access to the site. Commercial properties are present to the south side of Extension Road.

The site is generally level but undulating in nature and in terms of its current condition, it is largely covered in vegetation, with areas of hardstanding, stockpiles, concrete storage bays and

demolished buildings in evidence. A stone wall runs along the western perimeter of the site (to the Prospect Row and Town Moor boundary) and inside this are trees and shrubs providing some screening of the site.

Together with land at East Shore within the Port, the application site forms part of the Port of Sunderland Enterprise Zone (EZ), a status which offers enhanced capital allowances for businesses investing within the Zone. In August 2018, a maximum of £8.202m was approved (subject to tenders) to support EZ works, including remediation and infrastructure works to accelerate the development of commercial and industrial employment sites, stimulate private investment and support export potential. The Hendon Sidings site is now being marketed as the 'Trinity - Road, Rail and Sea Enterprise Zone'.

The development proposed by the application forms part of efforts to make Hendon Sidings 'shovel ready', i.e. primed and immediately available for any developer/investment interest.

The development proposed by the application involves the following works:

- o Vehicular access to the south, involving improvements to the existing access from Extension Road. The existing access will be widened to accommodate HGVs and requires a new earthwork cutting with associated embankments down to road level, a new footway, a widened 'bellmouth' junction and a reduction to the existing southern boundary wall level to mirror the proposed earthworks;
- o Retention of stone and brick boundary wall to western perimeter, with repairs, repointing and re-coping to be undertaken as required and new green mesh fencing erected to fill gaps in the boundary and replace sections of palisade fencing. Trees and shrubs alongside the wall are also to be retained;
- o Removal of existing areas of hardstanding, concrete bays, transient stockpile mounds and vegetation (other than retained trees and shrubs to the western edge) within the site;
- o Earthworks to remove buried foundations/obstructions and create a level site for future development;
- o Reprofilng of the site to provide a level development platform of between 14m and 15m AOD;
- o Resurfacing of the site, following completion of earthworks, with site-won hardcore and geotextile membrane to retard vegetation growth;
- o Creation of minor bunds and wildlife habitats to the north of the site;
- o The erection of two small electricity substations, one to the northern boundary and one to the southern boundary.

The application previously included the provision of a new access in the northern boundary of the site, onto Barrack Street, however this has been formally removed from the submission.

It is reiterated at this point that the current application is simply seeking to prepare the site for future development; any future proposals to develop the land would also be subject to planning controls. Members may recall that a similar planning application to prepare the East Shore part of the Port of Sunderland Enterprise Zone for development was approved by the Council's Development Control (South) Area Planning Committee on 2nd March 2020 (application ref. 19/02155/LP3).

The application has been accompanied by a range of supporting technical reports and documents, including the following:

- Planning, Design and Access Statement;
- Phase 1 Land contamination report (updated June 2021);

- Phase 2 Contaminated Land report (updated June 2021 and August 2021);
- Protected Species Report (October 2019);
- Ecological Impact Assessment (June 2021 and updated October 2021);
- Ecological Mitigation and Enhancement Plan (November 2020, updated June and October 2021);
- Biodiversity Net Gain calculations (updated October 2021);
- Habitats Regulations Assessment: Statement to Inform an Appropriate Assessment (updated June and October 2021), which considers the effects of development on nearby European-protected sites and species;
- Historic Environment Assessment;
- Flood Risk Assessment and Drainage Strategy (supplemented with further information during consideration of application);
- Arboricultural Impact Assessment;
- Archaeological Evaluation Report;

Members should note that the operational land of the Port is in the ownership of the Council and that the current application has been submitted by the Council's Port Director.

Members will recall that this application was originally presented to the Planning and Highways (East) Committee at the meeting held on 2nd November 2021, however a decision on the application was deferred to allow for a site visit to take place. The application was returned to the meeting held on 29th November 2021, however a decision on the application was again deferred to allow for the amendment to the proposals to be made (i.e. the removal of the northern access).

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

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

#### **CONSULTEES:**

Natural England

Land Contamination

Network Management

Land Contamination

Hendon - Ward Councillor Consultation

Tyne And Wear Archaeology Officer

City Arboricultural Officer

Flood And Coastal Group Engineer

Environment Agency

North Gas Networks

Northumbrian Water

Environmental Health

Northumbria Police

Network Rail

Fire Prevention Officer

Natural England

Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **04.01.2022**

## **REPRESENTATIONS:**

**Public consultation** - the application was initially subject to public consultation via letters to 115 no. nearby properties, the posting of site notices and the publication of a press notice. This level of consultation is considered to fully discharge (and in fact significantly exceeds) the Council's statutory obligations in relation to publicity for planning applications and is considered to be appropriate for a planning application of this nature.

The following representations were received in response to the initial consultation exercise:

From occupier of flat above Welcome Tavern public house:

- Proposed access and realignment of road is below living room window and will bring traffic nearer to the building;
- There will be increased noise from additional traffic using the access;
- There will be increased pollution from heavy vehicles which has been proven as detrimental to public health;
- There could be an effect on the structural integrity of the building;
- There could be a potential effect on the cost of building insurance;
- Effect on access to the flat from Prospect Row/Barrack Street;
- Effect on parking and safety of household vehicles;

From licensee of Welcome Tavern public house:

- Increase in heavy traffic could cut the public house off from its customer base as customers would be less inclined to cross a busy road;
- Introduction of parking restrictions around new site access would not allow for customer parking;
- Worries over structural integrity of whole building, which was rebuilt in 1915 and features a large, deep cellar;
- Concerns over increased environmental impact, such as from carbon monoxide;

Two representations have been received from occupiers of 18 Mariner Square, with the following concerns raised:

- Concerns over increases in traffic, loss of parking and privacy;
- Existing concerns in relation to speeding cars and use of local roads by buses and HGVs visiting the Port;
- There are already noise and smells coming from the Port, which could be exacerbated by the development;
- Current boundary treatment of the site is ugly and unkempt and covered in litter, proposed development could worsen this;
- Proposals could devalue property and 'make life more difficult' for the objector and their neighbours;
- Suggests compensation should be payable to cover these factors;

At this point, it should be noted that concerns regarding the impact of a development proposal on the value of private property and the cost of insurance is a private concern and is not material to the determination of a planning application. Furthermore, and in respect of the concerns raised regarding the structural integrity of the Welcome Tavern public house, it would be the responsibility of the applicant/developer to ensure that all works are carried out in a manner which would not cause any damage to, or affect the stability and integrity of, any private property which is located outside of the planning application site.

On receipt of the amended plans showing the removal of the northern access, additional consultation was undertaken with the objectors to the application. No further representations had been received at the time of writing this report. The period for submission of additional representations does not, however, end until 4th January 2022. Details of any further representations received will be provided ahead of the Committee meeting.

**Environment Agency** - initial comments from the Environment Agency (EA) advised that the Phase 1 and Phase 2 land contamination reports had been reviewed and it was noted that the application site is subject to contamination due to its previous use as railway sidings. Controlled waters are also particularly sensitive at this location because the site is located upon a Principal Aquifer, namely the Magnesian Limestone aquifer.

The EA initially confirmed there was no objection to the application, subject to the imposition of a series of conditions and advice on working practices being provided to the applicant by way of informative notes.

Following further review of the information supplied with the application, the EA has since revised their initial consultation response and now advises that there is no requirement for the previously requested conditions to be imposed. Instead, detailed advice is provided to the applicant in relation to working practices, to ensure groundwater is not polluted by construction activity and that site works are undertaken safely.

**Natural England** - advise that further assessment should be undertaken to determine impacts on designated sites. To this end, it is considered that the development could have potential significant effects on the Northumbria Coast Special Protection Area and Ramsar site and the Durham Coast Special Area of Conservation. In order to understand potential effects on these sites, Natural England recommended that a Habitats Regulations Assessment (HRA), including an Appropriate Assessment, be undertaken.

Natural England note that the HRA report submitted with the application concludes that the proposed development can be 'screened out' from further stages of assessment because significant effects are unlikely to occur, either alone or in-combination. This conclusion is, however, drawn from having regard to measures built into the proposal which seek to avoid all potential impacts. With reference to the recent 'People Over Wind' ruling by the Court of Justice of the European Union, Natural England advise that an Appropriate Assessment should be undertaken, to formally establish whether the proposed measures designed to avoid or reduce likely harmful effects on the protected European sites will be effective and can be endorsed by the Council as competent authority.

Following further revisions to the submitted HRA report and confirmation that the Council, as competent authority, is minded to endorse the proposed mitigation, Natural England have confirmed there is no objection to the development proceeding, provided that the necessary mitigation measures are secured by appropriately-worded conditions.

**Northern Gas Networks** - no objections to the proposals, notes that the developer should be aware of apparatus in the area.

**Tyne and Wear County Archaeology officer** - initially noted that the local Historic Environment Record (HER) indicates the presence of a smithy, a rope walk, possible air raid shelters, a Goods station and engine sheds within the development site, as well as the extant remains of a coal depot. The site also historically formed part of Sunderland Town Moor. The submitted Historic Environment Assessment highlights that the potential archaeological interest

of the site will have been limited by subsequent development and its use as railway sidings, however it is possible that some pre-1856 archaeology could remain.

The County Archaeology officer therefore requested that additional site evaluations, in the form of targeted trial trenches, be carried out prior to the approval of planning permission.

The recommended site evaluations have been undertaken and a report submitted for consideration. This has been reviewed by the County Archaeology officer, who notes that the trenches identified well-preserved 19th and 20th century remains in the northern part of the site, including an engine house and associated turntable. In the event planning permission is approved, it is requested that further archaeological excavation and monitoring in the northern portion of the site is undertaken. These works can be secured by condition. It is also requested that conditions be imposed requiring a photographic survey and archaeological recording of the extant structures within the site and an archaeological recording of the existing stone boundary wall to the south of site (affected by the Extension Road access).

Since the application was heard by the Committee at the meeting on 2nd November 2021, the photographic survey and archaeological recording requested by the County Archaeologist has been produced and submitted for consideration. The County Archaeologist has confirmed that the submitted survey and recording is acceptable and as such, there is now no requirement for a condition relating to this matter.

**Northumbrian Water** - no issues with the proposed development, provided the application is carried out within strict accordance with the submitted Flood Risk Assessment and Drainage Strategy. A condition requiring compliance with this strategy is requested.

**Network Rail** - no objections to the principle of the development. Advice is provided in relation to any covenants affecting the site, drainage arrangements, the use of cranes and plant during construction works, excavations/earthworks, site security, fencing, lighting and other working methods and arrangements. Network Rail request that matters relating to drainage, boundary fencing, method statements and lighting are subject to conditions, with all other matters subject to advice provided via informative notes.

**Council's Landscape officer** - no comments to make.

**Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)** - initially advised that further information and detail in relation to maintenance arrangements, pipe sizes, sewer network and modelling data was required before the proposed sustainable drainage solution could be approved. The requested information has since been provided and the LLFA confirm there is no objection to the development proceeding from a flood risk and sustainable drainage perspective, subject to conditions requiring the provision of a CCTV pipe survey and the submission and approval of a drainage verification report.

**Council's Environmental Health team** - no objections to the proposed development, subject to conditions requiring the submission and approval of a Construction Environmental Management Plan (CEMP) and the submission of details, including the relevant environmental permit, of any mobile crusher and screen to be brought onto the site.

**Council's Ecology team and Ecology consultants** - initial comments from the Council's Ecology team advised that in the first instance, the proposed development has to mitigate its own impacts and cannot rely on any future development of the site to secure mitigation measures. In addition, further information and updates to the submitted surveys and reports were requested in relation to biodiversity net gains, wildlife corridors, the preparation of an

Ecological Impact Assessment (EcIA), the timing of works, the location of bird nesting boxes, the creation of habitat features and taking into account the operation of the adjacent Port railway line. In addition, it was noted that the submitted HRA report did not fully address potential functionally linked land.

Further work was undertaken and submitted by the applicant's ecology consultant, in the form of an updated HRA report, updated Ecological Impact Assessment (EcIA), an Ecological Mitigation and Enhancement Plan (EMEP) and Biodiversity Net Gain (BNG) calculations. The updated work was subsequently reviewed by the Council's Ecology consultant and issues relating to the suitability of the HRA report and its conclusions, the suitability of baseline ecological data and the suitability of the updated EcIA and EMEP. In turn, the issues identified with the survey EcIA and EMEP was considered to affect the robustness of the submitted BNG calculations.

Subsequent to the issues raised by the Council's consultant, further discussions have taken place with the applicant's consultant and following from this, additional ecology work has been undertaken by the applicant's ecology consultant. Updated EcIA and EMEP reports have been submitted, along with an updated BNG metric and an updated HRA report.

The Council's Ecology consultant has reviewed the updated information. In relation to HRA, it is advised that it can now be concluded the proposed works will not result in adverse effects on site integrity following application of mitigation and an 'Appropriate Assessment' proforma has been produced to record this position. Similarly, in relation to the submitted EcIA and EMEP, it is considered that sufficient information has now been provided and minor updates to the reports recommended by the Council's Ecology consultant have been undertaken and are considered acceptable.

**Council's Land contamination consultant** - has reviewed the submitted Phase 1 and Phase 2 land contamination reports. It was initially advised that the originally submitted Phase 1 report required supplementing with contaminated land information available from the Council and an assessment of potential risks from vapours in soils and groundwater. The conceptual site model should then be accordingly updated. The Phase 1 report has been updated to address these issues and no further comments are offered.

In relation to the Phase 2 report, this should be updated to reflect changes to the Phase 1 report and further site analysis was also required in relation to risks to controlled waters, from ground gas, imported materials and the re-use of site won materials. The Remediation Strategy within the Phase 2 report should also be updated to reflect this additional work. The Phase 2 report and Remediation Strategy have been amended/updated to reflect the comments provided and the Council's Land Contamination consultant has confirmed that no further work is required. Conditions requiring the implementation of the submitted Remediation Strategy and to cover encountering unexpected contamination have been recommended.

**Council's Built Heritage officer** - no objections to the development. Advises that the submitted Historic Environment Assessment correctly identifies the heritage assets which may potentially be affected by the development and its conclusion that the nature of the proposed works means the development will not have any impact on their setting or significance is agreed with. Details of the works to the boundary wall to Prospect Row/Town Moor have been supplied and are considered acceptable.

#### **POLICIES:**

CSDP policies SS5, HS1, HS2, HS3, BH1, BH8, BH9, NE2, WWE2, WWE3, WWE4, WWE5, ST2 and ST3 are relevant to the consideration of the application.



## **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).

The Council's Core Strategy and Development Plan (CSDP) is the strategic development plan for the City for the period up to 2033. Policies SS5, HS1, HS2, HS3, HS4, BH1, BH8, BH9, NE2, WWE2, WWE3, WWE4, WWE5, ST2 and ST3 of the CSDP are considered to be pertinent to the determination of this application.

The new CSDP policies serve to replace the majority of policies within the Council's Unitary Development Plan (1998), but some, mainly non-strategic, policies have not been superseded and can continue to be given weight where appropriate. In this case, policies B14, CN20 and CN23 of the UDP remain applicable.

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

1. Land use considerations;
2. The implications of the development in respect of 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 built heritage and archaeology;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions;

#### 1. Land use considerations

The Council's online Interactive Map for the UDP and CSDP shows the northern portion of the site as still being subject to an allocation for new housing through policy SA9 of the UDP; this allocation does not appear to have been formally deleted upon adoption of the CSDP.

Given that the proposed development only entails site preparation works, there would not necessarily be any conflict with the housing allocation through the UDP. It should be noted, however, that there is no commitment from the Council to bring forward this site for housing - it is not identified as being available for housing development in the Council's most recent Strategic Housing Market Availability Assessment (SHMAA) and it is not intended to be included as a housing site in the Council's draft Allocations and Designations (A&D) Plan. In addition, the entirety of the site is now subject to policy SS5 of the CSDP, which identifies the site as being within the Port of Sunderland. Consequently, the most recently adopted and emerging policies for the site do not make the site available for housing, rather the site is allocated as Port of Sunderland land through CSDP policy SS5.

Policy SS5 of the CSDP applies to the entirety of the application site and it states that the Port will be reinvigorated through:

1. The provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. Preventing waterside developments that would negatively impact on operations;
3. Supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. Enabling development of Port-related uses within use classes B1 (light industry and offices), B2 (general industry) and B8 (storage and distribution), including offshore renewables and automotive supply chains; and
5. Requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary.

The supporting text to the policy (at paragraph 4.70) does note, however, that the Port estate extends into the former Hendon Railway Sidings site, which is located outside of the operational Port. As the area is located outside of the operational Port, development for B1, B2 and B8 uses which are not Port-related can be supported at this location.

Members should note at this point that following the September 2020 amendment to the Town and Country Planning (Use Classes) Order 1987, use class B1 has been absorbed into the new use class E.

On a national level, section 6 of the NPPF requires the planning system to support the building of a strong, competitive economy, with paragraph 82 advising that in making planning decisions, significant weight should be placed on the need to support economic growth and productivity, and paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. Section 11, meanwhile, requires the planning system to make effective use of land, including placing an emphasis on the use of brownfield (i.e. previously-developed) land and ensuring that policies and decisions recognise and reflect changes in the demand for land.

Clearly, the development proposed by the current application is designed to increase the attractiveness of the Hendon Sidings site as a location for new businesses and investment, thus enabling the development of the site for economic activity in line with the site's allocation through policy SS5 of the CSDP. The development would also support the reinvigoration of the site and wider Port area in its role as a key employment area for the City. Additionally, the proposed site works will serve to increase the likelihood of an extensive area of brownfield land being developed in a positive and economically beneficial manner. The proposal is therefore considered to be entirely consistent with policy SS5's objectives and also those of the NPPF in terms of supporting economic growth and making effective use of previously developed land.

Notwithstanding the development's compatibility with the land use policies directing development at the Port, before it can be determined whether the proposal represents the sustainable development required by the NPPF, all other material considerations relevant to the scheme must be satisfactorily assessed and addressed. Such an exercise is undertaken below.

## 2. Visual and residential amenity implications

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties.

Paragraph 130 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Also relevant are paragraph 185 of the NPPF and CSDP policies HS1 and HS2, which require consideration to be given to ensuring that the amenity of sensitive properties isn't unacceptably harmed by pollution from sources such as noise.

In this case, the development proposed by the application primarily involves groundworks, site reprofiling works and other site preparation works required to ready the Hendon Sidings site for potential future development interest. The proposals also involve the improvement of the existing access onto Extension Road. On their own, these works are not considered to give rise to any concerns relative to the visual amenity of the locality, given that the overall appearance of the site will not differ significantly from its current condition and as it is largely screened from public views by the existing boundary wall along Prospect Row and the Town Moor, which, with reference to the representation from 18 Mariner Square, is being improved and retained. The overall appearance of the boundary to Prospect Row will be further enhanced by the replacement of sections of palisade fencing with new green mesh fencing. Further screening of the interior of the site is provided by the tree/vegetation belt along the inside of the boundary to Prospect Row, which is also being retained.

In relation to residential amenity, it is considered that the proposed development will not substantively affect the living conditions of the nearest dwellings, which face the site from across Prospect Row and are at the corner of Barrack Street and to the first floor flat above the Welcome Tavern public house, in terms of their outlook, privacy or receipt of sunlight/daylight.

The licensee of the Welcome Tavern public house and the occupier of its first floor flat raised concerns regarding the originally-proposed new northern access onto Barrack Street/Prospect Row, which would have been located close to the building. As noted earlier in this report, the northern access has been formally removed from the proposals and no longer forms part of this planning application. It is considered that the improvement of the existing southern access, onto Extension Road, does not give rise to any substantive amenity concerns given the primarily commercial/industrial land uses found to the south of the site.

In relation to the proposed substation, this will have a plan footprint of 4.26m x 3.14m and is of a similar size and specification to existing substations frequently found in urban areas, including in residential locations. The structure itself is not considered to give rise to any concerns in relation to the amenity of the Welcome Tavern or other nearby properties, in terms of their outlook or the structure appearing as overbearing or visually intrusive.

With regard to any concerns regarding public health and perceived links between electricity infrastructure and certain health conditions, it should be noted that the Government sets national exposure limits in relation to electromagnetic fields and the national electricity infrastructure system is required to comply with these. The limits set are informed by research undertaken by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). All electricity substations must be designed to comply with exposure limits set by the Government and there are currently no restrictions on the distance a substation can be from a property (residential or otherwise). In this regard, it is observed that substations are commonly located in close proximity to dwellinghouses; an example is evident at nearby Stafford Street, to the west of the application site, where a substation is only 11 metres from a residential property. The proposed substation is over 16 metres from the front elevation of the Welcome Tavern.

Given the above, it is considered that the current proposals raise no significant concerns relative to visual and residential amenity, in accordance with the requirements of the NPPF and the Council's adopted CSDP.

### 3. Impact of the development on highway and pedestrian safety

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

- 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;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

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

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

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

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

In this case, the works proposed by the current application will not, on their own, result in any additional vehicle movements to or from the site (other than during the construction phase). Any additional movements generated by future development at the site will be considered in the context of any forthcoming planning applications. At this point, following the formal removal of the originally-proposed northern access point from the proposals, consideration can only be given as to whether the location and design of the improved southern access into the site is acceptable in relation to highway and pedestrian safety.

To this end, the proposals for the southern access point will simply serve to improve this existing route into the site from Extension Road and enable access by HGVs and other larger vehicles. As such, the current proposals do not give rise to any significant concerns in terms of impact on the existing highway network or highway and pedestrian safety and consequently, the proposals are considered to satisfy the objectives of paragraphs 110 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

### 4. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 182 makes it clear that the

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

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

Additionally, continuing to be applicable are UDP policy CN20, which seeks to prevent unacceptable harm being caused to SSSIs, and policy CN23, which seeks to conserve and enhance the wildlife corridors identified on the UDP proposals map.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied by a Habitats Regulations Assessment (HRA): Statement to Inform an Appropriate Assessment, which is designed to inform an Appropriate Assessment to be undertaken by the Council. The Statement assesses the direct effects of the proposed development on the Northumbria Coast Special Protection Area (SPA) and Ramsar Site and the Durham Coast Special Area of Conservation (SAC), all approximately 2km to the north and south of the application site. The Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

The following potential impacts have been identified in relation to the European Sites and their reasons for designation:

- o Noise pollution during site clearance - cumulatively expected to occur at functionally linked land at the piers etc. next to the Port;
- o Disturbance of birds via light pollution - light spill is envisaged to be negligible however there could be cumulative light pollution issues alongside those already exhibited within the Port on functionally linked land and not designated sites themselves;

- o Dust/air pollution and litter - generated by new vehicular access and storage of waste within the site;
- o Introduction of invasive plants - possibility that invasive plants could spread beyond the site boundary;

The submitted Statement sets out a series of mitigation measures designed to reduce the potential impacts identified above. The mitigation measures are as follows:

- o Noise - restrictions on working hours and implementing good practice measures during construction works (e.g. using quieter machinery and tools, no idling vehicles etc.);
- o Light pollution - use of cowling to direct light downwards and other measures to minimise spillage and switch lighting off overnight;
- o Dust and air pollution - measures and good practice to prevent and manage fuel and other spillages, advice provided on storage of fuel and chemicals, restrictions on certain working practices to minimise emissions and other potential sources of air pollution;
- o Invasive species - avoid areas containing Japanese knotweed and montbretia and keep a disinfectant on site for use if contractors come into contact with invasive plants

Provided these measures are adopted and enforced during works, the Statement concludes that likely significant impacts on the European sites will be reduced to a suitable level and that the integrity of the sites and functionally linked land will be protected.

The application has also been accompanied by an Ecological Impact Assessment (EclA), which notes that various surveys of the site have been carried out since 2019, with specific regard to breeding birds, bats, dingy skipper (an increasingly-rare type of butterfly) and reptiles. The application site was previously intended to form part of a Local Wildlife Site (LWS), designated for supporting lowland meadow and pasture, early successional brownfield habitats and lowland heath, but the proposed boundary has been amended and the proposed LWS now only includes land to the east of the Port railway line. The following conclusions have been reached in respect of the site's ecological value:

- Evaluation of the site in relation to breeding birds would suggest district level importance given species assemblage, however the numbers of breeding pairs of identified species is relatively low, suggesting an overall evaluation should be closer to one of local significance;
- Bat surveys of structures on the site have identified no roosts, with activity levels of bats generally low across the site;
- Dingy skipper numbers have drastically reduced, based on surveys undertaken in 2013, 2016 and 2019, likely due to a lack of site management resulting in scrub encroachment and loss of bare ground for basking;
- No recordings of reptiles at the site;

The EclA identifies a series of potential impacts on the habitats and species present at the site, primarily resulting from ground clearance (e.g. loss of bird, bat, dingy skipper and potential reptile habitat), noise impacts, light pollution impacts, loss of wildlife network land and other forms of pollution. Measures are recommended to either avoid, mitigate or compensate for these potential impacts.

In terms of avoidance, there are recommendations in relation to the timing of site works; in terms of mitigation, there are recommendations relating to lighting, new habitat creation, noise reduction measures, site clearance practices and other pollution control measures; in terms of compensation, there are recommendations relating to delivering net gains in biodiversity, the retention of the scrub bank between the proposed LWS and the Port for birds, the creation of a 20-year site management plan and the inclusion of bat and bird boxes.

The submitted Ecological Mitigation and Enhancement Plan (EMEP) sets out more detailed mitigation and enhancement measures and provides the 20-year site management plan recommended by the EclA. The measures proposed by the EMEP include:

Within the site/future proposed development area:

- Inclusion of a seeded bund, to create neutral grassland habitat of particular suitability for Dingy skipper;
- Retention of timber from vegetation removal or discarded sleepers to create natural refugia/log piles;
- Development of ecological monitoring programme to assess the success of mitigation and enhancement scheme in relation to key habitats and species;

Outside the site clearance/future proposed development area;

- Enhancement of the urban mosaic habitat on previously-developed land via a habitat management plan, as well as woodland enhancement;
- Bird boxes, including little owl boxes;
- Bat boxes;
- Retention of timber from vegetation removal or discarded sleepers to create natural refugia/log piles;
- Development of ecological monitoring programme to assess the success of mitigation and enhancement scheme in relation to key habitats and species;

As set out in the 'Representations' section of this report, the Council's Ecology consultant is now broadly satisfied with the HRA Statement and is able to conclude that no adverse effects on the integrity of the European sites will occur, subject to the adoption of the proposed mitigation measures. An 'Appropriate Assessment' proforma has been produced to record this position. Natural England also confirm there is no objection to the application, provided the proposed mitigation measures within the HRA Statement are secured by appropriately-worded conditions. The Council's consultant is also now broadly satisfied in relation to the assessment of the application site itself and the proposed mitigation and enhancement measures. The requested minor updates to the EclA and EMEP reports have also been carried out and these reports and the conclusions within are considered to be acceptable.

The ecology and biodiversity implications of the development relative to the application site itself are therefore considered to be acceptable, in accordance with the objectives of the NPPF, the Council's Core Strategy and Development Plan and the relevant policies of the UDP.

## 5. Implications of development relative to archaeology and built heritage

Paragraph 189 of the NPPF states that heritage assets (such as Conservation Areas and Listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 194 and 195 require Local Planning Authorities to consider the significance of any heritage asset affected by a development proposal, with paragraph 206 then stating that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals that preserve those elements of the setting which make a positive contribution to the asset should be treated favourably.

With regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any



heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

On a local level, policy B14 of the Council's UDP states that where development proposals affect sites of known or potential archaeological importance, the Council will require appropriate investigations to take place before planning permission will be granted.

In the CSDP, policy BH8 states that development affecting the setting of heritage assets should recognise and respond to their significance and demonstrate how they conserve and enhance their significance and character of the asset(s), including any contribution made by its setting where appropriate. Policy BH9 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 application has been accompanied by an Historic Environment Assessment, section 6 of which considers the significance and setting of the built heritage assets closest to the application site. This includes the adjacent Old Sunderland Conservation Area, which encompasses the remains of the historic Town Moor and contains a number of Listed buildings associated with the early development of Sunderland parish, including the Grade I Listed Holy Trinity Church. The Assessment also considers potential impacts on the range of Listed buildings within the South Docks area of the Port, to the east of the application site.

The submitted Assessment advises that due to the nature of the proposed development, which as noted earlier primarily involves site preparation works, there will be minimal effect on the significance of the heritage assets outside of the application site, including the Old Sunderland Conservation Area and the Listed buildings within it and the Listed buildings at South Dock to the east. The proposed works to the western boundary wall of the site represent an opportunity to improve its appearance and role as a defined boundary between the application site and Prospect Row, the Town Moor and the Conservation Area beyond. The presence of the Conservation Area and nearby Listed buildings will, however, have to be taken into account in the event any proposals for built development of the site come forward in the future. The Council's Built Heritage officer agrees with the Assessment's conclusions and has no objection to the application, subject to a condition requiring agreement of specification/method statement for the western boundary wall repairs.

In terms of archaeology, the submitted Assessment and subsequent Evaluation Report have been reviewed by the County Archaeology officer, who notes that the trenches identified well-preserved 19th and 20th century remains in the northern part of the site, including an engine house and associated turntable. In the event planning permission is approved, the County Archaeologist requested that further archaeological excavation and monitoring in the northern portion of the site is undertaken. These works can be secured by condition. The photographic survey and archaeological recording of the extant structures within the site and an archaeological recording of the existing stone boundary wall to the south of site (affected by the Extension Road access) requested by the County Archaeologist have been undertaken and have been confirmed as acceptable.

Subject to the conditions requested by the County Archaeology officer being imposed, it is considered that the proposed development will satisfy the objectives of the UDP, CSDP and NPPF policies identified above relevant to built heritage and archaeology and the proposals are therefore considered to be acceptable in this regard.

## 6. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraphs 162 to 165 of the NPPF set out that in areas at risk of flooding, a sequential test should be applied to development proposals, the aim of which is to steer new development to areas with the lowest risk of flooding, whilst paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere.

Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which observes that the application site lies within Flood Zone 1 and so is at the lowest risk of flooding. It is therefore suitable for the proposed development. The main risks to and from the site are from pluvial surface water flooding, which will be mitigated through appropriate drainage design and site contouring. The site is currently permeable brownfield land and there will be no net increase in the impermeable area as a result of the development; as a result, the existing drainage philosophy will be maintained as far as possible, with localised improvements and drainage measures as required, including the use of SuDS. This will include an interception ditch/conveyance swale to intercept severe rainfall runoff and a filter drain to the northern access point to ensure run-off does not affect the highway. Discharges from the swale and drain will be conveyed into the new surface water drainage system within the Port, with flows discharging into the docks.

In relation to the current scheme, there are no objections from the Environment Agency or Northumbrian Water, whilst the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, initially advised that further information was required before the application can be approved. The required details have been submitted by the applicant and the LLFA advises the application can be approved, subject to recommended conditions.

It is considered that the implications of the development relative to flood risk and sustainable drainage are acceptable and the proposals consequently comply with the objectives of the NPPF and the Council's Core Strategy and Development Plan in relation to these matters.

## 7. Implications of development in respect of land and groundwater contamination

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely

affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

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

Furthermore, policy WWE4 of the CSDP also require development to not adversely affect the quality or availability of ground or surface water, including rivers and other water.

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Contaminated Land Risk Assessment which, following intrusive investigations, identifies the contamination risks at the site and provides a remediation strategy to recommend measures to address these risks.

As noted in the 'Representations' section of this report, having reviewed the relevant reports and assessments submitted by the applicant, the Environment Agency (EA) has no objections to the proposals. Advice for the applicant has been provided and can be communicated via informative notes on the decision notice. The Council's Land Contamination consultant has also reviewed the submitted reports and agrees that the development can proceed, subject to conditions requiring the implementation of the site remediation strategy and to cover encountering unexpected contamination during site works.

Subject to the conditions recommended by the Council's Land Contamination consultant, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed, and so the proposals will satisfy the objectives of the NPPF and policies HS3 and WWE4 of the CSDP in this regard.

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed engineering works are intended to support the redevelopment of a key brownfield site which is allocated for commercial and industrial development by the Council's adopted Core Strategy and Development Plan and which forms part of the Port's Enterprise Zone. The development proposals are considered necessary to help market the site and increase its attractiveness to potential developers and to this end, the current access arrangements to the site are not considered to be satisfactory and would be significantly improved by the proposals.

In addition, and subject to the imposition of the conditions highlighted throughout this report, the proposals raise no significant concerns relative to visual and residential amenity, the setting of the Old Sunderland Conservation Area and other heritage assets proximate to the application site, archaeology, highway and pedestrian safety, flood risk and drainage and land contamination/ground conditions.

As set out in the relevant sections of this report, the implications of the proposals relative to European sites are confirmed as being acceptable by Natural England and the Council's

Ecology consultant, subject to the adoption of the proposed mitigation measures. The proposals are also considered to be acceptable in relation to the biodiversity and ecology considerations relative to the application site itself.

To conclude, it is considered that the proposed development is acceptable in relation to all relevant material planning considerations and that there are significant benefits to be derived from the proposals in terms of supporting the future redevelopment of a key brownfield site which is allocated for commercial and industrial development by the Council's adopted Development Plan and which forms part of the Port of Sunderland Enterprise Zone.

The additional consultation undertaken to advise objectors to the planning application of the receipt of the amended proposals (showing the removal of the northern access point) does not, however, expire until 4th January 2022. Details of any additional representations received in response to this consultation exercise will be provided to Members ahead of the Committee meeting, along with an updated recommended decision.

It is therefore 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 expiry of the additional public consultation period and subject to the draft conditions below.

#### **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

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

### **Conditions:**

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

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

Location plan, drawing no. 373088-MMD-01-XX-DR-C-4000, rev. P4;  
Existing site plan, drawing no. 373088-MMD-01-XX-DR-C-4001, rev. P3  
Amended proposed site plan, drawing no. 373088-MMD-01-XX-DR-C-4002, rev. P6  
Proposed cross sections plan, drawing no. 373088-MMD-01-XX-DR-C-4004, rev. P2  
Proposed long sections plan, drawing no. 373088-MMD-01-XX-DR-C-4003, rev. P2  
Amended proposed southern access plan, drawing no. 373088-MMD-01-XX-DR-C-4009, rev. P3  
Proposed southern wall repair works, drawing no. 373088-MMD-01-XX-DR-C-5025, rev. P1  
Proposed fence and gates general arrangement overview plan, drawing no. 373088-MMD-01-XX-DR-C-5023, rev. P1  
Proposed fence and gates details, drawing no. 373088-MMD-01-XX-DR-C-5024, rev. P1  
Proposed drainage general arrangement plan, drawing no. 373088-MMD-01-XX-DR-C-4005, rev. P4  
Proposed drainage details plan, drawing no. 373088-MMD-01-XX-DR-C-4006, rev. P1

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 No development shall commence within each phase (i.e. full planning and outline phases) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CEMP
- o Legal Compliance
- o Summary of the Requirements of Condition 3
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan (may not always require this)
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o 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; this includes, but is not limited to, bats, amphibians, otter, badger, water vole, nesting birds, hedgehog and brown hare, including information on key working methods and timings, as informed by the Ecological Impact Assessment submitted with the planning application
- o Mitigation measures required to be adopted as part of Habitats Regulations Assessment
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o Conclusions

## Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information

(including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement

Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development within each Phase shall then be implemented in accordance with the approved CEMP for that Phase.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, NE2 and ST3 of the CSDP.

4 Prior to the commencement of development, a detailed CCTV survey of the pipe that will receive downstream connection from the scheme towards the Port shall be undertaken. The survey is required to demonstrate that the pipe will drain freely. In the event the CCTV survey demonstrates that the pipe does not drain freely, proposals for remedial action or alternative connection measures must be provided for the approval of Council as Local Planning Authority (in consultation with the LLFA) prior to development commencing. The development must then be carried out in accordance with any agreed alternative details.

Reason: in order to ensure an appropriate sustainable drainage system can be delivered for the scheme and to comply with the objectives of policies WWE2 and WWE3 of the CSDP and the NPPF.

5 Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features covered in the report(s) must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

Verification report(s) shall then be submitted in accordance with the agreed details and must include, in totality:

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

Construction details (component drawings, materials, vegetation).

Health and Safety file.

Details of ownership organisation, adoption & maintenance.

Confirmation that there is no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

6 All works to the existing northern and southern masonry walls at the site shall be undertaken in accordance with the submitted 'Brickwork, Blockwork and Stonework' specification document, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: in order to maintain the heritage integrity of the boundary walls and comply with the objectives of policy BH8 of the CSDP.

7 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 and policy HS3 of the CSDP.

8 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 NPPF and policy HS3 of the CSDP.

9 No groundworks or development shall commence until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.



10 The site shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (9) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

11 The site shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken pursuant to conditions 9 and 10 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

12 No groundworks or development shall commence (except for the undertaken of archaeological excavation pursuant of condition 9) 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.

Reason: 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 in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

13 The site should not brought into use until the report of the results of observations of the groundworks pursuant to condition (12) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9.

14 No new permanent or temporary fencing to the site's boundary with the Port railway shall be erected until full details have been submitted to the Local Planning Authority for approval, in consultation with Network Rail. The fencing shall then be erected in accordance with the approved details.

Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

15 Development shall not commence until a method statement for working adjacent to Network Rail's operational land has been submitted to and approved in writing by the LPA in consultation with Network Rail. For the avoidance of doubt, the statement must be informed by discussions with Network Rail's Asset Protection Team and should include:

- an outline of the proposed method of construction,
- a risk assessment in relation to the railway,
- a construction traffic management plan,

Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, i.e. 'possession', which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. The development should then be undertaken in accordance with the agreed statement.

Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

16 No lighting shall be erected adjacent to the site's boundary with the Port railway without details being submitted for the approval of the LPA, in consultation with Network Rail. The approved lighting shall then be installed in accordance with the agreed details.

Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

17 No mobile crusher and screen shall be brought onto the site without first submitting the relevant environmental permit and the approval of the LPA. Thereafter the plant shall be operated in accordance with its permit conditions and where necessary provided with an adequate water supply. The plant shall not be operated outside the hours 0900 to 17.00 Mondays to Fridays.

Reason: in order to protect the amenities of the area and comply with the objectives of policy HS1 of the CSDP.

18 The development hereby approved shall be carried out in full accordance with section 6.3 'Proposed Mitigation' of the 'Habitat Regulations Assessment: Statement to Inform an Appropriate Assessment, Hendon Sidings, Sunderland' (DWS Ecology, October 2021), in order to ensure the effects of the development on European-protected species and sites are not adverse and to comply with the requirements of the NPPF and policy NE2 of the Council's CSDP.

19 The development hereby approved shall be carried out in full accordance with section 9.1 'Avoidance, Compensation and Mitigation' measures of the 'Ecological Impact Assessment,

Hendon Sidings' (DWS Ecology, October 2021), in order to ensure the effects of the development on species and habitats at the site can be appropriately managed and mitigated and to comply with the requirements of the NPPF and policy NE2 of the Council's CSDP.

20 The proposed ecological mitigation and enhancement scheme detailed in the 'Ecological Mitigation and Enhancement Plan, Hendon Sidings (DWS Ecology, October 2021) must be delivered in full accordance with the submitted details, including the timings provided in the Plan, in order to provide appropriate ecological mitigation, enhancements and biodiversity net gains at the site and accord with the objectives of the NPPF and policy NE2 of the Council's CSDP.

21 The habitats and ecological features of the site delivered through the proposed mitigation and enhancement plan must be subject to the monitoring programme set out at section 8.0 of the 'Ecological Mitigation and Enhancement Plan, Hendon Sidings' (DWS Ecology, October 2021). A monitoring report must be submitted to the Council as Local Planning Authority within two calendar years of the proposed management and enhancement measures being implemented. The report shall provide a summary of the monitoring undertaken in accordance with section 8.0 of the Plan and shall also include a proposed timetable, to be agreed with the LPA, for the submission of subsequent monitoring reports to the LPA, in order to demonstrate accordance with the Plan. Where considered necessary, the first report and all subsequent reports should include recommendations for any amendments to the monitoring programme set out at section 8.0 of the Plan. Monitoring reports shall then be submitted in accordance with the agreed timetable, in order to ensure effective monitoring of the proposed mitigation and enhancement measures and to comply with the objectives of the NPPF and policy NE2 of the Council's CSDP.

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**Reference No.:** 21/01952/FUL Full Application**Proposal:** **Proposed two storey 30 Bed Residential Care home with associated landscaping and parking.****Location:** Former Ford And Hylton Social Club Poole Road Sunderland SR4 0HG**Ward:** Pallion**Applicant:** Cairnwell Development Ltd**Date Valid:** 10 September 2021**Target Date:** 10 December 2021

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**PROPOSAL:****INTRODUCTION**

Planning permission is sought for the construction of a proposed two-storey thirty bed specialist residential care home with associated landscaping and parking, on the site of the former Ford and Hylton Social Club, Poole Road, Sunderland.

The planning application is made by Cairnwell Developments Ltd for Exemplar HealthCare Services Ltd. Exemplar specialise in providing high-quality nursing care for adults with complex needs and have over 20 years' experience. They currently have 32 specialist homes across the UK and have highly trained nurses and support workers who are experienced in caring for people with a wide range of needs such as Parkinson's, Huntington's Disease, Complex Dementia, Acquired Brain Injury, Spinal Injury, Mental Health Conditions and Rehabilitation.

**DESCRIPTION OF SITE AND SURROUNDINGS**

The application site previously included the now demolished Ford and Hylton Social Club. However, it is now largely scrubland / overgrown grassland with some hardstanding. It is rectangular in shape, and existing accesses are directly from both Poole Road to the west and Fordfield Road to the north.

The application site was undeveloped until circa 1950's where a series of residential buildings were recorded. The residential dwellings were later demolished in the 1960's and later replaced with the social club building in the 1970's which remained until it was demolished in 2010. In terms of existing site levels, the southern part of the site is at its highest with the levels diminishing down to Fordfield Road. Blackie Park is located to the north of the site, and to the east of the site there are homes with a central garage and parking core. All other areas around the site comprise two storey dwellings.

The application site is located within a primarily residential, with good access to essential amenities and public transport.

**THE PROPOSED DEVELOPMENT**

The proposed development would comprise one two-storey building which would be broadly t-shaped in plan. The building would be approximately 5.5 metres in height to the eaves and 10.6 metres in height to the ridge, and it would have a gross internal floor area of 2,389 m<sup>2</sup>. It

would be divided internally into three units, each with ten bedrooms (ten bedrooms at ground floor and twenty bedrooms at first floor). These units would accommodate nursing, and required amenity facilities, alongside dining rooms, quiet rooms, and lounge areas shared on each floor. Communal facilities within the building would include a residential therapy room and entrance hub facility with suitable meeting and sitting areas for visiting relatives. These spaces would be located at the centre of the building to ensure optimum access for both residents and visitors. Spaces would be designed to ensure privacy and security for the residents whilst also maintaining communal and visitor accommodation, which could be utilised to provide areas of socialisation around the building. Additionally, these spaces are located to utilise the external spaces to the eastern aspect of the building, providing access points out to landscaped garden areas.

Servicing of the building would be on the ground floor level, with the main kitchen for the building located in a readily accessible location. Refuse stores would be located externally to the west of the kitchen space, to ensure ease of access for refuse pick-up and vehicle location along Poole Road.

The front (west) elevation of the building would face Poole Road. This elevation would include the main entrance as well as window / door openings. The rear (east) elevation would include two gable features and window / door openings. The north elevation facing Fordfield Road would include two gable features and window / door openings, and the south elevation facing Padgate Road would include window / door openings, although the majority would be set well back from the southern boundary.

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

- o Main walls of red multi-facing brick (Ibstock Balmoral brick A2405A) or similar, and render (Weber Monocouche "Pral M" pearl grey in colour);
- o Feature buff-multi-facing brick (Vandersanden corum brick or similar)
- o Brick on edge window cill and head detail
- o Calderdale edge dark grey roof tile
- o Front door of powder coated aluminium (anthracite grey RAL 7016 in colour)
- o Windows and all other doors of powder coated aluminium (anthracite grey RAL 7016 externally and white internally in colour)
- o UPVC gutters, fascias and soffits (anthracite grey RAL 7016 in colour)

Hard surfaces would comprise a tarmac car park (grey / black in colour) and general paving (Brett Yorktone Natural).

The existing boundary wall with piers would largely be retained, and extended where necessary, although it's visual appearance would be enhanced with the inclusion of black metal railings between piers, and stone copings to the top of piers. A timber close boarded fence would be erected along the majority of the eastern boundary of the application site.

A landscaping plan illustrates that the proposed development would include both hard and soft landscaping, including seating area, timber raised beds, a pergola / walkway, and with extra heavy standard trees planted adjacent to Poole Road.

A new access would be created off Poole Road, and existing accesses into the application site would be removed. The proposed development would provide 16 new parking bays, including two disabled bays and seven cycle stands.

The bin store area would be positioned to the south west corner of the site. It would be enclosed by a 1.8 metre high timber fence with gated access.

Application details state that the proposed development would result in 100 members of staff being employed in total - including carers / nurses, management, administration, maintenance, cleaners, and caterers. There would be no resident members of staff employed at the site. The shift patterns for carers / nurses would be split over two 12 hour shifts, from 08.00 hours until 20.00 hours and from 20.00 hours until 08.00 hours, and management and administration staff would work during a typical working day between 09.00 hours and 17.00 hours. Based on similar Exemplar sites currently in operation, the maximum number present on site at any one time would be 34 to 38 members of staff.

The application has been supported by the following documents:

- o Planning Statement by WSP (dated August 2021) received 13/08/2021
- o Design and Access Statement by Watson Batty Architects (dated 26/07/20) received 13/08/2021
- o Phase 1: Desk Top Study Report by JC Consulting (dated 02 October 2021) received 20/10/2021
- o Phase 2: Ground Investigation Report by Arc Environmental (dated 19/05/2014) received 02/12/2021
- o Ground Gas Monitoring correspondence by Arc Environmental (dated 14/07/2014) received 02/12/2021
- o Flood Risk Assessment and Drainage Strategy by JC Consulting (dated 04 October 2021) received 22/10/2021
- o Ecological Assessment by Amenity Tree Care Ltd (dated 29/07/2021) received 18/10/2021
- o Habitat Regulations Screening Assessment by Amenity Tree (dated 21/10/2021) received 21/10/2021
- o Transport Statement by Stantec (dated August 2021) received 07/10/2021
- o Travel Plan by Stantec (dated July 2021) received 13/08/2021
- o Air Quality Note by WSP (dated 05 August 2021) received 13/08/2021
- o Qualitative Air Quality Assessment by WSP (dated September 2001) received 28/09/2021
- o Odour Risk Assessment received 20/10/2021
- o Minerals Resource Assessment by JC Consulting (dated 01 August 2021) dated 24/08/2021
- o Materials Schedule by Watson Batty Architects received 18/10/2021

## PLANNING HISTORY

- o 2009 - Planning permission Ref: 09/02070/FUL granted for the erection of a care home and associated access. The application comprised the construction of a 68-bed care home contained within a two-storey building at a maximum height of 10 metres, with a total floor area of 2,480sqm. The scheme provided 16 car parking spaces (including 2 disabled spaces) and 4 secure cycle parking spaces. Access would have been provided from Poole Road. This planning permission was not implemented and so has expired.
- o 2012 - Planning permission Ref: 12/02778/EXT1 was granted to extend the time limit until 04/12/2015 for the implementation of planning permission Ref: 09/02070/FUL. This planning permission was not implemented and so has expired.
- o 2014 - Planning permission Ref: 13/03796/FUL was granted for a residential development comprising 14 no. two-storey dwellings, including 6 no. 3 bedroom dwellings and 8 no. 2 bedroom dwellings. Access would have been provided from Poole Road. This planning permission was not implemented and so has expired.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Tyne And Wear Archaeology Officer  
Gentoo Group Ltd.  
NE Ambulance Service NHS Trust  
North Gas Networks  
Northern Electric  
Pallion - Ward Councillor Consultation  
Network Management  
Planning Policy  
Environmental Health  
Northumbria Police  
Fire Prevention Officer  
Northumbrian Water  
Flood And Coastal Group Engineer  
Land Contamination  
Flood And Coastal Group Engineer  
Environmental Health  
Land Contamination  
Flood And Coastal Group Engineer  
Northumbrian Water  
Land Contamination  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **30.12.2021**

**REPRESENTATIONS:**

**Consultation** - 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 adjacent to the site and a notice being posted in the local press.

Press notice expiry date: 20/10/2021

Site notice expiry date: 13/10/2021

Neighbour notifications expiry date: 07/10/2021

Consultation expiry dates: 06/10/2021, 07/10/2021, 01/11/2021, 10/11/2021, 15/11/2021, 03/12/2021 & 14/12/2021 (most recent related to a consultation with the Lead Local Flood Authority, and their comments were received on 30/11/2021)

The following consultees were consulted on the application.

- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Planning Policy
- o Environmental Health
- o Transport Development (the Local Highway Authority)
- o Natural Heritage
- o Housing - People Services
- o Tyne and Wear Archaeology Officer

- o Chief Fire Officer
- o Northumbria Ambulance Service
- o North Gas Networks
- o Northern Powergrid
- o Northumbrian Water
- o Northumbria Police
- o Watermans (Land contamination)
- o Gentoo Group
- o Three Ward Councillors

## **Neighbour Notification Responses**

Representations in support

Owner / occupier of 394 Saint Luke's Road, Sunderland

Fully support this development going ahead, with the following recommendations:

- 1) Adequate visitor and staff parking is provided.
- 2) Enough external social space for residents to enjoy and exercise in.
- 3) Work closely with the local residents and resident's group to ensure everyone is kept up to date with the development start and completion dates.
- 4) Site traffic does not affect local residents.
- 5) Building dust, debris and noise does not impede immediate neighbours too much.

Representations objecting

No address provided

I do not object to it being built, but raise the following concerns:

- o The two-storey will block the sun out of my garden in the evening. Single storey would be better.
- o There will be parking on the premises but what if there is an overflow - does that mean visitors or staff would use the neighbours and park outside of houses?

## **Internal consultee responses**

Environmental Health

First representation

The proposed development is acceptable in principle, however further information is required in relation to noise, kitchen extraction and odour abatement and air quality. In terms of noise additional information is required in relation to the plant room and the type of space and water heating. In terms of kitchen extraction and odour abatement, an odour risk assessment is required in relation to the extraction and abatement scheme, a final design may then be submitted and justification of the silencer specification provided. The detailed Air Quality Assessment should be submitted.

A condition would be required in relation to a Construction Environmental Management Plan.

Second representation

No objections to the proposed development. Submitted additional information adequately and satisfactorily addresses the matters previously identified.



- o In relation to noise and air emissions from fixed plant - no biomass heating plant, ASHP or air conditioning units are proposed, and instead three wall mounted boilers would be installed.
- o Specification and design for odour control and extraction equipment (as set out in the odour risk assessment) is acceptable.
- o The methodology and conclusions within the air quality assessment are acceptable.
- o The Construction Environment Management Plan provides a comprehensive basis for working procedures during site clearance and construction.
- o The applicant should note that the local authority retains the option to request a dust monitoring scheme should site conditions require it.

Case Officer Comments: The Council's Environmental Health Officer has confirmed that a condition is not necessary to control the specification and design of the odour control and extraction system.

#### Planning Policy

The now demolished social club was a community facility, and so Policy VC5 'Protection and Delivery of Community Facilities and Local Services' of the adopted CSDP is relevant. However, the proposal would also be a community facility. A residential care home would therefore be acceptable in principle as it would accord with Policy VC5 of the adopted CSDP.

Policy H1 'Housing Mix' of the adopted CSDP (Criterion 2) states that development should ensure that there is a choice of suitable accommodation for older people and those with specialist housing needs. The Council Strategic Housing Market Assessment (SHMA) identifies a growing need for older people housing due to increasing older age cohorts.

Policy NE2 'Biodiversity and Geodiversity' of the adopted CSDP sets out that proposals, where appropriate, must demonstrate how it will provide net gains in biodiversity. The design quality of the scheme should be considered against Policy BH1 'Design Quality' and Policy BH2 'Sustainable Design and Construction' of the adopted CSDP, and site access should be considered against Policy ST2 'Local Road Network' and Policy ST3 'Development and Transport'. Amenity impact should be considered against Policy HS1 'Quality of Life' of the adopted CSDP.

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

Following the submission of further additional information, the application could be approved subject to the standard verification condition. In addition to the suggestion for approval, the applicant is advised that a non-return flap should be fitted to Manhole MH1 to prevent backflow entering both the surface water and foul drainage system of the new care home when the NWL system is surcharged.

#### Suggested condition:

Prior to the first occupation of any property and the last occupation of any property, a verification report carried out by a suitably qualified person must be 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 reports at the beginning and end of the development shall include:

- o As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption & maintenance.

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 LLFA/LPA.

Case Officer Comments: The wording of the above condition was amended, and the Lead Local Flood Authority (LLFA) was made aware of this. No further comments were received. It should also be noted that several representations were received from the LLFA given that details were updated numerous times. Therefore, only the most recent LLFA consultation response is summarised above.

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

##### First representation

Access / Section 278 Works - The proposed access would be acceptable. Section 278 works would be required for the formation of the new access and for the reinstatement of the two existing accesses on Poole Road and Fordfield Road; the works would be at the applicant's expense. The applicant should contact Graeme.Hurst@sunderland.gov.uk to discuss the highway works.

Parking / Electric vehicle provision - The parking appears to be in line with Sunderland City Council's parking standards with the applicant stating that there are 11 standard car parking spaces, 2 disabled spaces and 12 cycle parking spaces. It is noted that 3 electric vehicle charging points are proposed which is acceptable.

Transport Statement - It is acknowledged that a Transport Statement has been submitted and that the number of trips generated by the proposed development would have a negligible traffic impact on the wider highway network during the peak hours.

Travel Plan - It is noted that a Travel Plan has been produced and appears satisfactory. A planning condition should be utilised to ensure that monitoring and review of the travel plan objectives are carried out.

Delivery arrangements are acceptable.

Construction Method Statement - A Construction Method Statement is required.

Case Officer comments: A Construction Environment Management Plan was subsequently submitted which included a construction method statement.

##### Second representation

The Construction Environment Management Plan is satisfactory subject to the applicant clarifying that they do not intend to work Sundays and that dust control using water suppression on site haul roads and hard standings will be utilised should the situation warrant.

Case Officer comments: The applicant's agent has agreed to the above. The Council's Transportation Development have agreed that an informative to applicant should be attached to any planning permission in relation to the need for dust control using water suppression on site haul roads and hard standing should the situation warrant it.

#### **External Consultee responses**

Tyne and Wear Archaeology Officer

The proposed development area is not directly associated with any Historic Environment Records. The site is located south of Hylton Lane Brickworks (HER 8573). Historic maps show that the site was greenfield until the 1950s when it was developed for residential housing which were subsequently demolished. In the 1960s the Ford and Hylton Social Club was constructed on the site; this has now also been demolished. Due to the available records and the site's development history, it is considered that the site has low archaeological potential and no archaeological investigation is required in association with the proposed works.

Northumbrian Water

#### First representation

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 our capacity to treat the flows from the development. The following condition should therefore be attached to any planning permission:

*“Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been 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 take place in accordance with the approved details”*

The surface water drainage solution should work through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010 – Soakaway, Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network.

Water mains lie on the boundary of the site to the south, west and northern sides and may be affected by the proposed development since it is noted that the proposed layout of the building lies close to the northern boundary. Northumbrian Water does not permit a building over or close to their apparatus. Northumbrian Water will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

#### Second representation

No issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document titled “Flood Risk Assessment and Drainage Strategy”. This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public combined sewer at manhole 3601. Surface water flows will discharge to the existing public combined sewer at manhole 3601, at a restricted rate of 5 l/sec.

The following condition should be attached to any planning permission:

*“Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Amended Flood Risk Assessment and Drainage Strategy” dated “November 2021”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3601 and ensure that surface water discharges to the combined sewer at manhole 3601. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.”*

These comments reflect the ability of the Northumbrian Water network to accept flows if sewer connection is the only option. It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

Northern Gas Networks  
No response provided

Northern Powergrid  
No objections to the proposal

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.

Housing People Services  
No response provided

Northumbria Ambulance Service  
No response provided

Northumbria Police  
Northumbria Police support the proposed development and overall raise no objections.

Points raised are as follows:

- o Security in terms of curbing anti-social behaviour and inappropriate access to the secure envelope. It is suggested that a secondary gate be introduced at the north east corner to prevent access down the side of the building as that area is not overlooked and access could be gained to the fire exit in the northern corner stairwell.
- o The intention to use 2100mm high fencing is welcomed, however a double boarded wooden fencing may not be appropriate where it is exposed to the old Penn Square area, which could see it used as a goal, or indeed be at risk of fire setting. A brick-built boundary would be preferred. If the decision is to go ahead with a wooden fence, then we would like to see the detail design where such fencing abuts or aligns with the retained boundary treatments.

Case Officer Comments: Northumbria Police have clearly stated that the above points are simply raising potential areas of conflict - and that they do not object to the proposed development. The applicant has chosen not to incorporate these points into the design of the scheme.

Watermans (Land contamination)

First representation

An updated Phase 1 Report should be submitted which includes:

- o The previous Phase 2 Report on which the results are relied upon for the conclusions. An assessment of this Phase 2 report and confirmation the results remain valid given the proposed end use, time since they were completed and when viewed in context of current regulations.
- o Clarity on the vapour regime anticipated on-site and whether further assessment is required.
- o Assessment of the controlled water risk given the presence of the secondary undifferentiated aquifer and principal aquifer beneath the site.
- o Consultation should be undertaken with Sunderland City Council and the Environment Agency, and the report updated based on the consultation completed.

It is likely an additional ground investigation is required to confirm the current contamination status and whether a significant risk to future site users or the environment is present. Particularly note should be paid to the ground gas risk given the historical landfill in the surrounding area.

#### Second representation

In broad agreement with the findings of the Phase 1 parts of the report, but still have some reservations about the use of historical Ground Investigation data. It is recommended that conditions be attached to any planning permission in relation to a Ground Investigation, a Remediation Strategy, a Verification Report, and the event of any contamination being found that was not previously identified.

Case Officer Comments: A Phase 2: Ground Investigation Report and Ground Gas Monitoring correspondence were submitted from 2014. The Council's Contaminated Land Advisor was re-consulted on this additional information.

#### Third representation

The additional information provided and the Phase 2: Ground Investigation Report by Arc Environmental include several items where the assessment is not in accordance with current best practice, or further information would be of benefit in clarifying the risk. However, the conclusions are broadly agreed with:

- o The made ground contains elevated contaminant concentrations for which mitigation measures are required.
- o A significant ground gas or vapour regime is likely to be absent with built structures not requiring ground gas or vapour protection measures.
- o A significant risk to controlled water receptors is likely to be absent given the low permeability of natural deposits and absence of gross contamination.

A Remediation Strategy setting out how the pollutant linkages will be broken post-development is required. Within this Remediation Strategy details of the watching brief required to ensure ground conditions are as assessed in the reports should be completed. The Remediation Strategy should also set out how boreholes will be decommissioned to avoid becoming preferential pathways. It is advised consultation with regulatory authorities is completed prior to completion of the Remediation Strategy to ensure all publicly available information is obtained. It is suggested that conditions be attached to any planning permission in relation to a Remediation Strategy, a Verification Report, and the event of unexpected contamination being found that was not previously identified.

#### Natural Heritage

##### First representation

A new / updated Habitat Regulations Assessment (HRA) report should be submitted to present the potential impacts of the proposed development on the European designated sites which are protected under the Habitats Regulations. The report should consider whether the proposed development could result in increased recreational pressure on coastal sites. It is recommended that a series of minor updates be made to the preliminary ecological appraisal (PEA). The PEA recommends that a biodiversity enhancement report should be prepared, and a biodiversity net gain assessment completed - it is recommended that this be incorporated into an updated PEA.

##### Second representation

The additional information provided is sufficient to demonstrate that the proposed development would not impact directly or indirectly on statutory designated sites, protected or priority species or habitats. Subject to conditions it would be acceptable.

The submitted reports recommend the preparation / implementation of a construction environmental management plan (CEMP). A final CEMP should be prepared and submitted for approval prior to works commencing on site. The Ecological Assessment report notes that a 'biodiversity net gain assessment is considered to apply'. Following the enactment of the Environment Bill on 09/11/2021, Sunderland City Council agrees with this and the preparation of a biodiversity net gain assessment and associated on or off site net gain strategy should be submitted in writing.

#### **POLICIES:**

CSDP policies SP1, SP5, H1, VC5, BH1, BH2, HS1, HS2, HS3, ST2, ST3, NE2, WWE2, WWE3, WWE5, BH9 and M1 are relevant to the consideration of this application.

Saved UDP policy EN10 (Proposals for unallocated sites to be compatible with the neighbourhood) is also applicable.

#### **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. 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 flooding and drainage;
7. Impact in relation to land contamination;
8. Impact on archaeology.

1. Principle of Development

## Strategy / Land Use 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 SP5 'South Sunderland' of the adopted CSDP states that South Sunderland will continue to grow and become a spatial priority for housing and economic development.

Saved Policy EN10 of the Unitary Development Plan (UDP) states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. It states that proposals for development in such areas will need to be compatible with the principle uses of the neighbourhood.

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).

The application site is not allocated for a specific land use within the Council's development plan, and so saved Policy EN10 of the UDP applies. The application site is located within a primarily residential area. Given the nature of the proposed development it is considered that it would be compatible with the prevailing pattern of land uses in the neighbourhood.

It is considered that the proposed development would accord with Policy SP1 and Policy SP5 of the adopted CSDP and saved Policy EN10 of the UDP.

## 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 residential 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 Community Facility

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 for a new residential care home is considered to be a community facility. It would be positioned on a site previously used as a community facility (a social club), and it would contribute to enhancing community facilities for residents in the City of Sunderland. It is therefore considered that it would accord with Policy VC5 of the adopted CSDP.

## Summary

Given the above assessment and giving weight to the fact that a residential care home has previously been granted planning permission on the site in 2009 albeit under different planning policy and guidance (see planning history above), it is considered that the proposed development would be acceptable in principle.

## 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.

Paragraph 126 of the NPPF (July 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The proposed development would be visible from Poole Road, Padgate Road and Fordfield Road. However, it would be of a design and constructed in external building materials that would be in keeping with the existing built form. The ridge height of the proposed building would be higher than that of neighbouring dwellings, in particular those along Fordfield Road. However, it would have a similar eaves height, and the hipped roof design of the main roof would mitigate the visual impact on neighbouring dwellings. It would also be of a similar design, height and position as the residential care home that was granted planning permission on the site in 2009 (see planning history above). External building materials including brick and render walls would also be acceptable in this non-sensitive location, which is dominated by dwellings with predominantly red brick walls.

Proposed boundary treatment comprising retaining the existing site boundary with the brickwall and piers but including stone copings to piers and metal railings between piers, and erecting a high fence to the east elevation which backs onto the rear elevations of dwellings, would be acceptable. Design improvements suggested by Northumbria Police, relating to the boundary treatment along the eastern boundary, are noted. However, the applicant has chosen not to incorporate these suggestions, and in any case Northumbria Police have made it clear that they raise no objections to the proposed development in relation to designing out crime.

Although car parking would be provided to the front of the proposed development, it is considered that this would not materially detract from the appearance of the overall scheme.

All external building materials are considered to be acceptable, in keeping with the external buildings materials on dwellings within the vicinity. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the details as specified in the application.



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.

The proposed development would comprise sustainable design and construction, maximising energy efficiency through the design of the building, conserving water, sourcing local materials where possible and reducing waste. It would also be designed whereby it would be flexible and adaptable where necessary to fulfil the needs of future residents.

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. It is therefore recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with this soft (and hard) landscaping scheme.

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 dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

The nearest dwellings to the proposed development are 171 Fordfield Road to the north east corner of the application site, and 28 and 30 Padgate Road to the south west corner of the application site. A concern has been raised in a representation (no address provided), raising concerns regarding the proposed development blocking sun light in the evening - and so a single storey building would be better.

171 Fordfield Road and 30 Padgate Road have no side (east elevation) windows facing the application side. The proposed building would also not be positioned directly to the front of windows to the rear elevations of these neighbouring properties. Part of the north east corner of the proposed building would be approximately 19.5 metres from some windows to the front of 2

Poole Road. However, it is considered that this is a reasonable distance whereby any impact in relation to outlook and dominance would not be materially harmful.

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

The concerns raised in a representation are noted in relation to blocking of sun light to a garden area in the evening. As stated no address has been provided in relation to the affected property. However, any overshadowing / loss of sunlight to gardens of the nearest properties to the east (namely 171 Fordfield Road and 30 Padgate Road) would only be towards the end of any given day, and so this would not be materially harmful to warrant refusal of the planning application. Any such impact would be similar to that of the residential care home that was approved in 2009 (see planning history above).

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. They have advised that the Construction Environment Management Plan (CEMP) is acceptable, although the applicant should note that the local authority retains the option to request a dust monitoring scheme should site conditions require it. They have recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted CEMP.

Given the comments from the Council's Environmental Health Officer, it is recommended that a condition be attached to any planning permission requiring the proposed development to be constructed in accordance with the submitted CEMP. It is recommended that an informative be attached to any planning permission to remind the applicant that a dust monitoring scheme would be required should site conditions require it. If site conditions require a dust monitoring scheme, the Council's Environmental Health Officer has advised that this could be controlled under statutory nuisance legislation.

Subject to the compliance with the recommended condition in relation to the CEMP, 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.

A concern has been raised in a representation (no address provided), raising concerns regarding the scenario whereby there would be an overflow of vehicles that may need to park within the street to the front of houses.

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

Whilst the comments raised in a representation are noted, the Council's Transportation Department have advised that car parking (including disabled spaces and electric vehicle charging points) and cycle parking provision for the proposed development would be acceptable, as is the submitted Travel Plan. They have also advised that delivery arrangements for the proposed development would be acceptable. It is recommended that a condition be attached to any planning permission to ensure that the car parking and cycle parking provision, 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 also recommended that a condition be attached to any planning permission, as suggested by the Council's Transportation Department, to ensure that the monitoring and review of the travel plan objectives are carried out.

The Council's Transportation Development have recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted Construction Environment Management Plan, and to ensure that construction works do not take place on a Sunday. It is recommended that such a condition be attached to any planning permission.

It is also recommended that an informative to applicant be attached to any planning permission to advise that dust control using water suppression on site haul roads and hard standings should be utilised should the situation warrant.

It is 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 application site is in a sustainable location with good access to public transport nodes, 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.

The application site is not positioned close to any European, national or local designated sites. The nearest Site of Special Scientific Interest (SSSI) is positioned approximately 600 metres from the application site.

As part of the planning application an Ecological Assessment by Amenity Tree Care Ltd dated 29/07/2021 and a Habitat Regulations Screening Assessment by Amenity Tree dated 21/10/2021 have been submitted. 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 or to the SSSI which is much closer) and separation distances, the Habitat Regulations Screening Assessment has concluded that the proposed development would have no likely significant effects on the European designated sites or on the SSSI. The Ecological Assessment concludes that there was no evidence of any protected species on the application site, and so no further surveys were needed. The proposed development would therefore have no other impacts in relation to biodiversity. Following the submission of additional information, the Council's Ecologist has agreed with the conclusions of these two reports.

The Council's Ecologist has suggested that conditions should be attached to any planning permission to require the submission of a Construction Environmental Management Plan (CEMP) to mitigate construction impacts on biodiversity. However, the proposed development would have no unacceptable impacts on biodiversity, with the application site including no protected or priority species or habitats. It is therefore considered that such a condition would not be necessary or reasonable in relation to ecology.

The Council's Ecologist has also suggested that a condition be attached to any planning permission in relation to biodiversity net gains. However, at this current time it is desirable rather than mandatory / a statutory requirement for the applicant to provide biodiversity net gains. It would not be necessary or reasonable to require the applicant to prepare a biodiversity net gain assessment / strategy.

It is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP.

#### 6. 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 (FRA) and Drainage Strategy' identifies that the application site is located in Flood Zone 1 (at the lowest risk of flooding). It concludes that there are no surface water sewers located near the site, therefore a feasible option would be to discharge to the Northumbrian Water Ltd (NWL) combined network within Poole Road. It also concludes that foul water drainage would be discharged into an existing NWL sewer within Poole Road.

Following the submission of additional information, NWL have raised no objections to the proposed development provided that it is carried out in strict accordance with the submitted document titled 'Flood Risk Assessment and Drainage Strategy' dated 5<sup>th</sup> November 2021 (Report Ref: JCC21-142-C-01). This document reflects NWL's advice identifying that foul flows should discharge to the existing public combined sewer at manhole 3601. Surface water flows should discharge to the existing public combined sewer at manhole 3601, at a restricted rate of 5 l/sec. NWL have stated that this should be controlled by way of a condition attached to any planning permission. 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.

As suggested by the Council's LLFA, it is also recommended that an informative to applicant be attached to any planning permission to advise that a non-return flap should be fitted to Manhole MH1, to prevent backflow entering both the surface water and foul drainage system of the new care home when the NWL system is surcharged. The informative should also refer to the surface water drainage solution following the Hierarchy of Preference as raised by NWL. It is also recommended that an informative to applicant be attached to any planning permission to remind the applicant that NWL water mains lie on the boundary of the site to the south, west and northern sides, and that NWL will work with the applicant in relation to this matter.

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.

#### 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 Phase 1 Land Contamination report has been submitted with the application, as well as a Phase 2 Ground Investigation and Ground Gas Monitoring correspondence from 2014. The

Council's Contamination advisors have raised no objections to the conclusions of these reports / documents in relation to the proposed development. However, they have advised that a Remediation Strategy is required to set out how the pollutant linkages would be broken post-development. The Remediation Strategy should include details of the watching brief required to ensure ground conditions would be as assessed in the reports; and set out how boreholes would be decommissioned to avoid becoming preferential pathways. They have suggested that conditions should be attached to any planning permission to require the submission of a Remediation Strategy and a Verification Report, and in relation to any unexpected contamination being found that was not previously identified. It is therefore 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 / safeguarding minerals, and so it would accord with Policy HS1 (in relation to contamination), Policy HS3 and Policy M1 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.

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.

#### **Conclusion**

The proposed development would comprise a specialist residential 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 acceptability of a care home of a similar scale and position on this previously developed site has already been established in 2009 albeit under different planning policies and guidance. It is considered that the proposed development would be compatible with existing land uses, and that it would bring a vacant site into a beneficial use. It is therefore considered that it would be acceptable in principle.

Subject to the 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 residential 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 on landscaping and trees, highway and pedestrian safety, ecology, or in relation to flooding / drainage and contamination.

For the reasons set out in detail in the above assessment, it is considered that 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.

### **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

**RECOMMENDATION:** APPROVE, subject to conditions below:

## Conditions:

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

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

- Drawing No. POOLE WBA SI 00 DR A PL-001 'Site Location Plan' received 13/08/2021
- Drawing No. POOLE WBA SI 00 DR A PL-011 'Existing Site Plan' received 13/08/2021
- Drawing No. POOLE WBA SI 00 DR A PL-021 Rev P3 'Proposed Site Plan' received 13/10/2021
- Drawing No. POOLE WBA NB ZZ DR A PL-100 Rev P1 'Proposed Floor Plans' received 13/08/2021
- Drawing No. POOLE WBA SI ZZ DR A PL-200 'Proposed Site Sections' A-D received 13/08/2021
- Drawing No. POOLE WBA NB ZZ DR A PL-2002 Rev P2 'Proposed Elevations' received 31/08/2021
- Drawing No. POOLE WBA SI ZZ DR A 90-100 'Proposed Site Boundary Treatment' received 29/09/2021
- Drawing No. POOLE WBA SI 00 DR A PL-301 'Bin Store Details' received 15/10/2021
- Drawing No. R/2510/1 'Landscape Layout' received 16/08/2021
- Drawing No. 332010583/100/002 Rev A 'Swept Path Analysis: Refuse Vehicle' received 13/08/2021
- Drawing No. 332010583/100/001 Rev A 'Proposed Site Access' received 13/08/2021

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 The development hereby permitted shall be constructed in accordance with the external building materials as specified in Section 7 of the planning application form, in the Materials Schedule received 28/09/2021, and as detailed on Drawing No. POOLE WBA SI ZZ DR A 90-100 'Proposed Site Boundary Treatment' received 29/09/2021, and Drawing No. POOLE WBA SI 00 DR A PL-301 'Bin Store Details' received 15/10/2021, unless the Local Planning Authority first agrees any variation in writing.

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. POOLE WBA SI ZZ DR A PL-200 'Proposed Site Sections A-D' received 13/08/2021 and Drawing No. POOLE WBA SI 00 DR A PL-021 Rev P3 'Proposed Site Plan' received 13/10/2021, read in conjunction with Drawing No. POOLE WBA SI 00 DR A PL-011 'Existing Site Plan' received 13/08/2021.



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 The development hereby permitted shall be constructed in accordance with the Construction Environmental Management Plan by Walter Thompson (dated and received 22/10/2021) and no construction works shall take place on a Sunday.

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

6 The development hereby permitted shall be constructed in accordance with the hard and soft landscaping scheme as detailed on Drawing No. R/2510/1 'Landscape Layout' received 16/08/2021. All planting, seeding or turfing comprised in the approved landscaping 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 ensure a satisfactory form of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

7 The development hereby permitted shall operate in accordance with the Travel Plan by Stantec (dated July 2021) received 13/08/2021, including its monitoring and review as set out in Section 7.3.

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

8 Prior to the first occupation of the development hereby permitted, the vehicle access from Poole Road, the 13 no. vehicle parking bays (including 2 no. disabled bays and 2 no. bays with electrical vehicle charging points) and the 7 no. cycle stands, as shown on Drawing No. POOLE WBA SI 00 DR A PL-021 Rev P3 'Proposed Site Plan' received 13/10/2021 and Drawing No. 332010583/100/001 Rev A received 13/08/2021, shall be installed / completed on-site and made available for use. The vehicle access, vehicle parking bays and cycle stands 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 Policies ST2 and ST3 of the adopted Core Strategy and Development Plan.

9 Prior to the development hereby permitted being brought into use, the bin stores, as shown on Drawing No. POOLE WBA SI 00 DR A PL-021 Rev P3 'Proposed Site Plan' received 13/10/2021, Drawing No. R/2510/1 'Landscape Layout' received 16/08/2021, and Drawing No. POOLE WBA SI 00 DR A PL-301 'Bin Store Details' received 15/10/2021 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 Policies BH1, ST2 and ST3 of the adopted Core Strategy and Development Plan.

- 10 Prior to the first occupation of the development hereby permitted, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme within the document titled 'Flood Risk Assessment and Drainage Strategy' by JC Consulting (dated 05/11/2021) (Report Ref: JCC21-142-C-01) received 23/11/2021. This verification report shall include:
- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
  - Construction details (component drawings, materials, vegetation);
  - Health and Safety file; and
  - Details of ownership organisation, adoption and maintenance to be read in conjunction with the document titled 'Flood Risk Assessment and Drainage Strategy' by JC Consulting (dated 05/11/2021) received 23/11/2021

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS, to reduce the risk of flooding, and to comply with Policies WW2 and WW3 of the adopted Core Strategy and Development Plan.

- 11 The development hereby permitted shall be implemented in accordance with the drainage scheme contained within the submitted document titled 'Flood Risk Assessment and Drainage Strategy' by JC Consulting (dated 05/11/2021) (Report Ref: JCC21-142-C-01) received 23/11/2021. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3601 and ensure that surface water discharges to the combined sewer at manhole 3601. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer.

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.

- 12 The development hereby permitted 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 Policies HS1 and 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.

13 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 Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of 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 which 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 Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 21/02480/LP3 Local Authority (Reg 3 )**Proposal:** **Replacement of existing double lane batting practice cage with a new double land practice cage.****Location:** Ryhope Recreation Park Ryhope Street South Sunderland SR2 0AB**Ward:** Ryhope**Applicant:** Sunderland City Council**Date Valid:** 16 November 2021**Target Date:** 11 January 2022

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**PROPOSAL:**

The proposal relates to the replacement of existing double lane batting practice cage with a new double lane practice cage at Ryhope Recreation Park, Ryhope Street South, Sunderland.

The proposed development is associated with the Cricket ground at Ryhope Recreation Park, a municipal park which also features, a football pitch, bowling greens, tennis courts, children's play area, landscaped gardens and a range of ancillary buildings.

The proposed batting cage will be erected within the same location as the existing facility which lies adjacent to the existing tennis courts.

The proposal would see the existing deteriorating and worn double batting cages removed and replaced by new modern facilities which will include the laying of new synthetic surfacing and cage framework.

Sunderland City Council manages the facilities and wider Recreation Park and thus the application has been submitted by the City Council. For this reason, the application cannot be determined by officers under Delegated powers and so has been referred to the Planning East Committee for determination.

**TYPE OF PUBLICITY:**

Site Notice Posted

**CONSULTEES:**

Ryhope - Ward Councillor Consultation

Final Date for Receipt of Representations: **16.12.2021**

**REPRESENTATIONS:**

The application has been advertised by way site notice posted close to the entrance to the Recreation Park and no representations have been submitted.

**POLICIES:**

The following CSDP policies are relevant to the consideration of the application: SP7, BH1.

**COMMENTS:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the Policies contained within the adopted Core Strategy and Development Plan (CSDP) and, where applicable, the 'saved' Policies contained within the Unitary Development Plan (UDP).

In respect of this proposal, the relevant CSDP policies are considered to be SP7 (Healthy and safe communities) and BH1 (Design and amenity). Policy SP7 at bullet point 3 sets out that the council will seek to improve health and wellbeing in Sunderland by promoting and facilitating active and healthy lifestyles. Policy BH1 meanwhile seeks to ensure that development achieves high quality design and positive improvement to the locality.

The National Planning Policy Framework (NPPF) was mostly recently updated in July 2021 and is a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF policies pertinent to this application are found within Chapters 8 and 12. Chapter 8 sets out that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities and that such decisions should plan positively for the provision and use of shared spaces, (such as sports venues).

Chapter 12 of the NPPF sets out that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

With regard to the directions provided by the aforementioned policies, it is clear that the proposed development seeks to provide new and upgraded sporting facilities within the confines of the existing site and in doing so the works are considered to fully accord with the aims of local and national policy in terms of facilitating active and healthy lifestyles and in the provision of safe and accessible sporting facilities.

The new batting cages will be situated largely within the same footprint as the current cages, appearing of similar scale, massing and layout whilst the modern development will undoubtedly serve to enhance the visual amenity of the area through the replacement of the existing apparatus which now appears tired and in a state of disrepair.

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.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

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

**Conditions:**

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

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

The existing and proposed site plan received 16.11.2021;

The batting cage elevations and floor plan received 22.10.2021

The location plan received 16.11.2021;

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.

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**Reference No.:** 21/02590/LB3 Listed Building Consent (Reg3)**Proposal:** **Demolition of the southern and northern gable walls of redundant former builder's yard and office.****Location:** Former Builders Yard And Office 7 & 8 Easington Street Monkwearmouth  
Sunderland SR5 1BA**Ward:** Southwick**Applicant:** Sunderland City Council**Date Valid:** 4 November 2021**Target Date:** 30 December 2021

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**PROPOSAL:**

Listed Building Consent is sought for the demolition of the southern and northern gable walls of the redundant former builder's yard and office at 7 and 8 Easington Street, Sheepfolds, Sunderland.

This application for Listed Building Consent relates to a building located within the Sheepfolds area of central Sunderland, which currently features a range of light industrial and commercial enterprises housed in a range of types and ages of building. The subject building occupies a roughly triangular plot on the outside of a bend in Easington Street, which forms the western edge of the Sheepfolds area.

The Heritage Statement and Archaeological Building Assessment submitted with the application advise that the building is located directly adjacent to the Grade-II Listed former North Eastern Railway (NER) stables; it was erected on the footings of the part-demolished south range of the stables, and its internal wall adjoins the gable wall of the remains of a surviving part of the south range of the stables complex. The builder's yard office building is a crudely constructed modern building and is of no historic or architectural significance. The NER stables date from 1883-84 and it is apparent that the face of the walls covered by the builder's yard structure were historically covered by a pair of dwellings, most likely contemporaneous with, and connected to, the NER stables.

The building in question stands at what will become the northern landing point of the new River Wear footbridge crossing, which Members will recall was granted consent at the Planning and Highways (East) Committee meeting held on 29th March 2021 (planning application ref. 20/02391/LP3). The construction of the bridge necessitates the demolition of the building in question and prior approval for the demolition works has recently been given via app. ref. 21/02346/DEM (determined under delegated powers on 9th November 2021). The Council's adopted 'Riverside Sunderland' Supplementary Planning Document, which guides the regeneration and redevelopment of key sites along the River Wear corridor, including Sheepfolds, also shows a small square being created at the northern end of the bridge, which would be enabled by the demolition of the building in question.

The demolition works authorised through app. ref. 21/02346/DEM involve the demolition of the northern and southern gable walls of the building, which adjoin the wall of the surviving Grade-II



Listed stable range. This application for Listed Building Consent seeks consent for the scope of the works which will physically affect the Listed stable walls.

The submission advises that the works to demolish the builder's yard walls have the potential to damage the stable range wall as its condition and structural integrity is not fully understood due to the presence of the adjoining wall. An Archaeological Building Assessment of the building has been undertaken in support of the application and this concludes that based on observations able to be made at this time, the condition of the southern stable wall is poor. A prominent settlement crack is evident, whilst there is also cracking in the cement capping and no obvious evidence of bonding between the old and new walls.

The Planning Statement submitted with the application advises that the interior of the southern flanking stable block wall will be cleared of vegetation and detritus to allow for unimpeded photographic recording. A photogrammetry record will also be made, which would allow for a like-for-like rebuild in the event any damage or collapse occurred. Once the building is demolished, the exposed footings of the former NER stables will also be recorded. As the builder's yard wall adjoins the stables wall, it is not currently known whether any mitigation measures, such as temporary supports, are required to ensure the stability of the stable wall. Once works commence, further details can be submitted regarding the condition of the adjoining stable wall and any stabilisation measures required.

As well as the aforementioned Planning Statement, Heritage Statement and Archaeological Building Assessment, the application has been accompanied by a Bat Survey.

The former builder's yard building is currently in the ownership of the City Council, whilst the former NER stables building is in private ownership.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Southwick - Ward Councillor Consultation  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **16.12.2021**

#### **REPRESENTATIONS:**

Public comments - none received in direct response to consultation on the current application. Comments were, however, received from the Sunderland Civic Society in relation to the accompanying prior approval application for the demolition of the builder's yard buildings (i.e. app. ref. 21/02346/DEM). The comments express support for the demolition works as they are required to enable the delivery of the new Wear footbridge and go on to highlight the prominence the NER Stables will have following the bridge's construction. The comments urge the Council to secure the viable use of the NER Stables, including considering acquiring the buildings, so they can become a focal point of the future regeneration of Sheepfolds.

In this regard, Members should note that the Council's 'Riverside Sunderland' SPD gives prominence to the NER stables building and the strategy for Sheepfolds sets out that the group

of buildings will be 'conserved and sensitively developed to create a destination of character and sense of place for the area' (see page 61).

Tyne and Wear County Archaeologist - notes the submission of the Archaeological Building Assessment with the planning application and highlights the anticipated poor condition of the southern range wall of the NER stables. It is considered that a structural survey of the NER stables should be undertaken prior to demolition of the former builder's yard buildings, to determine if the wall requires additional support as a consequence of the removal of the internal wall. This work should be secured by a condition. It is also advised that specialist conservation advice should be sought from the Council's Built Heritage officer in respect of the conservation and preservation of the stables wall.

Council's Built Heritage officer - no objections to the works, subject to conditions. It is noted that the building being demolished is of no heritage significance in its own right, but its internal walls abut the remains of the southern range of the Grade II Listed NER stables. The Heritage Statement submitted with the planning application is considered to acceptably describe the significance of the NER stables and the potential impact of the works on their significance and it is noted that the works could potentially physically impact on surviving elements of the south range of the former stables.

The Built Heritage officer advises that whilst it is noted that measures will be put in place to stabilise and protect the fabric of the exposed gable wall during works, a detailed method statement will be required to describe exactly how the wall will be supported to protect against risk of collapse. This can be conditioned, along with full details, specifications and method statements for remedial repair and/or rebuilding works to the stables wall, including details of lime-based mortar mixes for bedding and pointing of brickwork and samples of any new brick or stonework required.

A photogrammetry record of the gable wall should also be conditioned, to inform accurate reconstruction of the listed walls should stabilisation measures be unable to prevent areas of collapse.

Council's Ecology consultant - provided comments in respect of demolition notification, i.e. app. ref. 21/02346/DEM. There are no objections to the proposed demolition works in relation to risks to protected species and habitats, subject to conditions relating to the timing of works, the submission of a protected species method statement and details of the bat box to be installed. Conditions to this effect have been included on the decision notice for the demolition application.

## **POLICIES:**

Policy BH8 of the CSDP is relevant to the consideration of this application.

## **CONSIDERATION OF APPLICATION**

Applications for Listed Building Consent must be considered in the context of s16 of the Planning (Listed Building and Conservation Areas) Act 1990, which states that: 'in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State 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'. Further to this, section 16 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to ensure that the significance of heritage assets, such as Listed buildings, is appropriately maintained by adopting a conservation-led approach to the consideration of

development proposals. The significance of a heritage asset must be properly understood when assessing proposed works and any harm to an asset's significance as a result of the works must be clearly and convincingly justified. These requirements are echoed by policy BH8 of the City Council's adopted Core Strategy and Development Plan (CSDP).

As set out above, and as informed by the submitted Heritage Statement and Archaeological Building Assessment, it is considered that the former builder's yard building is of no heritage significance and the key issue is understanding and managing the effect of its demolition on the gable end of the south range of the Grade II Listed NER stables, which will be exposed as a result of the demolition works. To this end, both the Tyne and Wear County Archaeologist and the Council's Built Heritage officer have no objections to the works, but it is recognised that further details are required to be agreed to ensure that the impacts on the exposed wall are properly managed. In this regard, both the County Archaeologist and the Council's Built Heritage officer recommend the imposition of conditions which require the submission of further information on how the exposed wall will be supported and stabilised, along with details, specifications and method statements for remedial repair and/or rebuilding works if required.

The County Archaeologist recommends that such details should be informed by a structural survey of the wall, to be prepared prior to works commencing, however the Council's Built Heritage officer has advised that this wouldn't be feasible until after the internal wall has been taken down. The condition recommended by the Built Heritage officer in relation to the approval of a method statement for stabilisation and subsequent repair works is considered to represent the most appropriate means of ensuring the effects of the demolition works on the stables wall will be appropriately managed.

The Council's Built Heritage officer has also recommended the imposition of a condition requiring the preparation of a photogrammetry record, to inform any reconstruction works required in the event sections of the wall collapse.

## **CONCLUSION**

It is considered that the application submission has provided sufficient information to enable an understanding of the significance of the heritage asset to be affected by the proposals (i.e. the NER stables) and the nature of the potential effects of the works, in terms of the risk of damage to the exposed stables wall. It is considered that the conditions recommended by the County Archaeologist and the Council's Built Heritage officer will enable these effects to be appropriately managed and, if necessary, inform repairs and rebuilding in the event any collapse does occur.

Subject to these conditions, it is considered that the implications of the proposed demolition works relative to the gable wall of the Grade II Listed NER stables are acceptable, in accordance with the objectives of policy BH8 of the CSDP and the NPPF. It is therefore recommended that Members Grant Listed Building Consent, subject to the conditions below.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- o age;
- o disability;

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

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

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

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

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

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

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

**RECOMMENDATION:** GRANT LISTED BUILDING CONSENT, subject to conditions 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:

the proposed location plan and demolition plan (drawing no. DR-CB-000121, rev. C01)

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.

3 Prior to the commencement of works, a detailed demolition method statement shall be submitted for the approval of the Local Planning Authority. For the avoidance of doubt, the method statement shall include a detailed description of the proposed measures to support the exposed Listed stable walls to protect against the risk of collapse. The works shall then be undertaken in full accordance with the approved method statement.

Reason: in the interests in ensuring the impact of the proposed works on the exposed wall of the NER stables are acceptably managed and to comply with the requirements of policy BH8 of the CSDP.

4 Within three months of the builder's yard building being demolished, full details, specifications and method statements for remedial repair and/or rebuilding works to the Listed stable walls, including details of lime-based mortar mixes for bedding and pointing of brickwork and samples of any new bricks or stone required, shall be submitted for the approval of the Council as Local Planning Authority. The repair/rebuilding works to the stable walls shall then be undertaken in accordance with the approved details unless an alternative is first agreed in writing with the LPA.

Reason: in the interests in ensuring the impact of the proposed works on the exposed wall of the NER stables are acceptably managed and to comply with the requirements of policy BH8 of the CSDP.

5 Prior to the commencement of demolition works, a photogrammetry recording of the Listed gable wall and the adjoining stable block walls shall be undertaken in accordance with the recommendations at section 7.1 of the submitted Heritage Statement (AB Heritage, 12/10/2021), to enable the accurate reconstruction of the listed walls in the event stabilisation measures are unable to prevent areas of collapse. Any subsequent repair and reconstruction works to the stable walls must then be informed by the recording undertaken.

Reason: in order to ensure that any repair/remediation works to the Grade II Listed walls are undertaken in an informed, sympathetic manner and to comply with the objectives of policy BH8 of the CSDP and the NPPF.

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**Reference No.:** 21/02747/LP3 Local Authority (Reg 3 )

**Proposal:** **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 Sunderland SR1 1BB

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 24 November 2021

**Target Date:** 19 January 2022

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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 Hindu 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**

The proposal relates to 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.

An application for listed building consent has also been submitted, ref 21/02748/LB3.

### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

**CONSULTEES:**

Millfield - Ward Councillor Consultation  
Network Management  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.12.2021**

**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 30 December 2021, after the preparation of this report. Any representations received will be reported to the meeting.

Consultees -

Network Management - no objections, although advice has been provided regarding permissions required for works affecting the public highway

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

Ecology Consultant - no objections subject to a checking survey prior to commencement and works to be carried out in accordance with a precautionary method statement

Conservation Team - no objections subject to conditions relating to the submission of full specifications and method statements for the specialist conservation works and materials samples being attached to any approval that may be forthcoming.

**POLICIES:**

The following CSDP policies are relevant to the consideration of this application:  
BH7, BH8, BH9, NE2, ST2 and ST3.

**ISSUES TO CONSIDER**

In assessing the proposal, the main issues to consider are;

- the design and built heritage implications of the proposed development;
- ecological issues;
- the impact of the development on highway and pedestrian safety;

**Design and Built Heritage**

Paragraph 194 of the NPPF advises 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.

Para 195 of the NPPF states that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence

and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 197 of the National Planning Policy Framework (NPPF) sets out that, 'in determining planning applications, local planning authorities should take account of:

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

In addition, paragraph 199 of the NPPF 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'.

Paragraph 202 states 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 optimal viable use.'

Paragraph 206 of the NPPF goes on to advise that LPAs 'should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

Policy BH7 of the Core Strategy and Development Plan (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 by (amongst other measures) giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy; and taking a positive and proactive approach to securing the conservation and re-use of heritage assets at risk, including working with owners and partner organisations to develop schemes that will address the at-risk status of the assets and exploring opportunities for grant-funding to deliver viable schemes;

Policy BH8 of the CSDP states that, development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and 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, including alterations and additions should conserve and enhance its significance in regards to the protection, repair and restoration of its historic fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness. To preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development should make a positive contribution to the character and distinctiveness of the conservation area.



Policy BH9 of the CSDP states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that where development affects heritage assets of archaeological interest, preference will be given to preservation in situ.

The Sunnyside Conservation Area Character Appraisal and Management Strategy (CAMS) combines an appraisal of the Conservation Area's character and appearance with management proposals for preserving and enhancing its special qualities. Management objectives 2 and 3 seek to secure heritage-led regeneration of the conservation area. Objective 5 aims to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is undertaken using the principles of 'informed conservation'. Objective 6 seeks to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is undertaken using the principles of 'informed conservation', whilst objective 7 relates to ensuring that all new development respects and enriches the historic context of the Conservation Area.

The Council's Conservation team has commented that the Elephant Tea Rooms is a highly significant listed building with landmark qualities at a key position within the City Centre. The building was first built for Grimshaw and Son's Grocers and Tea Merchants and designed by renowned Sunderland architect Frank Caws in a unique and flamboyant Hindu Gothic style. It features a variety of elaborate terracotta and faience features including elephants carrying tea chests, gargoyles and ornamental birds, and is an iconic building at the very prominent corner of Fawcett Street and High Street West.

The building is located in Sunnyside Conservation Area, which features on Historic England's Heritage-at-Risk Register. The site is also located within the Sunderland Historic High Streets Heritage Action Zone (HAZ), a partnership initiative between the Council, Historic England and local partners aimed at reviving the historic High Streets with sustainable economic growth predominantly through the re-use of heritage assets at risk. The Council and Historic England have identified the Elephant Tea Rooms as a key priority for action as part of the Heritage Action Zone (HAZ) programme to build on the success of the recently completed conservation and re-use scheme at Mackie's Corner opposite. The project and external works subject to these applications are also included in the Council's Future High Street Fund initiative.

The application is supported by a Heritage Statement which has, in accordance with NPPF paragraph 194 and CSDP Policy BH8, assessed the significance of the heritage assets affected, specifically the listed Elephant Tea Rooms and wider Sunnyside Conservation Area, and the impact of the proposals on their significance.

The overall approach to the external repair and restoration of the listed building and new shop fronts demonstrates a sympathetic and high-quality design approach to conserving and enhancing the listed building and the historic high street. The detailed design of the scheme has been subject to lengthy discussions between the architects, the Conservation Team and Historic England, and demonstrates a sound and properly informed conservation approach that should ensure the significance of the building is conserved and sustained into the future.

The proposed striking new shop fronts will significantly enhance the architectural quality and townscape value of the building, and wider character of the historic street scene and conservation area. The form, style and detailing of the shop front for the Elephant Tea Rooms takes inspiration from the historic terracotta frontage that was lost in the 20th century, using the scale, proportions, arched openings and decorative detailing in a more contemporary predominately brick construction due to budget and practical limitations but incorporating attractive brick special and stone features. This approach has been agreed with Historic England and is considered a well-informed and high-quality solution that will revitalise the

building and once again give the iconic Tea Rooms a street frontage and presence its architecture deserves. The separate new shop front for the terraced property at 64 Fawcett Street will secure an authentic reinstatement of a traditional shop front appropriate to the early 19th century period of this building, whilst also complimenting the more innovative design of the Elephant Tea Rooms shop frontage.

The Heritage Statement, detailed drawings, schedule of repairs and supporting information demonstrate a best practice conservation approach to the repair and restoration works to the terracotta, faience, bricks and windows of the upper floors. The works will put the building in good repair and restore its architectural integrity, as well as enabling its long-term re-use and sustaining of its conservation into the future.

Full specifications and method statements will be required for the specialist conservation works, from reputable conservation specialists, including for the terracotta, faience and stone repairs, re-pointing and paint removal by a reputable stone mason and the sliding-sash window repairs from a sash window repair specialist, and samples of the repair works should be provided once the contractor and specialist sub-contractors have been appointed for the project. These can be the subject of appropriate conditions attached to any approval that may be forthcoming.

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 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.

#### Ecology

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Para 180 states that, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy NE2 of the CSDP relates to Biodiversity and Geodiversity. NE2.1 states that where appropriate, development must avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity in accordance with the mitigation hierarchy.

The application was accompanied by a Bat Risk Assessment Report which concluded that the buildings are deemed to have low roosting potential. However, as no works are expected to be carried out on the roof of the buildings, it is considered unlikely that the works will have an impact on any of the potential roosting features.

The Council's Ecology Consultant has assessed the information provided and has commented that the submitted bat report includes details of a preliminary bat roost risk assessment which was completed at the site in October 2021, in line with current best practice guidelines. The report indicates that the structure is of low suitability for roosting bats however, it states that potential roost features are associated with the roof of the building, which will not be affected by the proposed works; potential roosting opportunities will therefore be retained through the

works. The report states that no further survey work is required to inform the proposals; based on the information as submitted, this conclusion is considered appropriate.

The bat report notes that pigeons (assumed Feral Pigeons) were recorded in the second floor and roof void of the listed building. The report notes that the works should be undertaken outside of the bird nesting season of March - August inclusive however, Feral Pigeons are known to breed year-round.

Consequently, it is considered appropriate that to avoid potential harm of active bird nests a condition requiring a checking survey should be attached to any forthcoming approval, as well as the works proceeding in accordance with a precautionary method statement. The development will then be considered to be acceptable in terms of its impact upon biodiversity in accordance with the provisions of paragraphs 174 and 180 of the NPPF and policy NE2 of the CSDP.

#### Highway Safety

Policy ST2 of the CSDP sets out the requirement for proposals to ensure that development has no unacceptable adverse impact on the Local Road Network.

Policy ST3 of the CSDP states that development should (amongst other requirements) 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, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

The impact of the proposal upon the public highway network is limited to the reinstatement of the decorative corner column on the historic shopfront, for which a stopping up order is required. However, the Transportation Development team have offered no objections to the scheme, although they have requested clarification and provided advice relating to permissions required from the Council as Highway Authority; the likes of temporary hoardings around the site for the duration of the works being carried out can be provided as permitted development.

The proposal is therefore considered to comply with policies ST2 and ST3 of the CSDP.

#### 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.

#### **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;

- o religion or belief;
- o sex;
- o sexual orientation.

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

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

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

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

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

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

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

**Conditions:**

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

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

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.

3 Notwithstanding the details submitted with the application, no development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority;

- Section detail of new sliding-sash windows.
- 1:5 /1:10 scale drawings / section details of shopfront joinery details, including pilasters and corbel / capitals / scrolls etc.
- Colour finish to shopfront.
- Final construction details of corner turret feature.
- Full specifications and method statements for all terracotta, faience and stone repairs and lime re-pointing by appointed stone mason (including any paint removal /cleaning if necessary)

The repair works shall not be carried out until the relevant samples for each stage have been submitted to and approved in writing by the Local Authority, which shall include;

- Full details and/or samples of all external materials, including bricks, stone, terracotta, faience, sliding-sash windows, 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.

4 No works shall commence on site until a checking survey has been completed by a suitably qualified ecologist no more than five days prior to commencement, to ensure that no active bird nests are present which may be affected by the proposals. Given the presence of species on site which are known to breed year-round, the checking survey will be required regardless of the time of year in which works are due to commence. In the event that any active nests are identified at this time, or at any stage during the works, the ecologist will implement a suitable buffer zone around this feature into which no works will progress until the ecologist confirms that the nest is no longer in use; in order to protect any wildlife or its habitat which may be present within the site, in accordance with policy NE2 of the adopted CSDP.

5 Before the works hereby approved shall commence, a precautionary method statement shall be produced by a suitably qualified ecologist in order to address the low residual risk of bats being present. Thereafter, the development shall not be carried out other than in accordance with the approved details; in order to protect any wildlife or its habitat which may be present within the site and to comply with policy NE2 of the Core Strategy and Development Plan.

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**Reference No.:** 21/02748/LB3 Listed Building Consent (Reg3)**Proposal:** **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 Sunderland SR1 1BB**Ward:** Millfield**Applicant:** Sunderland City Council**Date Valid:** 24 November 2021**Target Date:** 19 January 2022

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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 Hindu 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**

The proposal relates to 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.

An application for planning permission has also been submitted, ref 21/02747/LP3.

**TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

**CONSULTEES:**

Millfield - Ward Councillor Consultation

Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.12.2021**

## **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 30 December 2021, 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 subject to conditions relating to the submission of full specifications and method statements for the specialist conservation works and materials samples being attached to any approval that may be forthcoming.

## **POLICIES:**

CSDP policies BH7 and BH8 are relevant to the consideration of this application.

## **COMMENTS:**

### **CONSIDERATION OF APPLICATION**

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.

Paragraph 194 of the NPPF advises 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.

Para 195 of the NPPF states that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 197 of the National Planning Policy Framework (NPPF) sets out that, 'in determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

o the desirability of new development making a positive contribution to local character and distinctiveness'.

In addition, paragraph 199 of the NPPF 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. '

Paragraph 202 states 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 optimal viable use.'

Paragraph 206 of the NPPF goes on to advise that LPAs 'should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

Policy BH7 of the Core Strategy and Development Plan (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 by (amongst other measures) giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy; and taking a positive and proactive approach to securing the conservation and re-use of heritage assets at risk, including working with owners and partner organisations to develop schemes that will address the at-risk status of the assets and exploring opportunities for grant-funding to deliver viable schemes;

Policy BH8 of the CSDP states that, development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and 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, including alterations and additions should conserve and enhance its significance in regards to the protection, repair and restoration of its historic fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness. To preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development should make a positive contribution to the character and distinctiveness of the conservation area.

Policy BH9 of the CSDP states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that where development affects heritage assets of archaeological interest, preference will be given to preservation in situ.

The Sunnyside Conservation Area Character Appraisal and Management Strategy (CAM) combines an appraisal of the Conservation Area's character and appearance with management proposals for preserving and enhancing its special qualities. Management objectives 2 and 3 seek to secure heritage-led regeneration of the conservation area. Objective 5 aims to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is undertaken using the principles of 'informed conservation'. Objective 6 seeks to ensure that the repair, restoration and adaptation of historic buildings in Sunnyside Conservation Area is



undertaken using the principles of 'informed conservation', whilst objective 7 relates to ensuring that all new development respects and enriches the historic context of the Conservation Area.

The Council's Conservation team has commented that the Elephant Tea Rooms is a highly significant listed building with landmark qualities at a key position within the City Centre. The building was first built for Grimshaw and Son's Grocers and Tea Merchants and designed by renowned Sunderland architect Frank Caws in a unique and flamboyant Hindu Gothic style. It features a variety of elaborate terracotta and faience features including elephants carrying tea chests, gargoyles and ornamental birds, and is an iconic building at the very prominent corner of Fawcett Street and High Street West.

The building is located in Sunnyside Conservation Area, which features on Historic England's Heritage-at-Risk Register. The site is also located within the Sunderland Historic High Streets Heritage Action Zone (HAZ), a partnership initiative between the Council, Historic England and local partners aimed at reviving the historic High Streets with sustainable economic growth predominantly through the re-use of heritage assets at risk. The Council and Historic England have identified the Elephant Tea Rooms as a key priority for action as part of the Heritage Action Zone (HAZ) programme to build on the success of the recently completed conservation and re-use scheme at Mackie's Corner opposite. The project and external works subject to these applications are also included in the Council's Future High Street Fund initiative.

The application is supported by a Heritage Statement which has, in accordance with NPPF paragraph 194 and CSDP Policy BH8, assessed the significance of the heritage assets affected, specifically the listed Elephant Tea Rooms and wider Sunnyside Conservation Area, and the impact of the proposals on their significance.

The overall approach to the external repair and restoration of the listed building and new shop fronts demonstrates a sympathetic and high-quality design approach to conserving and enhancing the listed building and the historic high street. The detailed design of the scheme has been subject to lengthy discussions between the architects, the Conservation Team and Historic England, and demonstrates a sound and properly informed conservation approach that should ensure the significance of the building is conserved and sustained into the future.

The proposed striking new shop fronts will significantly enhance the architectural quality and townscape value of the building, and wider character of the historic street scene and conservation area. The form, style and detailing of the shop front for the Elephant Tea Rooms takes inspiration from the historic terracotta frontage that was lost in the 20th century, using the scale, proportions, arched openings and decorative detailing in a more contemporary predominately brick construction due to budget and practical limitations but incorporating attractive brick special and stone features. This approach has been agreed with Historic England and is considered a well-informed and high-quality solution that will revitalise the building and once again give the iconic Tea Rooms a street frontage and presence its architecture deserves. The separate new shop front for the terraced property at 64 Fawcett Street will secure an authentic reinstatement of a traditional shop front appropriate to the early 19th century period of this building, whilst also complimenting the more innovative design of the Elephant Tea Rooms shop frontage.

The Heritage Statement, detailed drawings, schedule of repairs and supporting information demonstrate a best practice conservation approach to the repair and restoration works to the terracotta, faience, bricks and windows of the upper floors. The works will put the building in good repair and restore its architectural integrity, as well as enabling its long-term re-use and sustaining of its conservation into the future.

Full specifications and method statements will be required for the specialist conservation works, from reputable conservation specialists, including for the terracotta, faience and stone repairs, re-pointing and paint removal by a reputable stone mason and the sliding-sash window repairs from a sash window repair specialist, and samples of the repair works should be provided once the contractor and specialist sub-contractors have been appointed for the project. These can be the subject of appropriate conditions attached to any approval that may be forthcoming.

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 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.

In light of the analysis and considerations offered above, 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 proposed works subject to the conditions listed below.

#### **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

**RECOMMENDATION:** GRANT LISTED BUILDING CONSENT, subject to conditions below:

**Conditions:**

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

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

location plan received 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.

3 Notwithstanding the details submitted with the application, no development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority;

- Section detail of new sliding-sash windows.
- 1:5 /1:10 scale drawings / section details of shopfront joinery details, including pilasters and corbel / capitals / scrolls etc.
- Colour finish to shopfront.
- Final construction details of corner turret feature.
- Full specifications and method statements for all terracotta, faience and stone repairs and lime re-pointing by appointed stone mason (including any paint removal /cleaning if necessary)

The repair works shall not be carried out until the relevant samples for each stage have been submitted to and approved in writing by the Local Authority, which shall include;

- Full details and/or samples of all external materials, including bricks, stone, terracotta, faience, sliding-sash windows, 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.:** 21/02749/LB4 Listed Building Consent (Reg 4)

**Proposal:** **Removal of internal partitions and seating, restoration of roof and cast-iron pillars; erection of glazed timber panels to enclose the building and various other works to enable the conversion to a cafe.**

**Location:** Seaburn Tram Shelter Whitburn Road Seaburn SR6 9NS

**Ward:** Fulwell

**Applicant:** Blacks Corner

**Date Valid:** 24 November 2021

**Target Date:** 19 January 2022

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## **PROPOSAL:**

Listed Building Consent is sought for the removal of internal partitions and seating, the restoration of roof and cast-iron pillars; the erection of glazed timber panels to enclose the building and various other works to enable the conversion to a café at the Tram Shelter, Seaburn.

The Tram Shelter is located adjacent to the seafront on Whitburn Road opposing Seaburn recreational park. Following the granting of planning permission 18/02070/LP3 for the Change of Use of the Tram Shelter to a café, the building was granted listed building status in March 2020. Now a Grade II listed building, this application seeks approval for the specific works being proposed for the conversion that already benefits from planning approval, namely:

- o Restoration of fish-scale roof, reusing existing slates to the same pattern
- o Restoration of roof timberwork
- o Repair of rainwater goods
- o Restoration of cast-iron columns, with the columns left outside the new elevations
- o Restored/new timber elevations enclosing the space replicating the profile and pattern of the north and south side gable panels with true divided light clerestory glazing with 12mm slim double-glazed units (DGUs). Top hung casement sashes with 12mm DGUs. Insulated bottom panels.
- o Relocation of seat footings, with new timber seat slats to the west (road) elevation.
- o Superstructure of vertical cantilever wind posts on the long elevations and corners to provide lateral stability. Fixed to new insulated floor slab.

Whilst still in Council ownership, the application has been submitted on behalf of the proposed new tenant, Blacks Corner, and has been accompanied by a Design, Access and Heritage Statement which has been prepared by Conservation Accredited Architects BeaumontBrown LLP. The listed building consent is needed to allow the redevelopment of the site which remains part of ongoing regeneration activity funded through the Coastal Communities Fund Round 5 (CCF5).

Other refurbishments to nearby buildings have already commenced on-site and include:

- o Pier View Toilet Block, Pier View, Roker (18/02073/LP3). Change of use from public toilets to cafe/bar/restaurant (Use Classes A3 or A4), to include various external alterations to existing building and new outdoor seating area to the rear.
- o Lower Promenade, Between Fat Buddha And Little Italy Restaurant, Whitburn Bents Road (18/02072/LP3). Erection of 12 no. beach huts within embankment, with associated landscaping.
- o Bay Shelter, Whitburn Bents Road (18/02071/LP3). Change of use from storage facility (use class B8) to cafe/restaurant (Use Class A3) together with various external alterations, provision of bin store above existing storage area along with creation of access from A183. All of the buildings will be managed by Sunderland Seafront Trust who currently operates Roker Pier and lighthouse as a visitor attraction.

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

Press Notice Advertised

Site Notice Posted

#### **CONSULTEES:**

Fulwell - Ward Councillor Consultation

Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **17.12.2021**

#### **REPRESENTATIONS:**

Planning Implementation (Conservation)

A consultation response has also been received from the above (discussed in main body of the report below).

County Archaeologist

The Seaburn Tram shelter on Whitburn Road (HER 19028) was listed by Historic England in March 2020 (List Entry 1467684). The shelter is constructed on a timber-frame with cast iron columns and timber partitions with a Welsh slate roof with terracotta ridging. The tram shelter is thought to have been constructed between 1901 and 1904 but was first shown on the 3rd Edition Ordnance Survey map (1913-1014) and operated as a tram shelter until October 1954. Since 1879 the Sunderland Tramways Company had operated a horse-drawn tramway service which was then bought by the Sunderland Corporation. After 1900 the route was turned into an electric-tram service, the first route to be electrified ran between Roker and Fawcett Street. Sea Lane (Seaburn) was converted the following year and all routes were upgraded by 1904. After the closure of the tram network, the shelter was subsequently used as a sea-front shelter and bus shelter.

The tram shelter has both architectural and historic significance. The shelter is considered to be rare in a national context as it remains a largely intact example of an early 20th century tram shelter. The design of the shelter includes feature of interest such as the cast-iron work and internal seating. The shelter is historically important due to its connection to tram-era public transport in Sunderland and the role of this transport network during the heyday of the English seaside.

The tram shelter is situated in between two toilet blocks (HER 19029) which are also Grade II listed (List entry 1468603). The Ladies and Gentlemen's public conveniences were constructed between 1901-1904 adjacent to the tram shelter at the Sea Lane (Seaburn) tram terminus. The public conveniences remained open into the 1960s however they were subsequently closed and were restored and re-opened in 2018.

I strongly recommend that specialist conservation advice is sought from Sunderland City Council's conservation team in association with this application. Given the significance of the structure and the proposed works outlined in the heritage and design and access statement, I consider that if the proposed works are approved historic building recording will be required. The historic building recording work can be secured by condition

#### Public representations

The application has been advertised by way of site and press notice and has attracted a total of 31 representations. 25 of the representations have offered support to the proposal whilst a further 6 have raised objection.

The submissions of support state are summarised below.

- o The applicant's (Blacks Corner) restaurant in East Boldon is an asset to the area and the proposed conversion would be an asset to Seaburn and would be very different from those that are already in the area.
- o Having a business that pays so much attention to detail of what the customer, premises and local community would like to see, occupy such a beautiful space should be a privilege for Sunderland.
- o The applicants have proven time and again that they have a passion for all things British and their involvement in this project can only mean good things to come.
- o The project is a wonderful update to a living piece of heritage and history which would uplift the heritage value of the building.
- o The proposal would make a financial contribution to help the whole seafront area, rather costing the council a lot of money trying to renovate and upkeep the tram shelter as it stands.
- o I would much rather see something positive come out of this already quaint landmark than it sit there for another 100 years inevitably becoming an eyesore.
- o I think this is such an exciting opportunity for our sea front. So often you see historic buildings like these just left and neglected, but for ours to have a new lease of life, somewhere for our community to come together in such beautiful surroundings, is so exciting.
- o Many objectors seem to want it to stay as it is and be renovated at a cost the council. I do not believe that this is good use of money when things are being cut back and council tax continues to rise. Even if it was restored and would need regular upkeep (as demonstrated by the recent storm damage), again at a cost to the council taxpayers. Granting Blacks Corner permission means the council would be collecting money rather than spending it.
- o These plans will breathe new life into a rather sad looking and largely unused listed building. I feel that if these plans are approved Seaburn will become a more attractive destination for a younger crowd.
- o I believe having a restaurant such as Blacks Corner on the seafront would increase the draw and popularity of the area.
- o This will be a great addition to the sea front. It's currently a target of antisocial behaviour and in a state of disrepair. This application will improve the area and prevent antisocial behaviour and also help to maintain the shelter for generations to come.
- o I think this is a superb, sensitive project to restore and revitalise the tram stop.
- o I've only heard a little bit about the development of the tram stop, but I was keen to make comments in support of Blacks Corner itself. I am heavily involved in two community groups in

East Boldon, and the support we receive from Blacks, their owners and staff, is invaluable. Nothing is too much trouble, they've even allowed us to use their premises (out of hours) for meetings as we don't have a community building of our own.

o The decision to convert the tram shelter has already been made by the council in 2019. The discussion has now moved to whether the work proposed by Blacks Corner is a sympathetic restoration and would be the best option when compared to other possible renovations to the existing structure.

The Council have made it clear they no longer intend to finance any continued preservation or restoration of the site and have therefore chosen to hand over custodianship to a local company that have every intention of maintaining the property and safeguarding its place in the local community as is shown with the plans they have submitted. Both to re-purpose the Tram Shelter and also maintain an area for residents to sit, which appears to be one of the main areas of concern.

Having seen the continued work Blacks Corner have done in East Boldon, turning a derelict building into an integral part of that community, I feel the Tram Shelter's future is in good hands. I am seeing a lot of objections to this proposal but bearing in mind the building will not be continuing in its current guise with or without Blacks Corners involvement I am not seeing any other proposals for potential other uses.

The submissions in objection are set out below.

o Having served as a shelter for visitors to Seaburn for over a hundred years, today it is the sole shelter available free of charge to the public. Quartered, it provides shelter from whichever direction the weather comes - unlike this plan that proposes external seating only facing the prevailing winds: from the west. And no consideration has been given to passengers waiting at the bus stop, or consequences to the cycle lane.

o The applicants promised to "draw up plans with local residents", but there has been no consultation. A meeting was proposed but then cancelled, since when they have failed to reply to a single email (until today, 14 December, one day before the deadline for comments about the plans, having promised communication by 3 November). Under item 11 of their Application for listed building consent: the question "Have you consulted your neighbours or the local community about the proposal" has been answered in the affirmative, but refers to the Heritage, Design and Access Statement, which mentions only consultation about the Regeneration Program as a whole - and not undertaken by Blacks Corner. And many local residents would question whether that consultation itself was satisfactory, conducted via social media, and now heavily outnumbered by petitioners opposed to change of use of the Tram Shelter. Blacks Corner now say there has been "private" consultation, and there is to be a focus group meeting later this month.

o Instead of providing yet one more seafront eat and drink outlet for the better heeled, revenues from the other regenerated properties ought to be invested in maintaining the Tram Shelter for its original purpose, for the good of all. The 2,687 signatories of 38 Degrees' "no change of use" petition is an indication of local opposition to the plan. The Regeneration Program was drawn up before the pandemic. At this time when outdoor shelters are needed more than ever are we to be left to the mercies of a café's opening hours, and prices - and that after however long the reconstruction takes? We've seen the disruption caused by the lengthy building works at both the former Roker Toilet Block and the Bay Shelter.

o The proposal would amount to a significant loss of heritage. It is incumbent upon Sunderland Council to maintain the Tram stop as it currently stands, to be celebrated in its own right as a piece of Sunderland History and an aspect of our culture



- o There is no clear justification for the developers to choose this particular site, there are many other locations nearby that could be utilised and converted. A number of premises lie empty on the Sea Road, where such a development would be hugely beneficial to the area and other retailers in the vicinity.
- o Given that benefit to the public could be achieved via the setting up of such an outlet at other locations, it is not dependent upon this location alone. The identity of the Tram Shelter will be lost for ever once converted to a charcutier. The site is already used as a resting place, viewing point, shelter for visitors and travellers, in particular for disabled visitors who can park close by.
- o The Tram Shelter has existed in its current form for a considerable number of years and has been utilised as a shelter particularly in inclement weather, it allows visitors free temporary rest-bite from the elements. It has been valued by many residents of Sunderland, if converted, the number of residents being able to enjoy this accessible asset will be considerably reduced, access will be denied to those unable to afford to partake in a restaurant of this nature, it will be beyond the reach of those people on a limited income, therefore a significant number of the public will no longer be able to benefit from this asset.
- o This asset ought to be maintained as it is. Sunderland has been remis in the past in not preserving its heritage enough, the Council has the opportunity on this occasion to do the right thing and preserve this valued asset.
- o This development will be irreversibly altering what is currently an historic asset, the current character will be destroyed, and it will no longer be the Tram stop!
- o The distinctive nature of this building will be lost if it is made into 'another eating venue' plenty of opportunities exist elsewhere that would be of greater benefit to all.
- o The structure is of key historic importance to the people of Sunderland and is a focal point for visitors to the city.
- o The wider site location is an important coastal viewing site for disabled blue badge holders. As some cannot otherwise enjoy the visual amenity of the sea/coast, the car park adjacent to the tram stop is the only true viewing point of the sea with safe pull-on space. Loss of amenity to disabled people unable to mobilise would be a backward step and represent a severe regressive loss of amenity for an already excluded population.
- o The entrance to this building will be to the East but I can foresee customers crossing the new planned cycle lane on the West Side to access this building. This may be a H & S issue. The new cycle lane is to encourage more cycling therefore I would hope to see cycle storage facilities incorporated in the plans.
- o Has the parking situation been addressed? There is lack of parking in Seaburn during the summer months. Will the disabled parking spaces be retained when the new cycle lane is installed?
- o Service Access may be a problem with the proposed cycle lane.
- o Will service vehicles cross this cycle lane? If so, it may be a H & S issue, and needs clarification. Will honouring the pledge for the non-paying public to use the disabled toilet be kept? I am not sure the paying customers will welcome this.
- o Will the entrance to the building be suitable for disabled access?
- o Will queues at the kiosk for take-away coffees etc, become a problem for the cycle lane and bus passengers.

With regard to the representations offered above, both in support and in opposition to the application, Members need to be aware that the only matters the Council, as Local Planning Authority, can consider in the determination of this application for Listed Building Consent are those pertaining to the proposed physical works to the Listed Building (i.e. those works which impact on the heritage and historic fabric of the tram shelter).

In this regard, matters pertaining to the acceptability of the use, access, servicing, highways and parking related concerns were previously considered and agreed as part of the extant planning approval ref: 18/02070/LP3 which was granted in 2019.

With regard to consultation, whilst some objections have noted that a petition containing 2687 signatories had previously been prepared, this was done so outside of the Listed Building Consent application process. In terms of the planning consultation on this listed building submission, the Council, as Local Planning Authority, has carried out its statutory requirement for publicity by erecting a site notice within the vicinity of the shelter (lamppost adjacent to the building) and advertising within the local press.

Members should note that the public consultation on the application expires on the day of this report's publication (17<sup>th</sup> December 2021). Any additional representations received following the publication of this report will be provided to Members ahead of the meeting.

## **POLICIES:**

Policies BH7 and BH8 of the CSDP are relevant to the consideration of this application.

## **COMMENTS:**

### Policy overview

#### National Policy

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.

In terms of national policy, the National Planning Policy Framework (NPPF) as revised July 2021, is a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

Thereafter, Section 16 of the NPPF (Conserving and enhancing the historic environment) provides specific guidance on dealing with heritage applications with the below paragraphs considered to be of particular pertinence to this submission.

Paragraph 189 of the NPPF states that heritage assets can range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 194 advises 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.

Paragraph 199 sets out 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.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

Finally, paragraph 202 qualifies 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.

#### Local Policy

Sunderland City Council has recently adopted its Local Plan, helping to reinforce the requirements of the NPPF and applying the principals of the National Policy at the local level. The relevant Local Plan Policies are as follows:

#### BH7 Historic environment

The Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by:

1. giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy;
2. supporting new development which makes a positive contribution to the character and townscape quality of the historic environment;
3. supporting and developing innovative initiatives that identify, maintain, conserve and sustain or return to beneficial usage designated or non-designated heritage assets;
4. capitalising in an appropriate and sensitive manner on the regeneration and tourism potential of heritage assets;
5. taking a positive and proactive approach to securing the conservation and re-use of heritage assets at risk, including working with owners and partner organisations to develop schemes that will address the at-risk status of the assets and exploring opportunities for grant-funding to deliver viable schemes and;
8. improving access and enjoyment of the historic environment where appropriate, by supporting proposals that retain, create or facilitate public access to heritage assets to increase understanding, appreciation and enjoyment of their significance, special qualities and cultural values.

#### BH8 Heritage assets

1. Development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.

2. Development affecting a listed building, including alterations and additions should:
    - i. conserve and enhance its significance in regard to the protection, repair and restoration of its historic fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness; and
    - ii. be sympathetic and complimentary to its height, massing, alignment, proportions, form, architectural style, building materials, and its setting.
  3. The demolition of and/or substantial harm to listed buildings will only be considered in exceptional circumstances and with clear and convincing justification.
  9. In considering proposals affecting heritage assets identified as being at risk the council will support their conversion and adaptation where this secures their sympathetic repair, reuse in appropriate uses and sustains their significance into the future.
- With regard to the policy framework set out above, and accepting that the proposal already benefits from full planning permission, it is considered that the main issue to address in the determination of the application is outlined below:

### Considerations

As set out above and in line with aforementioned policy, the issue to consider is the impact of the proposal on heritage.

#### 1. The impact of the proposal in terms of heritage.

The application is supported by a comprehensive Heritage Statement which has, in accordance with NPPF paragraph 194 and CSDP Policy BH8, assessed the significance of the Tram Shelter and the impact of the proposals on its significance. In general terms the proposals will importantly repair in a sensitive manner deteriorating elements of the Tram Shelter's historic fabric and features, whilst the design approach and careful detailing of the physical additions and alterations for its conversion into a café will have minimal impact on the historic character of the building.

Although of limited material weight, Core Strategy and Development Plan Policy BH7 advocates capitalising in a sensitive and appropriate manner on the regeneration and tourism potential of heritage assets, and developing innovative initiatives to conserve, sustain and return to beneficial usage designated and non-designated heritage assets.

In this regard, the conversion scheme to create the café is considered to be a sensitive adaptation of an historic structure that will allow its original architectural form as a Tram Shelter to still be readily appreciated.

The new timber panels, windows and doors to create the internal café space are appropriately positioned behind the original iron columns to allow the substantial overhand of the roof to be retained, this being a key characteristic of the Tram Shelter's Victorian / Edwardian design. The extensive joinery details submitted illustrate how the timber sections and mouldings for the panels, window frames, glazing bars etc will replicate the surviving evidence of the historic design and detailing from the gable elevations. The agent has qualified that the natural slate evident on the shelter will be reused, with black cast iron rainwater goods, black timber soffits and fascias, top hung black framed timber sash windows with slimline double glazing, black timber doors and cream panels and window casements, all to be utilised in the project.

In terms of ventilation, the main kitchen fan will be sited out of view in the roof void and behind the refurbished existing gablet louvre; other fans are sited out of view in the building soffit as identified on the plans.

Historic evidence from other Tram Shelters in the area indicates that the Seaburn Tram Shelter could well have been at least partially enclosed for tickets or other associated uses in its early days, with these panels potentially removed following its closure in 1954. The proposed new panels are likewise also reversible in that they could be relatively easily removed in the future if needed.

The removal / re-positioning of some historic features is somewhat regrettable, most notably the panelling from the gable elevations and the cast-iron supports to the replacement seating. However, it is recognised that it is not practical to retain these features in situ as part of the new use and it is noted that the cast-iron footings will be carefully salvaged and re-used for the bench seating to the exterior of the cafe. It is considered that the harm caused to the significance of the listed building by the removal of these features will be minimal, albeit still falling within the category of less than substantial harm and making NPPF paragraph 202 applicable. In this respect Officers are of the opinion that the required robust justification for the minimal level of harm has been provided in the Heritage Statement through the clear heritage and economic benefits identified.

Whilst the comments raised within the objections are noted and clearly set out the importance of the shelter, Officers are of the view that the submitted proposals will give this cherished local heritage asset a viable use that will serve to sustain and enhance its significance into the future, whilst making a positive contribution to local character and distinctiveness.

On balance, the proposals are considered to have a positive impact on the listed building by conserving and sustaining its significance into the future. The proposals will importantly address the immediate repair and conservation needs of the building and give a distinctive and locally valued heritage asset a sustainable future that will further add to the leisure offer, visitor facilities and overall vibrancy and on-going regeneration of the seafront. Whilst some minimal harm is caused to the significance of the listed building through the necessary limited removal of some historic fabric, the required clear and convincing justification has been provided in accordance with NPPF paragraphs 200 and 202.

## **Conclusion**

On the basis of the reasoning provided above, it is considered that the proposed development is appropriate in accordance with the relevant national and local policies outlined above.

As noted above, the public consultation on the application expires on the day of this report's publication (17<sup>th</sup> December 2021). Details of any further representations received following the publication of this report will be provided to Members ahead of the Committee meeting.

Given the above, it is recommended that Members Grant Listed Building Consent for the proposals, subject to the receipt of any further representations and the conditions listed below.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- o age;
- o disability;

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

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

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

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

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

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

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

**RECOMMENDATION:** GRANT LISTED BUILDING CONSENT, subject to the receipt of any further public representations and the conditions 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 development hereby granted permission shall be carried out in full accordance with the following approved plans:

The existing floor plans, roof plan and location plan received 24.11.2021 (Plan ref: No.1, 2124 REV A)

The existing elevations and sections received 24.11.2021 (Plan ref: 2124, No.2)

The proposed plans (Plan ref: 2124 No.10)

The proposed elevations, sections and reflected ceiling plan (Plan ref: 2124 No.11)

The joinery details received 24.11.2021 (Plan ref: 2124 No.12)

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

3 The development hereby approved, shall be carried out in full accordance with materials listed in Section 10 of the application form, the annotations as set out on the submitted plans and the materials schedule received on 16.12.2021 unless any variation is subsequently agreed in writing by the Local Planning Authority.

In the interests of visual amenity and the heritage of the site and in accordance with Policies, BH7 and BH8 of the adopted Core Strategy Development Plan.

4 No development 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 shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF and Core Strategy Policies BH8 and BH9.