

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

Reference No.: 19/00107/FUL Full Application

Proposal: Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, parking payment machines and associated cabinets (retrospective).

Location: Eye Infirmary, Queen Alexandra Road, Sunderland, SR2 9HP

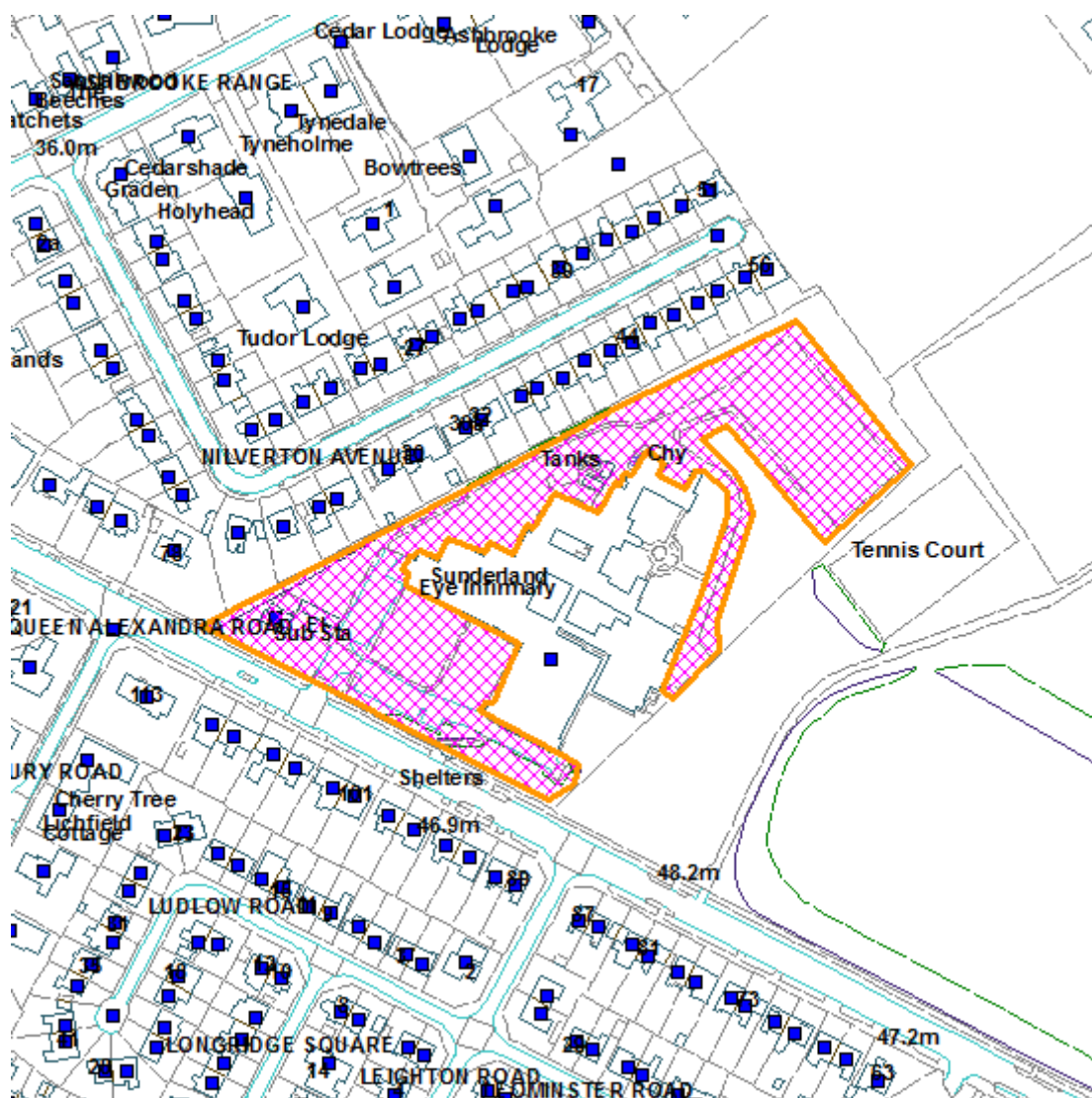
Ward: St Michaels

Applicant: Mr Jaden Fish

Date Valid: 23 January 2019

Target Date: 24 April 2019

Location Plan



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PROPOSAL:

Retrospective planning permission is being sought for the installation of automatic number plate recognition (ANPR) cameras attached to a column, parking payment machines and associated cabinets at Sunderland Eye Infirmary, Queen Alexandra Road, Hill View, Sunderland, SR2 9HP.

The proposed development affects Sunderland Eye Infirmary, which occupies extensive grounds off Queen Alexandra Road in Hill View, Sunderland. The grounds are bordered by Queen Alexandra Road to the south-west, the rear gardens of dwellings fronting Nilverton Avenue to the north-west and the playing fields of Southmoor School to the south-east and north-east. The Infirmary occupies a complex of buildings situated centrally within the site, with the remainder affording public and staff car parking and areas of soft landscaping.

This application seeks planning permission for the erection of 2 no. ANPR (automatic number plate recognition) cameras erected on a lighting column and 2 no. payment kiosks within the Eye Infirmary's grounds.

The two ANPR cameras are to be mounted on a 5 metre-high column located adjacent to the main vehicular entrance into the Eye Infirmary's grounds, off Queen Alexandra Road. The two payment machines/cabinets, meanwhile, have a maximum height of 1.72 metres, a depth of 470mm and a width of 700mm. The two machines will stand in front of the main front elevation of the Eye Infirmary building, which faces Queen Alexandra Road.

The abovementioned development is associated with the management of the Eye Infirmary's car parks by ParkingEye, on behalf of City Hospitals Sunderland NHS Trust. Vehicle entry and exit to/from the car parks is monitored in order to reduce car park abuse and ensure that spaces are available for genuine users. The proposals do not affect the existing parking and access arrangements at the site.

Members may recall that at the Development Control (South) Area Sub-Committee meeting of 20th September 2016, it was resolved to approve a planning application which sought retrospective planning permission for 2 no. ANPR cameras, 4 no. payment machines and 2 no. equipment cabinets. The development proposed by the current planning application would add to this existing apparatus at the site.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Michaels - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **19.03.2019**

REPRESENTATIONS:

Public consultation - a letter of representation has been received from the occupier of 28 Nilverton Avenue. The representation questions whether the camera will face the objector's property and whether it could therefore affect the property's privacy and amenity. The representation also asks whether the police have access to the cameras as the objector has experienced security issues in the past. The letter goes on to suggest that the proposed equipment and general use of the car park could give rise to noise and privacy issues, to the detriment of the property's amenity.

The representation also suggests that the development may reduce the value of the objector's property and asks whether the property may be considered for a reduction in Council Tax rates given its proximity to a hospital site.

As Members are no doubt aware, the impact of a development proposal on the value or Council Tax liability of a property is a private concern and not material to the determination of a planning application.

The other matters raised by the objector in respect of amenity are given consideration in the next section of this report.

Council's Highways team - no observations to make.

POLICIES:

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

B2 - Scale, massing layout and setting of new developments

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. 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'. 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.

In terms of the more detailed policies of the NPPF, of importance in considering the current application are those which seek to promote healthy and safe communities (within section 8), which promote sustainable transport (within section 9) and which seek to achieve well-designed places (within section 12).

These core principles of the NPPF feed into policies EN10, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The development for which planning permission is sought is designed to support the management of the Eye Infirmary's existing car parks and so does not give rise to any conflict with the established land use of the site. The proposals therefore accord with the objectives of policy EN10.

2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated. Meanwhile, paragraph 127 of the NPPF states that development proposals should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that they provide a high standard of amenity for existing and future users.

In terms of visual amenity, the proposed development essentially involves apparatus and equipment which could reasonably be expected in car parks of this nature. The installation of one additional camera column and two additional pay and display machines is not considered to be excessive for a site of this size, even when combined with the existing apparatus present at the site. Furthermore, the form of the proposed apparatus is also considered to be acceptable - the camera columns are of a reasonable height and are substantially lower than, for example, standard street lighting columns. As such, it is considered that the proposed apparatus will not result in harm to the visual amenity of the locality.

In addition, the proposed development does not give rise to any significant residential amenity concerns given the minor scale and nature of the proposed apparatus and the distances between the respective structures and neighbouring dwellings (the closest distance being 35 metres between one of the pay and display machines and the rear elevations of properties fronting Nilverton Avenue).

The objector to the planning application has raised concerns regarding potential invasion of privacy from the cameras and noise from the cameras and payment machines.

The applicant has, however, clarified that the cameras will not face Nilverton Avenue - their view is fixed onto the vehicle entrance/exit and the cameras specifically capture the front and rear number plates of vehicles entering and exiting the car park. The police do not have access to camera footage unless an application is made in relation to a specific matter (e.g. a car theft). Additionally, the applicant has confirmed that the cameras and machines omit very minimal noise, to the extent that it would only be noticeable if standing directly next to the apparatus.

With regard to the above comments, it is considered that the proposals do not raise any concerns regarding visual and residential amenity, including in relation to privacy and noise. The proposals

are therefore considered to be acceptable in this regard, in accordance with the requirements of policy B2 of the UDP and paragraph 127 of the NPPF.

3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highways team has confirmed that the proposals raise no concerns in relation to highway and pedestrian safety. The development therefore accords with the requirements of UDP policy T14.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity and visual amenity. To this end, the proposed development is considered to comply with the requirements of the NPPF and policies EN10, B2 and T14 of the UDP.

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

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

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

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

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

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

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

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

RECOMMENDATION – APPROVE, subject to 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:

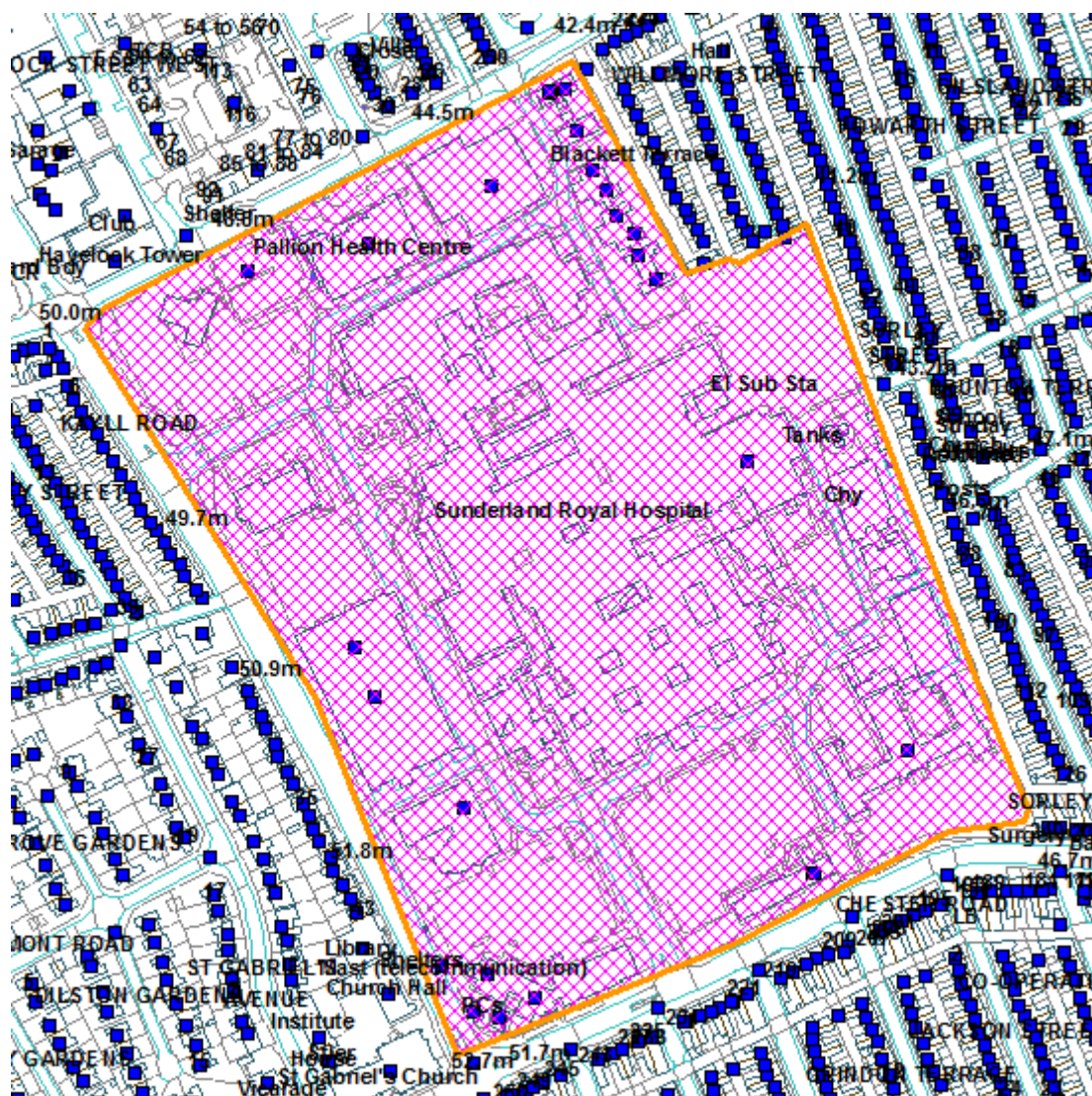
- the location plan (drawing no. C948-001 A),
- the proposed site plan (drawing no. C-948-002 A),
- the proposed payment machine elevations (drawing no. F-000-004 A),
- the proposed ANPR camera details (drawing no. C-0000-002 A),
- the proposed camera column elevations (drawing no. C-0000-001 A)

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

Proposal: Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, parking payment machines and associated cabinets.

Ward:	Millfield
Applicant:	Parking Eye Ltd
Date Valid:	23 January 2019
Target Date:	24 April 2019

Location Plan



PROPOSAL:

Retrospective planning permission is being sought for the installation of automatic number plate recognition (ANPR) cameras attached to existing columns, and parking payment kiosks, at Sunderland Royal Hospital, Chester Road, Sunderland.

The proposed development relates to the whole site, which occupies extensive grounds bounded by Chester Road to the south, Kayll Road to the west and Hylton Road to the north, and by several terraced residential streets to the east. The hospital comprises a large number of buildings as well as parking and servicing areas and soft landscaping.

This application proposal involves the following installations:

Payment Kiosks

3 new external Glyde Omnia Kiosks, 1.72 h x 0.7 w x 0.47 deep

1 x located at the Niall Quinn Children's Centre

1 x located at Chester Wing (Rehabilitation B)

1 x located at 9 Surgical Day Case Unit

Cameras

4 new ANPR Cameras on Existing 5 m high poles

1 x Located within Hylton Road Car Park

1 x Located Side of Niall Quinn Children's Centre

1 x Located near Workshops/Staff and Deliveries

1 x Located at Chester Wing (Drop off Area/Entrance)

2 new ANPR Cameras on Walls

1 x Located On Hylton Road Block

1 x Located On Chester Wing

The above mentioned development is associated with the management of the hospital car parks by ParkingEye, on behalf of City Hospitals Sunderland NHS Trust. Vehicle entry and exit to/from the car parks is monitored in order to reduce car park abuse and ensure that spaces are available for genuine users. The proposals do not affect the existing parking and access arrangements at the site.

Members may recall that retrospective planning permission was previously granted at the Committee meeting held on 13.12.2016 for the erection of a series of ANPR (automatic number plate recognition) cameras, pay and display machines and associated equipment cabinets at various locations around the hospital's grounds.

The proposal involved:

- 23 no. ANPR cameras, erected at various locations around the hospital's car parks. There are two types of camera, which are either affixed to the walls of existing buildings or mounted on 5 metre-high columns;
- 18 no. pay and display machines, again erected at various locations within the hospital's car parks. The machines have dimensions of 1.8 metres height x 484mm width x 412mm depth;
- 8 no. equipment cabinets, which have dimensions of 942mm height x 305mm depth x 735mm width; the development proposed by the current planning application would add to this existing apparatus at the site.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Network Management
Millfield - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **13.03.2019**

REPRESENTATIONS:

Public consultation - no letters have been received as a result of the neighbour publicity process.

Transportation Development team - no observations.

POLICIES:

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

B2 - Scale, massing layout and setting of new developments

SA18 - Requirements for further redevelopment of Sunderland Royal Hospital

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. 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'. 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.

In terms of the more detailed policies of the NPPF, of importance in considering the current application are those which seek to promote healthy and safe communities (within section 8), which promote sustainable transport (within section 9) and which seek to achieve well-designed places (within section 12).

These core principles of the NPPF feed into policies SA18, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development

Policy SA18 of the UDP is applicable in this instance. This states that proposals for further redevelopment of the Sunderland Royal Hospital will normally be approved, subject to adequate on-site parking and servicing provision.

The development for which planning permission is sought is designed to support the management of the hospital's existing car parks and so does not give rise to any conflict with the established land use of the site. The proposals therefore accord with the objectives of policy SA18, above.

2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated. Meanwhile, paragraph 127 of the NPPF states that development proposals should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that they provide a high standard of amenity for existing and future users.

In terms of visual amenity, the proposed development essentially involves apparatus and equipment which could reasonably be expected in car parks of this nature. The installation of additional cameras to existing poles and on existing buildings within the site and three additional pay and display machines is not considered to be excessive for a site of this size, even when combined with the existing apparatus present at the site. Furthermore, the form of the proposed apparatus is also considered to be acceptable - the existing camera columns are of a reasonable height and are substantially lower than, for example, standard street lighting columns. As such, it is considered that the proposed apparatus will not result in harm to the visual amenity of the locality.

In addition, the proposed development does not give rise to any significant residential amenity concerns given the distances between the respective structures and neighbouring dwellings and the fact that the site is bounded on three sides by major roads, whilst to the east there are relatively high brick walls and other built development that act as a foil between the installations and residential dwellings.

It is considered that the proposals do not raise any concerns regarding visual and residential amenity, including in relation to privacy and noise. The proposals are therefore considered to be acceptable in this regard, in accordance with the requirements of policy B2 of the UDP and paragraph 127 of the NPPF.

3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

In this case the City Council's Highways team has confirmed that the proposals raise no concerns in relation to highway and pedestrian safety. The development therefore accords with the requirements of UDP policy T14.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity and visual amenity. To this end, the proposed development is considered to comply with the requirements of the NPPF and policies SA18, B2 and T14 of the UDP.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

RECOMMENDATION – APPROVE, subject to 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:

Plans listed in sections 7 and 22 of the application form dated 14/01/2019.

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

Reference No.: 19/00188/FU4 Full Application (Reg 4)

Proposal: Application for detailed planning permission for the erection of 18,075sqm (GEA) business hub on plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising of civic related uses, office space (use class B1), medical centre (use class D1), creche (use class D1), cafe/ restaurant (use class A3) roof terrace, implementation of road link to Cumberland Street, ancillary buildings and infrastructure and landscaping. Amended Description.

Location: Former Vaux Brewery Site Plater Way Sunderland

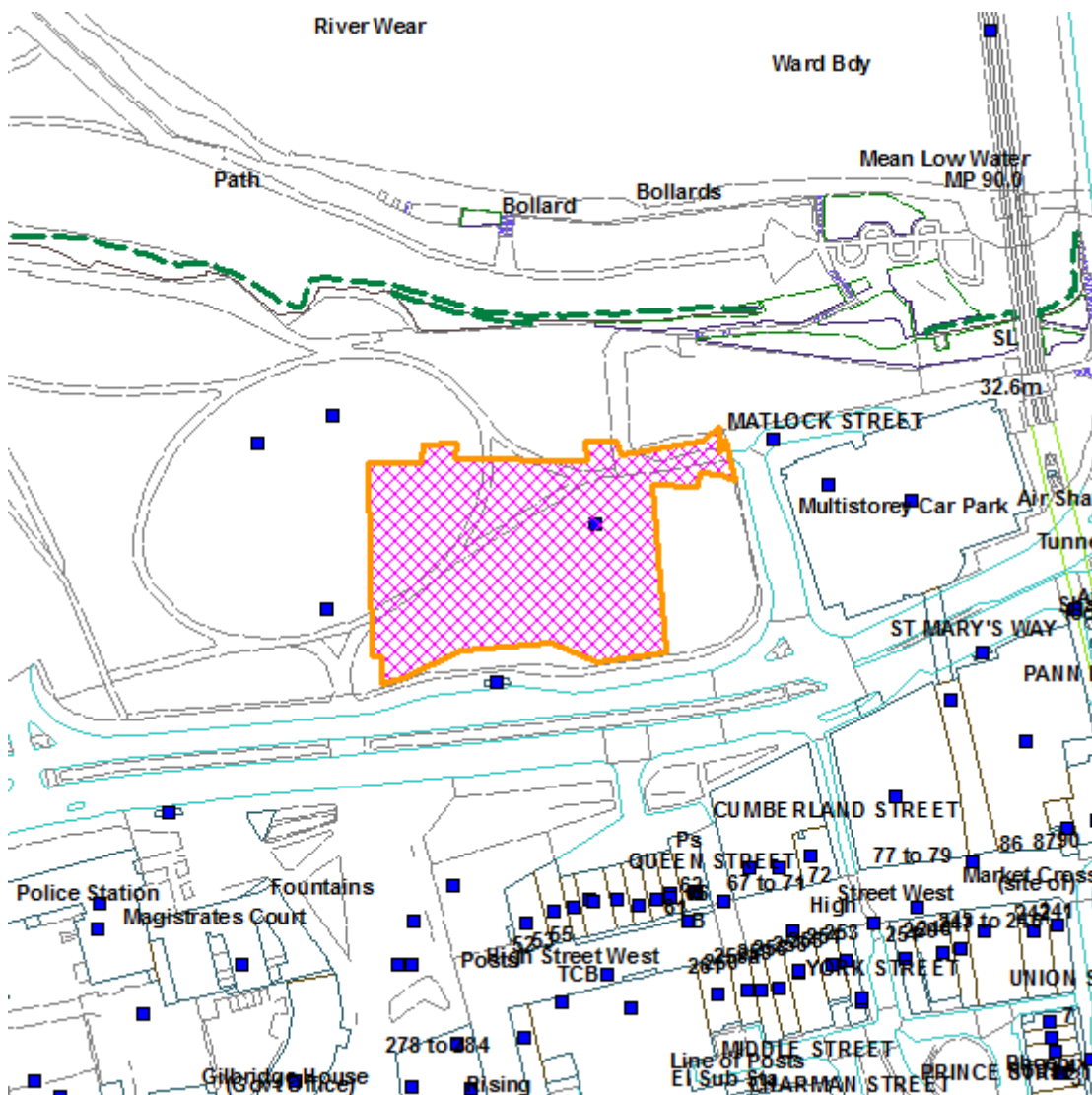
Ward: Millfield

Applicant: Siglion

Date Valid: 5 February 2019

Target Date: 7 May 2019

Location Plan



PROPOSAL:

Members may recall that at the 19 April 2016 Development Control South Committee application ref. 15/02557/HY4 was approved subject to the completion of the required Section 106 Agreement. Following the completion of the agreement on the 23 August the consent was issued on the 24 August 2016. This successful application approved the large scale re-development of the site for office led development involving 19 Plots and as part of the detailed aspect of this permission, Plot 1 i.e. the Beam building, is now nearing completion.

The application proposal now before Members is a direct descendent of that Hybrid 15/02557/HY4 permission. However, the application has been submitted as a full application, as opposed to a reserved matters submission, due to the fact that it falls outside of the provisions of the hybrid consent in relation to Plots 13 and 14. The proposal is seeking to build out these two plots as one building via a glazed connecting atrium, whilst the development will also introduce an additional storey relative to the agreed parameters.

The planning application is seeking detailed consent for the erection of over 18,000 square metres business hub on Plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising civic related uses, Office (Use Class B1), Medical Centre, Creche (both Use Class D1) and Cafe/ Restaurant (Use Class A3). The application is also proposing ancillary landscaping along with the implementation of the Cumberland Road link, thereby completing the main road through the site as it connects with the Phase 1 road works undertaken on site to date.

The development comprises ground to four storeys within the western Plot 13 half of the building, with a ground floor to six storeys proposed within the Plot 14 eastern half of the building, which is where the proposed roof terrace is located. There is also a mezzanine level above the ground floor which covers both buildings but is largely focused within the Plot 14 half.

The scheme of accommodation for the building is:-

- Use Class B1 (Offices) 13,923 square metres;
- Use Class A3 (Cafe/ Restaurant) 1,021 square metres;
- Use Class D1 (Medical Centre, Creche) 697 square metres.

By way of comparison of how this proposal sits with the Hybrid approval, condition 5 of the 15/02557/HY4 consent approved a total of 59,376 square metres of B1 office space and as such, the application proposal now before Members accounts for just over 20% of that total office space. It is clear that the development proposal represents a significant step in the regeneration of the Vaux site.

The application has been supported by:

- Facade Noise Assessment
- Daylight and Sunlight Study
- Pedestrian comfort study
- Design and Access Statement
- Flood Risk and Drainage Strategy
- Ground condition reports
- Inclusive Design and Access Statement
- Noise Assessment
- Planning and Heritage Statement
- Sustainability Statement
- Transport Statement

- Travel Plan
- Archaeological evaluation report
- Plans, elevations and CGI

Environmental Impact Assessment

In August 2015 the Hybrid approved redevelopment of the Vaux site was screened in order to determine whether that planning submission should be informed by an Environmental Impact Assessment (EIA). In assessing this Schedule 2 development due regard was given to Schedule 3 of the then Town and Country Planning (Environmental Impact Assessment) (as amended) Regulations 2011. It was considered that within the context of the 2011 Regulations the proposed development did not require the submission of an EIA; please see the Screening Request and Opinion via reference 15/01301/SCR for further information.

Turning to the application proposal now before Members it is noted that the site at 0.7ha is below the now 2017 EIA Regulations 1ha applicable thresholds and criteria for Schedule 2 10(b) development (Urban development projects). However, as it is an integral element of the wider redevelopment of the Vaux site and involves the completion of the main road running through the site it is considered prudent and appropriate to consider whether the proposal is EIA development.

On review of the Schedule 3 criteria of the 2017 EIA Regulations it is not considered that the application proposal either on its own or in combination with the wider Hybrid redevelopment is introducing additional elements of material consequence or significance so as to warrant the submission of an Environmental Statement, please see the application file's EIA Screening Opinion and Proforma for further information in this regard. In coming to this view it is noted that Plots 13 and 14 are to be conjoined via a glass atrium structure and an additional storey is being proposed to Plot 14.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Historic England
 Network Management
 Millfield - Ward Councillor Consultation
 Natural England
 Nexus
 Tyne And Wear Archaeology Officer
 Southern Area Command - Police
 Environmental Health
 Fire Prevention Officer
 NE Ambulance Service NHS Trust
 Flood And Coastal Group Engineer
 Northumbrian Water
 Northern Electric
 Business Investment

Network Rail

Final Date for Receipt of Representations: **06.03.2019**

REPRESENTATIONS:

In accordance with the Town and Country (Development Management Procedure)(England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by neighbour notification letters, press and site notices.

Following this consultation exercise a representation was received on behalf of the Ministry of Justice and HM Courts and Tribunals Service. The representation requested and suggested two conditions be imposed in terms of the method and hours of construction.

The correspondence highlighted that vehicular access to and from the Courts, which is taken from the A183, should not be interrupted and that the Council should remain mindful of the potential for the Courts to be overlooked by the proposed building. The correspondence also highlighted that the Courts comprise a Grade II Listed Building within the Bishopwearmouth Conservation Area.

In terms of vehicular access it should be noted that this application is completing the already approved main road through the site. It will complete the eastern section of the road that will connect the existing western access point, which was already pre-existing by virtue of the Livingstone Road Car Park and which has been built out as part of the approved Phase 1 works, to the Vaux site's eastern access point onto Cumberland Road. The access and egress for the Vaux site has already been approved by virtue of the extant Hybrid consent.

In terms of overlooking it should be noted that the application proposal is situated on the already approved Plots 13 and 14, with Plot 13 being closest to the Courts building. Consequently, in light of the extant approval the principle of erecting a large scale 6 storey office building on the site is well established. Moreover, in view of the fact that the Court and proposed building are separated from each other by the four lane A183 and Keel Square, it is not considered that the application proposal presents a materially new implication from that which has already got approval.

In terms of the comments made in respect of the Courts being Grade II listed and within the Bishopwearmouth Conservation Area the heritage considerations of the scheme will be discussed in the Built Heritage consideration section of this report.

Nexus

Nexus responded by requesting the Applicant, as part of a work place travel plan, fund one introductory transport ticket per employee. This will be discussed in further detail in the subsequent Highway Engineering considerations section of this report.

Network Rail

Network Rail confirmed they have no observations to make in respect of the application proposal.

County Archaeologist

Following on from the submission and review of the submitted Archaeological Evaluation report, undertaken by Archaeological Services Durham University, the Tyne and Wear County Archaeologist confirmed that no further archaeological work is required.

The report confirmed that two trenches were excavated within the site. The trenches were dug to a depth of 2m and recorded no archaeological features. Durham University archaeologists concluded that the construction of the cellars of the former brewery buildings removed any archaeological resource that may have been present.

Natural England

Natural England responded by confirming that they have no comments to make on the application.

Council's Natural Heritage Team

The Council's Ecologist confirmed that there were no objections to the proposal and no further observations or recommendations were made.

COMMENTS:

Legislation

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 are considered relevant to the consideration of this application.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

All planning applications in Sunderland are assessed against the saved Policies in the Unitary Development Plan (UDP) 1998 and Alteration No. 2 (Central Sunderland) Development Plan Document.

The Core Strategy and Development Plan (CSDP) is emerging planning policy and as it progresses through the adoption process it will gain further weight in the assessment of applications.

National Planning Policy Framework

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF), which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development toward sustainable locations, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development, or where there are no relevant

development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- I. the application of policies in this Framework that protects 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 this Framework taken as a whole.

The presumption in favour of sustainable development 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 usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Considerations

The main issues to consider in the determination of this application are:

1. Land use and policy considerations
2. Highway engineering considerations
3. Design and heritage considerations
4. Drainage considerations
5. Ground Conditions
6. Amenity considerations

1. Land use and policy considerations

The proposed development site is defined as a Comprehensive Development Site on the Unitary Development Plan (UDP) No. 2 (Central Sunderland) Proposals Map. Policy EC5A states that redevelopment proposals will deliver a mix of land uses including, amongst others, the uses being applied for by this planning submission. Comprehensive development sites have been identified as providing opportunities to regenerate large parts of Central Sunderland by introducing a scale and mix of new development, planned in a comprehensive way, which would have a significant impact on the pattern of land use, community, recreation and employment. By extension of and being integral to the approved Hybrid 15/02557/HY4 mixed use development it is clear that the proposed development is assisting in the delivery of this policy aspiration.

In light of this overarching policy context the site is then allocated via Policy SA55A.2: Former Vaux/ Galleys Gill/ Farringdon Row site. This policy allocates the former Vaux site as a residential and employment-led mixed-use development site, with B1 Offices identified as a key required use. The policy details acceptable supporting uses, of which ancillary A3 Cafe/ Restaurants is one and while it is noted that a D1 use is not a use explicitly identified, neither is it one of the stated unacceptable uses. Indeed, the proposed D1 uses are considered complementary to and compatible with the mix of uses being proposed by this civic related business hub building.

Moreover, it is also noted that this policy provides the scope for other land uses not explicitly identified subject to their own individual merit and having regard to other policies of the UDP. In regard to the latter and as explored in detail in the following considerations sections of this report there are not considered to be any local or national planning policy or material consideration that would preclude this form of development at the site.

It should also be noted that at 697 square metres the D1 uses are very much ancillary to the overall development of 18,075 square metres and that in any event a D1 use is identified as one of a mix of uses identified by the overarching Policy EC5A.

Reviewing the development within this policy context it is not considered unreasonable to view the proposed development as the type of mixed-use employment led development envisaged for the site.

In view of the joining up of Plots 13 and 14 and given the one storey increase in height of Plot 14 it is noted that the proposed development falls out-with the hybrid 15/02557/HY4 consent, hence the full application now before Members. Nevertheless, it is also considered and noted that the application proposal is informed by and complies with the hybrid consent and the approved Design Code in all other respects.

In conclusion, it is clear that the application proposal is the next key step in the realisation of the redevelopment of this key Comprehensive development site for the type of employment-led mixed-use development envisaged by EC5A and SA55A.2. It is therefore considered that the application is in accordance with and acceptable from a land use policy perspective.

The following sections of this report consider what are considered to be the key material considerations associated with the application. Following on from this the report will ultimately conclude that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed as a whole, and that there are no specific local or national planning policies that would indicate that the development should be restricted or refused.

2. Highway engineering considerations

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up;
- safe and suitable access to the site can be achieved for all users; and
- 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 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

- give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- allow for the efficient delivery of goods and access by service and emergency vehicles;
- be designed to enable charging of plug-in and other ultra-low emissions vehicles.

Policy T14 of the Council's UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 seeks to ensure development is provided an appropriate level of off-street parking.

Meanwhile, policy ST2 of the Council's Publication Draft 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.

Engineering colleagues in Network Management have reviewed the submitted Transport Statement and consider it to have satisfactorily demonstrated that the site is acceptable by sustainable modes of travel including public transport (rail, metro and bus), cycle and on foot. It is noted that the Transport Statement has included an analysis of accident history of the local road network in the vicinity of the site and engineering colleagues agree with its conclusion that there is no significant concern with road safety within the vicinity of the site.

In terms of vehicular access it is noted that the road to the north of the application proposal already has detailed planning consent and will facilitate access into the Vaux site from Cumberland Street to the east. It is also noted that Condition 35 of the Hybrid 15/02557/HY4 approval states:

"No construction of Plots 13, 14, 15, 16, 17 or 18 shall commence until full details of the road connection to Cumberland Street has been submitted to and approved in writing by the Local Planning Authority. None of these buildings shall then be occupied/ brought into use until the agreed scheme has been implemented in full accordance with the approved details."

Engineering colleagues have requested that the same condition will need to be applied to this application, should Members be minded to approve. It is also noted in the Transport Statement that servicing to the application proposal will take place via the road on the northern boundary of the site from Cumberland Street, which again highlights the importance of delivering the road prior to the occupation of the proposed building.

Engineering colleagues have also requested details in respect of the proposed means of construction and should Members be minded to approve it is considered appropriate to incorporate a construction methodology condition.

It has also been noted that a Travel Plan has been submitted in support of the application proposal. However, in light of the wider Hybrid approval's Framework Travel Plan and in the event that Members are minded to approve, it is considered appropriate to require, by way of a condition, a full Travel Plan for each element of the application proposal.

In terms of parking provision and following the submission of a supplemental Highways Technical Note, as requested and reviewed by engineering colleagues, the application has demonstrated the likely demand of the proposed development and that of the consented development on the wider Vaux site. The submission has satisfactorily demonstrated that there is sufficient parking

capacity in St Mary's Car Park, Livingstone Road Car Park and other car parks in the City Centre to meet this demand.

However, following engineering colleagues highlighting that the Livingstone Road Car Park must be brought back into use prior to the occupation of the proposed development, Parking Services have since confirmed that in view of the impending operation of the Building 1 this car park is due to open in the near future. Consequently, it is not unreasonable to consider that this public car park, which is owned and managed by the Council, will be operation prior to the occupation of the application proposal.

In terms of disabled parking the Technical Note has also confirmed that 6 spaces will be provided on the access road serving the site which are in close proximity to the building, this is considered satisfactory. It is considered that other disabled parking spaces would be available in both St Mary's and Livingstone Road car parks. The Technical Note has also demonstrated that servicing of the building can be satisfactorily undertaken.

Furthermore, following an initial query by engineering colleagues that the application proposal was seemingly proposing to 'use' 40% of the overall trips identified for the wider Hybrid development, as detailed in that submission's Transport Statement, the submitted Technical Note has also provided further evidence and clarification that this will be in reality around the order 30%. As with the parking demand analysis this further trip generation assessment has been reviewed by engineering colleagues and has considered to have satisfied their earlier query.

Taking the above into account it is confirmed that engineering colleagues in Transportation Development consider that the issues raised have been satisfactorily addressed.

- Nexus

Nexus requested that, as part of a work place travel plan, the Applicant fund one introductory transport ticket per employee.

By way of response the Agent, acting on behalf of the Applicant, acknowledged Nexus' consultee comments but confirmed that it is not Applicant's intention to implement this measure. The proposed building will have approximately 1,300 employees, and the cost of providing a ?50 credit Pop Pay As You Go Card would be in excess of ?60,000.

Moreover, the Agent highlighted the fact that the vast majority of occupiers who will be utilising the proposed development are already located within the City Centre and that many already utilise public transport. The application site is located in a sustainable central location which is already well served by public transport routes including buses, local and national rail services. The Agent highlighted their expectation that a robust Travel Plan, which will address how employees will be encouraged to travel by sustainable means, will be included as a condition, should Members be minded to approve. Indeed, this was the approach adopted for the wider Hybrid development and previously approved Plots 13 and 14 and, as discussed above, has been requested by engineering colleagues.

Officers therefore note the comments of the Agent and the good public transport options already on offer and consider that the request of Nexus is not necessary to make the development acceptable in planning terms.

- Inclusive Design and Access

An Inclusive Design and Access Statement (dated 17 January 2019) has been submitted in support of the application proposal. Within that statement it notes that the application proposal will benefit from main public entrances to its northern and southern elevations. All entrances to the building will have level access. It also notes that the ground floor of the building is one large shared open space with the upper levels being linked to one another via wide bridges.

The development is for office use and includes services and spaces that could be accessed/ used by the public as well as staff-only areas, including meeting rooms for both purposes. Each level is served by lifts and stairs.

The landscape falls from the south west to the north east corners of the building by approximately 2m altogether; similarly, from the south west towards the south east corners the land falls by around 750mm. Consequently, the main southern entrance enters at the upper ground level with the northern entrance entering at a lower ground level. Inside the building the ground floor level is split in the middle, with 2m of vertical separation between north and south and as such, there are internal co-located steps and lifts to reconcile this internal level difference.

The southern entrance from St Mary's Way comprises the main entrance into the building and benefits from a bus stop directly to the front. The proposed main road running through the site to the north of the building also includes on-street parking on both sides of the road and the vehicular set-down/ pick up point.

The Inclusive Design and Access Statement highlights that all footpaths in the development area are at least 1.8m wide, which is adequate for two wheelchair users to pass one another and to make a complete turn. It is also wide enough for sticks users, white cane users and guide dog users in general.

The Inclusive Design and Access Statement considers the application proposal to be a high quality sustainable and inclusive building. Members should also note that in terms of the detail of the inclusivity aspects of the development these will be considered in further detail by the Building Regulations regime courtesy of Part M and Approved Document M.

3. Design and Heritage considerations

The NPPF states that the creation of high quality 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 NPPF states at paragraph 127 that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. Local planning authorities 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 192 highlights that when determining applications local planning authorities should take account of:

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

Policy B2A of UDP Alteration No. 2 requires the Council to seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

Policy B2B of UDP Alteration No. 2 highlights that tall buildings shall only be permitted where they make a positive contribution, form a positive relationship with the skyline and topography of the site, will not detract established views of important buildings, have an appropriate relationship with the street and avoid generating adverse climatic conditions, particularly wind and overshadowing. In terms of climatic conditions Members should note that this will be dealt with the Amenity considerations section of this report.

UFP Policy B4 requires development adjacent to Conservation Areas to preserve or enhance their character or setting.

Policy B6 requires the Council to preserve and enhance the character and appearance of Conservation Areas.

Policy B10 requires development proposals in the vicinity of listed buildings to not adversely affect their character or setting.

The submitted Design and Access Statement (DAS) highlights the prominence of the site within the wider area and notes the proximity of the Bishopwearmouth Conservation Area and its listed buildings. The application site is located to the public facing southern boundary of the Vaux site to St Mary's Way and as such, is important within the context of the City Centre and beyond. The design of the building has therefore been drawn to and inspired from the existing and historic city centre context.

The building is grounded on columns and beams that will be clad in reconstituted stone with a tone and finish that will respond to the historic context of Keel Square. The columns frame large

glazed openings that will help to create active ground floor and a strong visual relationship towards the external public realm.

A lighter anodised aluminium cladding system is then proposed for the repetitive middle section of the building. This material will sit alongside the glass modules of the office accommodation and will define the fenestration of the middle band of the building. The density of the solid aluminium coupled with the deep window reveals and their extended vertical fin profiles will not only offer solar heat gains but also provide for suitable shading. These features are considered to add depth and interest to the building and will also reduce the required capacity of its air-conditioning systems and reliance on solar control glazing. The colour tone of the proposed aluminium has been derived from the hues of the sandstone and limestone materials evident in the civic buildings in Fawcett Street and around the Keel Square and Magistrates tower.

Another key design feature of note in the elevations are the cut-outs or set-backs within its facades. Double height balconies have been created to provide breakout spaces and add interest across the building's facades.

Lastly, in terms of the three main components that define the external appearance of the building is the loggia at the top of what was Plot 14. This has been designed in order to differentiate from the middle section of the building by increasing the height of the single storey. It will also be clad in anodised aluminium, with a greater proportion of glass to solid top floor and it will not only mask and integrate the building's plant accommodation but also frame the rooftop pavilion, which has been strategically set back in order to reduce the building's massing and create a series of external terraces within a landscaped perimeter. The building's roof has also been designed to incorporate green roofs, within what was to be Plot 13, thereby providing benefits in terms of reducing surface water run-off speeds and supporting biodiversity.

In terms of built heritage considerations it is noted that the application site is located across St Mary's Boulevard from Keel Square and as such, is a short distance from the Bishopwearmouth Conservation Area and its associated listed buildings. The application proposal will therefore have some impact on the setting of the conservation area and listed buildings within it, primarily the Magistrates Courts but also the Peacock Public House and the more distant roofscape features of the Empire Theatre, Dun Cow Public House and Minster. The site is also within the wider setting of the listed Wearmouth Road and Rail bridges.

The proposals have been subject to detailed discussions with the Council's Built Heritage Team and Historic England and are considered to be acceptable. The design of the business hub building is considered to be of high quality, it will provide a striking and attractive contemporary civic building at a key City Centre location. The height, scale, proportions, detailing, materials and architectural style respond well to the listed buildings in the vicinity, as well as the high quality landscaping of Keel Square that will in turn provide an attractive backdrop to the Conservation Area and help to define and enclose Keel Square.

The Key View Analysis in the Design and Access Statement demonstrates how the building will further help to frame views of the Magistrates Court from the east along St Mary's Boulevard, whilst being of sufficient distance from the listed building and the listed Wearmouth Bridge to the east so as not to compete with their landmark qualities.

In terms of the external spaces and the proposed hard and soft landscaping elements of the proposal the application submission has been considered by Landscaping colleagues who have commented on various aspects of detail. These have been considered by the Agent and have culminated in a series of amended plans that have recently been submitted. At the time of the writing the report these had just been received.

Nevertheless, overall the application proposal provides for a contemporary office development that is considered to complement the public realm of the wider Hybrid site, including the extension of the Keel Line and therefore the adjacent Conservation Area. It is anticipated that clarifying comments will be provided by colleagues in time for these to be reported to Members at the Committee meeting. However, in any event, given that in overall terms the application proposal is considered acceptable these matters of detail can be reasonably controlled and managed via the imposition of an appropriately worded condition, should Members be minded to approve.

- Sustainability

A Sustainability Statement has been submitted in support of the application proposal. The document explains that the efficiency of the building form and orientation has been developed to provide for an appropriate visual impact, given its sensitive location as well as being mindful to energy consumption, carbon emissions and impact on the wider environment.

In essence, the document explains that the glazing ratios and thermal performance of the building envelope have been selected to ensure the building complies with Building Regulations Part L and the Well Building Standards. The latter is a performance based system for measuring, certifying and monitoring features of the built environment with impacts on human health and well-being being derived from an assessment of air, water, light, fitness and comfort.

The form of the building is said to be good in terms of energy efficiency, with its glazed areas controlled in terms of size but also low 'U' values, high light transmittance and low solar radiation. This is said to increase the contribution of natural daylight and reduce peak cooling periods.

The building will incorporate various energy saving measures, such as, high efficiency condensing boilers, ventilation heat recovery/ extract ventilation, demand based ventilation, variable speed fans and pumps, high efficiency lighting and controls and energy efficient lifts. In terms of low and zero carbon technologies the document highlights that given the site's location and requirement for green roofs the building will investigate the use of air source heat pumps.

In conclusion, it is considered that the design of the application proposal has demonstrated a sound understanding of its location and will provide for a dynamic Civic building that represents a significant step forward in the redevelopment of the wider Vaux site. It will enhance the setting of Bishopwearmouth Conservation Area, Keel Square and listed buildings in the locality, and make a significantly positive contribution to local townscape character. It is therefore considered to support the requirements of NPPF Paragraphs 127, 192 and 200, UDP Policies B2A, B2B, B4, B6 and B10, and the Bishopwearmouth Conservation Area Management Plan.

Should Members be minded to approve the application it is recommended that a condition be imposed which requires the submission and agreement of all the external materials, which will be assessed in consultation with the Council's Conservation and Urban Design Teams.

4. Drainage considerations

In relation to flooding, paragraph 155 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.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding). Policy WWE2 of the Publication Draft 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 supported by a Flood Risk and Drainage Strategy. In terms of flood risk the site is located within Flood Zone 1 and as such, has a low probability of flooding from river and sea. The proposed development is therefore deemed appropriate based on Table 3 of the NPPF Technical Guidance.

The submitted Flood Risk and Drainage Strategy has also considered all forms of flood risk including tidal, fluvial, existing sewers, proposed drainage, overland/ surface water, infrastructure failure and groundwater flooding.

In terms of the development's approach to drainage and following the Building Regulations hierarchy of surface water disposal, discharge through infiltration is not possible. The site soakaway tests failed to provide suitable infiltration values for the use of soakaways within the proposed site. Therefore, as per the approved Hybrid development, discharge is proposed to the River Wear via sewers constructed in the Phase 1 development works. In terms of the application's foul water flows these will be discharged into an agreed point on the NWL foul water sewer network.

The Hybrid approval established an allowance of 70% of total roof area as green roof. The proposed development reduces this to 50% due to space being required for the addition of the glass atrium roof and a high-level glass pavilion on the eastern part of the development. However, as the drainage across the wider Vaux site has already been designed and approved, the proposed development will nevertheless still be adhering to the approved flows for Plots 13 and 14. This has been achieved by off-setting the green roof reduction with the inclusion of 100% permeable paving within the external areas. Furthermore, as all surface water from the site will ultimately discharge to a water course the green roof, permeable paving and swales within the link road will also afford source control i.e. water quality treatment.

The Lead Local Flood Authority (LLFA) has confirmed that in relation to flood risk and surface water drainage the proposed development is acceptable and can be recommended for approval. Consequently, should Members be minded to approve and at the behest of the LLFA it is recommended that a condition be included requiring the agreement of the final surface water drainage details, including details of the green roof.

Northumbrian Water has also responded to the application's consultation request by raising no issues with the development proposal provided the application is carried out in accordance with the submitted Flood Risk and Drainage Strategy. Given that Northumbrian Water are the sewerage undertaker and in light of the LLFA's response on surface water matters, should Members be minded to approve the application a condition should also be included requiring the development to be constructed and completed in accordance with Section 5.6 Proposed Foul Water Drainage Strategy and Section 5.8 Proposed Drainage Layout of that document.

5. Ground conditions

The NPPF states that local planning authorities should seek to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or land instability. Planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

UDP policy EN14 states that where development is proposed on land which there is reason to believe is either:

- I. Unstable or potentially unstable;
- II. Contaminated or potentially at risk from migrating contaminants;
- III. Potentially at risk from migrating landfill gas or mine gas.

The Council will require adequate investigations be carried out with remedial, or precautionary, measures detailed. Planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been supported by a Detailed Remediation, Earthworks & Verification Strategy.

By way of a summary of Public Protection & Regulatory Services' (PPRS) consultation response it has been noted that a presence of asbestos fibres and asbestos containing material (ACM) has been anticipated within near-surface soils with further potential for contamination from organic and inorganic contaminants from the previous site use. It has been concluded by the Agent that the presence of asbestos fibres is a risk to workers and adjacent land users during development; however the pathway is removed by the nature of the development for future site users.

The report indicates that a detailed remediation strategy and verification report will be required. This will include criteria for chemical verification of imported materials (scope, frequency and thresholds) to be agreed with the Council by way of a planning condition should Members be minded to approve. Following a gas monitoring exercise and based on the data and conclusions presented by Cundall together with the site context, PPRS have advised that no further monitoring or mitigation for ground gas is recommended for the site.

Monitoring of asbestos fibres in air will be required during construction (earthworks and foundations) therefore it would be appropriate to agree a formal air monitoring programme with the Applicant, including provision for dust suppression. This could form part of the agreement of a detailed Remediation Strategy and/ or Construction Environmental Management Plan.

In conclusion, in terms of ground conditions the application proposal is considered appropriate subject to conditions being included covering the agreement of the Remediation Strategy, Verification Report and a condition for dealing with unexpected contamination.

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy.

6. Amenity considerations

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at

unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life (in accordance with the Noise Policy for England).

Policy EN5 of the Council's adopted UDP is also concerned with noise and states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Policy B2B of Alteration No. 2 highlights that tall buildings shall only be permitted where they avoid adverse climatic conditions.

- Noise considerations

Colleagues in PPRS have assessed the submitted Facade Noise Assessment, which has demonstrated that the relevant internal noise criteria can be met within the development with the use of enhanced glazing and mechanical ventilation and cooling.

PPRS recommend that a condition be imposed in the event that Members are minded to approve requiring the facade treatment to be as described in Table 4 and Fig 2 of the Noise Assessment (ref. 1013612-RPT-AS-001) and which shall be maintained for the lifetime of the development. It has also been recommended that a condition, which limits the plant rating levels from the operational facility to the levels presented within Table 7 of the site wide masterplan noise assessment (ref. 1007347-RPT-AS001), is also included on any granted consent.

- Odour considerations

No specifications have been provided on the proposed A3 use within the development. However, the site does not currently have any sensitive receptors in the immediate vicinity, although the wider site has outline permission for residential units. Any noise or cooking odours must therefore be controlled by careful design in order to prevent a negative impact on these residential properties and their occupants.

PPRS have advised that the Applicant should provide sufficient information to demonstrate that the installation of the new extraction/ exhaust system and the operation of a restaurant will not cause a significant adverse impact to nearby residential premises particularly with regard to noise and odour. Should Members be minded to approve the application it is considered appropriate to include a pre-occupation condition that requires the detail of the extraction/ exhaust system to be agreed.

- Daylight and Sunlight

The Daylight and Sunlight study submitted in support of the application has noted that the application proposal will lead to an increase in overshadowing on the adjacent Plots, particularly the southern facades of Plots 16, 17 and 18 during March and September when the sun is lower in the sky. However, it should be noted that the study did not take into account the significant glazing within the application proposal, whilst overshadowing effects could be further limited in the design of subsequent buildings. It is also noted that Plots 16, 17 and 18 are oriented towards the river and as such, will have an unencumbered outlook towards the Wear.

On balance therefore, it is noted that the conjoining and increase in one storey to both Plots 13 and 14 will have sunlight and daylight impacts on the adjacent Plots, as approved by the Hybrid 15/02557/HY4 development. Nevertheless, it is also noted that overshadowing of these Plots was always going to be inevitable in view of the fact that all of the Plots within this area of the site were approved as being upwards of 6 stories. It is not considered that the application proposal, which occupies the same footprint as Plots 13 and 14, is of such detriment that it would warrant a refusal of planning permission. Of material consequence and as discussed previously is that the application proposal has been informed by and largely complies with the approved Design Code, whilst the application proposal is delivering the mixed-use business led development envisaged by the approved development.

Crucially, the Daylight and Sunlight study indicates that the application proposal should have no meaningful impact on the sunlight or daylight available to the proposed residential blocks in the north-west of the wider Hybrid site or the open space to the front of Building 1, while the existing neighbouring buildings surrounding the site are not in residential use and are sufficiently distant from the application proposal so that their sunlight or daylight would not be impeded by the proposed development.

- Wind considerations

A Pedestrian Comfort Study (CFD) was submitted in support of the application proposal. The assessment includes the relative velocity evaluation around the site for 8 major wind directions with an emphasis on the airflow pattern around the development and in narrow passages between buildings. The study includes a comparison of the site both with and without the proposed Building 2 within the context of the approved Hybrid 15/02557/HY4 development. It used what is called the Lawson's speed criteria, which is a quantitative method for analysing the effects of wind on the comfort of pedestrians in the urban environment. The categories range from pedestrian sitting to pedestrian walking with each category having their threshold from which it can be determined as to whether a nuisance would be likely.

The simulation indicates that the overall wind conditions are unlikely to pose a threat to the comfort of pedestrians. The vast majority of test points are qualified as suitable for pedestrian standing or pedestrian walking, whilst the roof areas of the application proposal are likely to be relatively calm and have been classified as pedestrian sitting i.e. the optimum Lawson criteria in terms of comfort. Four points on the north-west corner of the application proposal are classified as suitable for pedestrian walking, which is considered suitable for a business type area.

Overall the proposed design will not have significant impact on wind comfort in the area and it results in an improvement relative to the Hybrid 15/02557/HY4 development by virtue of removing two points in the north-west where the approved masterplan created strong wind-speeds considered to be at limited risk. In conclusion therefore, the CFD has demonstrated a satisfactory scheme and indicates that the proposed design will not have a significant impact on wind comfort in the area.

- Construction Environmental Management Plan

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

Conclusion

In light of the above, the proposed development is considered to be acceptable in terms of all relevant material planning considerations.

The development proposal delivers a Comprehensive development site (Policy EC5A), one which is allocated for office led development via Policy SA55A.2.

The site occupies a principal gateway location immediately adjacent to the Bishopwearmouth Conservation Area and adjacent listed buildings, as well as the listed Wear Bridges and strategic road network. The planning submission is considered to make a significant and positive contribution to the local townscape character and will enhance the setting of the surrounding designated heritage assets.

The planning submission represents a key element of the wider master plan, which established firm principles guiding the development of the Vaux site over the next 20 years. It will therefore assist in realising the regeneration of this key brownfield site by bringing it back into active use and offering significant economic benefits to the City.

It is therefore considered that the application proposal has taken into account and reflected the character, needs and opportunities of the area.

The submitted TA has satisfactorily demonstrated that the surrounding and wider highway network will be able to cope with the increase in pedestrians and traffic associated with the development proposal. It is noted that the application is located within a sustainable transport location close to bus, local and national rail services.

The submitted FRA has demonstrated that the development proposal is acceptable in terms of flood risk and that SuDS are a key feature of the application proposal and follow on from the approved strategy for the wider Hybrid development by virtue of the swales, green roof and external permeable paving areas. Furthermore, the submitted assessments pertaining to land contamination and noise issues have also demonstrated that the principle of developing the site for the uses proposed are acceptable both in terms of the relationships of the proposed uses between one another and also in terms of the development's impacts on existing uses within the area.

It is therefore recommended that as the development proposal is considered to be in accordance with the main land use policy associated with the site and in recognition of the significant regeneration benefits on offer, planning permission should be granted consent in accordance with the draft conditions listed below.

RECOMMENDATION:

Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the draft conditions listed below:

1. Development to commence within three years;

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. In accordance with the approved plans;

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

- Location Plan, Drawing No: 3568-FBA-00-00-DR-A_05_00_101 Rev P1;
- Existing Site Plan, Drawing No: 3568-FBA-00-00-DR-A-05_00-200 Rev P1;
- Proposed Site Plan, Drawing No: 3568-FBA-00-00-DR-A-05_00-300;
- Proposed Site Elevations, Drawing No: 3568-FBA-00-00-DR-A-00_10-20 Rev P1;
- Proposed Site Elevations, Drawing No: 3568-FBA-00-00-DR-A-00_10-21 Rev P1;
- Ground Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-000 Rev P1;
- Mezzanine Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-050 Rev P1;
- Level 01 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-100 Rev P1;
- Level 02 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-200 Rev P1;
- Level 03 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-300 Rev P1;
- Level 04 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-400 Rev P1;
- Level 05 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-500 Rev P1;
- Level 06 Floor Plan, Drawing No: 3568-FBA-00-00-DR-A-00_10-600;
- Service Area Elevations, Drawing No: 3568-FBA-00-XX-DR-A-00_10_60;
- Plot 13 Roof; Drawing No: 3568-FBA-00-XX-DR-A-00_10_63 Rev P1;
- Rooftop Pavilions, Drawing No: 3568-FBA-00-XX-DR-A-00_10_62 Rev P1;
- GA Sections, Drawing No: 3568-FBA-00-XX-DR-A-00_10-75;
- Levels, Landscape Projects drawing reference 488-LP-GF-GA-002 Rev P2;
- Boulevard Sections, Landscape Projects drawing reference 488-LP-GF-SEC-101 Rev P1.

Reason:

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

3. Remediation Strategy

No development shall commence until a detailed Remediation Strategy 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 strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, and controlled waters are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan.

4. Verification

The building hereby approved shall not be occupied until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land and controlled waters are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan.

5. Unidentified contamination

If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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 and in accordance with policy EN14 of the Unitary Development Plan.

6. Construction Management Plan;

No development until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- I. Asbestos Management Plan during construction;
- II. Traffic management, traffic routes of plant and heavy goods vehicles;
- III. Parking of vehicles of site operatives and visitors;
- IV. Loading and unloading of plant and materials;
- V. Storage of plant and materials used in constructing the development;
- VI. Erection and maintenance of security hoarding;
- VII. Measures to ensure public highway remains sufficiently clean of dirt;
- VIII. Measures to control the emission of dust, dirt and other airborne pollutants;
- IX. Scheme for recycling/ disposing of waste resulting from demolition and construction works;
- X. Measures to control noise and vibration;
- XI. Communication plan for liaising with the public.

Reason:

In order to protect the amenity of the area and to comply with policies B6, EN1, EN5, EN14 and T14 of the adopted Unitary Development Plan.

7. Servicing

Prior to the occupation of the building hereby approved, details of the delivery areas, servicing and refuse collection arrangements for that building shall be submitted and approved in writing by the Local Planning Authority. Thereafter, these facilities shall be implemented before the first use of that building and shall be retained and kept free from obstructions at all times in accordance with the approved details, and all servicing and refuse collection arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and visual amenity, in accordance with policies B2A of Alteration No. 2 and T14 of the Unitary Development Plan.

8. Landscaping

Notwithstanding the submitted plans, no above ground construction shall take place until full details of both hard and soft landscape works for that area have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; means of enclosure; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate, these works shall be carried out in complete accordance with the approved details.

Reason:

In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2A of Alteration No. 2 and T14 of the Unitary Development Plan.

9. Landscaping 2

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants 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.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2A of Alteration No. 2 and T14, T16, CN18 and CN22 of the Unitary Development Plan.

10. Travel Plan

Before the occupation of the development hereby approved, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Co-ordinator and details how the measures agreed shall be implemented and the timescales of its monitoring and review.

Reason:

The implementation of the Travel Plan is to ensure that the site is accessible by alternative modes of travel in accordance with policies T2A of Alteration No. 2 and T1 and T2 of the UDP.

11. Submission of materials;

No above ground construction shall commence until details and samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason:

To ensure, in accordance with Unitary Development Plan policies B2 and B6, the development hereby approved respects and enhances the best qualities of the locality.

12. External lighting

The building hereby approved shall not be brought into use until details of the external lighting of that building and external areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interests of amenity, highway safety and in order to protect the railway infrastructure, in accordance with the National Planning Policy Framework, policies B2A of Alteration No. 2 and EN1 and T14 of the Unitary Development Plan.

13. Details of the boundary enclosures;

No above ground construction shall commence until a scheme for the boundary treatments of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with agreed details.

Reason:

In the interests of visual and residential amenity and to comply with policies B2A and B6 of the Unitary Development Plan.

14. Northumbrian Water;

The development hereby granted permission shall be carried out in full accordance with Section 5.6 Proposed Foul Water Drainage Strategy of the Vaux Development - Building 2 (Plots 13 & 14) Flood Risk and Drainage Strategy (Doc Ref: 1013612.RPT.CL.001, dated 26 February 2019). For the avoidance of doubt this section states that the foul flow will be restricted to 30 l/sec, discharging to 1200mm combined sewer at manhole 2203.

Reason:

In order to ensure satisfactory drainage from the site and to prevent the increased risk of flooding, in accordance with policies EN12 and B24 of the Unitary Development Plan.

15. Surface water drainage scheme;

No development shall commence until details of the surface water drainage scheme and how it complies with the Vaux Development - Building 2 (Plots 13 & 14) Flood Risk and Drainage Strategy (Doc Ref: 1013612.RPT.CL.001, dated 26 February 2019) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the agreed scheme shall conform to Section 5 of that report and shall include plans and sections of the Green Roof. Thereafter the development shall be constructed in complete accordance with the agreed details.

Reason:

In order to ensure provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with National Planning Policy Framework and policies EN12 and B24 of the Unitary Development Plan.

16. Ventilation/ Extraction

Before a part of the building, hereby approved, that is to be used for the preparation and serving of food on a commercial basis is fitted out, details of a scheme for the extraction of cooking fumes and odours, and for the prevention of odour penetration through the building shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt there shall be no externally mounted plant or equipment on any active frontage. Thereafter, the scheme shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times.

Reason:

In the interests of the protecting the amenity of the occupiers of the premises and neighbouring premises and to accord with policy EN1 of the Unitary Development Plan.

17. Eastern access road - Cumberland link

No construction of development hereby approved shall commence until full details of the road connection to Cumberland Street has been submitted to and approved in writing by the Local Planning Authority. None of these buildings shall then be occupied/ brought into use until the agreed scheme has been implemented in full accordance with the approved details.

Reason:

In order to ensure that the development is served by an appropriate level of highway infrastructure, in accordance with the National Planning Policy Framework and policy T14 of the Unitary Development Plan.

18. In accordance with noise assessment

The development hereby approved shall be built in accordance with Table 4 and Fig 2 of the Noise Assessment (ref. 1013612-RPT-AS-001) and plant rating levels as detailed by Table 7 of the site wide masterplan noise assessment (ref. 1007347-RPT-AS001).

Reason:

In the interests of residential amenity and to comply with policies B2A of Alteration No. 2 and EN5 of the Unitary Development Plan.

Reference No.: 19/00199/SUB Resubmission

Proposal: **Erection of 4 bedroom Dwelling (RESUBMISSION).**

Location: Land To Rear Of Tudor Grove Sunderland SR3 1SB

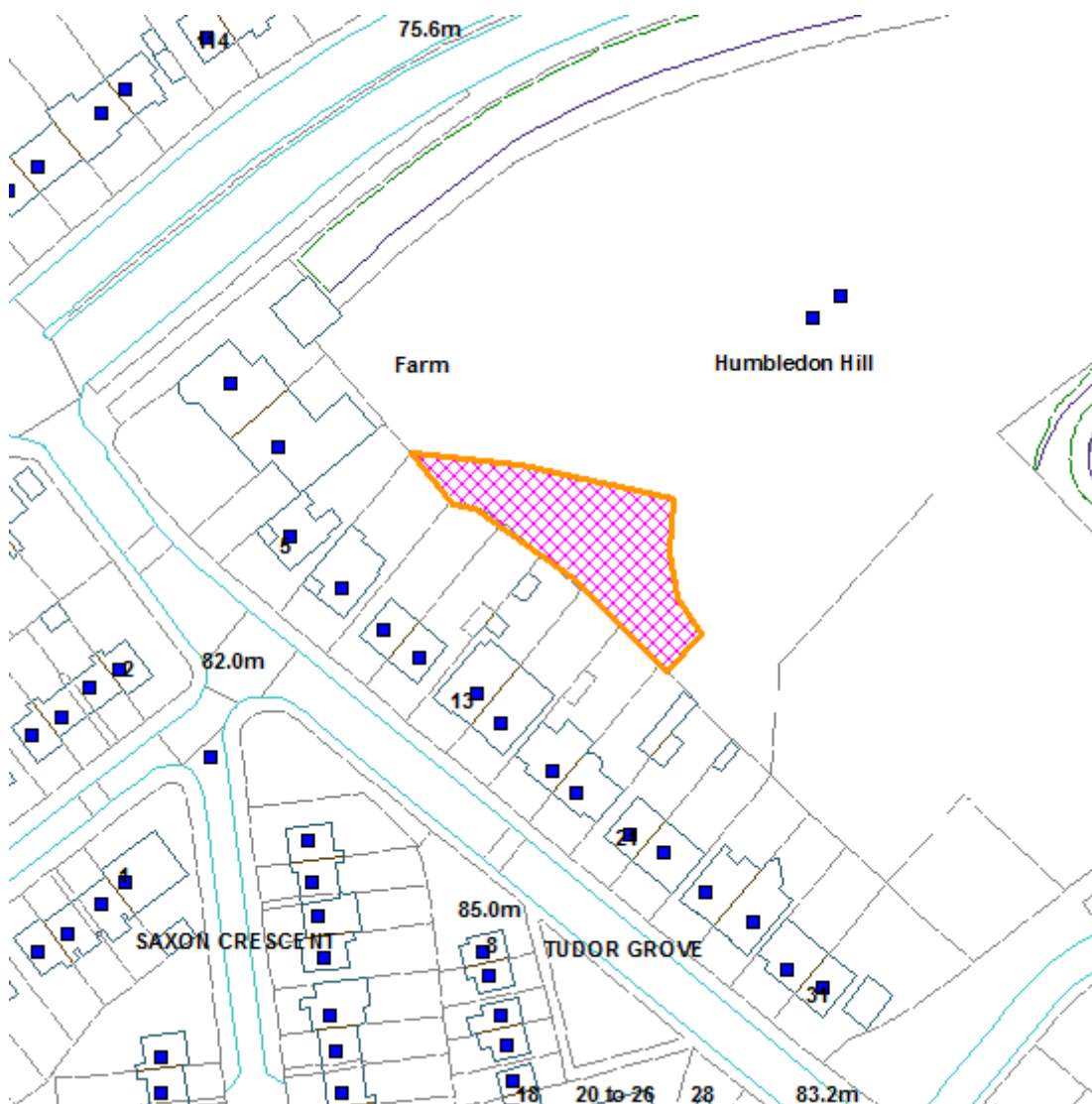
Ward: Barnes

Applicant: Mr Richard Marsden - Marikal Ltd

Date Valid: 5 February 2019

Target Date: 2 April 2019

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The application site is a plot of land to the rear of 7-19 Tudor Grove that was until recently part of an area of open space bounded by Tudor Grove to the south-west, Alpine Way to the south-east, and Durham Road to the north. The wider site is currently being developed for 8 'executive' dwellings, of a high quality contemporary design, and boasting a number of sustainability features (ref 14/01638/FUL).

The wider development site sits on a small rounded hill known as Humbledon Hill, a well-known local landmark, and occupies the northern slopes of the hill excluding the disused reservoir atop the crown of the hill. The current application site comprises an area that was proposed to be left as Magnesian Limestone grassland and would provide an information board and the visitor car parking spaces, which are now proposed to be located further to the south east as part of application ref. 18/01665/VAR (approved 14/11/18).

The remaining undeveloped part of the hill is occupied by the remains of a defended settlement of Iron Age date which developed from a Later Bronze Age site; the monument was scheduled under the Ancient Monuments and Archaeological Areas Act 1979 (as amended) in 2011. It was deemed to be of national importance as it is a rare survival of a lowland, coastal hillfort or defended settlement. The scheduled area includes the western half of the defended settlement; to the east, the settlement has been compromised by housing development, gardening activities and the construction of a Victorian reservoir. This area is not included in the scheduling.

The 8-dwelling development includes an access road from Alpine Way across the land adjacent to no. 31 Tudor Grove, wrapping around the hill following the boundary of the scheduled area, and terminating in a turning head adjacent to 24 Alpine Way. A retaining wall will support and define the edge of the scheduled area to the south of this road, whilst the properties are positioned downhill to the north of the new road.

The design concept of the proposal includes the enhancement and management of the remaining open space as magnesian limestone grassland, a habitat defined by the underlying geology of the hill and unique to the magnesian limestone landscapes. The applicant envisages the hill as providing an educational role based on the history, geology and biodiversity of the site.

PROPOSAL

The application relates to the erection of an additional two storey residential property. Similar to the approved dwellings, it is designed around two flat roofed rectangular blocks, one atop and at right angles to the other; the lower one set down and partly cut into the hillside, with the upper block accessed from the new road level. The design of the properties incorporates terraces/balconies and north facing fenestration that will take advantage of the views out from the hill. The flat roofs are proposed to be 'green' roofs as part of the sustainability package proposed.

The proposal represents a resubmission of an identical proposal that was refused on 30/10/19 for reasons relating to the overdevelopment of the site, the loss of open space, and the ecological impacts of the development. The current application differs in the respect that a planning statement and an ecology report has been submitted to address these concerns.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management
Barnes - Ward Councillor Consultation
Northumbrian Water
English Heritage
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **20.03.2019**

REPRESENTATIONS:

Publicity

Six letters of objection have been received. The objectors reiterate their previous concerns which relate to;

- Potential overlooking of the windows and gardens of existing properties on Tudor Grove,
- Loss of privacy, both from the development and through construction works,
- Potential harm to the wildlife and biodiversity on the site,
- Potential harm to the scheduled ancient monument,
- Loss of greenspace through the development of the allocated mitigation grassland,
- Overdevelopment of the site, particularly given that the original scheme was limited to 8 dwellings,
- The development will lead to an increase in traffic congestion within the vicinity of the site,
- The re-siting of the visitor car parking spaces being too close to existing residential properties,
- The proposal would set a precedent for a further increase in residential plots,
- Noise, dust and disruption to local residents during ongoing construction works would be exacerbated,
- Vibrations from construction works have caused damage to existing properties,

The latter point is not a planning issue that can be addressed within the context of the current application.

Historic England

- no objections

Northumbria Water

- no objections

Council's Highways team

- no objections

Council's Public Protection and Regulatory Services team

- no objections subject to the use of a condition relating to dealing with unexpected contamination

Council's Built Heritage team

- no objections

Council's Natural Heritage team

- concerns regarding the impact of the development upon protected species and their habitats and the biodiversity of the area.

COMMENTS:

ISSUES

The main issues to consider in the determination of the planning application are:

- Principle of development
- Archaeology
- Design and amenity issues
- Ecology and biodiversity
- Highway considerations
- Ground conditions

Principle of Development

The site to which the application relates is not allocated for any specific purpose in the UDP and as such is defined as 'white' land, subject to the provisions of policy EN10. In this regard, given that the surrounding area is predominantly residential in nature, the proposed development accords with the objectives of this policy.

In addition to the above, regard should also be given to the fact that the wider site has previously had planning permission for a residential development scheme and given that local planning policy and site circumstances are not significantly and materially different from the time of granting the former consent, then this is a further material consideration in assessing the proposal.

Archaeology

UDP policy B11 states that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded.

Policy B12 states that there will be a presumption in favour of the preservation of Scheduled Ancient Monuments and other nationally important archaeological sites. Planning permission for development which would have an adverse impact on their site or setting will be refused unless exceptional circumstances prevail.

Policy B13 seeks to safeguard sites of local archaeological significance.

Policy B14 of the UDP dictates that the city council will require an archaeological assessment to be submitted as part of a planning application to assess the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

Given the site's proximity to the scheduled monument of Humbledon Hill, a programme of archaeological investigation was carried out within the context of the planning application for the wider site (ref. 14/01638/FUL). An archaeological trench was excavated on this plot in 2014 and nothing of archaeological interest was found.

The County Archaeologist is thus satisfied that the proposed development will not impact upon pre-historic remains and no further archaeological works are required.

Historic England was duly consulted and has commented that the dwelling will be outside of the boundary of the Scheduled Monument and will therefore have no direct impact upon the protected archaeological remains. In terms of the impact of the development on the setting of the Scheduled Monument, the proposed dwelling will contribute to an increase in the cumulative harm, but it is considered that the addition of one more dwelling in this location is still less than substantial harm overall to the significance of the monument.

The Council's Built Heritage Team has offered comments that echo the views above and have no objection in terms of heritage impacts of the proposal.

Given the above, the proposal is considered to comply with policies B11, B12, B13 and B14 of the UDP and is acceptable in this respect.

Design and amenity issues

Policy B2 of the Council's adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Policy B3 of the UDP states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

In addition, consideration should be given to Sunderland's Residential Design Guide Supplementary Planning Document (SPD).

The nearest residential properties to the development are those at Tudor Grove nos. 7-19, with nos. 11-15 being opposite the actual building. At its closest point, the new building will be 24m away from the properties, increasing to up to 32m in response to the oblique angle at which the dwelling will be positioned.

The Residential Design Guide SPD requires a minimum distance of 21m where windows of main habitable rooms face each other, or 14m where windows face an elevation with secondary or no windows. This is increased by 2m with every 1m difference in ground levels. Although no accurate levels have been provided, the dwelling will be excavated into the hill so that it is estimated that the property will be at a ground level approximately 1.5m higher than those on Tudor Grove, requiring a minimum of 24m. Given that this distance is achieved, and additionally that the

property will be positioned so that the windows will not directly face the rears of the houses within Tudor Grove and will be partly screened by the boundary enclosure, in this respect it is considered that the proposed layout satisfies the spacing standard requirements within the Residential Design Guide SPD and policy B2 of the UDP.

The proposed house type reflects the style of those previously found to be acceptable in design terms within the context of the previous application. In terms of layout, one of the design characteristics of the original scheme was that this area of land was to be maintained as Magnesian Limestone grassland to serve as a buffer between the new development and the existing properties and present an open, green setting to the entrance to the estate to retain a feeling of spaciousness and exclusivity around these executive properties. It would also provide an area of amenity open space to provide a visual amenity and a context for the information/interpretation board which will include references to the biodiversity of the site.

The applicant argues that the area would remain green by virtue of the garden and green roof. However, this would be private amenity space that would not fulfil the role of public amenity open space as described above, and would prevent the provision of the area of Magnesian Limestone grassland as required by the original application for the estate.

Given the above, it is still considered that the development of this site will represent the overdevelopment of the wider site, will dilute the integrity of this executive estate, and remove the only accessible area of open space other than the scheduled area itself (upon which public access should be restricted), which is an important contribution to the visual amenities of the area. The proposal is therefore considered contrary to policies B2 and B3 of the UDP and is unacceptable in this regard.

Ecology and Biodiversity

Policy CN18 of the UDP seeks the promotion of the interests of nature conservation throughout the city. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced through measures including; encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, making provision in development proposals for the preservation of habitats or creation of compensatory habitats, seeking opportunities in development proposals for new habitat creation on both public and private land, improving access and providing interpretation to appropriate sites of wildlife interest, and refusing inappropriate development.

Policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

The application for the wider site was accompanied by a number of Ecological studies to assess the impact of the development upon the flora and fauna on the site. The Natural Heritage Officer was satisfied that the ecological reports provided a comprehensive assessment of the site and adjacent areas, and offered appropriate mitigation and enhancement measures.

The original consent for the residential development included a landscaping strategy which detailed areas of reinstated natural Magnesian Limestone grassland, including the current application site. The strategy included the installation of an interpretation board on the site to provide information about the scheduled ancient monument, the ecology and biodiversity of the site, and the design of the residential development.

The approval was subject to condition 24 which required the developer to ensure the viability and long-term sustainability of all landscape and ecological mitigation and enhancement measures, including in perpetuity management and maintenance, and monitoring of the ecological factors such as mammals, flora and invertebrates, controlled access to and use of the grassland areas by humans and domestic animals, and sensitive external lighting across the site. As part of the details submitted to discharge this condition, the current application site was specifically identified as an area of restored Magnesian Limestone grassland within which to create hibernacula and communal composting, given the practical problems of placing these within the garden plots.

The current application site is therefore central to the success of the ecological mitigation and enhancement measures required by the original consent.

An Ecology Report dated February 2019 was submitted with the current application which concludes that the development will result in a decrease in the area of Magnesian Limestone grassland, however it is a small area that will be compensated by the green roof.

The Natural Heritage Team has commented that the site's development will reduce the residual area and the connectivity of Magnesian Limestone grassland and further impact negatively on species of conservation concern. As no other measures have been proposed other than the green roof and garden area to mitigate for the loss of this area, for which there is no surety that these areas will be retained and managed appropriately post construction, it is considered that the proposal will have a detrimental impact upon protected species and the biodiversity of the site, contrary to policies CN22 and CN18 and the application is unacceptable in this regard.

Highway Considerations

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

The Network Management Team has offered no objections to the proposal. The layout includes two in-curtilage car parking spaces for the additional dwelling, which is considered to be an acceptable level of provision for the development.

Given the above, it is considered that the proposed development is unlikely to lead to any significant increase in on-street parking in the vicinity of the site or highway and pedestrian safety concerns, in accordance with the requirements of policies T14 and T22.

Ground conditions

Policy EN14 of the UDP requires the applicant to carry out investigations to determine the nature of ground conditions below where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants, or potentially at risk from migrating landfill gas or mine gas.

The site has been investigated as part of the larger scheme for housing. The Desk Study and Phase II Investigation previously reviewed are adequate for the proposal and the Public Protection and Regulatory Services Team has raised no objections to the proposal provided that any consent that may be forthcoming is subject to a condition relating to unexpected contamination.

CONCLUSION

The above assessment concludes that there will be no further detriment to the setting of the scheduled monument. Archaeological investigations have previously been undertaken and no further work is required in this respect.

The positioning of the proposed dwellings is such that it is unlikely that neighbouring properties will be overshadowed, or will be unduly overlooked and it is unlikely that the development will adversely impact upon residential amenity.

The proposal is also acceptable from the highway safety point of view and the development raises no new concerns relating to ground conditions.

However, as detailed above, the proposed additional dwellinghouse is considered to constitute overdevelopment of the wider site leading to a dilution of the quality of design of the wider executive residential development site, to the detriment of the character of the new residential development and the visual amenities of the area in general, contrary to policy B2 of the UDP.

The proposal would lead to the loss of the only area of accessible open space within the vicinity, to the detriment of the amenities of the area and contrary to policy B3 of the UDP.

Additionally, the proposal represents a weakening of the sustainability credentials of the wider residential development site and is considered to be potentially harmful to local wildlife and its habitat and the biodiversity of the area through the loss of an area of restored Magnesian Limestone grassland, contrary to policies CN18, CN22 of the UDP.

Given the above, it is considered that the application is unacceptable and the application is therefore recommended for refusal.

RECOMMENDATION:

REFUSE, for the reasons set out below:

Reasons:

1 The proposal represents a weakening of the sustainability credentials of the wider residential development site and is considered to be potentially harmful to local wildlife and its habitat and the biodiversity of the area through the loss of an area of restored Magnesian Limestone grassland without adequate mitigation, contrary to policies CN18, CN22 of the UDP.

2 The proposed development would appear as a visually intrusive incursion into an area allocated as restored Magnesian Limestone grassland by virtue of application ref 14/01638/FUL, to the detriment of its visual and functional merits, resulting in a consequent loss of amenity open space and open aspect that the land affords to the street scene and, as such, is contrary to policies B2, and B3 of the adopted Unitary Development Plan.

3 The proposed additional dwellinghouse is considered to constitute overdevelopment of the wider site leading to a dilution of the quality of design of the wider executive residential development site currently under construction under application ref 14/01638/FUL, to the

detriment of the character of the new residential development and the visual amenities of the area in general, contrary to policy B2 of the UDP.