

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 22/00136/FUL Full Application

Proposal: **Construction of four detached buildings to provide 9no. units with ancillary offices for general industrial (Use Class B2), storage or distribution (Use Class B8) and light industrial (Use Class E(g)(ii)); including parking and turning space, landscaping and accesses onto Turbine Way**

Location: Land At Turbine Way, Sunderland

Ward: Washington North

Applicant: Barmston Developments

Date Valid: 31 January 2022

Target Date: 2 May 2022

Proposal

The application seeks full planning permission for

Construction of four detached buildings to provide 9no. units with ancillary offices for general industrial (Use Class B2), storage or distribution (Use Class B8) and light industrial (Use Class E(g)(ii)); including parking and turning space, landscaping and accesses onto Turbine Way

at Turbine Way, Washington.

The site lies to the west of the A19 and the north of the A1231; within an area known as *Turbine Business Park*. The surrounding land uses include a restaurant / public house (including managers accommodation) to the north, a 2-3 storey detached building known as *Washington Business Centre* to the west and further industrial units on Turbine Way. The site itself, currently vacant and left to nature, has an irregular plan form covering around 1.34 hectares.

The proposed development would provide 4,119 square metres of floorspace for general industrial, storage or distribution and light industrial purposes; spread across four detached buildings. The two northernmost buildings would be served by extending the existing access off Turbine Way currently serving the restaurant / public house. The two southernmost buildings would be served via two new accesses onto Turbine Way. The site to the front would be enclosed by a 2.4 metre mesh fence.

Publicity

Neighbour notification letters were sent to 54 nearby properties (10 February 22)

Press notice displayed in the local newspaper (Sunderland Echo, 15 February 22).

Site notices were displayed on Turbine Way (1 April 22)

Consultees

Ward Councillors (Washington North)

No responses received.

Archaeology

I consider that the proposed works are unlikely to encounter significant archaeological deposits. No further archaeological investigations are recommended for this site if the proposed works are approved.

Coal Authority

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions

Ecology

Subject to the above-described conditions/obligations being applied, the proposals can be considered as in accordance with policy NE2 and relevant legislation. Therefore, I have no objection.

Environmental Health

Environmental Health has examined the submitted documentation and considers that the proposed development is acceptable in principle subject to the following conditions being attached to any consent:

- *Noise Management*
- *Acoustic barriers*
- *Construction Environmental Management Plan*

Land contamination consultant

We agree with the ground investigation and assessment completed, with a good understanding of ground conditions and risk to identified receptors obtained.

It is recommended that Planning Condition CL04 is included in the Decision Notice.

Local Highway Authority

Transportation Development is satisfied the comments set out in their initial consultation have been satisfactorily addressed, following resubmission of the Transport Statement.

The proposed development will entail alterations to existing highways, which will require the Applicant to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. The Applicant should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met.

Lead Local Flood Authority

With reference to the above application, the LLFA have no further comments to add and suggest approval in line with information provided in FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY REV.P04

The following verification condition should still be added to any approval.

National Highways

Offer no objection

North East Ambulance Trust

No response received.

Northumbria Police

Overall Northumbria Police have no objection to the proposed development.

Northumbrian Water

We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted drawings entitled "Drainage Strategy 1-6, 7, 8-9"

Tyne & Wear Fire & Rescue Service

The Fire Authority has no objections to this proposal, subject to the provisions detailed in the enclosed report.

Representations

There has been one representation received, which will be repeated below.

I would like to lodge an objection with regard to the above mentioned planning application.

The development will have an immediate impact on the access to Barmston Riverside Riding Stables by myself and other horse owners along with the use/removal of bridleways and the C2C route. There are no other access roads available to these facilities apart from a private access road beside Asda Distribution Units.

Why allow this development to go ahead when Sunderland City Council are pushing it's residents to exercise for their health by cycling and walking also Sunderland City Council are encouraging sports events like the Tour De France cycling legs and their own Sunderland Race for Life around the City so why allow the removal of essential access to these facilities around Washington!

Are Sustrans aware of the development and impact to the C2C route? I have been speaking to walkers and cyclists who regularly use these routes and their reactions are disbelief in the removal of these facilities.

Why is this development essential in this area?

Why not suggest this development be moved towards the Nightingale hospital which was originally a farmhouse and land which was left derelict and subsequently knocked down!

Planning History

The Council's mapping system shows the applications below for the site, which generally relate to the development of Turbine Business Park. Given that the infrastructure associated within the Business Park has been built out, these applications are shown for information only; rather than being matters which should be given significant weight by the decision taker.

07/02462/FUL	Erection of 3no. Wind Turbines.
07/03132/OUT	Outline application for mixed used development, to include, 54,349 sq mtrs of office/industrial units (Class B1, B2 and B8), 11,149 sq mtrs of hotel (Class C1) and leisure (Class D2) and 929 sq mtrs of ancillary retail (Classes A1-A5). Creation of associated access and infrastructure, including stopping up of footpath and change of use to industrial/commercial development, and creation of new bridleway.
07/05007/REM	Construction of new access/ estate road (PHASE I) including works to existing Nissan Way. Erection of substations, infrastructure and landscape proposals.

08/03449/VAR	Variation of condition 3 attached to 07/03132/OUT for an outline application for mixed used development, to include, 54,349 sq mtrs of office/industrial units (Class B1, B2 and B8), 11,149 sq mtrs of hotel (Class C1) and leisure (Class D2) and 929 sq mtrs of ancillary retail (classes A1-A5). Creation of associated access and infrastructure, including stopping up of footpath and change of use to industrial/commercial development, and creation of new bridle way.
10/03039/EXT1	New planning permission to replace extant planning permission 07/03132/OUT (Outline application for mixed used development, to include, 54,349 sq mtrs of office/industrial units (Class B1, B2 and B8), 11,149 sq mtrs of hotel (Class C1) and leisure (Class D2) and 929 sq mtrs of ancillary retail (Classes A1-A5). Creation of associated access and infrastructure, including stopping up of footpath and change of use to industrial/commercial development, and creation of new bridleway.)
12/02119/DLDO	Draft Local Development Order
12/02923/REM	Erection of offices and workshops development, associated external works and landscaping
12/02959/FUL	Erection of 2160m2 storage building. (Part Retrospective)

Policies

Core Strategy and Development Plan (2015-2033)

Draft Allocations and Designations Plan (December 2020)

The Council undertook consultation around two years ago for the Draft Allocations and Designations Plan (A & D Plan). The representations received are currently being logged and taken into consideration. There has recently been an appeal decision which said that *Given the stage of the ADP this carries very little weight as planning policy* (ref: APP/J4525/W/21/3270321). The A & D Plan should therefore only be given very limited weight by the decision taker.

Material Considerations

City Plan (2023-2035)

Low Carbon Framework (including associated Low Carbon Action Plan)

Officer comments

Principle

The Core Strategy, via policy EG1 (Primary Employment Areas), allocates the site as a *Primary Employment Area (Turbine Park, PEA9)*. The policy says that these Areas

will be safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.

The proposed development – given that general industrial, storage or distribution and light industrial are proposed – falls within the scope of the policy.

The principle of the proposed development can therefore be given consideration as being in accordance with the relevant policy of the development plan.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a *Low Carbon Framework*. The Framework *establishes a high-level strategy for meeting our commitments under the Paris Agreement, EU Covenant of Mayors and our declaration of a climate emergency*. The Framework says that *Sunderland is committed to playing its part in tackling the global climate change emergency and that we are proposing to embed climate change and carbon neutrality throughout our city*.

The Framework specifically says that:

local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy

The determination of the application using the policies within the Core Strategy therefore means that the recommendation aligns with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, adopted a *Low Carbon Action Plan* which has *been prepared to align to the Sunderland Low Carbon Framework*. The Plan says that it *sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now*. The Plan provides *Strategic Priorities* which will be given consideration in the relevant sections below (such as drainage).

In terms of the Low Carbon Action Plan, the proposed development would make a contribution towards Action Reference 5.06; which recommends to that the Council should *continue to concentrate new development at sustainable / accessible locations in the city*.

In terms of further material considerations, the recently updated City Plan says that as a part of a *dynamic smart city...We will have: More and better jobs*. The proposed development, by providing new build units for industrial purposes, would contribute towards the above theme of the City Plan.

In terms of further material considerations, there has been a representation submitted; which says:

Why is this development essential in this area?

Why not suggest this development be moved towards the Nightingale hospital which was originally a farmhouse and land which was left derelict and subsequently knocked down!

In response, the site has been allocated for the proposed purposes within the adopted Core Strategy; following an Examination in Public chaired by a Planning Inspector.

In conclusion, the principle of the proposed development accords with the relevant policy within the development plan, the relevant provisions of the Low Carbon Action Plan and relevant part of the City Plan. The principle of the proposed development can therefore be supported and consideration needs to be given to any detailed impacts. These can be seen below.

Amenity

In terms of potential noise, the submitted Noise Assessment Report identifies the nearest residential property to be the managers accommodation at the restaurant / public house immediately to the north west of the site. The Report further identifies further residential properties around 680 metres to the south east (off Barmston Lane) and 1,100 metres to the north west (Glover Way). The Report recommends 2-3 metre high acoustic barriers to the western side of the site facing the restaurant / public house sets limits for plan noise and concludes by saying that *the proposed development is not expected to have adverse effects on the amenity of occupants of nearby residential properties by way of noise.*

The Environmental Health Officer (EHO) has advised that they *consider that the proposed development is acceptable in principle subject to the following conditions being attached to any consent.* The conditions relate to noise management, acoustic barriers and a Construction Environmental Management Plan.

In conclusion, detailed matters relating to amenity would accord with the relevant policies of the development plan, namely policies HS1 (quality of life and amenity) and HS2 (Noise-sensitive development) of the Core Strategy; subject to the recommended conditions.

Design

The submitted Design and Access Statement says that the

scale of the proposed buildings are to be in-keeping with the existing built profile of the surroundings, minimising and even enhancing the landscape and the street scene with high quality design & materials

The layout and treatment of the new building elevations break down the mass of the established industrial building footprints.

The layout of the surrounding area includes a restaurant / public house with a car park to the north west, Washington Business Centre to the south west and individual plots further on Turbine Way. The density of the proposed development, as three blocks set with parking / turning space, would be consistent with the prevailing pattern of development.

The design of the surrounding area includes a two storey restaurant / public house (constructed from brick / slate), a two-three storey building at Washington Business Centre (clad with light red and cream panels) and further units under construction on Turbine Way. The design of the proposed development, as four units with grey cladding, would be consistent with the design of the surrounding area; other than the restaurant / public house opposite.

The main view of the site would be from Turbine Way. The site currently remains open and left to nature, which means that the proposed development would have a significant impact upon the existing views. There does, however, need to be weight given to the allocation of the site for development within the recently adopted Core Strategy. The proposed development would therefore be viewed within the immediate context of the existing and under construction development at Turbine Way.

There should also be consideration given to the proposed means of enclosure which are generally a 2.4 metre high mesh fence; similar to those seen elsewhere on Turbine Way. There would also be acoustic fences with a height of around 2-3 metres. The visual impact of these acoustic fences would be reduced given their siting within the site, rather than immediately to the front. The visual impact of these acoustic fences also needs to be given consideration

alongside the findings of the Noise Impact Assessment which identifies that they are necessary to protect the amenity of the restaurant / public house.

The Applicant has also submitted a detailed landscape masterplan which provides details of the proposed planting and initial maintenance arrangements for the first year.

The proposed development would, in summary, be consistent with the density, design and landscape of the local area.

The advice from Northumbria Police will be repeated below.

Overall Northumbria Police have no objection to the proposed development, but any new building inevitably draws unwelcome criminal attention and depending on the nature of the future businesses that attention can speak to the viability of the development. We are mindful that one of the great benefits of the site is accessibility and linkage to the road network, but that characteristic also contributes to the risk profile of such a site.

Specifically we note the intentions regarding the boundary treatments and have some concern about the disparity between the retained chain-link fencing and the more appropriate, and much more robust, 2.4m weld mesh fencing that will be added. The existing chain-link fence serves a different purpose of stopping people entering a largely open space with a test track within it and is appropriate for that purpose but doesn't constitute a secure boundary.

Therefore the introduction of a much more appropriate boundary to the public elevations is understandable and something we wholeheartedly support, but, whilst we appreciate the investment in that new boundary treatment, given how easy chain-link fencing is to overcome the proposal runs the risk of securing the front and leaving the rear at increased risk.

The point raised above by the Police, i.e. whether the existing chain-link fence should be replaced with a mesh fence, can be drawn to the attention of the Agent / Applicant via an informative.

The advice from the Tyne & Wear Fire & Rescue Service will be repeated below

Please advise if this is to be timber framed construction.

The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.

Further comment will be made on receipt of a Building Regulations submission.

The first point, i.e. whether timber framed, would be a matter for consideration via the Building Regulations; rather than planning.

The report noted within the second point comprises an excerpt from the Building Regulations.

The matters raised by the Fire & Rescue Service should therefore be given considerations at the Building Regulations stage; rather than planning.

In conclusion, detailed matters relating to design would accord with the relevant policies of the development plan, namely policy BH1 (design quality) and BH2 (sustainable design and construction); subject to the recommended conditions / informatives.

Drainage

The submitted Flood Risk Assessment & Drainage Strategy says that the site has a *low risk of flooding from river or sea* and that *all sources of flooding have been assessed and the risk of flooding from all these is considered to be low*. The Strategy continues by saying that *ground conditions are not suitable for infiltration drain and disposal of surface water will be into the adjacent public surface water sewer network*, with attenuation provided on plot via below ground attenuation tanks. The Strategy also says that surface water *shall be passed through a suitably design oil separator* and that *foul water shall discharged unrestricted to the existing public sewer*.

The Lead Local Flood Authority have advised that

With reference to the above application, the LLFA have no further comments to add and suggest approval in line with information provided in FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY REV.PO4

The following verification condition should still be added to any approval.

Northumbrian Water have advised that

We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted drawings entitled "Drainage Strategy 1-6, 7, 8-9"

In terms of material considerations, there would be a contribution towards Strategic Priority 2 of the Low Carbon Action Plan; which has an action of *minimising all types of flood risk*

In conclusion, the proposal would accord with the relevant policies of the development plan, namely policies WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water); subject to the recommended conditions.

Ecology

The submitted Ecological Appraisal says that there are *no records of protected or notable species for the site*, albeit there are *records of protected or notable species within 2km*. The Appraisal further says that there are *no statutory designated sites within 2km of the survey site*. The Appraisal also says that the *site is not mapped as priority habitat and there are no mapped priority habitats adjoining it*.

The Appraisal says that the risk of an offence occurring at the site for newts would be *highly unlikely*, there would *not impact on any existing badger runs or setts* and considers that *bat species are highly unlikely to rely on the site for feeding but may occur in the local area*. The Appraisal further says that the *habitat on site is not considered to be of importance to birds locally, the ephemeral short perennial vegetation is diverse and would provide nectar sources for invertebrates and no indication of reptiles was recorded at the site*.

The Appraisal maps the site as being neutral grassland - unimproved (north), scrub scattered (balance of site) with a dry ditch running on a north-south axis. The Appraisal continues by suggesting that two areas of land to the south of the site, covering 0.19 and 0.25 hectares respectively, could be used to provide Biodiversity Net Gain. The submitted Biodiversity Net Gain says that these areas will include *enhanced grassland habitats and new garden and street tree habitat*. The most recent Biodiversity Metric shows that there would be a net loss of 57.1% habitat units.

The Council's Ecologist has raised some concerns with the submitted Biodiversity Metric and has undertaken their own calculations. These show a loss of 4.58 biodiversity units, equivalent to a loss of 53.01%

The Council's Ecologist has estimated that a biodiversity net gain of 2.06% could be achieved through the enhancement of 1.7 hectares of modified grassland within the ownership of the City Council. The Ecologist has further advised that the net gain would also require the appropriate management of the offsite areas within the applicant's control, as well as delivery of the submitted landscape proposals on the development site.

The Ecologist has also advised that there exists a *residual risk of direct harm to great crested newts*, which are known to breed within the wider area. The Ecologist has advised that these are protected species which means a pre-commencement condition would be required ensuring the submission of a precautionary working method statement.

The Ecologist has concluded that, subject to the mitigation described in the two paragraphs immediately above, that they have *no objection* and the proposed development would be in accordance with policy NE2 of the Core Strategy.

The above also demonstrates that the Council, as a public body, has given consideration to the proposed development in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006; which states that:

The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Groundworks

The submitted Geoenvironmental Appraisal says that the site *has largely remained undeveloped since at least the mid 1800s, albeit the site is also recorded to fall within the boundary of an extensive area of landfilling*. The Appraisal says that *no significant sources of contamination have been identified and no gas protection measures are required*.

The Council's land contamination consultant has advised that they

agree with the ground investigation and assessment completed, with a good understanding of ground conditions and risk to identified receptors obtained.

It is recommended that Planning Condition CL04 is included in the Decision Notice.

The Coal Authority has advised that the site lies within the *defined Development High Risk Area and coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken*". The Coal Authority have recommended that they have no objections, subject to these points being covered by conditions.

In conclusion, detailed matters relating to the proposed groundworks would accord with the relevant policies within the development plan, namely policies HS3 (contaminated land) and M3 (land instability and minerals legacy); subject to the recommended conditions.

Highway

The submitted Transport Statement says that the site *is considered to be accessible to local areas on foot, by cycle and by public transport* and that *it is considered that the impact of these*

additional trips will not be significant and will not have a material impact on the operation of the local highway network. The Statement also says that an appropriate number of parking spaces will be provided.

The Local Highway Authority have advised that

Transportation Development is satisfied the comments set out in their initial consultation have been satisfactorily addressed, following resubmission of the Transport Statement.

The proposed development will entail alterations to existing highways, which will require the Applicant to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. The Applicant should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met.

National Highways, the operator of trunk roads (such as the A19), have advised that *offer no objection.*

In terms of material considerations, there has been an objection; which says

The development will have an immediate impact on the access to Barmston Riverside Riding Stables by myself and other horse owners along with the use/removal of bridleways and the C2C route. There are no other access roads available to these facilities apart from a private access road beside Asda Distribution Units.

Why allow this development to go ahead when Sunderland City Council are pushing it's residents to exercise for their health by cycling and walking also Sunderland City Council are encouraging sports events like the Tour De France cycling legs and their own Sunderland Race for Life around the City so why allow the removal of essential access to these facilities around Washington!

Are Sustrans aware of the development and impact to the C2C route? I have been speaking to walkers and cyclists who regularly use these routes and their reactions are disbelief in the removal of these facilities.

In response, the Local Highway Authority have advised that

The objection has been reviewed and it is considered that the proposals make provision for the safe movement of pedestrians, cyclists and other highway users. There are no reasonable grounds to object to the proposal in respect of highway safety.

In conclusion, detailed matters relating to highways would accord with the relevant policies of the development plan, namely policies ST2 (local road network) and ST3 (development and transport).

Summary

The proposal accords with the relevant policies within the development plan for both the principle of the development and the associated detailed impacts.

In terms of material considerations, the proposal would contribute towards the City Plan; which seeks *More and better jobs*. There would also be contributions, as described within the report, to the relevant parts of the Low Carbon Framework and Low Carbon Action Plan.

The detailed advice from the Council's Ecologist means that the Council, as a public body, can demonstrate that consideration of the proposed development has been undertaken in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006; which states that

The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

Recommendation

Members APPROVE the application; subject to

- The successful completion of a legal agreement to deliver Biodiversity Net Gain.
- The draft conditions below.

Draft 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.

Reason: 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:

- Drainage Strategy Unit 1 to 6 (3858-12-JPG-ZZ-ZZ-DR-D-1400 S4 P04)
- Drainage Strategy Unit 7 (3858-12-JPG-ZZ-ZZ-DR-D-1401 S4 P04)
- Drainage Strategy Unit 8 & 9 (3858-12-JPG-ZZ-ZZ-DR-D-1402 S4 P04)
- Geocellular Attenuation Tank Construction Details (Non-Infiltration) (3858-12-JPG-ZZ-ZZ-DR-D-1411 S4 P01)
- Permeable Paving Details (Block Paving) (3858-12-JPG-ZZ-ZZ-DR-D-1415 S4 P02)
- Proposed Site Layout Plan (TFP-KPP-ZZ-DR-A-GA-2001 D)
- Unit 1-5 Building Plan and Elevations (TFP-KPP-ZZ-DR-A-GA-2003 B)
- Unit 6 Plans and Elevations (TFP-KPP-ZZ-DR-A-GA-2004 A)
- Unit 7&8 Building Plan and Elevations (TFP-KPP-ZZ-DR-A-GA-2005 A)
- Unit 9 Plans and Elevations (TFP-KPP-ZZ-DR-A-GA-2006 A)
- Fencing & Gates (TFP-KPP-XX-DR-A-GA-2009 A)
- Bin Store Details (TFP-KPP-XX-DR-A-EXT-2007 -)
- Cycle Store Details (TFP-KPP-XX-DR-A-GA-2008 -)

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

3. No development shall commence until a precautionary working method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate that there would not be any risk of harm to Great Crested Newts. The construction phase of the development shall thereafter be undertaken in accordance with the approved method statement.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved does not adversely affect protected species.

4. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address all potential impacts arising from site clearance, preparation and construction. The CEMP shall also identify appropriate mitigation measures to be implemented to protect nearby occupiers and the local environment. The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure the construction phase of the development hereby approved preserves amenity and highway safety, in accordance with policies HS1, ST2 and ST3 of the Core Strategy.

5. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

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

7. No development shall take place above damp-proof course until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include both the habitats on site and off site (off site area defined as the area described by paragraph 6.1.3 of the submitted Ecological Appraisal (2 Dec 22). The habitats shall thereafter be managed in accordance with the approved details.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan

10. No unit shall be occupied until details of any ventilation or extraction systems or fixed external plant has been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the rated noise level from any such plant or equipment, when calculated at the nearest sensitive receptor, does not exceed the measured background (LA90) at both night time and daytime. The details shall also include a scheme of noise attenuation where required to achieve the relevant noise objective. Any approved noise attenuation scheme shall thereafter be implemented before the operation of the plant or equipment and shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To preserve amenity for the occupiers of nearby land and buildings, in accordance with policies HS1 and HS2 of the Core Strategy.

11. No occupation of units 1 to 7 shall take place until details of location and suitable specifications of the acoustic barriers have been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by sections 4.7-4.8 of the submitted Noise Assessment. The approved barriers shall thereafter be fully installed before the occupation of units 1 to 7 and retained for the lifetime of the development hereby approved.

Reason: To preserve amenity for the occupiers of nearby land and buildings, in accordance with policies HS1 and HS2 of the Core Strategy.

12. The industrial units hereby approved shall only be used for light industrial, general industrial and storage or distribution. These are Use Classes B2 (general industry), B8 (storage and distribution) and E(g)(ii) (the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent Regulations amending, revoking or re-enacting these Regulations).

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

Informative

1. The Local Highway Authority have advised that:

The proposed development will entail alterations to existing highways, which will require the Applicant to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. The Applicant should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met. For further information please contact Graeme Hurst, Highway Adoption Engineer graeme.hurst@sunderland.gov.uk

2. Northumbria Police have advised that:

Overall Northumbria Police have no objection to the proposed development, but any new building inevitably draws unwelcome criminal attention and depending on the nature of the future businesses that attention can speak to the viability of the development. We are mindful that one of the great benefits of the site is accessibility and linkage to the road network, but that characteristic also contributes to the risk profile of such a site.

Specifically we note the intentions regarding the boundary treatments and have some concern about the disparity between the retained chain-link fencing and the more appropriate, and much more robust, 2.4m weld mesh fencing that will be added. The existing chain-link fence serves a different purpose of stopping people entering a largely open space with a test track within it and is appropriate for that purpose but doesn't constitute a secure boundary.

Therefore, the introduction of a much more appropriate boundary to the public elevations is understandable and something we wholeheartedly support, but, whilst we appreciate the

investment in that new boundary treatment, given how easy chain-link fencing is to overcome the proposal runs the risk of securing the front and leaving the rear at increased risk.

Reference No.: 22/01895/FU4 Full Application (Reg 4)

Proposal: **Creation of temporary soil storage mounds; including temporary construction accesses off Infiniti Drive**

Location: Land To The East Of Infiniti Drive, Washington

Ward: Washington North

Applicant: Legal And General Property Partners (Industrial Fund) Ltd

Date Valid: 6 October 2022

Target Date: 5 January 2023

Proposal

The application seeks full planning permission for

Creation of temporary soil storage mounds; including temporary construction accesses off Infiniti Drive

on land to the east of Infiniti Drive, Washington.

The site lies to the north of the A1231 and the west of the A19; on a site known as *Hillthorn Business Park*. The surrounding land uses include a garden nursery and tea room to the north, dwelling houses to the north east and a car park for the storage of Nissans. The surrounding land uses also include industrial development to the south (such as Vantec), further industrial development under construction to the west and then Peel Retail Park. The site itself, currently vacant and left to nature, has a broadly rectangular plan form and covers around 2.56 hectares.

The submitted drawings show that the proposed development would provide a maximum of 32,000m³ of soil storage spread across two stockpiles. These are shown as measuring approximately 95m (width) and 42m (depth); with a maximum height from the existing ground level of around 7m. The stockpiles are proposed to be served via two new accesses off Infiniti Drive. The submitted Planning Statement says that planning permission would be sought *for a period of up to 36 months*.

Publicity

Neighbour notification letters were sent to 9 nearby properties (20 October 22)

Press notice displayed in the local newspaper (Sunderland Echo, 1 November 22).

Site notices were displayed on Infiniti Drive (21 October 22)

Consultees

Ward Cllrs (Washington North)

No responses received.

Ambulance Trust

No response received.

Archaeology

I do not consider that further archaeological work will be required in association with the proposed works.

Coal Authority

we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

Ecology

These comments, in relation to the recently submitted Construction Environment Management Plan, have not yet been received. An update will be provided in the near future.

Environment Agency

No response received.

Environmental Health

The revised environmental management plans are more specific and whilst still in parts remain generic, they are considered much improved and sufficient to be accepted as forming the basis of site working and environmental mitigation measures.

Fire & Rescue Service

The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.

Further comment will be made on receipt of a Building Regulations submission.

Land contamination consultant

We request a report to be prepared for review and approval by the Local Planning Authority, prior to the movement of material, which provides the following information:

- *Location and volume of the individual sources of material proposed for stockpiling. A Drawing clearly identifying the location of each of the source materials should be provided;*
- *The location and volume of the final placement of the stockpiled material in-line with the approved planning permissions for the Site;*
- *Chemical testing data to allow suitable characterisation of the material proposed for stockpiling, in line with the YALPAG cover system testing regime;*
- *A suitable and sufficient assessment of risk of the stockpiled materials to the following receptors:*
 - *Human health (proposed end-use and in the temporary state) to include dust and windborne pathways;*
 - *Controlled waters.*
 - *Procedures for dealing with material with unexpected contamination.*

Lead Local Flood Authority

The applicant should be aware that the proposed locations of the soils mounds is in close proximity to a location of surface water flooding (SEE RoFSW EA Maps) therefore this should be monitored and mitigated accordingly if required, however due to the nature of the temporary proposed works, I have no further comments to make in regards to flood risk and drainage for the above application.

Local Highway Authority

No observations

Natural England

No response received.

Police Architectural Liaison

No response received.

Representations

None received.

Planning History

The most relevant planning history will be repeated below

- | | |
|--------------|---|
| 21/00401/HE4 | Erection of industrial units for light industrial, general industrial and storage distribution uses with ancillary office floorspace, associated access, landscaping, parking and service yards. (As Amended)
APPROVED |
| 21/00605/OU4 | Application for Outline Planning Permission with all matters reserved for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace
APPROVED |
| 22/01944/REM | Submission of Reserved Matters pertaining to details of access, appearance, landscaping, layout and scale of industrial development with ancillary office space and associated infrastructure, in accordance with the approved outline planning application (Ref. 21/00605/OU4).
PENDING CONSIDERATION |

Policies

Core Strategy and Development Plan (2015-2033)

Draft Allocations and Designations Plan (December 2020)

The Council undertook consultation around two years ago for the Draft Allocations and Designations Plan (A & D Plan). The representations received are currently being logged and taken into consideration. There has recently been an appeal decision which said that *Given the stage of the ADP this carries very little weight as planning policy* (ref: APP/J4525/W/21/3270321). The A & D Plan should therefore only be given very limited weight by the decision taker.

Material Considerations

City Plan (2023-2035)

Low Carbon Framework (including associated Low Carbon Action Plan)

Officer comments

Principle

The submitted Planning Statement says that construction works currently being undertaken on land opposite the site has *resulted in a surplus of soils* (ref: 21/00401/HE4). The Statement continues by saying that *the surplus of soil is currently being stored on the western plot and that in order to carry out the development on the eastern plot, it has been established that there is a soil deficit and therefore soil will need to be brought on to the site to allow the above development to be carried out.* The Statement further says that *any surplus soil from the western plot (that is not required on the eastern plot) will be removed from the site and managed appropriately.*

The Core Strategy, via policy EG1 (Primary Employment Areas), allocates the site as a *Primary Employment Area (Hillthorn Farm, PEA10)*. The policy says that these Areas

will be safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.

The proposed development, given that outdoor storage has been proposed, falls within the scope of the policy.

The principle of the proposed development can therefore be given consideration as being in accordance with the relevant policy of the development plan.

In terms of material considerations, the recently updated City Plan says that as a part of a *dynamic smart city... We will have: More and better jobs.* The proposed development, by facilitating the development of a Primary Employment Area, would contribute towards the above theme of the City Plan.

In conclusion, the principle of the proposed development accords with both the relevant policy within the development plan and relevant theme of the City Plan.

Amenity

The submitted Construction Environment Management Plan (CEMP) describes the measures which would be undertaken during the construction phase; including management of dust, traffic and water. The CEMP also provides contact details for the site manager.

The Environmental Health Officer (EHO) has advised that

The revised environmental management plans are more specific and whilst still in parts remain generic, they are considered much improved and sufficient to be accepted as forming the basis of site working and environmental mitigation measures.

The EHO has also provided a series of advisory comments which could be attached as informatives.

In summary, the detailed matters relating to amenity would accord with the relevant policies of the development plan, namely policies HS1 (quality of life and amenity) and HS2 (Noise-sensitive development); subject to the recommended conditions.

Drainage

The submitted Planning Statement identifies that the site lies within a Flood Zone 1 (i.e. land with a low risk of flooding). The submitted CEMP says that the *anticipated ground condition have identified that infiltration is not suitable due to the presence of impermeable clay and that surface water will be discharged into the sewers in Infiniti Drive*. The submitted CEMP also describes measures that would be undertaken to prevent pollution; such as the *effectiveness of protection measures will be monitored daily*.

The Lead Local Flood Authority have advised that:

The applicant should be aware that the proposed locations of the soils mounds is in close proximity to a location of surface water flooding (SEE RoFSW EA Maps) therefore this should be monitored and mitigated accordingly if required, however due to the nature of the temporary proposed works, I have no further comments to make in regards to flood risk and drainage for the above application.

In terms of material considerations, there would be a contribution towards Strategic Priority 2 of the Low Carbon Action Plan; which has an action of *minimising all types of flood risk*

In summary, the detailed matters relating to drainage accord with the relevant policies of the development plan, namely policies WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water); subject to the recommended informatives.

Ecology

The submitted Environment Management Plan (E-CEMP) identifies that the *nearest statutory designation for nature conservation is Barmston Pond Local Nature Reserved (LNR) located approximately 300m south-east of the site*. The E-CEMP also says that a *non-statutory designated site, Severn House Local Wildlife Site (LWS) is located approximately 100m north-east of the site*. The E-CEMP says that these sites "will be safeguarded from indirect effects due to surface water runoff through the implementation of pollution prevention and runoff control measures".

The E-CEMP continues by saying that the *habitats within the site comprise species poor semi-improved grassland with scattered scrub, a shallow sided seasonally wet ditch runs along the eastern site boundary and two small ponds, created as part of mitigation measures for the construction of Infinite Drive area slo located to the east of the site*. The E-CEMP says that the *soil mounds will be constructed a minimum of 10m from the ditch and ponds and will be further safeguarded from indirect effects from surface water runoff through the implementation of pollution prevention and runoff control measures*.

The E-CEMP further says that, for particular species, that:

Birds - the *site and surrounding habitats are likely to be used by a common and widespread bird assemblage* and that recommends that impacts are avoided by timing initial ground works and vegetation removal outside the bird breeding season.

Bats - the *site does not contain mature trees or structures suitable for roosting bats* and the *site, being open and supporting mainly grassland is considered to offer low suitability as foraging and commuting bat habitat*.

Badgers - *no evidence of badger presence, habitats are typically of low value for sett construction, albeit badgers could use parts of the site for foraging as part of a wider territory*.

Amphibians - *great crested newts... are known to be present and the semi-improved grassland on site is considered sub-optimal terrestrial habitat for amphibians when compared to other habitats in the surrounding landscape.* The E-CEMP continues by saying *Given the relative small-scale and temporary nature of works... Reasonable Avoidance Measures (RAMS) are proposed.*

A response has not yet been received from the Council's Ecologist and an update will be provided in the near future.

Groundworks

The submitted Briefing Note says that *all materials imported to the site are classified as non-waste.* The Note also says that the material would be *surplus natural clean soils* and that *no processing or treatment of the soils is required.*

The Council's land contamination has given consideration to the submitted CEMP, E-CEMP, Briefing Note and a recent e-mail from the Agent. They have requested a report which provides information including location and volume of the individual sources of material proposed for stockpiling, chemical testing data and procedures for dealing with unexpected contamination. They have further advised that these matters could be controlled via a pre-commencement condition.

The Coal Authority have drawn to attention that the site lies within a *Development High Risk Area.* They have, however, further advised that:

we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

There has not been a consultation response from the Environment Agency.

In summary, the detailed matters relating to groundworks accord with the relevant policies within the development plan, namely policies HS3 (contaminated land) and M3 (land instability and minerals legacy); subject to the recommended conditions.

Highway

The submitted Proposed Stockpile Plan shows that the site would be served by two new accesses onto Infiniti Drive. The submitted CEMP also includes a diagram for the proposed traffic movements and describes the measures for traffic management; such as signage and a road sweeper being on standby.

The Local Highway Authority have advised that they have *No observations.*

In summary, the detailed matters relating to highways accord with the relevant policies of the development plan, namely policies ST2 (local road network) and ST3 (development and transport).

Landscape

The proposed development would be viewed against the backdrop of the car park for Nissans and more generally within the context of both the existing and under construction industrial development at Hillthorn Farm. The storage of the soils would also be a temporary undertaking, for a maximum of up to three years. In summary, the detailed matters relating to landscape

accord with the relevant policies of the development plan, namely policy NE9 (landscape character); subject to the recommended conditions.

Summary

The proposal, other than the outstanding matters relating to ecology, accords with the relevant policies within the development plan for both the principle of the development and the associated detailed impacts.

In terms of material considerations, the recently updated City Plan says that as a part of a *dynamic smart city...We will have: More and better jobs*. The proposed development, by facilitating the development of a Primary Employment Area, would contribute towards the above theme of the City Plan.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

Recommendation

Members are recommended to GRANT CONSENT for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992; subject to:

- The receipt of a positive consultation response from the Council's Ecologist; including any additional / amended conditions.
- The draft conditions below.

Conditions

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted

Reason: 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:

- Proposed Stockpile Plan (SK503 02)
- Proposed Stockpile Levels (SK504 00)

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

3. The construction phase of the development hereby approved shall be carried out in accordance with the reports below:

- Construction Environmental Management Plan (August 2022)
- Construction Environmental Management Plan (Maric-616-1323, V1 Draft)

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

4. Notwithstanding the details approved via conditions two and three, no development shall commence until a Suitable Report has been submitted to and approved in writing by the Local Planning Authority. The Report shall present the following outlined information prior to the movement of material proposed for stockpiling:

- Location and volume of the individual sources of material proposed for stockpiling. A Drawing clearly identifying the location of the individual sources of materials should be provided;
- The location and volume of the final placement of the stockpiled material in-line with the approved planning permissions for the Site;
- Chemical testing data to allow suitable characterisation of the material proposed for stockpiling, in line with the YALPAG cover system testing regime;
- A suitable and sufficient assessment of risk of the stockpiled materials to the following receptors:
 - Human health (proposed end-use and in the temporary state) to include dust and windborne pathways;
 - Controlled waters.
 - Procedures for dealing with material with unexpected contamination during the works.

The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved details.

Reason: To establish the ultimate destination of all materials subject to stockpiling to prevent future blight of land parcels. To ensure the land contamination risks from the stockpiled materials are adequately characterised and managed during the lifetime of the stockpile. In accordance with policies HS1 and HS3 of the Core Strategy.

5. The planning permission hereby granted shall enure for a period of three years from the date shown on the first page of this decision notice.

Reason: To ensure the development would be undertaken in accordance with the submitted details.

Informatives

1. The Environmental Health Officer has advised, in terms of sensitive receptors, that:

It has already been pointed out that sensitive receptors are located to the north, west and east of the proposed soil storage facility.

Section 3.1 Dust Management confirms that they will be identified but does not do so.

Section 6 Noise and Vibration identifies appropriate sensitive receptors. These must also be included in section 3.1.

Section 3.1 must also identify and provide for mitigation in relation to the sensitive users of industrial and commercial land adjacent to the proposed storage site. To the east is the Nissan car storage and vehicle enhancement premises, and to the South is the Vantec logistics operation. Other commercial and industrial units are to the west.

2. The Environmental Health Officer has advised, in terms of dust management, that:

Disappointingly, and despite the detailed comments in our earlier response, some of the same errors are included within section 3.1 and within 3.3 (materials management and stockpiling).

Note the comments re sensitive receptors above. These are important.

Control measures to minimise dust are proposed, but the action list continues to note the positioning of silos, and the storage of fine dry materials within buildings.

Proposed dust monitoring in the form of visual checks and the use of monitoring equipment is included. This is a significant measure, together with an overall system for recording and reviewing dust (and noise) complaints.

A wheel wash is proposed but not identified.

Section 3.3 continues to refer to stockpiled materials “approximately 3-4 in height and will have a maximum slope of 2:1”. It is not known what this refers to, given the proposed overall mound height of 5m. It also refers to a location for stocking contaminated materials - which of course does not fit with the assurances given.

The applicant should either specify the COSHH materials and store content or remove the reference.

3. The Environmental Health Officer has advised, in terms of soil composition, that:

A Materials Management Plan is proposed and the applicant states that all soils imported will be uncontaminated, and testing will be undertaken to ensure that this the case. The comments of the land contamination consultant are noted and supported.

The applicant must note that should any contaminated soils be introduced to the site, worked or transported, then significant measures will be necessary to prevent emissions to atmosphere and deposition on adjacent land.

4. The Environmental Health Officer has advised, in terms of noise, that:

It should be noted that operations generating significant noise in the northern sector of the site closer to the housing should be managed to avoid 07.00 starts. In relation to working outside the agreed hours, this would not be supported by the local authority unless there were significant extenuating circumstances and sufficient controls to ensure no nuisance at the nearest residential property.

Mention is made that discussion with operators would take place if peak noise levels are reached. No value is indicated (ie dB(A) or LAeq).

5. The Lead Local Flood Authority have advised that:

The applicant should be aware that the proposed locations of the soils mounds is in close proximity to a location of surface water flooding (SEE RoFSW EA Maps) therefore this should monitored and mitigated accordingly if required.

Reference No.: 22/02501/LP3 Local Authority (Reg 3)

Proposal: **Construction of a reinforced concrete deck area and seawall with a rock revetment in front of the seawall.**

Location: Hendon Foreshore Barrier, Port Of Sunderland, Barrack Street, Sunderland, SR1 2BU

Ward: Hendon

Applicant: Sunderland City Council

Date Valid: 15 November 2022

Target Date: 10 January 2023

PROPOSAL

Planning permission is sought for the construction of a reinforced concrete deck area and seawall with a rock armour revetment in front of the seawall, at Hendon Foreshore Barrier, Port of Sunderland, Barrack Street, Sunderland.

INTRODUCTION / BACKGROUND

Hendon Foreshore Barrier (constructed in circa 1930) provides coastal defence to the northern part of the Northumbrian Water Limited (NWL) Hendon Sewage Treatment Works. In December 2020, erosion of the infill was observed at the northern end of the Hendon Foreshore Barrier, close to its junction with the South West Breakwater to the north. This was infilled with 1 - 3 tonne rock armour as an emergency measure to prevent further erosion.

Following recent geo-environmental investigations into the condition of the Hendon Foreshore Barrier, the Council is proposing a capital scheme to improve the condition and performance of the existing structure against coastal erosion and wave overtopping, bringing it in line with the appearance, condition and performance of the Hendon Tip Wall to the immediate south. This comprises a concrete seawall (of uniform height along its length) with a level concrete deck, backing NWL splash wall and more formal fronting rock armour revetment. The approach is also very similar to recent and planned imminent works to the Stonehill Wall, further north within the Port of Sunderland.

DESCRIPTION OF SITE AND SURROUNDINGS

The part of the application site where the proposed construction works would take place is located towards the southern end of the Port of Sunderland, immediately south of Hudson Dock and immediately east of the NWL Hendon Sewage Treatment Works. The application site includes access roads within the Port of Sunderland to allow materials to be transported to the construction site, and a storage area to the northern end of the Port of Sunderland.

The existing Hendon Foreshore Barrier comprises a seawall, approximately 150m in length with a varying height of between 4.5m to 5m (from foreshore level) that includes timber staithes with infill material (including poured concrete, concrete blocks, stone blocks, bricks and concrete bagging) with a sloping concrete apron to the base fronted by a rock revetment. The seawall retains infill material comprising a well compacted cohesionless material of varying composition, together with granite blocks and is capped with a rubble layer. An additional 2m high NWL

boundary/splash wall, set back 10m from the face of the seawall, provides a total height of 7m from foreshore level to the splash wall.

THE PROPOSED DEVELOPMENT

The proposed development would comprise of the following:

- Encasing the seaward face of the existing seawall and apron with reinforced concrete along a 153m length;
- Using cohesionless infill behind the existing seawall to provide a uniform base along this length;
- Casting 32 no. new deck slabs (each 5m wide and 350mm thick) over the newly levelled base;
- Infilling the final 1m horizontal gap between the deck slab and the existing splash wall with concrete; and
- Constructing a new rock armour revetment extending 17m in depth to the front of the seawall encasement, using 8,000 tonnes of 3T - 6T armourstone.

In addition, the most northerly 21m of the Hendon Foreshore Barrier would have new 12m long Larssen steel sheet piles installed in order to retain the hydrocarbon-contaminated soils that are found to be present within the existing seawall infill and reduce leaching into the North Sea.

Construction works are planned to commence no earlier than April 2023 and the project would take between 26 and 52 weeks to complete (largely dictated by available access and sea states during construction). Construction would be undertaken using conventional land-based plant. Rock armourstone would be delivered by sea to the Port of Sunderland from a granite quarry in either Scotland or Norway and offloaded at Greenwell's Quay for temporary storage on a lay-down area immediately adjacent to the quay, or transferred to a lay-down area further south within the port. It is understood that some of the rock armourstone is already at the temporary storage area.

The planning application has been supported by the following documents:

- Environmental Screening Report by Royal Haskoning DHV (dated 29/03/2022) received 14/11/2022.
- Habitat Regulations Assessment by Royal Haskoning DHV (dated 30/08/2022) received 14/11/2022.
- Habitat Regulations Assessment Stage 2: Appropriate Assessment by Royal Haskoning DHV (dated 07/02/2023) received 21/02/2023.
- Construction Environmental Management Plan by Royal Haskoning DHV (dated 07/02/2022) received 21/02/2023.
- Site of Special Scientific Interest Assessment by Royal Haskoning DHV (dated 30/08/2022) received 14/11/2022.
- Preliminary Ecological Appraisal by DWS Ecology (dated January 2023) received 27/01/2023
- WFD Compliance Assessment by Royal Haskoning DHV (dated 30/08/2022) received 14/11/2022.
- Geo-environmental Appraisal by Dunelm Geo-technical and Environmental (dated 22/06/2022) received 29/11/2022.
- Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment by Dunelm (dated 26th November 2022) received 29/11/2022.
- Archaeological Building Recording report by Durham University (dated February 2023) received 31/01/2023

PLANNING HISTORY

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

It should be noted that similar works are being undertaken at a site approximately 2km to the north of the application site at Stonehill Wall. This scheme was granted planning permission as follows:

- 2020 - Planning permission granted for Stonehill Wall major maintenance scheme, to comprise a reinforced concrete deck area, copings and splash wall to replace the existing storm-damaged deck area; an extension of the reinforced concrete deck area and splash wall, together with an access ramp to allow access to the foreshore; and an extension to the existing rock revetment in front of Stonehill Wall within the seabed/foreshore (Ref: 20/00676/LP3).
- 2022 - Planning permission granted for the extension of existing rock armour along the front of the Stonehill Wall coastal defence (Ref: 22/00796/LP3)

TYPE OF PUBLICITY

Site notice expiry date: 20/12/2022

Neighbour notifications expiry date: 07/12/2022

Consultation expiry date: 07/12/2022, 19/12/2022, 30/01/2023, 17/02/2023, 21/02/2023 and 20/03/2023

CONSULTEES

Natural England
Environment Agency
Tyne And Wear Archaeology Officer
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Planning And Highways West
Land Contamination
Flood And Coastal Group Engineer
Natural Heritage
Planning Policy
Port Manager
Environmental Health
Network Management
Environment Agency
Health & Safety Executive
Natural England
Northumbrian Water
Flood And Coastal Group Engineer
Marine Management Organisation
Environment Agency
Tyne And Wear Archaeology Officer

Parkes Auto Electrics Bulk Terminal Hendon Dock Barrack Street Sunderland SR1 2BU

Final Date for Receipt of Representations: **21.02.2023**

REPRESENTATIONS

The occupier of the nearest neighbouring property was sent a neighbour notification letter and two site notices were posted at the security entrance to the Port of Sunderland on 29/11/2022.

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Natural Heritage
- Port Authority
- Environment Agency
- Health and Safety Executive
- Marine Management Organisation
- Natural England
- Northumbrian Water
- Watermans (Contamination Advisors)
- Three Ward Councillors

Neighbour representations

None received

Consultee responses

Transportation Development (the Local Highway Authority)

First representations

No objections - however a scheme of working would be required for the operation and management of the site including construction site traffic, contractor parking, building material deliveries and storage, site compound layout and any temporary access points.

Case Officer Comments: The applicant was made aware of the comments from the Local Highway Authority. They responded by stating that the site is located at the southern end of the port of Sunderland within the port boundary. All site traffic (including deliveries of plant and materials) would be via the security entrance on Barrack Street and follow the main routes within the port. The site would involve the use of plant that is commensurate with this level of works. Access and egress will include provisions set out in the port site rules. A plan was provided indicating the available access routes and site compound area where materials would be stored and site vehicles parked.

Second representation

Providing the rock is being transported to the site via boat and not vehicle, there will be no requirement for a scheme of working plan.

Case Officer Comments: The applicant has confirmed in writing that the majority of the rock armour has been transported by sea to Greenwell's Quay within the port site and is in storage. There is one more delivery of between 5,800 to 6,800 tonnes of 3/6 tonne rock armour to be delivered by vessel (boat) to Greenwell's Quay.

Environmental Health

First representation

No objections subject to a condition being attached to any planning permission in relation to the submission of a Construction Environmental Management Plan (CEMP).

Case Officer comments: The applicant was made aware of the comments from the Council's Environmental Health Officer. They advised that until the contractor is appointed they would not know the methods that they would incorporate to mitigate these risks (Noise/dust Pollution, spillage, etc). They advised that such a condition could also cause delays, but that contract would conclude constraints that the contractor would have to follow including mitigation / addressing such risks. The Council's Environmental Health Officer was made aware of this approach.

Second representation

The condition relation to the CEMP is no longer required. The contract conditions would adequately address many if the issues covered by a CEMP and impose equivalent control over the performance of the contractor.

Case Officer Comments: A CEMP was subsequently submitted by the applicant in any case seeking to address concerns raised by the Environment Agency. Environmental Health were asked to make comment on this CEMP.

Third representation

It is considered that the CEMP and proposed contract conditions / controls form a satisfactory basis for the project. Providing standard noise mitigation measures are applied to the piling rig then there should be limited potential for adverse impacts. It is also noted that the soil analysis identifies the presence of hydrocarbons in made ground. If this material is excavated and removed from the site, then adequate containment will be necessary to prevent loss of material and odours. This will be addressed by site controls.

The measures proposed are appropriate for the intended works.

Lead Local Flood Authority

First representation

A flood risk statement / assessment should be submitted.

Second representation

Following submission of further information, approval is recommended in relation to flood risk and drainage. Due to the nature of the works a verification condition would not be required.

Natural Heritage

First representation

Further detailed information is required in relation to the distribution of non-breeding bird activity and associate potential for disturbance to significant populations of the European designated Northumberland Coast Special Protection Area (SPA) and the nationally designated Site of

Special Scientific Interest (SSSI) interest features. The implementation of a Construction Environment Management Plan (CEMP) as identified in documents submitted is necessary mitigation to avoid adverse effects on the Northumbria Coast SPA and Ramsar site, and so the Habitat Regulations Assessment should be updated to acknowledge likely significant effects. Further information is required on ecological receptors not associated with statutory designated sites.

Subject to further clarifications being provided as set out above, it is recommended that a condition be attached to any planning permission to require the submission of a CEMP.

Case Officer Comments: A Habitat Regulations Assessment Stage 2: Appropriate Assessment and a CEMP were subsequently submitted.

Second representation

In respect of the LPA's duties as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Sunderland City Council adopts the latest iteration of the shadow Habitat Regulations Assessment (HRA) submitted in support of the application.

No objections to the proposed development subject to the following conditions being attached to any planning permission:

1. No piling shall be undertaken during the period inclusive of December to March in any year.
2. No artificial lighting shall be used in connection with the hereby consented development outside of the period 08:00 to 18:00 on any day.
3. The proposed development shall be constructed in strict accordance with the measures detailed in the submitted Hendon Foreshore Barrier: Construction Environmental Management Plan (by Royal HaskoningDHV, dated 7th February 2023). For the avoidance of doubt, the specific measures secured through conditions 1 and 2 above shall take precedence.

Tyne and Wear Archaeology Officer

First representation

The foreshore site is not directly associated with existing Historic Environment Records (HER) and it has not been previously subject to archaeological investigations. Historic maps show that this area was reclaimed from the sea after the production of the 1st edition Ordnance Survey in 1856 and before the production of the 2nd edition Ordnance Survey of c.1896. The current seawall is noted in the Hendon Foreshore Barrier Habitats Regulations Assessment to have been constructed c.1930.

The existing foreshore barrier provides an insight into the phases of construction and maintenance of this reclaimed section of the Port of Sunderland. While the barrier is to remain in situ, it is considered that the wall should be recorded via a basic photographic survey which should be undertaken prior to the commencement of works. A programme of archaeological building recording should therefore be undertaken and controlled by way of a condition attached to any planning permission.

Case Officer Comment: The applicant subsequently submitted an Archaeological Building Recording report seeking to remove the need for a condition relating to archaeological building recording.

Second representation

The Archaeological Building Recording report provides a comprehensive and thorough record of the barrier as requested. The previously recommended building recording condition is no longer required.

Port Authority

No response provided

Environment Agency

First representations

Objection due to the absence of adequate ecological information. An assessment (a Preliminary Ecological Appraisal) should be submitted to identify how the proposed development would impact habitats and species in proximity to the scheme. The proposed development's detailed design, construction, mitigation and compensatory measures should be based on the results of this survey, which would need to be carried out at the appropriate time of year by an experienced Ecologist using recognised survey methods. Until this is provided, the risk posed by the proposed development is unacceptable.

A condition should be attached to any planning permission to require the submission of a Construction Environment Management Plan (CEMP).

Second representation

No objections subject to a condition being attached to any planning permission to require the submission of a CEMP. Informatives to applicant are advised in relation to pollution prevention and Environment Permits.

Third representation

No objections following the submission of a Preliminary Ecological Appraisal and a CEMP. The submitted Preliminary Ecological Appraisal and CEMP satisfactorily address previous concerns. The proposed development would be acceptable if it is constructed in accordance with the submitted CEMP, and so this should be controlled by way of a condition attached to any planning permission. Informatives to applicant are advised in relation to pollution prevention and Environment Permits.

Health and Safety Executive

First representation

The application site lies within the inner, middle and outer consultation zone for the Tradebe Solvent Recycling major hazard site at Sunderland Dock.

The Health and Safety Executive (HSE) understands that the proposed development would consist of sea wall defences, access roads and a temporary storage area. All of these uses can be considered to fall into sensitivity level 1 under HSE's LUP methodology. The HSE does not advise against sensitivity level 1 developments in the inner, middle or outer consultation zones of

a major hazard site. Using its methodology, HSE's LUP advice team does not advise against the proposed development on safety grounds, and have no further comments to make.

The temporary storage area to the north of the site extends into the consultation zones for the Port of Sunderland licenced explosives site (ref 1811/86). The HSE Explosives Planning Team should therefore be consulted in relation to this licensed explosives site.

Case Officer Comments: Following the comments above, the HSE Explosives Planning Team were consulted on the proposed development.

Second representation

In relation to the actual construction of the deck area and seawall - no comment to make as the proposed development falls outside of the safeguarding distances.

In relation to the storage of the rocks - HSE has no comment to make as the quay is in an explosive licensed site. HSE would expect the licensee to put appropriate measures in place to ensure that any separation distances are met when explosives are handled at the explosives berth.

Natural England

First representation

The proposed development could have potential significant effects on mobile species (wild birds) associated with the Northumberland Coast Special Protection Area (SPA) (and Ramsar Site). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. This should include identification of suitable construction methods and working practices, as well as timing of construction works.

The Durham Coast SSSI coincides with the nearby Northumbria Coast SPA (and Ramsar site). The further information needed in respect of the SPA/Ramsar Site is also required to demonstrate that the wild birds designated as part of the SSSI would not be adversely affected by the scheme or that adverse effects can be adequately mitigated.

Second representation

No objections subject to appropriate mitigation being secured in relation to the Northumberland Coast SPA (and Ramsar Site) and the Durham Coast SSSI. Without appropriate mitigation the proposed development would:

- Adversely effect the integrity of the Northumberland Coast SPA.
- Damage or destroy the interest features for which the Durham Coast SSSI has been notified.

Mitigation measures set out in the Council's Habitats Regulations Assessment (HRA) should be secured (with reference to Section 6):

- (i) Timing of works to avoid construction activity likely to disturb SPA and SSSI wild birds during the months of December to March (inclusive).
- (ii) Creation and implementation of a suitable Construction and Environmental Management Plan (CEMP) to ensure those working on the project are aware of the designated sites and their wild bird interest together with wider ecological considerations.

If the Local Planning Authority (LPA) is minded to grant planning permission contrary to this advice, Natural England must be notified of the permission under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended). The terms on which it is proposed to grant permission and how, if at all, the LPA has taken account of Natural England's advice should be provided.

Land Contamination Advisor

First representations

The Environment Agency should be consulted on this planning application, given the potential for hydrocarbon contamination to be impacting the North Sea. Our suspicion is that the EA will require a Remediation Strategy etc., but this is not required from a human health point of view. It is recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified, as well as any conditions suggested by the Environment Agency.

Case Officer Comments: The Case Officer requested confirmation whether or not a condition was required in relation to the risk mitigation to Unexploded Ordnance during construction works (as set out in the submitted Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment by Dunelm (dated 26th November 2022) received 29/11/2022).

Second representation

It is considered that a condition should be attached to any planning permission to ensure that the recommendations of the Detailed Unexploded Ordnance Threat & Risk Assessment (6alpha Associates report ref: 8549) are implemented during construction works.

Marine Management Organisation

Any works within the marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. If the applicant determines that a marine licence may be required, it is up to them to go through the process of applying for a marine licence.

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Case Officer Comments: The Local Planning Authority is aware that an application for a marine licence has also been submitted to the Marine Management Organisation Ref: MLA/2022/00468.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development

Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

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

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

1. Principle of the proposed development
2. Design and impact on visual amenity
3. Impact on residential amenity
4. Impact on highway safety
5. Environmental Impact Assessment
6. Impact on health and safety executive areas
7. Impact on land contamination;
8. Impact on archaeology;
9. Impact on Flooding, Surface Water Drainage and Water Quality
10. Impact on ecology

1. Principle of the proposed development

Policy SP1 'Development strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will ensure sufficient physical and environmental infrastructure is delivered to meet identified needs. It states that this growth and sustainable patterns of development will be delivered by delivering the majority of development in the Existing Urban Area and in sustainable locations in close proximity to transport hubs, and by minimising and mitigating the likely effects of climate change.

Policy SP5 'South Sunderland' of the adopted CSDP states that South Sunderland will continue to grow and become a spatial priority for economic development. It states that economic growth will be focused in identified Employment Areas and the Port of Sunderland.

Policy SS5 'The Port of Sunderland' of the adopted CSDP states that the Port of Sunderland will be re-invigorated through preventing waterside developments that would negatively impact on operations, and requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary.

The proposed development would comprise works to improve the established sea defences within the Port of Sunderland. It would be within the Existing Urban Area and would seek to mitigate the likely effects of climate change by improving the condition and performance of the existing Hendon Foreshore Barrier against coastal erosion and wave overtopping. It would have no negative impacts on the operation of the Port of Sunderland and would be compatible development within Flood Zones 2 and 3. It is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SS5 and it would not conflict with the objectives of strategic Policy SP5. It would therefore be acceptable in principle.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP states that to achieve a high-quality design and positive improvement, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The proposed development would not be visible from the public domain, given that it would be positioned within the Port of Sunderland. It would enhance the appearance of the existing Hendon Foreshore Barrier. Given the nature of the proposed development it is considered that it would have no harmful visual impacts. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with submitted details. Subject to the compliance with the recommended condition, it is considered that the proposed development would be of an acceptable design, siting and appearance, and so it would accord with Policy BH1 of the adopted CSDP.

3. Impact on residential amenity

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

Policy HS2 'Noise-sensitive development' states that proposed development which would result in noise impacts should be accompanied by a noise assessment. This should provide details of noise levels on the site, and quantify the impact of the existing noise environment and sensitive noise receptors. Where necessary an appropriate scheme of mitigation should detail any measures required to ensure that noise does not adversely impact on these receptors.

Policy BH1 'Design quality' of the adopted CSDP states that to achieve a high standard of design and positive improvement, development should retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Nearest residential properties are positioned a reasonable distance from the application site, with intervening land uses between these sensitive receptors and the application site.

Given the nature of the proposed development and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

Noise sources from the proposed development would be the casting of the concrete deck and sea wall, transportation of rock armour and clearance of existing materials, and sheet piling to the northern sector of the work area. Air quality impacts would relate to construction and in particular dust emissions. However, the Council's Environmental Health Officer has considered the proposed development including the submitted Construction Environmental Management Plan (CEMP) and they have raised no objections. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in strict accordance with the approved CEMP.

Given the comments from the Council's Environmental Health Officer, and the port / industrial location of the application site, subject to the compliance with the recommended condition it is considered that the proposed development would have no unacceptable impacts on the amenities

of the occupiers of any neighbouring properties. It would therefore accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway safety

Policy ST2 'Local road network' of the CSDP states that development should have no adverse impacts on the local road network, stating that proposed development must ensure that there would be a safe and adequate means of access, egress and internal circulation, turning arrangements, and ensure that it would not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the CSDP states that development should provide safe and convenient access for all road users, which would not compromise the free flow of traffic on the public highway or increase the risk of accidents / endanger the safety of road users.

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety. Given the comments from the Council's Local Highway Authority it is considered that the proposed development would cause no unacceptable impacts in relation to highway safety, and so it would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Environmental Impact Assessment

Environmental Impact Assessment (EIA) screening is a procedure used to determine whether a proposal is likely to have significant effects on the environment. The Local Planning Authority therefore has to determine whether a proposal is of a type listed in Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The applicant has submitted an EIA screening report, and the Local Planning Authority agrees with its conclusions. The proposed application was screened on receipt, and it was concluded that the proposed development does not require an EIA.

6. Impact on health and safety executive areas

Policy HS4 'Health and safety executive areas and hazardous substances' of the adopted CSDP states that development within the specified distances from sites identified as 'notifiable installations', must take account of any risks involved and the need for appropriate separation between hazardous installations and incompatible uses.

Supporting paragraph 5.14 to Policy HS4 states that sites and installations with quantities of hazardous substances present on site are designated as notable installations by the Health and Safety Executive (HSE).

The HSE has been consulted on the planning application and raised no objections (see their comments above). The application site lies within the inner, middle and outer consultation zone for the Tradebe Solvent Recycling major hazard site at Sunderland Dock. The HSE has stated that they do not advise against the proposed development on safety grounds, and have no further comments to make. In relation to the storage of the rocks, the HSE has no comment to make as the quay is in an explosive licensed site. HSE would expect the licensee to put appropriate measures in place to ensure that any separation distances are met when explosives are handled at the explosives berth.

Given the comments from the HSE, it is considered that the proposed development would have no unacceptable impacts in relation to notable installations, and so it would accord with Policy HS4 of the adopted CSDP.

7. Impact on land contamination

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from land contamination and run-off to protected waters.

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

A Geo-environmental Appraisal and a Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment have been submitted with the application. The Council's Contaminated Land advisors have raised no objections to the conclusions of these reports. They have stated that the proposed development would have no unacceptable impacts in relation to human health, but that the Environment Agency should be consulted, given the potential for hydrocarbon contamination to be impacting the North Sea. They have recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified, as well as any conditions suggested by the Environment Agency. They have also recommended that a condition be attached to any planning permission in relation to the recommended risk mitigation in relation to Unexploded Ordnance as set out in the submitted Detailed Unexploded Ordnance Threat & Risk Assessment. Given the comments from the Council's Contaminated Land advisors, it is recommended that their suggested conditions be attached to any planning permission in relation to unexpected contamination and Unexploded Ordnance.

A Construction Environmental Management Plan (CEMP) has been submitted with the application. Following the submission of this CEMP the Environmental Agency has raised no objections in relation to the proposed development causing pollution / contamination on the Wear coastal waterbody, or pollution to the wider coastal environment during the construction process. However, this is subject to a condition being attached to any planning permission to require the proposed development to be constructed in accordance with the submitted CEMP. The Environment Agency has also recommended that an informative be attached to any planning permission to remind the applicant of pollution prevention and the Environmental Permit regime. Given the comments from the Environment Agency, it is recommended that their suggested condition be attached to any planning permission in relation to the CEMP, and that their suggested informatives also be attached to any planning permission.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, in relation to any Unexploded Ordnance, or in relation to pollution run-off to protected waters, and so it would accord with Policy HS1 (in relation to contamination and run off-to protected waters) and Policy HS3 of the adopted CSDP.

8. Impact on archaeology

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

The Tyne and Wear Archaeology Officer has advised that the submitted Archaeological Building Recording report is acceptable. Given the comments from the Tyne and Wear Archaeology Officer, it is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

9. Impact on flooding, surface water drainage and water quality

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development; and will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment, that development will not increase flood risk on site or elsewhere. Development will be required to include or contribute to flood mitigation, compensation and / or protection measures where necessary, and maintain linear coastal defences.

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

Policy WWE4 'Water quality' of the adopted CSDP states that the quantity and quality of surface and groundwater bodies and quality of bathing water shall be protected and where possible enhanced.

The Environment Agency has raised no objections to the proposed development in relation to its impact on water quality during construction. However, they have recommended that a condition should be attached to any planning permission to require it to be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP). This is because without this condition, construction works could adversely impact on water quality with the elevation of suspended sediments and hazardous substances. As previously stated above, it is recommended that this suggested condition be attached to any planning permission.

The Council's Lead Local Flood Authority has raised no objections to the proposed development. The Marine Management Organisation (MMO) have also raised no objections to the proposed development but highlighted that the proposed development may require an MMO licence. The Council is aware that an MMO Licence has already been submitted (Ref: MLA/2022/00468). The Local Planning Authority was a formal consultee on this MMO licence application.

Given that no objections / concerns have been raised by the relevant consultees, subject to the compliance with a condition in relation to the submitted CEMP, it is considered that the proposed development would have no unacceptable impacts on flooding, surface water drainage or water quality, and so it would accord with Policy WWE2, Policy WWE3 and Policy WWE4 of the adopted CSDP.

10. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that development must demonstrate how it will avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. Development that would have an adverse affect on a Site of Special Scientific Interest will be required to demonstrate that the reasons for the development clearly outweigh any nature conservation value of the site. Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

The application site and nearby Hendon foreshore are being used for foraging and roosting by wild birds classified as part of the nearby Northumberland Coast Special Protection Area (SPA) (also a Ramsar Site). These birds are purple sandpiper, ruddy turnstone and sanderling. The Durham Coast SSSI coincides with the nearby Northumbria Coast SPA (and Ramsar site).

Natural England have raised no objections to the proposed development in relation to its impact on internationally and nationally designated conservation sites, namely the Northumberland Coast SPA (and Ramsar Site) and on the Durham Coast SSSI. However, this is subject to mitigation being secured in relation to the timing of works (avoiding construction activity (piling) likely to disturb SPA and SSSI wild birds during the months of December to March (inclusive)), and the creation and implementation of a suitable Construction Environmental Management Plan (CEMP).

The Environment Agency (the lead partner within the Defra group for the intertidal zone ecosystems) has raised no objections to the proposed development in relation to its impact on ecology in the intertidal zone. However, they have recommended that a condition should be attached to any planning permission to require it to be constructed in accordance with the submitted CEMP. This is because impacts on water quality need to be controlled during construction works (as explained above) as such impacts could also have an impact on ecology in the intertidal zone.

The Council's Ecology Officer has stated that Sunderland City Council adopts the latest iteration of the shadow Habitat Regulations Assessment (HRA) submitted in support of the application. They have considered the comments raised by both Natural England and the Environment Agency, and subsequently raised no objections to the proposed development subject to conditions being attached to any planning permission to control the timing of piling (no piling to take place between December to March inclusive) and lighting (no artificial lighting to be used outside of the period 08:00 to 18:00 on any day), and to require the proposed development to be constructed in accordance with the submitted CEMP (with the exception of piling between December and March inclusive, and lighting being used outside of the above specified hours). The Council's Ecology Officer has highlighted that the CEMP refers to tidal conditions influencing working hours, which could result in the need to work outside of these hours. However, this would not be acceptable.

Given the comments from Natural England, the Environment Agency and the Council's Ecology Officer, it is recommended that suggested conditions be attached to any planning permission. These relate to the timing of piling and lighting, and the CEMP.

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

Conclusion

The proposed development would comprise the improvement of the established sea defences at the Port of Sunderland, seeking to mitigate the likely effects of climate change by improving the condition and performance of the existing Hendon Foreshore Barrier against coastal erosion and wave overtopping. It would have no negative impacts on the operation of the Port of Sunderland and would be compatible development within Flood Zones 2 and 3. It is therefore considered that the proposed development would be acceptable in principle.

Subject to the compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts, and it would have no unacceptable impacts on the amenity of the occupiers of existing nearest dwellings to the application site including during the construction process.

Subject to the compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to highway safety; health and safety executive areas; land contamination; archaeology; flooding, surface water drainage and water quality; and ecology.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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:

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), members GRANT CONSENT for the proposed development subject to the conditions listed below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. NC040_00X1 Revision XXX (Red Line Boundary Plan) received 14/11/2022
 - Drawing No. NC040_00X Revision XXX (Plan, Cross-Section and Elevation) received 14/11/2022

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

- 3 The development hereby permitted shall be constructed as specified and illustrated on Drawing No. NC040_00X Revision XXX (Plan, Cross-Section and Elevation) received 14/11/2022. All works shall be carried out in accordance with the approved details.

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

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the

Management of Land Contamination CLR11", and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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

- 5 The development hereby permitted shall be constructed in strict accordance with the Construction Environmental Management Plan by Royal Haskoning DHV (dated 07/02/2022) received 21/02/2023, with the exception of piling and use of artificial light which must also be undertaken / operated in strict accordance with Conditions 6 and 7.

To preserve water quality and pollution risk of run-off to water, to ensure no adverse impacts on biodiversity, in the interests of residential amenity, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy WWE4 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 6 No piling shall be undertaken during the period between December and March (inclusive) in any given year.

To ensure no adverse impacts on the integrity of the internationally designated Northumberland Coast Special Protected Area (and Ramsar Site) and nationally designated Site of Special Scientific Interest, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 7 No artificial lighting shall be used in connection with the construction or use of the development hereby permitted outside of 0800 hours to 1800 hours on any given day.

To ensure no adverse impacts on the integrity of the internationally designated Northumberland Coast Special Protected Area (and Ramsar Site) and nationally designated Site of Special Scientific Interest, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

- 8 The development hereby permitted shall be undertaken in strict accordance with the proposed risk mitigation measures as detailed within Section 15 of the Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment by Dunelm (dated 26th November 2022) received 29/11/2022, which must be incorporated into Contractor Risk Assessments and Method Statements.

To ensure that risks from Unexploded Ordnance are properly managed during and after construction works, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/02625/LP3 Local Authority (Reg 3)

Proposal: **Installation of solar PV panels to the rooftop of an existing building**

Location: Bunny Hill Centre, Hylton Lane, Downhill, Sunderland, SR5 4BW

Ward: Redhill

Applicant: Sunderland City Council

Date Valid: 13 January 2023

Target Date: 10 March 2023

PROPOSAL:

The proposal is to install SPV panels at a site that currently has no provision for providing reusable energy at the Bunny Hill Primary Care Centre, which will make efficient use of the current building and provide more sustainable energy provision.

The proposed development at Bunny Hill Primary Care Centre, Hylton Lane is for the installation of a minimum of 559.9 m² SPV panels on the rooftop of the existing building, providing PV generator output of 113.4kWp.

The proposed development promotes sustainable environmental development through the installation of solar panels and battery storage of excess energy at existing premises, which accords with the aim set out in the National Planning Policy to make the best use of proposed development sites. Furthermore, the proposal delivers renewable energy and reduces carbon emissions which is a key aim of both local and national planning policy.

The roof of the building is a monopitch design, the panels protrude a height of approximately 0.32m at an angle of 15 degrees, maximum pitch not to exceed 0.45m. Each panel would measure 2.1 metres length and 1 metre length.

The system inverters would be located inside the building in the plant room.

Document in support of the application:-

- Noise Assessment
- Environmental report
- Environmental statement

TYPE OF PUBLICITY:

Site Notice Posted expires 10.2.23

Neighbour Notifications 7.2.23

CONSULTEES:

Cllr John Usher

Cllr Alison Smith

Cllr Paul Stewart

Network Management
Environmental Health
Tyne And Wear Archaeology Officer
Newcastle International Airport
Planning Policy

35 Kidderminster Road Sunderland SR5 5FD
37 Kidderminster Road Sunderland SR5 5FD
39 Kidderminster Road Sunderland SR5 5FD
41 Kidderminster Road Sunderland SR5 5FD
45 Kidderminster Road Sunderland SR5 5FD
47 Kidderminster Road Sunderland SR5 5FD
49 Kidderminster Road Sunderland SR5 5FD
43 Kidderminster Road Sunderland SR5 5FD

Final Date for Receipt of Representations: **10.02.2023**

REPRESENTATIONS:

ENVIRONMENTAL HEALTH

The Council's Environmental Health Team have offered the comments below:-

Consultation response 1.

The proposed roof top solar photovoltaics are shown on drawings, but there is no indication of the position of the voltage inverters. Inverters are usually the only significant noise source on installations of this size, and the operation of the units will be daytime only. The installation rating is 113kWp. At its closest point housing is approximately 50m to the west. Unfortunately, no noise data is provided with the submission, and therefore at this time an estimation of noise levels has been undertaken based on a comparative (but higher generating capacity) solar installation.

An estimation of noise levels at the nearest residential premises resulting from the inverters suggests that there will be no significant impact. However certain assumptions have been made as to the number of inverters, their noise levels and their location on the development. The applicant is requested to provide manufacturer's data on noise levels if available, and to advise the location of the inverters so that we can determine if there is any additional sound reduction afforded by the building structure.

Additional information was submitted by the Property Services Team with regard to noise and the Council's PPRS team reviewed the information as below:-

Consultation response 2.

Environmental Health has reviewed the additional information on this proposal submitted on 6 March 2023. The submission consists of a project summary, and manufacturer's data sheets for power optimisers, an inverter and the solar panels. The photovoltaic system is to consist of 236 solar modules generating 118kWp, 118 Solaredge P1100 optimisers (one per panel pair) and one Solaredge SE100K inverter. Optimisers are not considered to generate significant levels of noise.

The inverter is generally considered to be the main noise source and the data provided indicates a maximum noise level of 67dB(A) at 1m.

The position of the inverter has been identified as being within the existing plant room, which places it at approximately 50m from nearest housing. An assessment of this indicates that when operating at full capacity and producing the quoted noise level, the resultant level at the nearest dwelling is approximately 39dB(A) daytime. This is anticipated to be less than the daytime background. This does however assume the inverter is located outside the building.

Location of the inverter within the plant room will reduce the emission of noise into the immediate locality substantially to the point where there should be no adverse impact upon nearby dwellings.

It is therefore considered that the proposed installation may proceed without any noise conditions, on the basis of the information provided.

The proposal therefore complies with Policies HS1 and HS2 of the CSDP in this respect.

ARCHAEOLOGY

Policy BH9 of the CSDP relates to Archaeology and recording of heritage assets, the site is subject to this policy and as such the County archaeologist has been consulted and offered the following comments.

The County Archaeologist has checked the application site against the Historic Environment Record and historic maps. The Bunny Hill Centre is located on the possible site of Hylton medieval village (HER14). However, as the proposal is for installation of rooftop Solar Photo Voltaic (SPV) panels on the existing building and will involve little or no ground disturbance, the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

The proposal therefore complies with Policy BH9 of the CSDP.

HIGHWAY SAFETY

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety, therefore it would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

COMMENTS:

PRINCIPLE OF DEVELOPMENT

The site is allocated and subject to policies L1 and L7 of the UDP (Unitary Development Plan) which states that open space should be retained.

Policy L1 of the UDP states that the provision of recreation and leisure facilities the city council will seek to:

- (i) enhance the quality of life for residents and visitors by providing a range of high standard recreational, sporting, cultural and community facilities; and to achieve the standards of open space provision.
- (ii) develop the city's prestige and attractiveness in order to enhance its heritage and tourism potential;
- (iii) improve and extend opportunities for public enjoyment of the countryside (both urban fringe and rural) and its wildlife;
- (iv) promote the dual use of educational and community facilities ,
- (v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations.

Policy L7 states that and allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. this includes playing fields attached to schools or other educational establishments. permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies I4, I5 and I6; or
- (ii) the development is for educational purposes; and,
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. similarly, access to existing or proposed open space will be protected from alternative development.

The proposal relates to an existing building and would continue to provide a community facility and employment for staff and there would be no adverse impact upon the open space. As such the proposal would comply with Policies L1 and L7 above and in principle, would be acceptable.

POLICIES

Policy WWE1 'Decentralised, renewable and low carbon energy' of the adopted CSDP :-

1. The development of decentralised, renewable and low carbon energy will be supported subject to satisfactory resolution of all site specific constraints as follows:

- i. decentralised, renewable and low-carbon energy development should be located and designed to avoid unacceptable significant adverse impacts on landscape, wildlife, heritage assets and amenity;
- ii. appropriate steps should be taken to mitigate any unacceptable significant adverse impacts, such as noise nuisance, flood risk, shadow flicker, interference with telecommunications, air traffic operations, radar and air navigational installations through careful consideration of location, scale, design and other measures; and
- iii. any adverse cumulative impacts of proposals.

2. Development that can provide combined heat and power must demonstrate that due consideration has been given to the provision of any heat produced as an energy source to any suitable adjacent potential heat customers.

Policy NE11 'Creating and protection views' of the adopted CSDP

Policy HS1 'Quality of life and amenity of the adopted CSDP

Policy HS2 'Noise-sensitive development' of the adopted CSDP

Policy BH1 'Design quality' of the adopted CSDP

Policy BH2 'Sustainable design and construction' of the adopted CSDP

Saved Policy EN4 'Renewable energy' of the Unitary Development Plan (UDP)

Policy EN2: All proposals for development necessary to the production and distribution of energy (other than the extraction of energy minerals) will be considered in the light of a rigorous appraisal of their likely impacts on the environment and on local communities.

The proposed development would have no adverse impacts on landscape, wildlife, heritage assets or amenity (some of these issues are covered again below), or in relation to air traffic operations / air navigational installations (Newcastle Airport have raised no objections).

It is therefore considered that the proposed development would accord with Policy BH1 (in relation to maximising opportunities for buildings to gain benefit from solar energy), Policy BH2 (in relation to maximising energy efficiency and integrating the use of renewable and low carbon energy),

and Policy WWE1 (in so far as the proposal would provide a sustainable form of energy) of the adopted CSDP.

DESIGN AND VISUAL AMENITY

With regard to Policies NE11 and NA30 of the UDP, the proposal is not considered to be of a scale or massing which would detract from the existing views due to their limited height from the roof surface. It is therefore considered that the proposal would be acceptable in this instance. Given the very sustainable nature of the proposed development, it is considered that it would be acceptable in principle.

The proposed development would not be positioned in a sensitive area and would be positioned on the roof and so at a high level. Given the nature of the proposed development, and the position of the proposed solar panels on a roof with a relatively shallow pitch and surrounded by trees (which would provide some screening), it is considered that the proposed development would have no unacceptable impacts when viewed from the public domain (including in relation to glint and glare). It would also have no unacceptable impacts on landscape character, and it would have no unacceptable impacts on any views into, out of, and within the application site.

It is considered that the proposed development would be of an acceptable design, siting and appearance, and so it would accord with Policy BH1 of the adopted CSDP.

IMPACT ON RESIDENTIAL AMENITY

Policy HS1 'Quality of life and amenity of the adopted CSDP is relevant and Policy HS2 'Noise-sensitive development' of the adopted CSDP.

The Council's Environmental Health Team

Requested additional information regarding the position of the voltage inverters and noise data in relation to the nearby dwellings.

Additional information was submitted by the Property Services Team with regard to noise and the Council's PPRS team reviewed the information and commented that there should be no adverse impact upon nearby dwellings.

It is therefore considered that the proposed installation may proceed without any noise conditions, on the basis of the information provided. The proposal therefore complies with Policies HS1 and HS2 of the CSDP in this respect.

Given the nature of the proposed development on a roof with a relatively shallow pitch and separation distances, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties in relation to glint and glare (or in relation to any other impacts and would accord with Policy HS1, Policy HS2, Policy BH1 and Policy WWE1 of the adopted CSDP.

ARCHAEOLOGY

Policy BH9 of the CSDP relates to Archaeology and recording of heritage assets, the site is subject to this policy and as such the County archaeologist has been consulted and offered the following comments.

The proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required. The proposal therefore complies with Policy BH9 of the CSDP.

IMPACT ON HIGHWAY SAFETY

Policy ST2 'Local road network' of the adopted CSDP

Policy ST3 'Development and transport' of the adopted CSDP

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety, therefore it would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

OTHER CONSIDERATIONS

The applicant provided a statement which supports the planning application and states that Sunderland City Council's Low Carbon Action Plan dated July 2022 sets out the city councils carbon reduction target 'In order to achieve the Council's vision of becoming carbon neutral by 2030, we must continue to reduce our emissions by an average of approximately 850 tonnes annually, within the next ten years. Sunderland City Council realise that the target we are setting is ambitious, but we want to be seen as a dynamic leading authority who will strive to play our part in this global challenge'

The action plans Strategic Priorities focus on the built environment, green economy, renewable energy generation and storage, consumption and waste, and low carbon and active transport, including the below strategic priorities

- Strategic Priority 2: Adapt the policies and operational practices of our organisations to embrace and support carbon initiatives, including climate resilience and offsetting, procurement, governance and engagement
- Strategic Priority 3: Improve energy efficiency of existing homes and buildings and infrastructure and work towards zero carbon for new homes and buildings
- Strategic Priority 4: Develop renewable energy generation and storage, and renewable/district heating schemes The Council has declared a Climate Emergency, and the council aims to become carbon neutral with regards its own emissions by 2030. Sunderland City Council has declared a Climate Emergency and supports the UK commitment to the Paris Climate Agreement to limit global warming to 1.5 degrees the City Council supports the board scientific consensus, that without emergency action, global temperatures will exceed 3 degrees by the end of this century with disastrous consequences hence the need for a proactive approach.
- Overall there is national and local support for proposals that encourage renewable energy. This proposal makes the best use of the site through the installation of arrays of solar PV panels on the rooftops of the existing building; the proposal provides provision for the delivery of renewable energy, a key aim of both local and national planning policy.

CONCLUSION

The proposed development would accord with relevant policies within the adopted CSDP and relevant saved policies within the UDP. It is therefore considered to be an acceptable form of development, and so the application is recommended for approval subject to the following conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION:

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members GRANT CONSENT for the proposal subject to the conditions listed 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:

- Roof plan received on 13.1.23
- Site plan received on 13.1.23
- Location plan received on 2.12.22

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

Reference No.: 22/02630/FUL Full Application

Proposal: **Change of use from Non-Food Retail (Use Class E (a)) with ancillary office (Use Class E (g)) to Self-Storage (Use Class B8) with ancillary office (Use Class E (g)(i)), the insertion of a full cover mezzanine floor, refurbishment of external elevations, replacement of roof, reconfiguration of car parking area and all associated works.**

Location: Former Harvey's Furniture Store/HSS Hire Shop, East View, Castletown, Sunderland, SR5 3AN

Ward: Castle

Applicant: Harbinger Sunderland Developments Limited

Date Valid: 3 February 2023

Target Date: 5 May 2023

PROPOSAL

The proposed development seeks planning permission to change the use of an existing building to create a self-storage unit with ancillary office, and associated alterations at the former Harvey's Furniture Store / Carpetright / HSS Hire Shop building, at East View, Castletown in Sunderland.

BACKGROUND / INTRODUCTION

The applicant is the developer Harbinger Sunderland Developments Limited. The proposed storage facility would be operated by the 'The Store Room', which is a UK self-storage provider with a growing portfolio of self-storage facilities, currently focused in the Midlands and the north.

Application details state that demand for both basic and more sophisticated self-storage facilities has been increasing across the UK for a number of years, with a growing proportion of businesses moving online and with more people working from home, at least for part of the week.

Self-storage facilities are increasingly popular with start-up businesses and small growing enterprises, where traditional warehouse units are often too big and/or too inflexible to be appropriate for their requirements.

Many businesses ideally seek a combination of secure storage space, appropriately sized to their floor area or volume requirements (which can often be quite modest, but crucial to the efficient functioning of their business), and flexible office or desk space that can be utilised to undertake associated business administration functions as required.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located at the former Chaffinch Retail Park in north Sunderland. It is currently unoccupied and accessed off Dene Road and Chaffinch Road. It is positioned within an established area with multiple commercial / retail uses in the vicinity. Immediately to the north of the site are existing car dealerships, to the east is Hylton Retail Park, to the south

across Wessington Way is an existing business park, and to the west is a predominantly residential area.

The application site area is approximately 1.91 acre / 0.77 hectares. The existing unit is currently unoccupied but was formerly occupied by Harvey's Furniture Store, Carpetright and HSS Hire.

The majority of the application site is flat in topography and is covered in a mixture of tarmac and concrete, however there are some grassed embankments to the boundaries of the site. Both of the existing access points are gated, however the gate for the access off Dene Road is set back to provide direct access to the existing service doors. The site currently does not have any perimeter fencing. However, there are some low-level boundary treatments in the form of hoop barriers and hedgerows by the Chaffinch Road access.

THE PROPOSED DEVELOPMENT

The existing building previously operated as a non-food retail unit (Use Class E (a)) with ancillary office. The proposed development seeks planning permission to change the use of the existing building (two retail units) to a self-storage unit (Use Class B8) with ancillary office (Use Class E (g)(i)). The proposed works would include the insertion of a full cover mezzanine floor, refurbishment of external elevations, replacement of the roof, re-configuration of the car parking area and all associated works.

The proposed development would provide comprehensive self-storage facilities for household customers as well as a wide range of commercial and institutional customers. Application details state that the proposed facilities would be of substantial benefit and value to a wide range of the local business and residential communities, with businesses making up approximately 40% of the customers. The majority of household customers would visit their self-storage unit once a month or less, with commercial customers accessing their unit daily or weekly.

The proposed development would include flexible office space (approximately 5% of the total floorspace of the building), which would be used for purposes ancillary to the main self-storage use only. The office space would be located at ground floor within the building and would be accessed via a dedicated entrance to the front of the building. The office space would be a mixture of cellular offices and open plan flexible office space.

The proposed self-storage facility and ancillary office would operate 0800 hours until 2000 every day. The facility would only be open for deliveries and servicing during the hours of operation, and it would employ two to three full-time equivalent members of staff.

The proposed development would include refreshing of external elevations of the existing building to provide a high-quality building refurbishment. It would seek to retain the majority of the existing site layout, including building footprint and site access with nominal re-configuration to the existing car parking area.

The proposed alterations to the existing building would be as follows:

- Existing flat metal composite cladding retained and re-sprayed silver (RAL 9006) in colour.
- Existing profiled cladding retained and re-sprayed anthracite grey (RAL 7016) in colour.
- Existing profiled roof cladding to be replaced in its entirety with profiled composite cladding goosewing grey (BS 10 A 05) in colour.
- Proposed new roller shutter loading doors metallic silver (RAL 9006) in colour

- Existing roller shutter service doors retained and re-sprayed silver (RAL 9006) in colour
- Proposed new swing entrance doors of PPC anthracite grey (RAL 7016) in colour with clear glazing panels.
- New ribbon windows to ground floor offices with frames of PPC anthracite grey (RAL 7016) in colour
- Feature strips to be sprayed onto existing profiled cladding magenta (RAL 4010) in colour)

The car parking area would be re-configured to enable a safer servicing strategy (with site manoeuvrability improved). This would result in a total of 32 car parking spaces including 1 accessible parking space and 4 EV car charging spaces within the application site. This is a net loss of 15 car parking spaces within the application site (there are currently 47 car parking spaces). Covered cycle storage for 8 cycles (4 cycle stands) would be provided for the use of both the staff and customers. The cycle shelter would be of powder coated steel black (RAL 9005) in colour with a polycarbonate roof.

As part of the proposed development a 2.4 metre high polyester powder coated perimeter paladin fence and vehicle gates (grey in colour) would be erected for security purposes. There are two existing vehicular access points to the application site from Dene Road and Chaffinch Road, and both would be retained with the vehicle access gates added. The existing hoop barrier boundary treatment would be removed.

Refuse would be stored in a timber bin store enclosure to the south west of the building, with waste removal from the site sub-contracted to specialist contractors. A smoking shelter would be erected to the south side of the site, which would be constructed in a polyester powder coated steel frame Jet black (RAL 9005) in colour, and with a laminate safety glass roof and toughened safety glass sides.

The proposed development would have no material impacts on existing landscaping within the application site. The only landscaping affected would be to accommodate the smoking shelter, covered cycle storage, and the boundary treatment.

The application has been supported by the following documents:

- Planning Statement by Eden Planning (dated August 2022) received 02/12/2022
- Design and Access Statement by The Harris Partner (dated 30/11/2022) received 02/12/2022
- Employment Land Sequential Assessment by Eden Planning (dated 14 March 2023) received 15/03/2023
- Noise Assessment by RS Acoustic Engineering (dated 30th January 2023) received 03/02/2023
- Transport Statement by Egg Transport Planning (dated 22nd June 2022) received 02/12/2022
- Flood Risk Note by Eden (dated 05 January 2023) received 03/02/2023.

TYPE OF PUBLICITY

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

Press notice expiry date: 08/03/2023

Site notice expiry date: 01/03/2023

Neighbour notifications expiry date: 24/02/2023
Consultation expiry dates: 24/02/2023

CONSULTEES

Business Investment
Cllr Stephen Foster
Cllr Allison Chisnall
Cllr Denny Wilson
Planning And Highways West
Network Management
Flood And Coastal Group Engineer
Environmental Health
Northumbria Police
Nexus
Northumbrian Water
Northern Powergrid
Northern Gas Networks
Planning Policy
Chief Fire Officer
NE Ambulance Service NHS Trust

4 Aydon Road Sunderland SR5 3FB
13 East View Castletown Sunderland SR5 3AU
6 Aydon Road Sunderland SR5 3FB
5 Aydon Road Sunderland SR5 3FB
3 Aydon Road Sunderland SR5 3FB
2 Aydon Road Sunderland SR5 3FB
1 Aydon Road Sunderland SR5 3FB
22 East View Castletown Sunderland SR5 3AU
2 East View Castletown Sunderland SR5 3AU
Evans Halshaw Renault Junction Of Wessington Way And Castletown Road Sunderland SR5
3NZ
26 East View Castletown Sunderland SR5 3AU
25 East View Castletown Sunderland SR5 3AU
24 East View Castletown Sunderland SR5 3AU
23 East View Castletown Sunderland SR5 3AU
21 East View Castletown Sunderland SR5 3AU
20 East View Castletown Sunderland SR5 3AU
19 East View Castletown Sunderland SR5 3AU
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1 East View Castletown Sunderland SR5 3AU
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4 East View Castletown Sunderland SR5 3AU
Queens Mill Leisure Limited Unit G Colima Avenue Sunderland Enterprise Park Sunderland SR5 3XB
Newell Limited Unit F Colima Avenue Sunderland Enterprise Park Sunderland
Safestore Limited Unit H Colima Avenue Sunderland Enterprise Park Sunderland
3 Aviary Gate Castle View Castletown Sunderland SR5 3FE
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Final Date for Receipt of Representations: **08.03.2023**

REPRESENTATIONS:

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Northern Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Nexus
- Three Ward Councillors
- Tyne and Wear Fire and Rescue Service
- North East Ambulance
- Economic Development

Neighbour Notification Responses

Objection

One representation has been submitted objecting to the application. This are summarised as follows:

- Loss of privacy
- Traffic generation. The proposal would cause too much traffic in a small village with an already horrendous road layout for buses. Children are also active in the area, and so it could be a danger to them.

Support

One representation has been submitted supporting to the application stating that the proposal would improve the overall appearance of the area.

Comments

- The area is plagued by anti-social behaviour, resulting in damage to signage and lighting, and intimidating behaviour towards customers and local residents.
- Preventative measures should be provided for this site, in a bid to eliminate anti-social behaviour.
- Covering is required for the guttering to stop pigeons using it, as seagulls come and attack them.

Internal consultee responses

Environmental Health

No objections subject to conditions being attached to any planning permission relating to noise from fixed mechanical building services plant or equipment, and in relation to construction working hours being limited to 07.30 to 18.00 weekdays, 08.00 to 13.00 on Saturdays and not at any time on a Sunday or Bank Holiday.

Flood and Coastal Team (the Lead Local Flood Authority)

In relation to flood risk and drainage, the Lead Local Flood Authority (LLFA) acknowledge and accept the information provided within the submitted 'Flood Risk Assessment Note'. The LLFA have no further comments to add and would support approval of this application.

Planning Policy

First representation

The proposed development is for an employment use outside of a designated employment area. In accordance with EG4 of the adopted CSDP, such proposals are expected to provide justification for locating in such non-designated areas. There does not seem to be sufficient evidence at this stage to demonstrate that the proposed development would accord with Policy EG4. Design, highways and access impacts and other technical matters should also be considered.

Second representation

The criteria within Policy EG4 of the adopted CSDP has been satisfied. The applicant has demonstrated there are no suitable sites for the proposed development, therefore there are no further concerns from a policy perspective.

Transportation Development (the Local Highway Authority)

The traffic expected to be generated from the proposed development would be considerably less than the sites previous use. The applicant has provided a Transport Statement as part of this planning application submission, which is acceptable. There are no highway safety concerns arising from the proposed development.

Case Officer Comments: The Council's Local Highway Authority has also advised that the proposed vehicle access gates would be acceptable.

External Consultee responses

Northumbrian Water

No comments to make as no changes are proposed to the current drainage layout.

Northern Gas Networks

No objections

Northern Powergrid

No objections

Northumbria Police

No objection from a crime prevention perspective. It is recommended that the applicant consider applying for Secured By Design - Commercial accreditation, not only has the scheme been proven to reduce crime risk, it could be commercially advantageous to the operator.

Tyne and Wear Fire and Rescue Authority

No objections to the proposed development. The proposed development would need to accord with building regulations - B5 'Access and Facilities for the Fire Service, and an automatic sprinkler/suppression system should be installed in the building.

Would the building be of timber construction?

Case Officer Comments: It is recommended that an informative be attached to any planning permission in relation to the automatic sprinkler/suppression system.

Case Officer Comments: The applicant has confirmed that the building is steel framed at present and would remain so.

Nexus

No objections. There are bus stops close to the site. The bus stop provision for eastbound services along Castle View could be enhanced to include a shelter, which could increase sustainable methods of travel in the area. The reduced number of parking spaces at the development is supported to encourage sustainable methods of travel. The intention to include 8 cycle parking spaces is welcomed.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity (including noise);
4. Impact on highway / pedestrian safety and sustainable travel;
5. Impact on flooding and drainage;
6. Impact on greenspace / trees.
7. Other matters

1. Principle of Development

Strategy Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partner and key stakeholders will create at least 7,200 new jobs particular in key growth areas, and ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of existing communities through the growth of and regeneration of Sunderland's sub areas including North Sunderland, and by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP4 'North Sunderland' of the adopted CSDP states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability.

The proposed development would contribute to the creation of new jobs and provide physical infrastructure to meet peoples needs. It would contribute to the growth and regeneration of North Sunderland, within the Existing Urban Area at a relatively sustainable location with good access to public transport (there are bus stops adjacent to the application site). It is therefore considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP4 of the adopted CSDP.

Land Use Policies

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

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

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

Employment Policies - New Employment Uses

Policy EG4 'New employment areas' of the adopted CSDP states that development for new employment uses (B1 - (excluding B1a), B2 and B8 uses) outside of designated employment areas must demonstrate that the proposed use 1) cannot be accommodated within the designated employment areas; 2) can be provided with appropriate vehicular access; and 3) would not be detrimental to local amenity.

Paragraph 7.15 of the adopted CSDP (supporting text to Policy EG4) states that designated employment areas are considered to be Primary Employment Areas, Key Employment Areas, the Port of Sunderland and the International Advanced Manufacturing Park. It states that the Council requires applicants to provide a detailed statement justifying why the proposal for a new employment use cannot be accommodated within designated employment areas. This should include evidence that the proposal would not adversely impact upon the functionality of existing employment areas.

Following discussions with the Local Planning Authority, the applicant has submitted an Employment Land Sequential Assessment to support the planning application. This sets out the locational requirements of the proposed development, with Sunderland chosen for its unique characteristics in terms of access to the highway network, strong resident population and the presence of Sunderland University. It also sets out search requirements for the proposed development which requires a building that would provide maximum flexibility for the facility's floorspace. The proposed development requires a site that is available, between 0.7ha and 0.9ha in size, provides a building with flexible internal space, provides adequate parking, gated entrances and is located on / visible from a main road (visibility is essential to attracting occupiers). It must also be within the City of Sunderland conurbation (and not within neighbouring settlements such as Washington), located within a resident population in the region of 100,000 or more within a 10 minute drive, and not be in an area already saturated by similar facilities.

Potential sites within Primary Employment Areas (PEAs) and Key Employment Areas (KEAS) as designated within the adopted CSDP have been given consideration, as well as some sites identified within the Council's Employment Land Review and the Council's Annual Monitoring Report 2021-22 (which monitors delivery of the adopted CSDP). Given the search requirements set out above, only sites within the City of Sunderland conurbation (the catchment area) have been considered. The conclusion of the assessment is that there are no suitable or available sites for the proposed development within designated employment areas. The Council's Planning Policy Team have given this matter consideration and raised no objections.

It is considered that the applicant's agent has provided sufficient justification to demonstrate that the proposed development could not be accommodated within a designated employment area. It needs to be of a certain size and flexibility, and in an accessible and visible location to serve the required catchment area. It is also considered that the proposed development would have no unacceptable impacts on the functionality of existing employment areas as it is not directly connected to any (the nearest is a Primary Employment Area across Wessington Way). The proposed development would also have an appropriate vehicle access and it would not be detrimental to local amenity (see 'Impact on highway / pedestrian safety and sustainable travel', and 'Impact on residential amenity' below).

Given the above, it is considered that the proposed development would accord with Policy EG4 of the adopted CSDP.

Employment Policies - Offices

Policy EG5 'Offices' of the adopted CSDP states that development for offices should be priorities at the Vaux strategic site allocation, Primary Employment Areas at Doxford International, Hylton Riverside and Rainton Bridge South, and within other designated centres as identified within the retail hierarchy as set out in Policy VC1.

Paragraph 7.2 of the adopted CSDP (supporting text to Policy EG5) states that the development of new office floorspace in other locations will normally be resisted unless they are ancillary to the principal use.

Application details including the application description are clear that the proposed offices would be used as ancillary to the principal use only which is self-storage. This is considered to be acceptable. However, it is recommended that a condition be attached to any planning permission to ensure that the proposed ancillary offices can only operate within Use Class E(g)(i) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purpose included within Use Class E that would be more suitable within a town centre location. The condition is therefore required in order to define the permission, and to ensure that the office space cannot operate as an alternative town centre use - to safeguard the vitality and viability of, and investment in, nearby town, district and local centres. It is also recommended that a condition be attached to any planning permission to ensure that the proposed offices would be ancillary to the principal use only.

Given that the proposed office would only be used as ancillary to the principal use which is self-storage, subject to the compliance with the recommended conditions it is considered that it would not conflict with Policy EG5 of the adopted CSDP.

Summary

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

2. Design and impact on visual amenity

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

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

The proposed development would refresh the appearance of the existing building at the application site. The building would remain of the same scale and massing; however, its appearance would be modernised with some new window and door openings, respraying of cladding, and the insertion of a new roof. It is considered that the proposed external works to the building would enhance its appearance and positively contribute to the character and appearance of the local area when viewed from the public domain.

Other works within the curtilage of the application site including a new visually permeable perimeter paladin fence and vehicle access gates, bin store, covered cycle storage and smoking shelter would also have no unacceptable visual impacts when viewed from the public domain. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the details as specified in the application.

Existing trees and hedges would be retained within the application site. It is recommended that a condition be attached to any planning permission to ensure that existing soft landscaping would be retained within the site to soften the visual appearance of the proposed development (in particular, the proposed new perimeter paladin fence and gates).

No lighting is required as part of the proposed development.

The applicant has considered sustainable design and construction. The proposed development would be constructed with carefully selected materials with low environmental impact, responsible sourcing and low embodied energy. The external building envelope would be insulated to achieve, or exceed, carbon emission targets required under Building Regulations. Glazing would offer high standards of thermal insulation and energy efficiency, and LED light fitting would utilise intelligent controls meaning that areas would only be lit when in use. Storage areas would not require heating or cooling, with the external building envelope insulation limiting changes in temperature. Reception, office and amenity areas would be heated and cooled by external air condenser/heat transfer units, controlled by timed thermostats to minimise energy wastage, and hot water requirements would be provided by energy efficient electric water boilers.

Comments raised in a neighbour representation are noted in relation to anti-social behaviour problems in this area and at the application site, and that the proposed development should include preventative measures. However, there is no reason to believe that the proposed development would increase anti-social behaviour at the site, and indeed Northumbria Police

have raised no objections from a crime prevention perspective (see their comments above). However, it is recommended that an informative be attached to any planning permission to recommend that the applicant considers applying for Secured by Design - Commercial Accreditation (as advised by Northumbria Police).

The proposed development would have no material impacts on existing landscaping, with only the smoking shelter, covered cycle storage and boundary treatment being positioned on existing parcels of grassed land.

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

3. Impact on residential amenity (including noise)

Policy EG4 'New employment areas' of the adopted CSDP states that development for new employment uses (B1 - (excluding B1a), B2 and B8 uses) outside of designated employment areas must demonstrate that the proposed use would not be detrimental to local amenity.

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

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that in areas of existing low levels of noise, proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required.

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

Concerns raised in a neighbour representation in relation to privacy are noted. However, given the nature of the proposed development and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the occupiers of neighbouring residential properties in relation to privacy, outlook and over dominance, or overshadowing.

It is considered that the proposed development would be a less intensive use than if the application site was to operate as two retail units.

The Council's Environmental Health Officer has raised no objections to the proposed development in relation to impacts associated with noise (see their consultation response above). The noise assessment looked at noise breakout from the building. Calculations concluded that any noise breaking out from the building would not contribute to existing background noise at the nearest sensitive receptors while the roller shutter doors were open, and concluded that the operation of the doors would equally not adversely impact those dwellings. Noise from customers attending the access nearest to East View was assessed and considering the separation distance and the noise levels generated, no adverse impact is expected. The Council's Environmental Health Officer has agreed with the conclusions of the noise assessment. They have suggested

that a condition should be attached to any planning permission in relation to the introduction of any new external fixed mechanical building services plant or equipment.

The Council's Environmental Health Officer has advised that given the existing daytime noise levels in the immediate area, and given the nature of the proposed works, a Construction Environmental Management Plan (CEMP) would not be required. However, they have suggested that a condition should be attached to any planning permission to ensure that construction works are undertaken during normal daytime working hours only.

Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested conditions be attached to any planning permission.

It is recommended that an informative be attached to any planning permission to advise the developer to restrict as far as possible site accesses and main external working compounds to the vicinity of the southern and eastern car parking areas, away from dwellings along East View (as suggested by the Council's Environmental Health Officer).

It is recommended that a condition be attached to any planning permission to ensure that the proposed ancillary offices can only operate within Use Class E(g)(i) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purposes included within Use Class E. This is required to ensure that the proposed ancillary office accommodation cannot change to an alternative use within Use Class E without planning permission, which could adversely impact on residential amenity.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of any existing dwellings in the vicinity of the application site either during the construction process or when it is in use / operation. It is therefore considered that the proposed development would accord with Policy EG4 (in relation to impact on local amenity), Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway / pedestrian safety and sustainable travel

Policy EG4 'New employment areas' of the adopted CSDP states that development for new employment uses (B1 - (excluding B1a), B2 and B8 uses) outside of designated employment areas must demonstrate that the proposed use can be provided with appropriate vehicular access.

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

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

applications should include Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

Concerns raised in a neighbour representation in relation to traffic generation, and highway safety dangers including to children are noted. However, the Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the traffic expected to be generated by the proposed development would be considerably less than the site's previous use, and that the proposed development would cause no highway safety concerns.

Nexus have raised no objections in relation to impacts on sustainable travel, given that there are bus stops close to the site, the reduced number of parking spaces at the site would encourage sustainable methods of travel, and 8 cycle parking spaces would be provided.

Given the comments from the Council's Transportation Development and Nexus, it is considered that the proposed development would have no unacceptable impacts in relation to highway capacity and safety or in relation to sustainable travel, and it would provide acceptable car parking provision, cycle provision and refuse storage. It is recommended that conditions be attached to any planning permission to require the service yard and new vehicle parking spaces to be completed on site; to require the cycle parking, electric vehicle charging points and the refuse storage area to be installed / completed on site, and to require the existing car parking to be retained that is shown on the proposed site plan. All vehicle parking, cycle parking, electric vehicle charging points, the service yard and the refuse storage area should then be retained for the lifetime of the development.

It is recommended that a condition be attached to any planning permission to ensure that the proposed ancillary offices can only operate within Use Class E(g)(i) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purposes included within Use Class E. This is required to ensure that the proposed ancillary office accommodation cannot change to an alternative use within Use Class E without planning permission, which could adversely impact on highway safety.

The application site is in a sustainable location with good access to public transport nodes. Given the comments from the Council's Transport Department, it is considered that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety. Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would accord with Policy EG4 (in relation to the acceptability of the vehicle accesses), Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on flooding/drainage

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

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

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

The submitted Flood Risk Assessments Note states that the application site is located within Flood Zone 1 (at lowest risk of flooding), and given the nature of the proposed development for a change of use it would have no impacts on flooding or drainage. The Council's Lead Local Flood Authority (LLFA) has raised no objections to the proposed development.

Northumbrian Water have raised no objections to the proposed development in terms of impacts on their assets.

It is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WW5 of the adopted CSDP.

6. Impact on greenspace / trees

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

Policy NE4 'Greenspace' of the adopted CSDP states that the Council will protect, conserve and enhance green space, and refuse development on green space which would have an adverse effect on its amenity, recreational or nature conservation.

Existing trees and hedges would be retained within the application site. It is therefore considered that the proposed development would have no unacceptable impacts on any significant trees and so it would accord with Policy NE3 of the adopted CSDP.

The application site includes parcels of amenity greenspace to its eastern, western and southern parts. However, the proposed boundary treatment would be visually permeable, and so would have no unacceptable impacts on the visual amenity value of the greenspace. The greenspace adjacent to Chaffinch Road and Dene Road has no recreational value, as it is an embankment that effectively acts as a grass verge, and the parcel of greenspace adjacent to East View would be largely unaffected with the proposed boundary treatment positioned adjacent to the building. The proposed development would have no impacts on existing trees / hedgerows within the application site, and so it would have no unacceptable impacts on nature conservation.

As stated under 'Design and impact on visual amenity', it is recommended that a condition be attached to any planning permission to ensure that existing soft landscaping would be retained within the site. This would be to soften the visual appearance of the proposed development (in particular the proposed new perimeter paladin fence) including on this amenity greenspace.

Given the above, subject to the compliance with the recommended condition it is considered that the proposed development would not have an adverse effect on the amenity, recreational or nature conservation value of amenity greenspace within the application site. It is therefore considered that the proposed development would accord with Policy NE4 of the adopted CSDP.

7. Other matters

Proposed signage has been illustrated in application details. However, any signage associated with the proposed development would require advertisement consent. The applicant is aware this, as application details state that a separate application will be made for any new signage, and that scale and location of signage has been provided simply for information purposes.

Comments made in a neighbour representation are noted in relation to covering of guttering to prevent pigeons using it. However, this relates to an existing situation, and in any case it is not a material planning consideration.

The submitted Planning Statement states that an on-site reception would offer a receipt and despatch parcel service which would serve online retail businesses. However, the applicant's agent has confirmed in writing that this is not currently part of the current planning application. The business would accept packages for self-storage customers only, which could be left at the site.

Conclusions

The proposed development would contribute to the growth and regeneration of North Sunderland, within the Existing Urban Area at a relatively sustainable location with good access to public transport. It would be compatible with the prevailing pattern of land uses in the neighbourhood. Although the proposed development would be an employment use that would not be positioned within a designated employment area, the applicant has demonstrated through evidence that the proposed employment use cannot be accommodated within other designated employment areas. Office accommodation as part of the development would be ancillary to the principal self-storage use of the building only. Subject to conditions being attached to any planning permission to define the permission (to ensure that the ancillary office accommodation cannot change to any other commercial, business or service use under Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and ensure that any office accommodation can only be ancillary to the principal use only, the proposed development would be acceptable in principle.

Subject to the discharge of and compliance with recommended condition to control external materials and the retention of soft landscaping, it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts when viewed from the public domain. It would also have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties, subject to conditions to control new external fixed mechanical building services plant or equipment, and the construction working hours.

No objections have been raised by the Council's Transport Department (the Local Highway Authority). Therefore, subject to the compliance with conditions to require the proposed car park, electric vehicle charging points, cycle parking, service yard and bin store to be installed / completed, and to ensure that existing vehicle parking bays are retained, the proposed development would be acceptable in relation to highway / pedestrian safety and sustainable travel.

In relation to other technical matters, the proposed development would have no unacceptable impacts in relation to flooding / drainage, or in relation to greenspace / trees subject to the compliance with a condition to retain soft landscaping.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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:

It is recommended that the application is APPROVED, subject to the draft conditions below:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. 18513-100 (Location Plan) received 02/12/2022
 - Drawing No. 18513-101 (Existing Site Plan) received 02/12/2022
 - Drawing No. 18513-103 (Existing Elevations) received 02/12/2022
 - Drawing No. 18513-104 (Existing Roof Plan) received 02/12/2022
 - Drawing No. 18513-105 Rev F (Proposed Site Plan) received 17/03/2023
 - Drawing No. 18513-106 (Proposed Ground GA Plan) received 02/12/2022
 - Drawing No. 18513-107 Rev A (Proposed Mezzanine GA Plan) received 02/12/2022
 - Drawing No. 18513-108 Rev D (Proposed Elevations) received 17/03/2023
 - Drawing No. 18513-109 Rev A (Proposed Roof Plan) received 15/03/2023
 - Drawing No. 18513-110 (Proposed Bin Store) received 07/03/2023
 - Drawing No. 18513-111 (Proposed Cycle Shelter) received 15/03/2023
 - Drawing No. 18513-112 (Proposed Smoking Shelter) received 15/03/2023
 - Drawing No. 18513-113 Rev A (Proposed 2.4 Fence and Gate Detail) received 17/03/2023

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

- 3 The development hereby permitted shall be constructed in accordance with the external building materials as specified on the following:
 - Drawing No. 18513-108 Rev D (Proposed Elevations) received 17/03/2023
 - Drawing No. 18513-109 Rev A (Proposed Roof Plan) received 15/03/2023
 - Drawing No. 18513-105 Rev F (Proposed Site Plan) received 17/03/2023
 - Drawing No. 18513-110 (Proposed Bin Store) received 15/03/2023
 - Drawing No. 18513-111 (Proposed Cycle Shelter) received 15/03/2023
 - Drawing No. 18513-112 (Proposed Smoking Shelter) received 15/03/2023
 - Drawing No. 18513-113 Rev A (Proposed 2.4 Fence and Gate Detail) received 17/03/2023unless the Local Planning Authority first agrees any variation in writing.

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

- 4 Notwithstanding the provisions of Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the ancillary use of the premises as an office shall be restricted to Class E(g)(i) (an office to carry out any

operational or administrative functions), and no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).

To define the permission, to safeguard the vitality and viability of designated centres, in the interests of residential amenity and highway safety, and to comply with Policy VC1, Policy BH1, Policy HS1, Policy HS2, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 5 The offices (Use Class E(g)(i)) approved as part of the development hereby permitted shall operate as ancillary to the principal self-storage use (Use Class B8) only.

To define the permission, to safeguard the vitality and viability of designated centres and to comply with Policy EG5 and Policy VC1 of the adopted Core Strategy and Development Plan.

- 6 No new external fixed mechanical building services plant or equipment shall be installed as part of the development hereby permitted, unless it can be shown that the noise generated by such plant meets a rated noise level of 49dB LAeq,15min at the nearest noise sensitive receptor.

To safeguard the amenity of existing sensitive receptors in relation to noise emissions, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 7 The construction working hours for the development hereby permitted shall be limited to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays only, with no construction works taking place at any time on a Sunday or Bank Holiday.

To safeguard the amenity of existing sensitive receptors in relation to noise emissions, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 8 Prior to the first occupation of the development hereby permitted, the proposed car park, electric vehicle charging points, cycle parking, service yard and bin store, as shown on Drawing No. 18513-105 Rev F (Proposed Site Plan) received 17/03/2023, Drawing No. 18513-110 (Proposed Bin Store) 15/03/2023 and Drawing No. 18513-111 (Proposed Cycle Shelter) received 15/03/2023, shall be installed / completed on-site and made available for use. The proposed car park, electric vehicle charging points, cycle parking, service yard and bin store shall then be retained and maintained henceforth for their designated purposes.

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

- 9 The existing vehicle parking bays illustrated on Drawing No. 18513-105 Rev F (Proposed Site Plan) received 17/03/2023 shall be retained and maintained henceforth for their designated purpose.

In the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 10 Existing soft landscaping as detailed on Drawing No. 18513-105 Rev F (Proposed Sire Plan) received 17/03/2023 shall be retained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

To ensure a satisfactory form of development, in the interests of visual amenity and to conserve amenity greenspace, and to comply with Policy BH1 and Policy NE4 of the adopted Core Strategy and Development Plan.

Reference No.: 23/00091/MW3 Minerals and Waste (Reg 3)

Proposal: **Temporary exploratory pilot boreholes and associated parking, storage and hoardings.**

Location: Stadium Of Light Car Park, Vaux Brewery Way, Sunderland, SR5 1SU

Ward: Southwick
Applicant: Sunderland City Council
Date Valid: 23 January 2023
Target Date: 26 April 2023

PROPOSAL:

Planning permission is sought for temporary exploratory pilot boreholes and associated parking, storage and hoardings at the Stadium of Light Car Park, Vaux Brewery Way, Sunderland, SR5 1SU.

The proposals affect an area of the car park adjacent to the south-east corner of the Stadium of Light, Sunderland Association Football Club's home ground. The application site is bounded by Stadium Way to the east, on the opposite side of which is a vacant car dealership with planning permission for use as a National Esports Performance Campus (app. ref. 22/00316/FUL). To the south is Millennium Way, beyond which are the commercial and light industrial units of the Sheepfolds Industrial Estate. The football ground is immediately to the east and further car parking extends northwards towards the football club's ticket office and administrative building, the Hilton Hotel and the Sunderland Aquatic Centre.

The surroundings of the application are therefore predominantly commercial in character, with the nearest residential properties located approximately 250m to the north, across Southwick Road.

The area of car park subject to the planning application had previously been used as a 'fan village' on Sunderland AFC matchdays (planning permission ref. 15/01087/FUL), however the fan village facilities were removed in 2019 and the site was returned to car parking.

As Members will no doubt be aware, the Stadium of Light was built on the site of the former Wearmouth Colliery, which closed in 1993. The football ground was opened in July 1997. The current application seeks planning permission for the undertaking of exploratory drilling for a temporary period, to support the City Council's efforts to establish whether heat can be extracted from the below-ground mining remains to contribute to a potential district heating network for Sunderland City Centre. The drilling would take place within a compound enclosed by hoardings.

For Members' information, a district heating network functions by supplying heat from a central source to consumers via a network of underground pipes carrying hot water. Networks can be extensive, covering entire cities, or of a more localised scale, serving a small group of buildings. Heat is transferred from the central source to the water contained within the network via a heat exchanger. The provision of a network means individual boilers or electric heaters are not required in every building, with heat instead being brought into buildings via heat interface units. Heating networks can deliver a wide variety of benefits to the environment, consumers and the wider economy - they are carbon efficient, utilise waste heat, can reduce energy bills, can

support regeneration and can have a beneficial impact on the stability and cost-effectiveness of the energy system.

Potential sources of heat to serve a network are numerous and can include power stations, energy from waste facilities, industrial processes, biomass, biogas, heat pumps, geothermal sources and solar thermal arrays. Mine water is also a potential heat source, as water within mines is warmed by natural processes and can, if sustainably managed, provide a continuous supply of heat to a network. Mine water temperatures are not affected by seasonal variations and can provide renewable, secure, low carbon heating for buildings in the area.

The planning application proposes the drilling of two boreholes into the mine workings beneath the application site to a maximum depth of 600m Below Ordnance Datum (BOD). The exact depth required is not yet known, however it is anticipated that the second borehole will be shallower. The location of the boreholes has been informed by work undertaken on behalf of the City Council by the Coal Authority and their purpose is to target mine water within the abandoned workings and, upon completion of the drilling, undertake pumping tests. These tests would involve the abstraction of water from the deeper borehole and injection back into the shallower borehole to establish whether there is connectivity between the two.

The breakdown of the proposed operations at the site can be set out in their anticipated sequencing as follows:

- Site hoardings installed, followed by welfare facilities and car parking, all in accordance with submitted plans and drawings. Compound would be accessed via gates in the Stadium Way boundary.
- Plant and equipment delivered to the site. This will include a fuel storage tank, water and mud storage tanks, storage containers, grouting plant, site vehicles, a main drilling rig, a telehandler and attachments, circulation pumps and hoses, a 60 kVa generator and lighting sets.
- Water supply taken from nearest hydrant.
- Drilling of boreholes then undertaken. This is anticipated to take 6-7 months.
- Upon completion of drilling, the removal of drilling stage plant and equipment from the site.
- Pumping tests, duration of which is anticipated to be 8 weeks where a pipe connection between the boreholes will be required.
- Termination of the boreholes within subterranean chambers, which will be finished at the surface with heavy, traffic-rated covers.
- Decommissioning of the site and restoration to its current state.

The proposed hoardings around the site are proposed to be 2.5m in height and constructed from plywood with ground-level concrete blocks to the interior to provide support to the hoardings and site security. The site compound will provide parking space for staff. Persons present at the site would be limited to site operatives and a small number of other visitors, anticipated to be a maximum of approximately 10 people at any one time.

Site operations are not intended to take place when events are taking place at the Stadium of Light - drilling and related activities are not due to occur on match or concert days or when any other large-scale event at the ground is occurring. Hours of working at the site are proposed to be 08:00 until 18:00 Monday to Friday and 08:00 until 12:00 on Saturdays, although pumping testing will operate 24 hours a day, seven days a week.

The planning application has been submitted by the City Council and the application site is in the Council's ownership.

The application has been accompanied by a range of supporting technical reports and information as follows:

- Application form and plans
- Planning Statement
- Noise and Vibration Assessment (expanded during consideration of application via a Technical Notes)
- Geo-environmental Preliminary Risk Assessment
- Flood Risk Note

The Planning Statement includes a section which considers whether the development should be accompanied by an Environmental Impact Assessment (EIA). For Members' information, an EIA is required in respect of certain forms of development where significant effects on the environment are likely, due to the nature, size or location of the development proposal. An EIA matrix, prepared by the planning agent and appended to the Planning Statement, considers the potential environmental effects of the development, and concludes that it will not give rise to any effects which are significant enough to mean it is EIA development. Officers concur with this view and agree that an Environmental Impact Assessment is not required for this development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Planning And Highways West
Network Management
Environmental Health
Tyne And Wear Archaeology Officer
The Coal Authority
Land Contamination
Flood And Coastal Group Engineer
Environment Agency
Northumbria Police
Chief Fire Officer
NE Ambulance Service NHS Trust
Northern Powergrid
Northumbrian Water
Northern Gas Networks
Natural Heritage

Merch Bitch Hodgsons Buildings Millennium Way Sunderland SR5 1BT
Hilton Garden Hotel Vaux Brewery Way Sunderland SR5 1SU
Albion Car Sales Southwick Road Sunderland SR5 1HF
Encove Ltd Unit 1A Stobart Street Sunderland SR5 1BW
Sunderland Aquatics Centre Vaux Brewery Way Sunderland SR5 1SN
Sunderland Association Football Club Stadium Of Light Stadium Park Vaux Brewery Way
Sunderland SR5 1YN

Stadium Of Light Admin Building Stadium Park Vaux Brewery Way Sunderland SR5 1SU
Kia Motors Jennings Stadium Way Sunderland SR5 1AT
Slayco Unit 2 Stobart Street Sunderland SR5 1BW
Stadium Motors Unit 1B Stobart Street Sunderland SR5 1BW
Encove Limited Unit 1C Stobart Street Sunderland SR5 1BW
A Love Supreme First Floor Hodgsons Buildings Millennium Way Sunderland
Ward Bros Steel Limited Hay Street Sunderland SR5 1BG

Final Date for Receipt of Representations: **22.02.2023**

REPRESENTATIONS:

Public consultation

The application has been publicised by means of neighbour consultation letters, site notices and a notice published in the Sunderland Echo newspaper. No representations have been received.

The Coal Authority

Notes that the application site falls within a Development High Risk Area, but it is confirmed that the proposed development is exempt from the requirement for the preparation and submission of a Coal Mining Risk Assessment and for statutory consultation with the Coal Authority. There are consequently no objections to the development.

Nevertheless, it is suggested that the applicant may wish to consider the implications posed by the coal mining legacy of the site and to this end, the Authority's records indicate the presence of one mine gas site within the boundary (as is recognised by the submitted Geo-environmental Preliminary Risk Assessment). The applicant's commitment to securing a Coal Authority Mine Gas Emission report to inform any remedial or migratory measures is welcomed.

It is recommended that any approval notice includes an informative note to provide advice on risks from mine gas and the comments also provide advice to the applicant in relation to obtaining permission from the Coal Authority for the proposed works.

Environment Agency

No objections to the development, subject to a condition requiring the submission and approval of a scheme to demonstrate and mitigate risks of borehole construction. The scheme should seek to agree borehole drilling and lining details and decommissioning protocols.

The condition is required on the basis that the drilling would pass through the Magnesian Limestone principal aquifer and so the works represent a risk to groundwater resources. It is considered, however, that risks can be suitably managed, subject to the provision and approval of the additional detail required by the recommended condition.

Further advice is provided to the applicant in respect of Environmental Permitting; the advice can be contained within an informative note included on any approval notice.

Northern Powergrid

No objections, advice provided to applicant in respect of the location of infrastructure in the area.

Northern Gas Networks

No objections, advice provided to applicant in respect of the location of apparatus and infrastructure in the area.

Tyne and Wear Fire and Rescue Service

No objections.

Northumbria Police

No objections, proposal not considered to raise any issues from a crime prevention perspective.

Tyne and Wear County Archaeology officer

Notes that the proposed area of works is not directly associated with any Historic Environment Records, with historic maps showing the area being used as a reservoir, likely in association with the Colliery. Given the scale and scope of the proposed works, it is confirmed that archaeological investigations are not required.

Northumbrian Water

No objections, advice provided to applicant in respect of infrastructure in the area.

Council's Highways team

No objections to the proposed development, subject to the submission and approval of a Construction Environmental Management Plan. The site access appears to be satisfactory, although it is recommended that a segregated pedestrian route is provided inside the compound. It is noted that equipment is likely to be transported to the site via low-loaders, which are suitable for use on the local road network. The delivery of any wide loads to the site should be arranged with the Council's Network Operations team.

Staff parking can be accommodated within the compound, although further information on staff travel arrangements has been recommended. There are no concerns in terms of the displacement of parking given the abundance of parking in the locality and the acceptance of the fan village on the site in 2015. Any displacement is also a short term, temporary arrangement and it is noted that site works will not take place when events are taking place at the stadium.

The intention to return the site to its current condition following the completion of works is welcomed. A Construction Environmental Management Plan should be submitted for the Council's approval.

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

No objections - information contained within the submitted 'Flood Risk note' is acceptable.

Council's Land Contamination consultant

The submitted Geo-environmental Risk Assessment report is considered to adequately assess the site's history and the potential sources of contamination (both onsite and offsite), exposure pathways, contaminant linkages and potential exposure to asbestos and other chemicals of concern. The report concludes that, on this occasion, intrusive ground investigation works are not necessary to confirm the absence or presence of contaminant linkages, given that the proposed boreholes will terminate in subterranean chambers and will be finished at the surface with heavy traffic covers.

The Council's consultant largely accepts the findings and conclusions of the report. It is recommended, however, that a Construction Environmental Management Plan for the development is submitted for approval; this should incorporate the health and safety measures recommended by the report, to ensure the protection of future construction workers and neighbouring site users.

A condition requiring the submission and approval of an unexploded ordnance (UXO) desk study is advised - although the applicant has suggested the proposed works do not pose a risk as they

do not involve significant earthworks, it is considered that intrusive activity will still occur and so an assessment should be undertaken to establish if any additional mitigation measures are required before works commence.

The consultant's comments also recommended that a Foundation Risk Assessment be provided, to assess potential risks to the principal aquifer below the site - it has been agreed, however, that this matter will be addressed by the condition recommended by the Environment Agency.

Council's Ecologist

No comments to offer.

Council's Environmental Health team

Initial comments received from the Council's Environmental Health team noted that the submitted Noise Assessment relied upon ensuring that activity would meet fixed noise and vibration limits used for construction sites. There was not, however, any survey of noise levels in the vicinity of the site to establish the prevailing ambient sound climate. As such, it was considered that the submitted report did not provide a robust enough assessment of the potential impact of the proposed operations on sensitive receptors.

Following the receipt of the initial comments, the applicant's noise specialist has undertaken a full environmental noise survey and a Technical Note to the original assessment has been prepared. The Note presents the results of the noise survey and a reappraisal of the potential impact of noise from the proposed development.

The Technical Note has been reviewed by the Council's Environmental Health team and it is noted that the development proposals involve two distinct work phases - the preparation and development of the site for the operation of a drilling rig for test boreholes followed by a pump testing phase using localised generators which are required to operate continuously for the duration of the tests. The assessment undertaken is based on measuring existing noise levels within the local environment for both daytime and night-time use. Levels have then been compared against anticipated noise levels from the development and the likely impact on local businesses and residents predicted.

The report concludes that impacts will be unlikely, and the Environmental Health team is in general agreement with this. It is noted, however, that the conclusion is based on assumptions that certain practices designed to mitigate potential noise impacts will be adopted during site operations, such as using generators which do not exceed a certain decibel level and erecting acoustic screens around the generators to reduce noise propagation. It is therefore recommended that conditions are imposed to ensure these mitigation measures are adopted for the duration of works. Subject to the imposition of such conditions, the Council's Environmental Health team has no objections to the development proceeding.

COMMENTS:

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

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

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

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

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

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace most of the policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland), although some UDP policies have been saved ahead of the future adoption of the Allocations and Designations (A&D) Plan.

The CSDP sets out a series of 'Strategic Priorities', which are designed to support the delivery of the Plan's Spatial Vision for 2033. Of relevance to the current proposal is Strategic Priority 9, which is 'to adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and seeking to reduce the risk/impact of flooding'.

Policies WWE1, WWE4, M1, M3, M4, SP1, SP2, SP11, HS1, HS2, HS3 and ST3 of the CSDP are also pertinent to the determination of this application. Additionally, saved policy NA3A.1 of UDP Alteration No. 2 remains applicable to the application site.

Although not part of the Council's adopted Development Plan, reference is also made to the Council's City Plan for 2023-2035, which has the vision of Sunderland becoming a 'connected, international city with opportunities for all', underpinned by the themes of it becoming a more dynamic, healthy and vibrant smart city over the Plan period. An ambition supporting the vision

and themes is that the city will play its role in tackling the global challenge of climate change, working together across the city to be carbon neutral by 2040.

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

1. Principle of the proposed development
2. Impacts of the development on the amenity of the area
3. Considerations relating to ground conditions
4. Highways considerations
5. Other considerations

1. Principle of the proposed development

In terms of the land use policies affecting the application site, it is subject to saved policy NA3A.1 of UDP Alteration No. 2. This identifies land around the Stadium of Light, from Keir Hardie Way to the north to Millennium Way to the south, as the 'Stadium Park' comprehensive development site and it supports the area's development for leisure-led mixed-use purposes that would accommodate a range of large-footprint leisure-related uses that cannot be accommodated within the City Centre (such as the Aquatic Centre).

The application site is also located within the Urban Core of the City, as identified by the adopted CSDP, and policy SP2 therein is therefore relevant. This policy supports the regeneration of the urban core into a vibrant and distinctive area by, amongst other measures, promoting leisure-led mixed-use development in the Stadium Village 'Area of Change'.

Clearly, the proposal is not a leisure-related development, however given its temporary duration and the development only affecting a small area of the stadium's car park, it is considered that the proposal will not cause conflict with the long-term land use objectives of policy NA3A.1 of UDP Alteration No. 2 or the regeneration aims of CSDP policy SP2.

In considering the principle of the proposed development, regard must also be given to the purpose of the proposed exploratory drilling and pumping operations. As set out above, the explorations are associated with efforts to develop a district heating network for the City Centre and such networks can deliver a wide variety of benefits to the environment, consumers and the wider economy. The use of heated water from mining remains to supply a heating network is, potentially, a renewable, secure, low carbon and less expensive means of providing heating for buildings in the area.

Whilst the proposed works are exploratory only, they are associated with the potential development of a heating network for the City Centre.

The works are therefore considered to address the objective set out at paragraph 152 of the NPPF, which states that planning decisions should support the transition to a low-carbon future in a changing climate and contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the re-use of existing resources and support renewable and low-carbon energy and associated infrastructure. The works also align with paragraph 158, which requires Local Planning Authorities to approve applications for renewable and low-carbon development if its impacts are (or can be made) acceptable.

The proposed works also clearly align with the objectives of the City Plan and Strategic Priority 9 of the CSDP, in that they are supporting the development of a potential low-carbon heating source

which could contribute to the stated aim of achieving carbon neutrality by 2040 and increasing the City's resilience to climate change.

Additionally, the proposals will support the delivery of the Council's development strategy set out at policy SP1 of the CSDP, which states that the growth objectives for the Plan period will be delivered by, amongst other measures, minimising and mitigating the likely effects of climate change.

The development of a heat network is also considered to support the objectives of policy WWE1 of the CSDP, which supports the development of decentralised, renewable and low carbon energy facilities, subject to the satisfactory resolution of all site-specific constraints. Such constraints can include landscape, wildlife, heritage assets, amenity, noise nuisance and flood risk, and regard should be given to potential cumulative impacts. Where development can produce combined heat and power, consideration must be given to enabling the heat produced to be used as an energy source.

In summary, it is considered that the proposed development is acceptable in principle, for its temporary nature ensures there is no long-term conflict with the land-use objectives for the 'Stadium Park'/'Stadium Village' area (as set out by policy SP2 of the CSDP and policy NA3A.1 of UDP Alteration No. 2), whilst the proposals will support efforts to develop a heating network for the City Centre, thus aligning with national policy objectives relating to low-carbon development and the Council's strategic goals of achieving carbon neutrality and increasing resilience to climate change, as set out by the City Plan and Strategic Priority 9 and policies SP1 and WWE1 of the CSDP.

Notwithstanding the above, as paragraph 158 of the NPPF and policy WWE1 of the CSDP make clear, it is necessary to ensure that any renewable or low-carbon development does not give rise to unacceptable environmental impacts. The potential effects of the proposed works on the local environment are considered further below.

2. Impacts of development on local amenity

Paragraph 130 of the NPPF requires planning decisions to ensure that developments function well and add to the overall quality of the area and create places that achieve a high standard of amenity for existing and future users. Paragraph 185, meanwhile, states that planning decisions should ensure that new development is appropriate for its location, taking into account likely effects of pollution on health, living conditions and the natural environment. In doing so, decisions should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

Paragraph 185 of the NPPF cross-references the Noise Policy Statement for England (NPSE), which sets out the long-term vision for government noise policy, to promote good health and good quality of life through management of noise. This vision is supported by the following aims:

' Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life;
- Mitigate and minimise adverse impacts on health and quality of life;
- Where possible, contribute to the improvement of health and quality of life.'

Allied to the above national policy framework, policy BH1 of the Council's adopted CSDP seeks to ensure that new development achieves high quality design and respects amenity. Policy HS1 requires development to demonstrate that it would not result in unacceptable adverse impacts to amenity which cannot be mitigated, including noise, dust and vibration. Policy HS2, meanwhile, requires proposals for development which may generate noise to be accompanied by a suitable noise assessment. Where necessary, the assessment shall include proposals for mitigation and shall detail and measures required to ensure that noise does not adversely impact sensitive receptors.

Policy SP11 also requires development involving minerals extraction to respect the local environment and amenity.

In terms of visual amenity, it is recognised that the compound and associated apparatus and infrastructure will be of purely functional design and appearance, whilst the drilling rig may have a rather incongruous presence in the locality for the duration of it being at the site. The surroundings of the site are, at least in part, commercial and industrial in nature and the development is therefore not wholly at odds with the prevailing character and appearance of the locality. It must also be acknowledged that the development is temporary, meaning any impacts on visual amenity will be short-lived, and the site is to be returned to its current condition upon decommissioning. Overall, it is considered that the proposed development will not give rise to any unacceptable adverse impacts on visual amenity.

With regard to the amenity of nearby properties, the application site is remote from residential properties, with those nearest to the site being commercial in nature. It is considered that the structures and apparatus involved in the development proposals will not give rise to any concerns regarding amenity considerations such as outlook, privacy or overshadowing.

In terms of other potential amenity impacts, such as noise and vibration, the application has been accompanied by a Noise and Vibration Assessment.

In respect of vibration, the submitted assessment notes that the nearest building to the proposed drilling location is the East Stand of the Stadium of Light, with the nearest sensitive receptor being 74m to the north (Stadium of Light ticket office and admin building). Predicted vibration levels are anticipated to be significantly below the significance criteria set out by British Standard 5228-2 and consequently, it is concluded that vibrations from drilling operations are unlikely to give rise to any significant effects in the locality.

As set out in the 'Representations' section of this report, the Council's Environmental Health team initially advised that the submitted Noise Assessment was not sufficiently robust, as an environmental noise survey had not been undertaken as a basis for the assessment. A full survey was subsequently undertaken by the applicant's consultant and a 'Technical Note' produced to supplement the Assessment report. The Technical Note also addresses other clarifications sought by the Council's Environmental Health team.

Survey locations were agreed with the Council prior to commencement and are Millennium Way (outside the Roker End café), Back North Bridge Street (location of Dunn House student accommodation), Vaux Brewery Way (SAFC ticket office and Hilton Hotel) and in the car park adjacent to the Eglinton House residential tower block.

The Technical Note concludes that British Standard 5228-1 noise limits are predicted to be achieved at all receptors during typical construction related activities occurring during typical site hours. With the proposed generator operating during pumping testing, predicted noise levels are below the prevailing daytime background sound level at all receptors except the Roker End Café,

where an exceedance of 1dB is predicated. During the night, noise from the generator is expected to exceed background levels by up to 4dB at the nearest residential receptors.

To mitigate these exceedances, a 2.5m high imperforate acoustic screen is proposed around the generator - the presence of this will mean the predicted noise level is reduced to 5dB below the daytime background sound level and at least 2dB below the night-time background sound level at the nearest sensitive receptors.

Notwithstanding this conclusion, the submitted Noise and Vibration Assessment notes that legislative safeguards are set out within sections 60 and 61 of the Control of Pollution Act, which give Local Authorities powers to control noise and vibration from construction activity. The Act also requires developers to adopt 'Best Practicable Means' (BPM) to mitigate noise and vibration and in this case, it is intended to adopt the advice contained within British Standards 5228-1 and 5228-2 during works. The Assessment advises that potential problems concerning noise and vibration can be best avoided by taking a considerate and neighbourly approach and it sets out a commitment to making formal contact with nearest neighbours (including commercial properties) prior to works commencing and pro-actively maintaining this contact throughout the construction programme. Works will be monitored on site to ensure that best practicable means and other appropriate mitigation measures are being adhered to.

As set out in the 'Representations' section of this report, the Council's Environmental Health team are satisfied with the noise survey undertaken and the report's conclusions that nearby commercial and residential premises are unlikely to be impacted by noise and vibration is accepted. Conditions designed to ensure that the noise limitation measures for the use of generators set out by the applicant's assessment are adopted are recommended and subject to such conditions being imposed, the Council's Environmental Health team has no objections to the proposed development in respect of noise and vibration considerations.

In conclusion, it is considered that the proposed development is acceptable in terms of its impact on local amenity. Careful consideration has been given to noise and vibration issues; however, the applicant's assessment gives confidence that site operations will not give rise to any significant negative impacts. This is subject to the conditions relating to the operation of generators, as recommended by the Council's Environmental Health team. The proposed development is therefore considered to accord with the objectives of the NPPF, NPSE and policies BH1, HS1, HS2 and SP11 of the Council's CSDP in relation to amenity and the management of potential impacts from noise and vibration.

3. Implications of development in respect of ground conditions

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

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

control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Furthermore, policy WWE4 of the CSDP also require development to not adversely affect the quality or availability of ground or surface water, including rivers and other water. In this case, given that the proposals affect former mine workings, policy SP11 is relevant, and it requires mineral extraction works to respect the local environment, infrastructure and amenity, satisfactorily address flood risk and make use of sustainable modes of transport.

Also applicable are CSDP policies M1, M3 and M4. Policy M1 seeks to safeguard areas with mineral resources, whilst policy M3 requires development to consider hazards arising from past coal mining activity, especially land instability and mine gas, and prepare a Coal Mining Risk Assessment and sit investigations as necessary. Policy M4 seeks to ensure that any development relating to minerals extraction includes suitable proposals for site restoration and aftercare as required.

The application has been accompanied by a Geo-Environmental Preliminary Risk Assessment report, which provides a desk-based assessment of risks arising from ground conditions and potential contamination and considers implications relative to the pollution of groundwater and the safety of site operatives and the wider public.

The submitted report has been reviewed by the Council's Land Contamination consultant, who is satisfied that it adequately assesses the history of the site, potential sources of contamination and instability and the risks posed by the proposed development. The consultant is in general agreement with the findings of the report and its conclusion that intrusive investigations are not warranted given the proposal involves terminating the boreholes in subterranean chambers. Health and safety recommendations can be contained within a Construction Environmental Management Plan, to be secured via a condition, whilst a further condition will address the recommendation that an Unexploded Ordinance risk assessment be submitted for approval.

The proposals have also been considered by the Coal Authority and Environment Agency and there are no objections from either. The Coal Authority have advised the Council on the location of the boreholes and confirm that a Coal Mining Risk Assessment is not required given the nature of the works. The Environment Agency, meanwhile, have recommended a condition which requires the submission and approval of a scheme for the construction of the borehole, in order to minimise risks to groundwater. A condition to this effect was also recommended by the Council's Land Contamination consultant.

In light of the applicant's assessment and in the absence of any objections from the Council's consultant, the Coal Authority and the Environment Agency, the development does not give rise to any significant concerns relating to ground conditions, pollution, mineral resources or the stability of the mining remains. This is subject to the conditions recommended by the Council's consultant and the EA. In accordance with the requirements of policy M4 of the CSDP, the site will be appropriately restored, for it will revert to its current condition following the completion of the exploratory works.

Subject to such a condition, it is considered that the risks associated with ground conditions and contamination form are satisfactorily addressed, in accordance with the requirements of the NPPF and policies HS3 and WWE4 of the CSDP.

4. Highways considerations

Policy ST3 of the CSDP requires new development to provide safe and convenient access for all road users by, amongst other measures, making suitable provision for pedestrians and cyclists and including appropriate levels of vehicle and cycle parking.

As set out in the 'Representations' section of this report, the Council's Highways team do not object to the application, with the proposed access and parking arrangements deemed acceptable. Numbers of personnel at the site will be low (anticipated to be a maximum of 10) and these can be safely accommodated. There are no concerns in respect of the displacement of parking given the temporary nature of the development and the abundance of parking in the locality, whilst it has also been taken into account that the site has recently been occupied by a fan zone for Sunderland AFC matchdays.

The Highways team recommended that a segregated pedestrian route be provided within the compound, and this was raised with the applicant's planning agent. It is intended to provide such a route within the compound, however the exact route it takes may change during site works depending on the location of apparatus and equipment within the compound. It is considered that the requirement to provide and maintain a dedicated pedestrian route can be addressed by a suitably worded condition.

Given the Highways team's comments, there are no significant concerns relating to highways or pedestrian safety matters and so the proposals comply with policy ST3's objectives.

5. Other considerations

Consideration has also been given to implications relative to ecology, archaeology and flood risk and sustainable drainage. In all instances, the relevant consultees (i.e. the Council's Ecology officer, Tyne and Wear County Archaeology officer and the Lead Local Flood Authority) have no objections to the proposed development given its location, nature and temporary duration.

CONCLUSION

The proposed exploratory drilling operations are designed to support investigations into the potential establishment of a heat network for Sunderland City Centre, using heated water from the disused mine workings as a central heat source. As explained earlier in this report, such heat networks can deliver significant environmental and economic benefits and the establishment of a heat network for the City Centre would clearly support the objectives of the Council's adopted Core Strategy and Development Plan and City Plan to reduce carbon emissions, achieve carbon neutrality in the city by 2040 and increase its resilience to climate change.

It is considered that significant positive weight should be given to the purpose of the proposed development and the benefits it may ultimately bring about in terms of supporting a more sustainable means of providing heat to residents and businesses in the city.

Notwithstanding the above, consideration has also been given to land use considerations and a series of other technical matters, to establish whether the proposed development is appropriate for the site and is able to take place without causing significant harm to the local environment and amenity. To this end, it is considered that the proposed development is acceptable in land use terms, for its temporary duration means the development will not conflict with, or undermine efforts to, encourage the leisure-led regeneration of the area around the Stadium of Light.

Potential issues relating to noise and vibration have been carefully considered and following the receipt of an improved noise assessment from the applicant and consultation with the Council's

Environmental Health team, it can be concluded that the proposed drilling and pumping operations are unlikely to give rise to any significant negative noise and vibration impacts.

Furthermore, and in light of the consultation comments received from the Coal Authority, Environment Agency and the Council's Land Contamination consultant, there are no concerns relating to contamination, pollution or instability, subject to the recommended conditions.

The proposed development is therefore considered to comply with the relevant Core Strategy and NPPF policies as outlined in the report and it is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended).

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

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

Conditions:

1 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 Prior to development commencing, the Local Planning Authority must be notified of the date works will begin at the site. For the avoidance of doubt, works must be commenced within the time limit specified by condition 1 of this planning permission. All site set-up works, borehole drilling and pumping operations and site decommissioning and clearance works must then be undertaken and completed within a 12-month period starting on the commencement date provided to the LPA. The restoration of the site to its condition immediately prior to works commencing must also be undertaken within the 12-month period.

Reason: the impacts of the proposed development have been assessed and considered on the basis that it is of temporary duration. The condition is therefore necessary to ensure site operations are only permitted for the specified time period and that impacts on the local environment and amenity are acceptable and to accord with policies BH1, HS1 and HS3 of the Council's CSDP and the NPPF.

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

site location plan (drawing no. 70090708-BH-PL-M001 A)
existing site plan (drawing no. 70090708-BH-PL-M002 A)
proposed site plan (drawing no. 70090708-BH-PL-M003 A)
proposed boundary treatments (drawing no. 70090708-BH-PL-M004 A)

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

4 No operational activities, other than pump testing operations, shall take place at the site outside of the following hours:

Monday to Friday (excluding Bank Holidays) 08:00 to 18:00;
Saturdays (excluding Bank Holidays) 08:00 to 12:00

No operations are permitted on Sundays, Bank Holidays.

Reason: in order to protect the amenities of the area in accordance with policies HS1 and HS3 of the CSDP and the NPPF.

5 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CEMP
- o Legal Compliance
- o Summary of the Requirements of this condition
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o Conclusions

Appendices (as applicable)

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information (including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

For the avoidance of doubt, the submitted CEMP should incorporate the health and safety recommendations set out in the Geo-environmental Preliminary Risk Assessment submitted with the planning application.

The development shall then be implemented and operated in accordance with the approved CEMP.

Reason: In order to adequately protect the local environment, amenity and highway network and ensure the safety of site operatives and to comply with policies BH1 and ST3 of the CSDP.

6 Prior to the commencement of development, a detailed Unexploded Ordinance (UXO) desk study report shall be submitted for the approval of the Local Planning Authority. The submitted report shall include details of any mitigation measures considered necessary to minimise risks from UXO. All site works must then take place in accordance with the agreed mitigation details and they must also be incorporated into the CEMP required pursuant to condition 5 of this planning approval as required.

Reason: to ensure that risks associated with UXO are properly understood and mitigated and to comply with the objectives of the NPPF and policy HS3 of the CSDP.

7 The development hereby permitted must not commence until a scheme to demonstrate and mitigate the risks of borehole construction has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. For the avoidance of doubt, the scheme must seek to enable the agreement of borehole drilling and lining details and the agreement of borehole decommissioning protocols. The agreed scheme must then be implemented as approved.

Reason: to ensure the proposed works do not harm groundwater resources, in line with the objectives of para 174 of the NPPF, policy WWE4 of the Council's CSDP and Position Statements N5, N6 and N7 of 'The Environment Agency's approach to groundwater protection'.

8 Any generator used at the application site must be of a specification which means its sound emission level does not exceed 68dBA at 7 metres (equivalent to a sound power level of 93dBA).

Reason: in order to ensure impacts on the local noise climate are acceptable and to accord with the objectives of the NPPF and policy HS2 of the CSDP.

9 Any generators to be operated at the site must not be brought into use until enclosed by an acoustic screen of at least 2.5m in height. The acoustic screen must remain in place at all times whilst the generator is being used.

Reason: in order to minimise sound propagation and ensure acceptable impacts on the local noise climate, in accordance with the NPPF and policy HS2 of the CSDP.

10 A segregated pedestrian route shall be provided within the site compound at all times for the duration of the approved operations.

Reason: to ensure appropriate provision is made for pedestrians at the site and to comply with the objectives of CSDP policy ST3.

Reference No.: 23/00192/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing reservoir structure and erection of retail unit (Class E) along with external display area, parking, landscaping, servicing area, altered access and associated works**

Location: Land To South Of Leechmere Road, Grangetown, Sunderland

Ward: Ryhope

Applicant: Hargreaves Property Ventures Ltd C/o Fintry Estates Ltd

Date Valid: 25 January 2023

Target Date: 26 April 2023

PROPOSAL

Planning permission is sought for the demolition of an existing reservoir structure and for the erection of a new Home Bargains retail unit (Class E), along with external display area, parking, landscaping, servicing area, altered access and associated works on land to the south of Leechmere Road, Grangetown in Sunderland. The planning application is made by Hargreaves Property Ventures c/o Fintry Estates Ltd.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises approximately 1.3 ha of vacant and overgrown land. It contains dense scrub with various trees along the boundary, and it also includes a former reservoir to its southern part. Application details state that this reservoir previously served a nearby Paper Mill, which has since been demolished. The application site has been subject to anti-social behaviour and fly-tipping.

The application site lies immediately to the west of an existing Asda superstore, and to the east / north of Leechmere Industrial Estate. However, whilst the site's surroundings to the south, east and west are commercial in character, to the north beyond Leechmere Road there are residential properties. There are also residential areas to the south of the Industrial Estate.

There are a number of existing bus stands positioned along Leechmere Road, in close proximity to the application site.

THE PROPOSED DEVELOPMENT

Application details state that the proposed development would provide a new Home Bargains retail store of 2,804sqm in gross floorspace. It would have an associated external display area. The new retail store and external display area would be positioned on the southern part of the application site, to the west of the existing Asda, with areas of car parking positioned on the northern parts of the site.

The proposed building would be approximately 41.5 metres in length and 75 metres in depth. The front (north) elevation would include a taller entrance feature with the Home Bargains Logo for greater long range visibility; required given that the proposed retail store would be set back towards the rear of the site. Glazing would also be provided in the front elevation which will be approximately 26 metres in length.

Application details state that the proposed retail store has been designed to reflect the commercial nature of the wider Leechmere Industrial Estate to the west and south of the site, as well as the Asda store to the east. Elevational treatments reflect the Home Bargains 'brand' image with the material palette and colour scheme generally repeated throughout their previous projects.

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

- Micro Rib cladding panels walls (anthracite RAL 7016 in colour) on north, east and west elevations.
- Micro Rib cladding panel walls (silver metallic RAL 9006) on all elevations;
- Buff facing brickwork on the lower parts of all elevations.
- Curtain walling with an iron frame (grey RAL 7011 in colour) on the north elevation and on parts of the east and west elevations.
- Metal gutters and PPC cap flashing (anthracite RAL 7016 in colour).
- Kingspan RW composite roof panels (Goosewing Grey in colour).
- PPC service and fire exit doors (anthracite RAL 7016 in colour)
- Display area enclosure of Heras 4.2 metre high Zenich SR2 double mesh fencing, with brick wall and piers at lower level towards the north.

The proposed development would include the construction of a new vehicle and pedestrian access into the site from the northern boundary on Leechmere Road. A new junction would be created on Leechmere Road, which would include a new right turn (part of the central reservation would be removed to facilitate this) into the site from the eastbound carriageway. The new vehicle access would be for customer and service vehicles. A total of 162 parking spaces (including 10 accessible spaces, 9 parent and child spaces, and 6 electric vehicle charging spaces) would be provided within the site, with pedestrian linkages being provided into the development from Leechmere Road (alongside the new vehicular access), connecting with existing footways, and the store entrance. Cycle parking (4 stands) would be provided at the store entrance.

A mix of tarmac roads and permeable brick pavior parking bays in a contrasting colour would be provided to help break the visual mass of the parking area and provide additional legibility as to use. Footpaths would be of tarmac.

The service yard for the proposed store would be positioned to the south-western corner of the application site, adjacent to the industrial estate. This would be constructed in concrete hardstanding. This area would include a plant enclosure, a sprinkler pumphouse and 2 sprinkler tanks. A sub-station would be constructed adjacent to the western boundary of the site.

Application details state that no dedicated refuse storage/recycling area would be provided / required, with waste being uplifted from the proposed retail store by the same vehicles making deliveries and returned to the company Distribution Centre.

An existing chainlink fence would be retained around the majority of the application site, with a knee rail fence erected adjacent to the vehicle access of Leechmere Road.

New hard and soft landscaping would be provided across the application site, including the infilling of the position of the former reservoir. This would include planting along the site entrance, a number of heavy standard trees (at the site entrance, adjacent to the access road into the site, and sporadically positioned elsewhere within the site), as well as native and ornamental shrubs, and groundcover elsewhere within the site.

The application has been supported by the following documents:

- Planning and Retail Statement by Lichfields (dated January 2023) received 25/01/2023
- Retail Assessment clarification e-mail from Lichfields dated 08/02/2023
- Design and Access Statement prepared by Lichfields (dated January 2022) received 25/01/2023
- Phase 2: GeoEnvironmental Report by Alan Wood Partners (dated 14th February 2023) received 16/02/2023
- Ecological Impact Assessment V4 by OS Ecology (dated March 2023) received 09/03/2023
- Biodiversity Net Gains Assessment V4 by OS Ecology (dated March 2023) received 09/03/2023
- Biodiversity Net Gains Metric received 09/03/2023
- Transport Assessment by SAJ Transport Consultants (dated 19/01/2023) received 25/01/2023
- Road Safety Audit by Meraki Alliance Highways, Transportation and Safety Consultants (dated 08 March 2023) received 10/03/2023
- Road Safety Audit Response Report by SAJ Transport Consultants Ltd (dated 08/03/2023) received 15/03/2023
- Interim Travel Plan by SAJ Transport Consultants (dated January 2023) received 20/01/2023
- Air Quality Assessment by njd Environmental Associates (dated January 2023) received 25/01/2023
- Flood Risk and Drainage Assessment by Alan Wood & Partners (dated January 2023) received 25/01/2023
- Sustainability Statement by Lichfields (dated January 2023) received 25/01/2023
- Community Consultation Statement by Lichfields (dated January 2023) received 25/01/2023
- Arboricultural Impact Assessment by Elliott Consultancy Ltd (dated January 2023) received 25/01/2023
- Archaeological Desk Based Assessment by OSA on site Archaeology Ltd (dated February 2022) received 25/01/2023

PLANNING HISTORY

2013 - Outline application approved for the erection of a new bingo club with associated access (appearance, landscaping, layout and scale all reserved) (Ref: 12/03152/OUT).

TYPE OF PUBLICITY

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

Press notice expiry date: 28/02/2023

Site notice expiry date: 21/02/2023

Neighbour notifications 20/03/2023

Consultation expiry dates: 20/03/2023 & 05/04/2023 (the latest consultation date related to the Local Highway Authority only, and their final comments were received on 16/03/2023)

In addition the applicant has undertaken their own community consultation via a consultation website and leaflet drop (to residents in the surrounding area) during October 2022. In summary

over 970 people visited the website with around 290 responding to the questionnaire. Of the respondents, 95% agreed that there was a need to regenerate the application site and 91% of respondents were in favour of the proposed development for a new Home Bargains on the site.

CONSULTEES

Land Contamination
Gentoo Group Ltd.
Land Contamination
Planning And Highways West
Cllr Steven Bewick
Cllr Martyn Herron
Cllr Ali Usman
Network Management
Flood And Coastal Group Engineer
Environmental Health
Landscape
Planning Policy
Business Investment
Planning Implementation
Tyne And Wear Archaeology Officer
Nexus
Northumbria Police
Chief Fire Officer
NE Ambulance Service NHS Trust
Northumbrian Water
Northern Powergrid
Northern Gas Networks
Flood And Coastal Group Engineer
Network Management

Sunderland City Council Independent Living Centre Carrmere Road Leechmere Industrial Estate Sunderland SR2 9TS
Q C Space Limited Unit 2 Queens Court Business Centre Carrmere Road Leechmere Industrial Estate
Bureau De Change - Travely Money At Asda Leechmere Road Grangetown Sunderland SR2 9TT
38F Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
31C Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
ASDA Leechmere Road Grangetown Sunderland SR2 9TT
38D Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
8H Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
Magic Moment Events 38B Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
8E Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
38A Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
Mill Garages Unit 8 Carrmere Road Leechmere Industrial Estate Sunderland
Unit 1B Queens Court Business Centre Carrmere Road Leechmere Industrial Estate Sunderland
134 Leechmere Road Grangetown Sunderland SR2 9JD
Jade Interiors 31A Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9HA
Jackson Furnishings Unit 8 Queens Court Business Centre Carrmere Road Leechmere Industrial Estate

Q C Space Limited Unit 9 Queens Court Business Centre Carrmere Road Leechmere Industrial Estate
Dealership Bodycare Limited Unit 1A Queens Court Business Centre Carrmere Road Leechmere Industrial Estate
132 Leechmere Road Grangetown Sunderland SR2 9JD
124 Leechmere Road Grangetown Sunderland SR2 9JD
136 Leechmere Road Grangetown Sunderland SR2 9JD
140 Leechmere Road Grangetown Sunderland SR2 9JE
City Of Sunderland Leechmere Training Centre (Sunelm House) Carrmere Road Leechmere Industrial Estate Sunderland
130 Leechmere Road Grangetown Sunderland SR2 9JD
142 Leechmere Road Grangetown Sunderland SR2 9JE
Grangetown Private Hire 38C Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
126 Leechmere Road Grangetown Sunderland SR2 9JD
118 Leechmere Road Grangetown Sunderland SR2 9JD
Lanchester Dairies Limited 38I - 38J Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
122 Leechmere Road Grangetown Sunderland SR2 9JD
North East Building Services 31D Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9HA
Designafit 31B Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
Leechmere Ices 38G Ellesmere Court Leechmere Industrial Estate Sunderland SR2 9UA
138 Leechmere Road Grangetown Sunderland SR2 9JE
120 Leechmere Road Grangetown Sunderland SR2 9JD
128 Leechmere Road Grangetown Sunderland SR2 9JD

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

REPRESENTATIONS

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Business Investment
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Conservation Team
- Landscape Team
- Natural Heritage
- Tyne and Wear Archaeology Officer
- Northern Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Watermans (Land contamination)
- Nexus
- Gentoo Group
- Three Ward Councillors

Neighbour Notification Responses

None received

Internal consultee responses

Environmental Health

The submitted Air Quality Assessment states that the potential impact of dust soiling from Earthworks and Construction phases of the development pose a medium risk prior without dust mitigation measures. If good dust control measures are implemented the dust soiling during these construction phases would be deemed to be not significant. Environmental Health considers that the proposal is acceptable in principle, subject to the inclusion of a condition requiring the submission of a Construction Environmental Management Plan.

Flood and Coastal Team (the Lead Local Flood Authority)

Approval cannot be given by the Lead Local Flood Authority at this time until the following issues have been resolved:

- The site does not include any above ground green Sustainable Urban Drainage Systems (SuDS).
- Flood flow analysis is required to prove that storage can be provided to accommodate for the 100-year storm event plus an additional 45% to account for climate change and the necessary emergency storage.
- The storage system should half drain in 24 hours, and so proof is required to show that the system would be capable of achieving this.
- Further information needs to be provided, including more specific Generic Operation and Maintenance Requirements, plan view and sectional drawings, and pumping station details.

Transportation Development (the Local Highway Authority)

First representation

- The proposed vehicle access / junction design may be acceptable. However, it should be subject to a Stage 1 Road Safety Audit (RSA) to confirm the acceptability of the carriageway width and visibility, and to identify any other safety concerns that need to be mitigated. This should include assessing the impact on the existing on-road cycle lane.
- The developer is required to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. Alterations to the street lighting layout may also be required.
- The number of cycle loops should be provided.
- The proposed parking arrangements meet the Council's parking standards and so are acceptable.
- The service yard would be towards the rear of the retail unit, and the swept path analysis for a 16.5-metre-long articulated vehicle is acceptable.
- The submitted Interim Travel Plan is acceptable. A final travel plan should be agreed by the Council within six months of the first occupation of the development, and then be fully implemented.
- Methods applied to determine the trip generation and distribution, and traffic and growth forecasts are acceptable.
- Capacity assessments show that all junctions near the site operate well within capacity in all scenarios, and that additional development trips have a negligible impact on the

surrounding highway network. This is broadly acceptable. However, a collision analysis near to the application site should be carried out as well as the RSA mentioned above.

- There are bus stops nearby along Leechmere Road, providing access to locations such as Sunderland and Washington, which in turn provide bus and metro links. However, it is unclear from the proposed site plan if there would be access to the car park and store entrance from the existing footpath to the east of the access road and from Asda directly. Appropriate walking access points should be clarified or added to the designs unless there are specific constraints preventing this.

Case Officer Comments: There would be no direct links provided to the existing footpath to the east of the proposed access road or from Asda directly.

Second representation

The following additional highway information has been submitted for consideration in support of the proposal for a new highway access arrangement to serve the development site. This information was requested to ensure the access can accommodate the vehicle manoeuvring and operate safely.

- Road Safety Audit Stage 1
- Road Safety Audit Response Report
- Amended Site Access Plan with swept path analysis

It is noted that the proposed totem sign is located outside of the visibility splay and limits of public highway.

The above documents have been reviewed and are considered to be satisfactory. There are no objections to the proposal on highway grounds subject to the inclusion of appropriately worded planning conditions. These are:

1. Submission of a detailed design of the highway access arrangement including the recommendations contained within the Stage 1 Road Safety Audit
2. Submission of a Stage 2 Road Safety Audit
3. Submission of a workplace Travel Plan prior to occupation containing details of staff survey plans and modal shift targets
4. Provision of cycle storage facilities prior to opening
5. Provision of electric car charge-points prior to opening

Note - the developer will be required to enter into a Section 278 Agreement to facilitate the offsite highway works

Conservation Team

No comments. Please note the requested condition from the Tyne & Wear Archaeology Officer for an Archaeological Building Recording of the reservoir structure.

Landscape Team

The general landscape arrangement is acceptable. However, it is recommended that a landscape condition be attached to any planning permission to require the submission of a more detailed landscape plan noting the location of tree species, and providing further information on site preparation, soil handling/volumes and maintenance.

- Soil for trees - The proposed topsoil and subsoil volumes need to be sufficient to support the growth of trees to their mature size.

- Number of trees/spacing - It would be more appropriate to relax spacing between trees and plant fewer trees but include species with larger ultimate canopy sizes.
- Tree species selection - The scheme would benefit from increasing the variety of tree species.
- Clarification of the proposed landscape treatment between the footpath and western boundary should be provided.
- Planting beds within the car park - ideally the planting beds at the ends of the parking areas would be larger, with a minimum width of a metre to ensure the viability of planting within the bed. However, the success or not of these beds would not detrimentally affect the visual appearance of the scheme when viewed from the public realm.

Watermans (Land contamination)

First representation

The following comments have been provided in relation to the submitted Phase 1 contaminated land report:

- Comment and further information regarding UXO risk. The risk due to UXO should be clarified in advance of the post-demolition ground investigation, and any mitigation measures that may be required should be implemented during the intrusive works.
- The potential presence of a buried channel at the site should be considered in the scoping of the post-demolition ground investigation.
- The potential for surface workings associated with the former brick works, and their subsequent infilling, should be considered as part of the post-demolition ground investigation.
- The report identifies the potential Made Ground and shallow soils as potential contamination sources. The historical and surrounding site uses should be considered in the scoping of the proposed post-demolition ground investigation.
- It is stated that the risk to controlled waters is very low due to the anticipated low soil leaching potential. However, the risk to controlled waters cannot be entirely ruled out and further assessment is required of groundwater at the site to confirm that the risk is low as part of the post-demolition ground investigation. Perched groundwater is identified as a potential source of contamination.

The response zones of the monitoring wells were flooded during the gas monitoring, the implication of this should be discussed.

- The significant variation in groundwater levels between monitoring visits should be commended on.
- It is noted that 4 rounds of monitoring have been undertaken despite the Phase I GeoEnvironmental Appraisal recommending that 6 visits should be undertaken. Considering the comments above, justification should be provided as to whether there is sufficient gas monitoring measurements to use the semi quantitative approach to gas characterisation.

It is recommended that conditions be attached to any planning permission in relation to a ground investigation, a remediation strategy, a verification report, and the event of any unexpected contamination being found that was not previously identified.

Case Officer Comments: The Council's Contaminated Land Advisor was asked to clarify whether or not an Unexploded Ordnance (UXO) Risk Assessment and Method Statement (including any necessary mitigation) should be submitted and approved prior to the commencement of any development (including any demolition works associated with the concrete base of the reservoir).

Second representation

From a review of the historical maps, it looks like the reservoir was built in 1939, therefore it is unlikely that there would be any unexploded ordnance beneath the concrete base of the reservoir. Therefore, the UXO condition could be worded to allow demolition prior to the submission of a detailed UXO assessment.

Natural Heritage

First representation

Insufficient information is available to conclude that the proposed development would not result in significant harm to biodiversity, primarily due to impacts to the existing bat and bird populations that are of local importance. In addition, it has not been demonstrated that the proposals would deliver a biodiversity net gain and it is apparent that off-site compensation is required. There is therefore a conflict with relevant biodiversity policies, and so the proposed development cannot be supported.

Second representation

No objections subject to conditions being attached to any planning permission in relation to the following:

- The submission of a lighting design strategy for biodiversity.
- No hedgerows, trees, shrubs or brambles being removed between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful check of vegetation for active birds' nests immediately before the vegetation is cleared.
- Root protection areas for the mature trees adjacent to the western boundary being delineated, to ensure that no construction activity, including movement of machinery or storage of materials can be undertaken within root protection areas.
- The submission of a Landscape and Ecological Management Plan (LEMP).

A lighting scheme is required to mitigate impact on bats, as there would be a net reduction in bat foraging potential. The installation of bat boxes would provide some enhancement (controlled by the LEMP). Harm to bats is not considered to be significant.

Most of the existing nesting and foraging habitat would be lost. Replacement of native scrub within the landscape scheme would provide a degree of compensation for loss of nesting and foraging potential. Installation of nest boxes is proposed, although this is aimed at swift, starling and house sparrow, which were not recorded on site. This measure is therefore considered as a separate enhancement as it does not target the assemblage affected. To reduce the harm to an acceptable level overall the management of the proposed native scrub and the proposed installation of nest boxes would need to be optimised for the assemblage recorded.

Biodiversity Net Gain would not be achieved in full. However, given the positive net change in biodiversity units, and the difficulty in achieving full net gain within the application site, it would be appropriate to consider this in balance against the other benefits of the proposed development. Due to the heavy reliance on proposed urban trees to provide the net increase in biodiversity units it would be important that the trees are managed appropriately following implementation of the landscape scheme (controlled by a LEMP).

Business Investment

No response received

Ward Councillors

No responses received

External Consultee responses

Tyne and Wear Archaeology Officer

The submitted archaeological desk-based assessment identifies that the application site is considered to have low potential for archaeological remains of prehistoric, Roman, early medieval, medieval or post-medieval date. While archaeology related to these periods has been recorded in the vicinity of the application site, 19th and 20th century development undertaken within the site's redline boundary is considered to have reduced the archaeological potential for this site. The application site is associated with a 20th Century reservoir and pumping station which were associated with the former Hendon Paper Mill previously located to the east of the site. The paper mill was in use from the 1870s until the early 21st Century; both the paper mill and pumping stations have been demolished.

In the desk-based assessment it is identified that while the North-East Regional Research Framework does not note local 20th century reservoirs as a research priority, it is identified, that there is a need to record 20th century remains, particularly industrial structures, before they are decommissioned. Limited photographic recording of the reservoir could be achieved once safe access to the site has been achieved.

Based on the above, it is considered that archaeological building recording of the reservoir would be required, which could be controlled by way of a condition attached to any planning permission.

Northumbrian Water

No objections provided that the proposed development would be carried out in strict accordance with the submitted document titled "Flood Risk Assessment and Drainage Assessment". This document identifies an unrestricted foul connection and a surface water connection restricted to 2.4l/s to manhole 0201. A condition should be attached to any planning permission to ensure that the proposed development would be implemented in accordance with this drainage scheme.

Northern Gas Networks

No objections

Northern Powergrid

No objections

Northumbria Police

No response received

Nexus

Nexus supports development near to good active travel links and welcomes the submitted interim travel plan. However, the developer could make some additional contributions to encourage

increased public transport and active travel uptake in the area and support sustainable travel behaviours.

- Promoting the benefits of public transport to employees is noted and the encouragement of sustainable travel modes is welcomed. Nexus can engage with the developer to ensure Pop Pay As You Go cards are given visibility to employees, ensuring they can travel sustainably and integrate with other modes of public transport. This should be included across the proposed travel guide, travel board information and personalised travel planning initiatives as outlined in the Interim Travel Plan.
- The interim travel plan is supported but a full travel plan should be produced. Within this, the developer should meet the cost of one travel ticket per employee, equivalent to four week's travel, or a Pop Pay As You Go card to the value of £50 of preloaded credit, which would help implement sustainable behaviours and build up long-term travel habits. Nexus also highlights that on Leechmere Road, there is a stone shelter which is not to modern standards and could be improved upon. Securing a new, modern shelter by way of a developer contribution would encourage sustainable travel.

Gentoo Group

No response received

Tyne and Wear Fire and Rescue Service

No objections to the proposed development. The proposed development would need to accord with building regulations - B5 'Access and Facilities for the Fire Service, and an automatic sprinkler/suppression system should be installed for the building.

Case Officer Comments: It is recommended that an informative be attached to any planning permission in relation to the automatic sprinkler/suppression system.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity (including noise and air quality);

4. Impact on highway and pedestrian safety, and sustainable travel;
5. Impact on archaeology
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination;
9. Impact on trees; and
10. Other matters

1. Principle of Development

Strategy Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partner and key stakeholders will create at least 7,200 new jobs particular in key growth sectors, and deliver at least 45,400m² new comparison retail development. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of existing communities through the growth and regeneration of Sunderland's growth areas including South Sunderland, by delivering the majority of development in the Existing Urban Area, and by emphasising the need to develop in sustainable locations in close proximity to transport hubs.

Policy SP5 'South Sunderland' of the adopted CSDP states that South Sunderland will continue to grow and become a spatial priority for economic development.

Policy SP9 'Comparison retail' of the adopted CSDP states that in order to meet identified development needs, at least 45,400m² of comparison retail floorspace will be provided. The overall distribution of floor space should broadly be 26,500m² in the City Centre and South Sunderland.

The proposed development would contribute to delivering growth and sustainable patterns of development, within the Existing Urban Area, and in a relatively sustainable location with good access to public transport (see 'Impact on highway and pedestrian safety, and sustainable travel' below). It would contribute to providing new employment. Approximately 60 full-time equivalent (FTE) direct new jobs would be created when operational, and there would be additional spin-off employment generated, including for local businesses and others in the supply chain, as well as employment associated with the construction process. It would provide a facility to meet people's comparison goods retail needs, and overall it would contribute towards the growth of South Sunderland. On this basis it is considered that the proposed development would accord with strategic Policy SP1, strategic Policy SP5 and strategic Policy SP9 of the adopted CSDP.

Retail Policies

Policy VC1 'Main town centre uses and retail hierarchy' of the adopted CSPD identifies the various centres within Sunderland, including the city centre, town centres, district centres and local centres and it seeks to maintain and enhance their vitality and viability. Criterion 2 states that Sunderland City Centre and town centres will be the principal locations for major retail. Criterion 6 states that the development of main town centre uses will be focused within existing designated centres, as set out within the retail hierarchy, and that development outside of existing centres will be expected to follow the sequential assessment approach.

Paragraph 8.8 within the adopted CSDP (supporting text to Policy VC1) states that development of main town centre uses in edge and out-of-centre locations will be expected to follow the sequential assessment approach, prioritising locations which are accessible and well connected to designated centres. It states that out-of-centre developments for main town centre uses will only be supported where they can demonstrate that they have satisfactorily met the sequential test and would not have a significant adverse impact upon the vitality and viability of designated centres.

Policy VC2 'Retail impact assessments' of the adopted CSDP states at Criterion 1 that when assessing applications for edge of centre or out-of-centre retail development, the Council will require an impact assessment to be submitted where the development would exceed local thresholds - relating to city centres, town centres, district centres and local centres. Criterion 2 states that the Council will refuse planning permission where there is evidence that development is likely to have a significant adverse impact upon the vitality and viability of a designated centre.

Paragraph 8.13 within the adopted CSDP (supporting text to Policy VC2) states that normally the threshold relating to Retail Impact Assessments will be based on the closest centre, however there may be some circumstances where a lower or higher threshold would be more appropriate based on the proposal and local circumstances. Paragraph 8.15 further states that it is important that the impact is assessed in relation to all designated centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.

The proposed development would comprise out-of-centre retail development. The sequential test as required under Policy VC1 of the adopted CSDP and as set out in Paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) (July 2021) would apply. The nearest centre to the application site is Grangetown Local Centre, and so a Retail Impact Assessment would be required where the retail floor space would exceed 500 square metres for both convenience goods and comparison goods. In this case, the floor space of the proposed development would significantly exceed 500 square metres. Given the above, the planning application has been accompanied by a Planning and Retail Statement, which includes both a Sequential Assessment and a Retail Impact Assessment.

The applicant's Planning and Retail Statement, and an e-mail providing further clarification regarding points within this statement, have been given detailed consideration by the Council's Retail Planning Consultant.

Sequential Assessment

The Primary Catchment Area for the proposed retail store at this location in South Sunderland, covers the southern and central parts of Zones 1 and 2 of the Sunderland Retail Needs Assessment Study, prepared for the City Council, by HollissVincent in 2016. This is the area where the proposed store would draw the overwhelming proportion of its trade. Therefore, for the purpose of the sequential assessment, the relevant centres that have been considered are Grangetown, Ryhope, Silksworth and Hendon Local Centres, and Doxford Park District Centre, noting that Hendon Local Centre lies just outside of the defined Primary Catchment Area.

The Council's Retail Planning Consultant has advised that the defined Primary Catchment Area and relevant centres included in the sequential assessment are acceptable. They have also advised that the proposed development passes the sequential test. There are no other sites or premises located within, or on the edge of, the relevant designated centres in the Primary Catchment Area of the application proposal that would be both suitable and available to accommodate the broad type of development which is proposed in the application by approximate

size, type and range of goods (a test set out in case law). This conclusion reflects the applicant's adoption of the appropriate degree of flexibility required in relation to format and scale.

Retail Impact Assessment

Paragraph 90 of the NPPF (July 2021) states that a Retail Impact Assessment should provide an assessment of:

- "a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) 'the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."

The Council's Retail Planning Consultant has advised that there are no existing, committed, or planned investments within the established district and local centres located within the Primary Catchment Area of the proposed development that would suffer any 'significant adverse' impact as a result of the proposed development.

The Council's Retail Planning Consultant has advised that much of the committed and planned investment in the City Centre is in the area covered by the Riverside Sunderland Supplementary Planning Document and is very much targeted at improving the office and residential offer in the Central Business District. Therefore, the investment impact on the City Centre of the proposed development is likely to be negligible and certainly not 'significantly adverse'. They have also advised that the proposed development would be highly unlikely to cause a 'significant adverse' impact on the vitality and viability of any of the designated centres within, or beyond, the Primary Catchment Area, as a result of projected trade diversion. Instead, it is considered that the proposed development would increase consumer choice at a reasonably accessible location.

Given the above it is considered that the proposed development would pass the Retail Impact Assessment test, based on the criteria set out within Paragraph 90 of the NPPF (July 2021).

Retail Assessment Summary

It is considered that there are no available and suitable opportunities in sequentially preferable locations, even having applied the appropriate degree of flexibility in relation to format and scale, and that the adverse trading impacts would not be 'significantly adverse' and would be more than offset by the physical regeneration benefits of redeveloping a long-standing vacant brownfield site in a relatively sustainable location. It is therefore considered that the proposed development would pass both the sequential and impact assessment tests.

It is recommended that a condition be attached to any planning permission to ensure that the proposed retail store can only operate within Use Class E(a) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purposes included within Use Class E. This is required in order to define the permission and to safeguard the vitality and viability of, and investment in, nearby town, district and local centres.

It is also recommended that a condition be attached to any planning permission:

- To restrict the total gross internal area (GIA) for retail purposes (Class E(a)) on the application site to a maximum of 2,850 square metres (so as to allow for a limited degree of flexibility, given that what is proposed development would have a GIA of 2,804 square metres), and to restrict the external display area to no more than 950 square metres gross

(again, to allow for a limited degree of flexibility, given that the quantum of external display area is not specified);

- To restrict the total net internal retail sales area within the store to a maximum of 2,600 square metres (so as to allow for a limited degree of flexibility, given that what is proposed would have a total sales area of 2,524 square metres); and
- To restrict the total net internal retail sales area within the store for convenience goods to a maximum of 1,300 square metres and the total net internal retail sales area within the store for comparison goods to a maximum of 1,500 square metres, but subject to the aggregate net internal sales area not exceeding 2,600 square metres.

The floorspace limits set out in the second recommended condition above are intended to provide for a strictly limited amount of flexibility, given that the proposed development has been assessed on the basis of the details set out in the applicant's Planning and Retail Statement. Therefore, the purpose of this second condition is to reflect the basis on which the planning application has been assessed and in order to seek to maintain the vitality and viability of established centres in the retail hierarchy as set out under Policy VC1 of the adopted CSDP.

Subject to the compliance with these recommended conditions, it is considered that the proposed development would accord with Policy VC1 and Policy VC2 of the adopted CSDP, and with the guidance within the NPPF (July 2021) relating to town centres and the location of main town centre uses.

Greenspace

The application site is identified as Natural and Semi Natural Greenspace within the Council's Allocations and Designations Plan Greenspace Audit (December 2020).

Policy NE4 'Greenspace' of the adopted CSDP states that the Council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace. Criterion 4 of Policy NE4 states that development should be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that one of the following applies:

- i. the proposal is accompanied by an assessment that demonstrates that the provision is surplus to requirements; or
- ii. a replacement facility is provided which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the Council prior to development commencing; or
- iii. where a replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance.

The application site is positioned within the Ryhope ward. The Council's Allocations and Designations Plan Greenspace Audit (December 2020) states that 54% of the population of the Ryhope ward have access to Natural and Semi Natural Greenspace, of at least 2 ha within 300 metres from their home. This is above average for the City of Sunderland. In addition, the application site does not score highly and is stated as being 'very low greenspace'.

The application site comprises an overgrown and unkept site which has been subject to fly-tipping and anti-social behaviour. Given its overgrown / unkept condition and the fact that it is largely inaccessible, it currently has limited (if any) amenity value and no recreational value. Application details demonstrate that the proposed development would provide a positive net change in

biodiversity units, and the Council's Ecology Officer has raised no objections to the proposed development subject to conditions being attached to any planning permission (see 'Impact on ecology below'). It is therefore considered that, on balance, the proposed development would have no adverse impacts on the nature conservation value of the site.

Given the above assessment, it is considered that the proposed development would have no adverse impacts on the amenity, recreation or nature conservation value of greenspace, and so it would accord with Policy NE4 of the adopted CSDP.

Summary

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

2. Design and impact on visual amenity

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

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

The proposed store building would be set well back from the main part of the public domain along Leechmere Road. It is considered that it would be of a scale, massing, layout and appearance that would appropriate assimilate into the existing built form, with the existing Asda store positioned to the east, and other commercial and industrial units positioned to the west and south. The application site currently comprises vacant, overgrown land and has been subject to fly tipping / anti-social behaviour. It is therefore considered that the proposed development, including a proposed landscaping scheme with heavy standard trees, would enhance the appearance of the application site when viewed from the public domain.

Detailed specifications of most of the external building materials for the proposed retail unit have been provided as well as detailed specifications for the boundary treatments and hard surfaces. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with these materials.

However, it is considered that a detailed specification is required in relation to the buff brick finish of the proposed retail unit, and that full details are required in relation to the proposed plant enclosure, sprinkler pumphouse, two sprinkler tanks, trolley shelter, cycle shelter and the sub-station. It is therefore recommended that conditions be attached to any planning permission to require samples and / or detailed specifications of the buff brick, and full details of these ancillary works, be submitted to and approved in writing by the Local Planning Authority.

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

Proposed landscaping as shown on the submitted amended planting plan, including heavy standard trees, would enhance the visual appearance of the site, and mitigate the loss of biodiversity (see 'Impact on ecology' below). The Council's Landscape Officer has advised that the general landscape arrangement would be acceptable. However, notwithstanding details submitted they have recommended that a condition should be attached to any planning permission to require the submission of a more detailed landscape plan noting the location of tree species, and providing further information on site preparation, soil handling/volumes and maintenance. It is therefore recommended that a condition be attached to any planning permission to be require the submission of a detailed Landscape Plan as part of a Landscape and Ecology Management Plan (see 'Impact on ecology' below)).

The proposed development would include LED car parking and building mounted lighting. However no specific details of lighting have been provided. It is therefore recommended that a condition be attached to any planning permission to require the submission of a lighting scheme, prior to the installation of any lighting.

Northumbrian Police has not provided any comments despite being consulted. It is therefore considered that the proposed development would be acceptable in terms of designing out crime, as it would enhance the safety and security in the area (through both removing anti-social behaviour that currently takes place at the site as well as positioning the building to facilitate natural surveillance).

The applicant has considered sustainable design and construction. Sustainable methods and materials would be used as far as possible throughout its design and during construction, and a range of sustainability measures would be incorporated into the proposed development once operational. Sustainability measures would include, amongst other things, measures such as low energy lighting design, waste being re-used and re-cycled where possible, use of high quality and sustainable building materials and recycling throughout the construction phase.

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

3. Impact on residential amenity (including noise and air quality)

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

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

Given the nature of the proposed development and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the occupiers of

neighbouring residential properties in relation to privacy, outlook and over dominance, or overshadowing.

An Air Quality Assessment has been submitted as part of this planning application. The Council's Environmental Health Officer has considered this assessment, and subsequently raised no objections to the proposed development in relation to impacts associated with air quality or indeed any other impacts (see their consultation response above). However, they have recommended that a condition be attached to any planning permission requiring the submission of a Construction Environmental Management Plan (CEMP) - to ensure potential impacts associated with the construction of the development are identified and prevented or minimised.

Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested condition be attached to any planning permission in relation to a CEMP.

It is also recommended that a condition be attached to any planning permission to ensure that the proposed retail store can only operate within Use Class E(a) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purposes included within Use Class E. This is required to ensure that the proposed development cannot change to an alternative use within Use Class E without planning permission, which could adversely impact on residential amenity.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of any existing sensitive receptors in the vicinity of the application site, either during the construction process or when it is in use / operation. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety, and sustainable travel

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

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

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development (see their comments summarised above). They have advised that the proposed access arrangements, car parking, cycle parking, and service arrangements would be acceptable. They have also advised that the proposed development would be acceptable in

relation to trip generation, highway safety and sustainable travel. However, they have recommended that conditions be attached to any planning permission in relation to the following:

- Submission of a detailed design of the highway access arrangement including the recommendations contained within the Stage 1 Road Safety Audit
- Submission of a Stage 2 Road Safety Audit
- Submission of a workplace Travel Plan prior to occupation containing details of staff survey plans and modal shift targets
- Provision of cycle storage facilities prior to opening
- Provision of electric car charge-points prior to opening

Given the comments from the Council's Transportation Department it is recommended that their suggested conditions be attached to any planning permission.

It is recommended that a condition be attached to any planning permission to ensure that the proposed hardstanding, servicing area, car parking areas (including accessibility spaces and electric vehicle charging points) and cycle parking be completed on site, made available for use and retained henceforth.

It is also recommended that a condition be attached to any planning permission to ensure that the proposed retail store can only operate within Use Class E(a) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and so not as any of the other commercial, business or service purposes included within Use Class E. This is required to ensure that the proposed development cannot change to an alternative use within Use Class E without planning permission, which could adversely impact on highway safety.

Following comments from Nexus, it is recommended that an informative be attached to any planning permission to encourage the applicant to meet the cost of one travel ticket per employee, equivalent to four week's travel, or a Pop Pay As You Go card to the value of £50 of pre-loaded credit. It is not considered necessary nor reasonable to require the applicant to provide a developer contribution to secure the upgrading of an existing stone bus shelter along Leechmere Road, as suggested by Nexus.

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

5. Impact on archaeology

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

The Tyne and Wear Archaeology Officer has raised no objections to the proposed development in relation to impacts on archaeology. However, they have recommended that

archaeological building recording of the existing reservoir within the application site would be required, and that this could be controlled by way of a condition attached to any planning permission.

Given the comments from the Tyne and Wear Archaeology Officer, it is recommended that their suggested condition be attached to any planning permission. Subject to the discharge of and compliance with this condition, it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

6. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity.

An Ecological Impact Assessment has been submitted as part of this planning application, as well as a Biodiversity Net Gain (BNG) Assessment and Biodiversity Net Gains Metric. The Council's Ecology Officer has considered these documents and has raised no objections to the proposed development, subject to conditions being attached to any planning permission (see their comments above) to mitigate impact on bats and birds, to secure biodiversity enhancements within the application site, and to ensure that there would be a positive net change / increase in biodiversity units within the application site. BNG would not be achieved in accordance with the BNG Metric, however an increase in biodiversity value within the application site would still be provided. Given the difficulty in achieving BNG within the application site, given the fact that the proposed development would still provide a positive net change / increase in biodiversity units, and given that the proposed development would provide other benefits (such as economic benefits and wider visual enhancements to the application site when viewed from the public domain), in this case this is considered to be acceptable.

It is recommended that conditions be attached to any planning permission, as advised by the Council's Ecology Officer, in relation to the following:

- The submission of a lighting design strategy for biodiversity.
- The submission of a Landscape and Ecological Management Plan (LEMP).

Mature trees adjacent to the western boundary of the application site are low quality Category C trees. They would not be worthy of a Tree Protection Order (TPO). A tree protection condition in relation to these trees, as suggested by the Council's Ecology Officer would not be reasonable nor enforceable given that the trees could be felled anyway. Nevertheless, it is recommended that an informative be attached to any planning permission to encourage the applicant to retain these trees given their importance to birds.

Birds are afforded statutory protection. It is therefore recommended that an informative be attached to any planning permission in remind the applicant that works should not be undertaken within the bird breeding season (March to August inclusive). It would not be necessary to attach a condition in relation to this as suggested by the Council's Ecology Officer.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would provide biodiversity enhancements and a net change / increase in biodiversity units, and so it would have no unacceptable impacts in relation to biodiversity. It is therefore considered that the proposed development would accord with Policy NE2 of the adopted CSDP.

7. Impact on flooding/drainage

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

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

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted Flood Risk and Drainage Assessment (FRA) concludes that the application site is located within Flood Zone 1, and so has a low probability of flooding. It concludes that the new retail development could be constructed at traditional levels of construction, and that there would be no requirement to incorporate any flood mitigation measures in the design of the proposed development. Foul water run-off from the proposed development would be discharged to the public sewer network located in Leechmere Road, and surface water run-off from the proposed development would be attenuated, with a restricted discharge to the public sewer network located in Leechmere Road.

Northumbrian Water have raised no objections to the submitted Drainage Strategy and the impact of the proposed development on their network. They have recommended that a condition be attached to any planning permission to require the proposed development to be carried out in strict accordance with the submitted document entitled 'Drainage Strategy'. It is recommended that such a condition be attached to any planning permission.

Northumbrian Water have advised that it is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission, where it is their intention to offer SuDS features for adoption. It is recommended that an informative to applicant be attached to any planning permission to remind the applicant of this.

Final design details regarding surface water drainage are yet to be agreed by the Council's Lead Local Flood Authority (LLFA). The following issues still need to be resolved:

- The application site does not include any above ground green Sustainable Urban Drainage Systems (SuDS).
- Flood flow analysis is required.
- The storage system should half drain in 24 hours, and so proof is required to demonstrate that the system would be capable of achieving this.
- Further information needs to be provided, including more specific Generic Operation and Maintenance Requirements, plan view and sectional drawings, and pumping station details.
- At the time of drafting this report, discussions are being undertaken between LLFA and the applicant's drainage consultants, and a response will be provided at Planning Committee in relation to this matter.

Subject to the surface water drainage details being agreed by the LLFA, and subject to the discharge of and compliance with the recommended conditions (including any conditions recommended by the LLFA), it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage. It is therefore considered that the

proposed development would accord with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted CSDP.

8. Impact in relation to land contamination

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

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

A Phase 1 Land Contamination report and a Hazardous Gas Risk Assessment have been submitted with the application. The Council's Contamination advisors have raised no objections to the conclusions of these reports.

The Council's Contaminated Land Advisors have advised that further ground investigation works would be required post-demolition (see their consultation response above). They have suggested that conditions should be attached to any planning permission in relation to the submission of a Phase 2 ground investigation, a remediation strategy, and verification report, and in relation to the event of any unexpected contamination being found that was not previously identified. It is therefore recommended that these suggested conditions be attached to any planning permission.

The Council's Contaminated Land Advisors have also stated that the Phase 1 report indicates that the site lies within a moderate Unexploded Ordnance (UXO) risk area. The risk to UXO should be clarified in advance of the post-demolition ground investigation, and any mitigation measures that may be required should be implemented during the intrusive works. It is therefore recommended that a condition should be attached to any planning permission to require the submission of a Detailed Unexploded Ordnance (UXO) risk assessment, prior to the commencement of any intrusive ground works required in relation to the Phase 2 ground investigation, and prior to the commencement of any development (excepting demolition works). The Council's Contaminated Land Advisors have confirmed that demolition works can be undertaken given that the reservoir structure was constructed in 1939.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to risk to Unexploded Ordnance or in relation to other land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

9. Impact on trees

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

An Arboricultural Impact Assessment has been submitted as part of the planning application. It concludes that all trees and scrub within the application site need to be removed as part of the proposed works. At the time of the case officer site visit most had already been removed.

However, the submitted Arboricultural Impact Assessment concludes that all of the trees are Category C low quality and so would not be worthy of protection.

Whilst the proposed development would result in the loss of some trees, these are of low quality, and any case a proposed planting plan has been submitted as part of the planning application, including heavy standard trees which would mitigate any loss of existing trees and scrub from the site.

The proposed planting plan has been given consideration by the Council's Landscape Officer (as explained above under 'Design and impact on visual amenity' above). The Council's Landscape Officer has advised that the general landscape arrangement would be acceptable. However, notwithstanding details submitted they have recommended that a condition should be attached to any planning permission to require the submission of a more detailed landscape plan noting the location of tree species, and providing further information on site preparation, soil handling/volumes and maintenance. It is therefore recommended that a condition be attached to any planning permission to be require the submission of a detailed Landscape Plan as part of a Landscape and Ecology Management Plan (see 'Impact on ecology' above).

Subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts on any significant trees or woodlands from a visual amenity perspective, and so it would accord with Policy NE3 of the adopted CSDP.

10. Other matters

Any proposed signage relating to the proposed development would require advertisement consent. This will therefore be subject to a separate application for advertisement consent. This matter has been referred to in the applicant's Design and Access Statement.

Conclusions

The proposed development would contribute to delivering growth and sustainable patterns of development, within the Existing Urban Area, and in a relatively sustainable location with good access to public transport. It would contribute to providing new employment and provide a facility to meet people's goods retail needs in South Sunderland. It would have no unacceptable impacts on existing town, district and centres, as it has passed both the retail sequential and impact assessment tests, subject to conditions being attached to any planning permission to define the permission and to safeguard the vitality and viability of, and investment in, nearby centres. The proposed development would have no adverse impacts on the amenity, recreation or nature conservation value of greenspace within the application. It is therefore considered that the proposed development would accord with strategic policies within the adopted Core Strategy and Development Plan (CSDP), as well as retail and greenspace policies, and so it would be acceptable in principle.

The proposed development would have no unacceptable impacts in relation to design and visual amenity (including sustainable construction), subject to conditions being attached to any planning permission in relation to external building materials, a detailed landscaping plan and a lighting scheme. It would have no unacceptable impacts on residential amenity subject to a condition being attached to any planning permission in relation to a Construction Environmental Management Plan (CEMP). It would also have no unacceptable impacts in relation to highway and pedestrian safety, and sustainable travel, subject to conditions being attached to any planning permission in relation to the detailed design of the highway access arrangement, a Stage 2 Road

Safety Audit, a final Travel Plan, and to ensure that hardstanding areas, the service area, vehicle parking bays, cycle parking and refuse storage are provided.

In relation to ecology, Biodiversity Net Gain (BNG) would not be achieved in accordance with the BNG Metric, however an increase in biodiversity value within the application site would still be provided. The proposed development would therefore still provide a positive net change / increase in biodiversity units. Given that the proposed development would also provide other benefits, subject to conditions being attached to any planning permission in relation to a lighting design strategy for biodiversity, a tree protection plan, and the submission of a Landscape and Ecological Management Plan, the proposed development would have no unacceptable impacts on ecology.

In relation to other technical matters, subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to archaeology, land contamination (including risk to Unexploded Ordnance) and trees.

Final design details regarding surface water drainage are yet to be agreed by the Council's Lead Local Flood Authority (LLFA). At the time of drafting this report, discussions are ongoing between LLFA and the applicant's drainage consultants, and a response will be provided at Planning Committee in relation to this matter.

For the reasons set out in detail in the above assessment, subject to the surface water drainage issue being addressed, it is considered that the proposed development would accord with policies within the adopted CSDP and guidance within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION:

It is recommended that planning committee be MINDED TO GRANT CONSENT for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the recommended schedule of conditions, subject the outstanding drainage considerations being addressed with the Lead Local Flood Authority and subject to any additional conditions required in respect of drainage matters.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. AL(0)001 Rev A (Location Plan) received 25/01/2023
 - Drawing No. AL(0)002 Rev B (Existing Site Plan) received 25/01/2023
 - Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023
 - Drawing No. AL(0)005 Rev C (Floor Plan as Proposed) received 22/03/2023
 - Drawing No. AL(0)006 Rev B (Elevations as Proposed) received 02/03/2023
 - Drawing No. AL(0)007 (Roof Plan as Proposed) received 25/01/2023
 - Drawing No. 2250.01B (Planting Plan) received 09/03/2023
 - Drawing no. AA(9)001 (Boundary Treatment Details) received 02/03/2023
 - Drawing No. JN2450-Dwg-0002A (Proposed Site Access Plan) received 10/03/2023

- Drawing No. JN2450-Dwg-0002A (Proposed Site Access Plan Swept Path Analysis) received 10/03/2023
- Heras Fence Specification received 16/02/2023

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

- 3 Notwithstanding the provisions of Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the use of the premises and external display area in this application shall be restricted to Class E(a) (display or retail sale of goods, other than hot food, principally to visiting members of the public), and no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).

To define the permission; to safeguard the vitality and viability of, and investment in, nearby town, district and local centres; in the interests of residential amenity and highway safety; and to comply with Policy BH1, Policy HS1, Policy HS2, Policy VC1, Policy VC2, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 4 The development hereby permitted shall operate in strict accordance with the following:
- a) The total gross internal area for retail purposes (Class E(a)) on the premises hereby permitted as detailed on Drawing No. AL(0)005 Rev C (Floor Plan as Proposed) received 22/03/2023 shall be restricted to a maximum of 2,850 square metres, and the external display area on the application site shall be restricted to a maximum of 950 square metres
 - b) The total net internal retail sales area within the store shall be restricted to a maximum of 2,600 square metres; and
 - c) The total net internal retail sales area within the store for convenience goods shall be restricted to a maximum of 1,300 square metres and the total net internal retail sales area within the store for comparison goods shall be restricted to a maximum of 1,500 square metres, but subject to the aggregate net internal sales area not exceeding 2,600 square metres.

To define the permission, to safeguard the vitality and viability of, and investment in, nearby town, district and local centres, and to comply with Policy VC1, and Policy VC2 of the adopted Core Strategy and Development Plan.

- 5 The development hereby permitted shall be constructed in accordance with the external building materials as specified on Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023, Drawing No. AL(0)006 Rev B (Elevations as Proposed) received 02/03/2023, Drawing no. AA(9)001 (Boundary Treatment Details) received 02/03/2023, unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 Notwithstanding details submitted, prior to the commencement of works to the retail unit above damp proof course and prior to the commencement of works to the external display area boundary treatment, samples and / or detailed specifications of the buff brick for the retail unit and external display area boundary treatment respectively shall be submitted to

and approved in writing by the local planning authority. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 Notwithstanding details submitted, prior to the commencement of works to the plant enclosure, sprinkler pumphouse, sprinkler tanks, trolley shelter, cycle shelter and sub-station respectively (illustrated on Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023 and Drawing No. AL(0)005 Rev C (Floor Plan as proposed) received 22/03/2023), full details of these ancillary works shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and then maintained and retained henceforth for their designated purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 The development hereby permitted shall be constructed in accordance with the finished floor levels as detailed on Drawing No. AL(0)006 Rev B (Elevations as Proposed) received 02/03/2023, read in conjunction with Drawing No. AL(0)002 Rev B (Existing Site Plan) received 25/01/2023 and Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023.

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

- 9 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from site clearance, demolition and infilling of the former reservoir and construction works. It shall set out suitable mitigation measures to ensure those impacts upon occupiers and the local environment are prevented or minimised; and detail mitigation measures regarding (but not limited to) working hours of the site, location of site compound and materials storage, measures to control noise and vibration, location of site access, prevention of burning of waste and vegetation, and site lighting. The CEMP shall also incorporate the dust control measures as summarised within 'Table 6' of the Air Quality Assessment by njd Environmental Associates (dated January 2023) received 25/01/2023. The development hereby permitted shall then be constructed in strict accordance with the approved CEMP.

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

- 10 Prior to the commencement of works to the highway access arrangement, technical approval is required for the detailed design of the highway access arrangement (which must include the recommendations contained within the Road Safety Audit: Stage 1 by Meraki Alliance Highways, Transportation and Safety Consulting (Report Ref: MAL/HBLRSRSA1Rev 0 dated 08 March 2023) received 10/03/2023), and the detailed design of the highway access arrangement must be submitted to and approved in writing by the Local Planning Authority. The approved detailed design of the highway access

arrangement shall then be implemented / completed in full on-site before the development hereby permitted is brought into use.

In the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 11 Prior to the commencement of works to the highway access arrangement, upon completion of the technical approval of the detailed design of the highway access arrangement (controlled under Condition 10) a Stage 2 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. Any recommendations within the approved Stage 2 Road Safety Audit shall be implemented / completed in full on-site before the development hereby permitted is brought into use.

In the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 12 Within 6 months of the development hereby permitted being brought into use, a final workplace Travel Plan, read in conjunction with the Interim Travel Plan by SAJ Transport Consultants (dated January 2023) received 20/01/2023, shall be submitted to and approved in writing by the Local Planning Authority. The final workplace Travel Plan shall include details of staff survey plans and modal shift targets. The final workplace Travel Plan shall then be fully implemented, with the development hereby permitted operating in strict accordance with the approved final Travel Plan, including its monitoring and review.

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

- 13 Prior to the development hereby permitted being brought into use, the hardstanding areas, service area and vehicle parking bays (including accessible bays and bays with electrical vehicle charging points), as shown on Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023, shall be installed / completed on-site and made available for use. The hardstanding areas, service area and vehicle parking bays shall then be maintained and retained henceforth for their designated purposes.

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

- 14 Prior to the development hereby permitted being brought into use, the cycle shelter and Sheffield style cycle stands, as shown at the locations on Drawing No. AL(0)004 Rev I (Proposed Site Plan) received 10/03/2023 and Drawing No. AL(0)005 Rev C (Floor Plan as proposed) received 22/03/2023, shall be installed / completed on site and made available for use. The cycle shelter and Sheffield style cycle stands shall then be maintained and retained henceforth for their designated purposes.

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

- 15 Prior to the development hereby permitted being brought into use, a refuse storage area shall be provided and made available for use within the floor area of the proposed retail unit illustrated on Drawing No. AL(0)005 Rev C (Floor Plan As Proposed) received 22/03/2023, and then maintained and retained henceforth for its designated purpose.

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

- 16 Prior to the installation of any lighting as part of the development hereby permitted, a lighting strategy including full details of a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall then be installed in accordance with the specifications and locations as set out in the approved lighting strategy, and then retained and maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed, unless otherwise agreed in writing by the local planning authority.

To ensure a satisfactory standard of development, to mitigate impacts on protected species, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 17 Notwithstanding details submitted, prior to the development hereby permitted being brought into use, a detailed Landscape Plan and a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning. The detailed Landscape Plan must provide details of the location of tree species, and provide further information on site preparation, soil handling/volumes and maintenance, and be read in conjunction with the LEMP. The content of the LEMP must include the following.

a) Description of features to be managed and installed, which shall include standard trees and native scrub as detailed in the detailed Landscape Plan, and bat and bird boxes appropriate to the species assemblage recorded on site.
b) Aims and objectives of management.
c) Appropriate management options for achieving aims and objectives.
d) Prescriptions for management actions.
e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
f) Details of the body or organization responsible for implementation of the plan.
g) Ongoing monitoring and remedial measures.

The approved detailed Landscape Plan and LEMP must then be implemented in full in accordance with the approved details.

To ensure a satisfactory standard of development, to mitigate impacts on protected species, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 18 The development hereby permitted must be implemented in strict accordance with the drainage scheme contained within the submitted document titled 'Flood Risk Assessment and Drainage Assessment' by Alan Wood & Partners dated January 2023. The drainage scheme must ensure that foul flows discharge to the combined sewer at manhole 0201 and ensure that surface water discharges to the combined sewer at manhole 0201. The surface water discharge rate shall not exceed the available capacity of 2.4l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Council's Lead Local Flood Authority.

To ensure that an appropriate method of connection to the existing sewerage network is achieved, to prevent the increased risk of flooding from any sources and to comply with Policy WWE3 and Policy WWE5 of the adopted Core Strategy and Development Plan.

- 19 Post-demolition intrusive ground investigation works (required as part of the Ground Investigation and Risk Assessment controlled under Condition 20) and the development hereby permitted (excepting demolition works) must not commence until a Detailed Unexploded Ordnance Risk Assessment and Method Statement, for managing risks associated with Unexploded Ordnance, has been submitted to and approved in writing by the Local Planning Authority. The Detailed Unexploded Ordnance Risk Assessment and Method Statement must detail any necessary mitigation to ensure that the site is safe in relation to the risks associated with Unexploded Ordnance. Post-demolition intrusive ground investigation works and the development hereby permitted (excluding demolition works) must be undertaken in strict accordance with the approved Detailed Unexploded Ordnance Risk Assessment and Method Statement, with any necessary mitigation implemented in full, and incorporated into Contractor Risk Assessments and Method Statements.

To ensure that risks from Unexploded Ordnance are properly managed during any post-demolition intrusive ground investigation works, and during and after construction works, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 20 Development shall not commence (excepting demolition works) until a suitable and sufficient Ground Investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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

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

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

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

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

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

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

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

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

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

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

- 24 No demolition/development except for works required to secure safe access, shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall then be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

To provide an archive record of the historic building or structure and to accord with Policy BH9 of the adopted Core Strategy and Development Plan.

Reference No.: 23/00237/LP3 Local Authority (Reg 3)

Proposal: **Installation of a new 8.5m high play structure within an existing park with existing play equipment.**

Location: Margaret Thompson Park, Newcastle Road, Sunderland

Ward: Southwick
Applicant: Sunderland City Council
Date Valid: 14 February 2023
Target Date: 11 April 2023

PROPOSAL:

Planning permission is sought for the installation of a new 8.5m high play structure within an existing park with existing play equipment. The play equipment would consist of an octagonal structure with two slides and would have a total height of 8.5m and would extend to 6.95m by 13.55m in area covering an area of approximately 80m², it would be of timber and steel construction and would be set on concrete foundations with a grass matting safety surface laid directly onto amenity grass turf which will allow for natural grass to grow through. The play equipment would be set between a number of trees.

The host site is a public park situated between the A1018 Newcastle Road and the B1291 Thompson Road. The play park is situated in close proximity to Thompson Road entrance adjacent to the Day Nursery and the Tennis courts.

The site is located within the ward of Southwick within an area designated as existing open space and within an existing wildlife corridor.

The following information has been submitted in support of the application;

Redlynch Technical Data Sheet
Matting Details
Tree Report

TYPE OF PUBLICITY:

Site Notice Posted the 1st of March 2023

CONSULTEES:

Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Planning And Highways West
Network Management

Final Date for Receipt of Representations:

REPRESENTATIONS:

No representations received from members of the public.

Internal consultees

Ecology – No objection, advice given in the Tree Report to be followed.

Transportation Development - No comments received.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

SP1 Development strategy
SP4 North Sunderland
HS1 Quality of life and amenity
BH1 Design quality
BH2 Sustainable design and construction
BH3 Public realm
NE1 Green and blue infrastructure
NE2 Biodiversity and geodiversity
NE3 Woodlands/hedgerows and trees
NE4 Greenspace
ST2 Local Road network
ST3 Development and transport

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

COMMENTS:

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

- Principle of the development
- Scale and design
- Residential amenity
- Highway and pedestrian safety
- Ecological Impact

Principle of the development

The application proposes works to a public play park. The site is within a sustainable location and would provide public facilities which seek to improve the health and wellbeing of local residents and visitors to the locality. The principle of development is considered acceptable and in accordance with local and national planning policies.

Scale and design

The proposal has been assessed in line with local and national planning policies. The design, layout and scale of the development are considered acceptable and in accordance with local and national planning policies in this respect.

Residential amenity

The application has been assessed in line with local and national planning policy. The application proposes the construction of a play feature within an existing play park. The development would contribute to the physical and social wellbeing of local residents and would assist in improving

health and wellbeing. There are sufficient interface differences between the development and the nearest residential property and as a result of the development, there would be no negative impact on neighbouring amenity over and above that which already exists in respect of noise. The proposal is considered acceptable in this respect.

Highway and pedestrian safety

There would be no impact on highway and pedestrian safety as a result of the development. The Transportation Team have been consulted as part of this application process and have raised no objection. The proposal is considered acceptable in this respect.

Ecological Impact

The proposed development is located within close proximity to existing trees. A Tree Survey has been submitted in support of this application. The proposal would result in the loss of one tree and protective barriers would be erected to protect existing trees prior to the commencement of adjacent works as detailed within the Tree Protection Plan. The County Ecologist has been consulted as part of this application and has raised no objection subject to works being undertaken in accordance with the advice detailed in the Tree Report. It is considered that this can be achieved via the imposition of a planning condition. Taking the above into deliberation, it is considered that with the imposition and adherence to the planning condition the proposal would accord with local and national planning policy and is therefore considered acceptable.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

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

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION: Members GRANT CONSENT under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) and subject to the condition set out below:

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

Location Plan: Drawing No. LS000111/P1

Layout and Elevation Plan: Drawing No. LS000111 / P2 Revision C01

Matting Details: Drawing No. LS000111/P4 Revision C01

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

3. The development shall be undertaken in accordance with the details stated within the Tree Report.

Reason: To maintain the biodiversity and geodiversity of the site and to ensure the retention of existing trees and hedgerows in accordance with Policy NE2 and NE3 of the Core Strategy and Development Plan.

Reference No.: 23/00238/LP3 Local Authority (Reg 3)

Proposal: **Proposed bespoke hoarding and fencing (up to 6m tall) as part of the wider development of Plot 12. Hoarding and fencing to include feature lighting.**

Location: Plot 12, Riverside Sunderland Plater Way SunderlandSR1 3AA

Ward:

Applicant: Sunderland City Council

Date Valid: 28 February 2023

Target Date: 25 April 2023

PROPOSAL:

The application seeks permission to erect bespoke hoarding and fencing, up to 6m in height, around Plot 12 of Vaux Riverside.

The application follows the recent approval by Committee for a range of temporary uses on Plot 12. The approval was made under application ref. 22/01423/LP3 and appeared before Committee at the 22 September 2022 meeting.

In advance of permanent development coming forward on Plot 12 the approved interim use 22/01423/P3 development has been designed to support the ambitions of the Riverside Sunderland Masterplan. The aim is to revitalise and complement the existing development on Vaux by transforming Plot 12 into a multi-purpose public space to complement and augment Vaux as a destination in the City Centre. The hoarding creates a welcoming, colourful, and inviting space for the temporary uses that will be housed on Plot 12 over the coming use.

The plans submitted in support of the application now before Members were the same as those tabled at the September meeting and underscore the integral aspect the proposed development has to the overall temporary use strategy. The bespoke hoarding did not form part of that application as they were emerging plans at the time application 22/01423/LP3 was being considered.

The bespoke hoarding has been designed by the Council's Landscape Architects for the Council and is thus, a Local Authority application that requires the approval of Committee.

The application has been supported by an Application Form, red line location plan and a proposed layout, including the elevations of the proposed hoarding and fencing.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Network Management

Planning Implementation

Cllr Andrew Wood

Cllr Niall Hodson

REPRESENTATIONS:

The application has been the subject of a site notice, as well as consultation with Ward Cllrs. Following this consultation exercise no representations have been received.

In terms of consultees the following have been consulted:

- Transportation Development: Confirmed 'no objections' to the proposal on highway grounds;
- Conservation Team: Confirmed 'no objections' as the development will have a neutral impact on the adjacent designated heritage assets.

COMMENTS:

Legislation

The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are 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.

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. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Development Plan

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared and adopted, which will set out local policies, including site-specific policy designations and allocations for the development, a number of UDP policies have been 'saved' for Development Management purposes.

With the above policy context in mind and turning to the detailed consideration of the proposal, the following sections consider the following:

1. Principle of development
2. Highway engineering considerations
3. Design and Built Heritage
4. Land contamination

1. Principle of development

The Application Site is located within the City Centre, as defined by the Policies Map of the CSDP. Policy VC1 focuses development proposals for main town centre uses within designated centres, including the City Centre. It confirms the City Centre as being the principal location for major retail, leisure, entertainment, cultural facilities, and services. The site is also located within the Urban Core: Policy SP2; a strategic policy which seeks to transform the Urban Core into a more attractive and vibrant place, a place where people gather to socialise, work, live and play. Consequently, it is considered that the application proposal is seeking to deliver on the requirements of these key strategic policies.

In addition, Policy SS1 identifies Vaux as a gateway site to the Urban Core and, in part, allocates it for small scale ancillary leisure and retail development. It is considered that the application proposal is aligned with this policy, particularly as Plot 12 is part of a large-scale, multi-phase, multi-plot development site.

In terms of the more recent policy guidance, the adopted Riverside Sunderland Supplementary Planning Document and Masterplan identifies the area for a range of uses including shops, restaurants, cafes, drinking establishments. One of the main aims of Riverside Sunderland is to revitalise and reinvent the central area of the City via a new urban quarter, one that seeks to combine a rich mix of people, enterprises and activities into vibrant streets and spaces.

As noted in the approval of 22/01423/LP3, the aim of increasing the number of visitors to Sunderland will also support other hospitality, catering, and leisure businesses through linked trips, thereby supporting the economic growth. The proposal will therefore promote the City as a tourism and leisure destination, thereby supporting the aims of the Sunderland Business Improvement District (BID) and the North East Economic Plan; whilst helping to realise the Council's 'Our City Plan' aim for Sunderland to be a more dynamic and vibrant City.

In conclusion, the principle of the proposed development is considered to accord with relevant policies of the Development Plan and is acceptable in principle. It will enhance the vitality and viability of the City Centre by helping to further transform the Urban Core into a more attractive and vibrant place, a place where people gather to socialise, work and play.

2. Highway engineering considerations

CSDP Policy ST2 requires that development should have no unacceptable adverse impact on the Local Road Network, whilst Policy ST3 states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode.

As noted in the consultation section of this report the Council's highway engineers have confirmed a 'no objections' to the application proposal. The proposed bespoke hoarding will front onto St Mary's Boulevard but by virtue of the existing adopted footpath will be a minimum of 5.5m from the vehicular road, whilst the eastern boundary adjoins the pedestrian Keel Line.

Consequently, the proposed development is not considered to adversely impact the local road network and given that it is entirely contained within Plot 12, along its southern and eastern boundaries, it does not intrude and transgress into the surrounding footpath network. It is also noted that the bespoke hoarding does not envelope the entirety of the southern and eastern boundaries and ensures graded access into the site. Therefore, the proposal is not considered to compromise the free flow of pedestrians or other road users. The proposal is considered to accord with policies ST2 and ST3.

3. Design and Built Heritage

CSDP Policy BH1 encourages high quality of design and positive improvement, whilst Policy BH3 seeks to ensure existing and proposed areas of public realm are well designed and accessible. Policies BH7 and BH8 require development to respect and respond positively to the historic environment and any heritage assets within it. Policy HS1 requires new development to demonstrate that it will not result in unacceptable adverse impacts on quality of life and amenity.

Plot 12 of Riverside Sunderland is located directly opposite Bishopwearmouth Conservation Area and Keel Square, with the Magistrates Courts in proximity and the listed Peacock Public House further to the south.

Considering the current unsightly and vacant condition of the site, the temporary nature of the proposed hoarding and fencing, its bespoke artistic appearance, and its context within the wider surrounding large-scale developments of Riverside Sunderland; the proposals are considered to have a neutral impact (and potentially a minor positive impact depending on the final artwork) on the setting the Conservation Area and listed buildings within it.

It is noted that Bespoke Entrance Pillar will include inner uplighting, which will add subtlety to the space as destination for the public whilst at the same time produce limited lighting impacts. The proposal is considered another step in the regeneration of Vaux and will help to enhance the visual amenity of the area.

The significance of these heritage assets will be conserved satisfying the requirements of CSDP Policies BH7 and BH8 and NPPF Paragraphs 197, 199, whilst the development will not result in acceptable impacts on quality of life and amenity and is considered to demonstrate good design quality of design, thus complying with policies BH1 and HS1.

4. Land Contamination

CSDP Policy HS3 requires that appropriate remediation is undertaken when developing contaminated land.

During the approval of 22/01423/LP3 it was noted that the approved Remediation Strategy for the wider Vaux site, which included Plot 12, demonstrated that the proposed reuse of the site as a public space was acceptable. Given the acceptability over the re-use of Plot 12 as a public space and given the nature of the development i.e., proposed bespoke hoarding surrounding that space, the application is considered acceptable in respect of its ground condition considerations.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

Conclusion

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

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

Conditions:

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

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

Location Plan, Drawing No. LS000222-01 Revision A;
Proposed Layout, Drawing No. LS000000_03 Revisions E.

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

Reference No.: 23/00432/VA3 Variation of Condition (Reg 3)

Proposal: **Variation of conditions 2 and 5 of planning permission ref. 20/02391/LP3 (Construction of high-level pedestrian and cycle bridge across River Wear) to allow for removal of additional trees and amendments to approved ecology mitigation and enhancement measures.**

Location: River Wear Sunderland

Ward: Southwick
Applicant: Sunderland City Council
Date Valid: 1 March 2023
Target Date: 31 May 2023

PROPOSAL:

This application is being made under s73 of the Town and Country Planning Act 1990 (as amended) and relates to the variation of conditions 2 (compliance with approved plans) and 5 (ecological enhancements) of planning permission ref. 20/02391/LP3 (Construction of high-level pedestrian and cycle bridge across River Wear) to allow for removal of additional trees and amendments to approved ecology mitigation and enhancement measures.

The extant planning permission affected by the current application relates to a new high-level pedestrian and cycle bridge across the River Wear. The bridge will span the gorge between the former Vaux Brewery regeneration site on the south side of the river and the Sheepfolds area to the north side of the river. Members may recall that planning permission for the bridge was originally approved at the Planning and Highways (East) Committee meeting held on 29th March 2021.

The new bridge is a key element and centrepiece of the ongoing regeneration and revitalisation of Riverside Sunderland, and its delivery aligns with the objective of the Council's adopted Riverside Sunderland Supplementary Planning Document (SPD) to provide a pedestrian- and cycle-friendly connection between the two sides of the river. The bridge is of a simple, streamlined design which minimises its visual complexity and ensures it respects and enhances the setting of neighbouring heritage assets (including the Grade II Listed Monkwearmouth Rail Bridge and Wearmouth Bridge) and complements existing and forthcoming developments to the Vaux site, Sheepfolds and the riverside parkland.

The current application seeks to vary conditions 2 and 5 of the extant planning permission. Condition 2 requires the development to be undertaken in accordance with a list of approved plans, whilst condition 5 requires the adoption and implementation of the biodiversity net gain delivery measures contained within the submitted Preliminary Ecological Appraisal and Ecological Enhancement and Mitigation Plan.

The proposed variation of the two conditions is required to permit the removal of a greater number of trees from the development site than was proposed by the original planning application and to update the agreed ecological enhancement measures to account for the additional tree loss.

Trees are present on either side of the river, primarily along the steep slopes of the gorge, and they provide the gorge with a lightly wooded character. The Arboricultural Report submitted with the original planning application concluded that trees being removed to accommodate the bridge were not of significant amenity value and that their loss would partially be compensated for by additional woodland planting proposed by the Ecological Enhancement and Management Plan.

The removal of additional trees is necessary to accommodate the plant and cranes to be used during bridge construction works. The crane to be used for construction works is larger than anticipated and will consequently clash with a greater number of trees than originally envisaged. Trees on the north side of the river also conflict with the route of a temporary access road within the site compound - it was hoped that the existing slope could be retained but it was established this was not possible once detailed designs were produced.

Whilst the application has been submitted on a prospective basis, it is evident that the tree clearance works at the site have already been undertaken. It is understood that the tree removals were carried out with some urgency to avoid conflict with the bird nesting season (March to August inclusive).

The current application has been accompanied by an updated Arboricultural Report, Tree Protection Plan and an Ecological Impact Assessment and Biodiversity Net Gain Addendum, to reflect the removal of the additional trees.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning And Highways West
Natural Heritage

Bowmer And Kirkland Site Offices Saint Marys Boulevard Sunderland SR1 3DE
Third And Fourth Floor Ocado Retail Ltd The Beam Plater Way Sunderland SR1 3AD
Ground Floor North Wing Council The Beam Plater Way Sunderland SR1 3AD
South Wing Ground Floor Penschaw View Training Ltd The Beam Plater Way Sunderland SR1 3AD
First Floor Assett55 The Beam Plater Way Sunderland SR1 3AD
The Beam Plater Way Sunderland SR1 3AD
Leisureland Motors Private Lorry Park Easington Street Sunderland SR5 1AZ
Sheepfolds Scrap Metal Co. Ltd. Site Of 23 Sheepfolds Road Sunderland SR5 1AS
Wearside Plumbing Supplies Limited Wilson Street North Sunderland SR5 1BB
Vacant Property Railway Arches Sheepfolds Road Sunderland SR5 1AS

D & S Motors Wilson Street North Sunderland SR5 1BB
Port Independent 12 - 13 Hay Street Sunderland SR5 1BG
Vacant Property Wilson Street North Sunderland SR5 1BP
Wearside Plumbing Supplies Ltd Wilson Street North Sunderland SR5 1BB
DLR Marketing Ltd Unit 9 Hay Street Sunderland SR5 1BG
Palmer Powder Coatings Ltd Unit 12 Hay Street Sunderland SR5 1BG
Wearside Plumbing Supplies Wilson Street North Sunderland SR5 1BB
Fred Stoddart Limited 28 Wilson Street North Sunderland SR5 1BB
Falcon Computers Unit 11 Hay Street Sunderland SR5 1BG
Mobile Caravan Service Easington Street Sunderland SR5 1AX
Edward Thompson Global Services North East Easington Street Sunderland SR5 1AZ
OCE CCS Unit 10 Hay Street Sunderland SR5 1BG
Sheepfolds Auto Dismantlers (H Oxley) Priory Buildings Sheepfolds Road Sunderland SR5 1AS
E. Thompson Group Wilson Street North Sunderland SR5 1BP
D And S Motors (Wearside) Limited Wilson Street North Sunderland SR5 1BB
Darvin Motors 22 - 25 Wilson Street North Sunderland SR5 1BB
Alan Howarth Mechanical Repairs 26 Wilson Street North Sunderland SR5 1BB
Ed Thompson Ed Thompson Wilson Street North Sunderland SR5 1BB

Final Date for Receipt of Representations: **28.03.2023**

REPRESENTATIONS:

Public consultation - the application has been advertised by means of consultation letter, site notices and a notice published in the Sunderland Echo. No representations have been received to date. The consultation period does not, however, expire until 28th March 2023. Details of any representations received following the publication of this report will be provided to Members ahead of the Committee meeting.

Council's Ecology officer - considers that the loss of additional trees represents the following additional ecological impacts:

- Loss of foraging habitat for bats, including two trees with a low roost potential;
- Loss of nesting and foraging habitat for a range of bird species typical of gardens and other urban habitats;
- Loss of foraging and shelter for hedgehog, including potential hibernacula;

The mitigation measures secured through the original planning permission are sufficient to compensate for the additional long-term effects. However, it is evident that more detailed information on the installation of bat boxes, bird boxes and hedgehog hibernacula was included in the Ecological Enhancement and Mitigation Plan (EcEMP) submitted with the original application. There would be greater certainty over long-term effects if measures within the EcEMP were secured instead of those within the Preliminary Ecological Assessment report submitted with the 2020 application.

Avoidance measures are also proposed and are contained within the Ecological Impact Assessment and Biodiversity Net Gain (BNG) Addendum submitted with the current application. These measures should be secured by condition.

In respect of habitat loss and BNG, it is noted that the submitted report and biodiversity metric calculation proposes additional woodland management to compensate for the loss. Overall, a net

gain of 12.95% is predicted. Implementation of this additional habitat management will need to be secured.

There are no objections to the amended proposals from an ecology and biodiversity perspective, subject to the securement of the necessary ecological avoidance, mitigation and enhancement measures. To this end, it is observed that these measures are now described across several documents, and it is suggested that the current application is used as an opportunity to rationalise the conditions covering ecology and biodiversity requirements. Instead of conditions 4 and 5 of the current planning permission, it is recommended that a single condition be used to deliver a Biodiversity Management Plan for the development.

COMMENTS:

Given that the sole alterations to the approved scheme relate to the additional tree removal and changes to the proposed ecological mitigation and enhancement proposals, there is not considered a need to revisit all the material planning considerations assessed in determining the original planning application for the bridge development. For an assessment of the matters considered in the determination of the original planning application, please see the Committee report prepared in respect of planning permission ref. 20/02391/LP3.

The main considerations in assessing the proposed amendments to the approved scheme are their implications relative to trees and ecology. To this end, policy NE3 of the Council's adopted Core Strategy and Development Plan (CSDP) is concerned with ensuring new development conserves significant trees, woodlands and hedgerows unless loss or harm is clearly justifiable. Where trees, woodlands or hedgerows would be impacted negatively, justification, mitigation, compensation and maintenance measures must be provided within a detailed management plan. This aligns with the objectives of the National Planning Policy Framework; within this, paragraph 174 requires planning decisions to recognise the intrinsic character and beauty of trees and woodland, whilst paragraph 180 states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

With regard to ecology, policy NE2 of the CSDP requires new development to provide net gains in biodiversity, avoid adverse impacts on biodiversity and geodiversity and avoid adverse impacts on designated ecology sites and wildlife corridors. Again, these policies align with the objectives set out at paragraphs 179 and 180 of the NPPF that planning decisions must seek to avoid significant harm to ecology and biodiversity.

As noted earlier, it was always the case that the construction of the footbridge would require the removal of trees on either side of the river gorge, however due to the size of the crane to be used during construction works and the final design of a temporary access road, additional trees have been removed.

A total of 17 no. individual trees, 25 no. groups of trees and 1 no. hedge are now affected, compared with 6 no individual trees, 13 no. groups of trees and 1 no. hedge originally proposed to be removed. The updated Arboricultural Report submitted with the current application categorises the affected trees in accordance with British Standard 5837:2012 guidance. The majority of affected trees (32 no. of the individual trees, groups and the hedge) are category 'U' trees (i.e. those which cannot realistically be retained as living trees for more than 10 years) or category 'C' trees (i.e. low quality trees with short-term future potential). 11 no. trees and groups of trees are categorised as category 'B' trees (moderate quality with medium-term future potential). No category 'A' trees are affected by the development.

With regard to the conclusions of the submitted Arboricultural Report, it is evident that whilst the proposals have necessitated the removal of a relatively high number of individual trees and groups of trees from the site, none of these are of the highest value, with most trees being category 'U' and 'C' trees. The affected trees are therefore of low quality and would have had short-term future potential. In light of this, it is considered that the proposals do not affect the 'significant' trees to which policy NE4 of the CSDP and paragraphs 174 and 180 of the NPPF assign the greatest value and seek to ensure are retained wherever possible. Whilst there will be some effect on the character and appearance of the river corridor due to the loss of trees, it is considered that this will not be particularly detrimental to local visual amenity.

It should also be noted that the proposed ecological enhancement measures include improvements to the condition and management of other areas of nearby woodland and additional planting of native shrub and tree species where appropriate. These measures will provide some compensation for the loss of the trees and serve to benefit the long-term amenity value of retained woodland so that it continues to positively contribute to the character and appearance of the river gorge. In addition, trees proposed to be retained will be able to be protected during construction works through the adoption of measures recommended by the Arboricultural Report, such as the erection of protective fencing, and then co-exist with the bridge once it is completed.

The loss of trees must also ultimately be considered in the context of the benefits to be derived from the construction of the bridge and as set out earlier in this report, the delivery of the footbridge is a key element of the Council's regeneration and revitalisation objectives for Sheepfolds and the former Vaux Brewery site, as set out by the Riverside Sunderland SPD. It will provide a valuable pedestrian and cycle connection between the two sides of the river, linking the City Centre with the Sheepfolds area and the Stadium of Light, Aquatic Centre and Beacon of Light beyond.

Turning to ecology considerations, as set out in the 'Representations' section of this report, the Council's Ecology officer is satisfied that the surveys, reports and biodiversity net gain calculations undertaken in respect of the initial planning application and this variation of condition application demonstrate that impacts on ecology can be acceptably mitigated and that a significant level of biodiversity net gain will be delivered. Members should note that policy NE4 of the CSDP does not set a specific target for the level of net gain to be secured through a development scheme, however the new Environment Bill means that a minimum 10% net gain will become a mandatory national target for certain forms of development later in 2023. In this case, the submitted calculations demonstrate that a biodiversity net gain of 12.5% will be achieved through the adoption of measures set out in the submitted documents.

The mitigation measures and enhancement measures proposed to address the additional tree removal involves the improvement of the condition of a greater area of off-site woodland, lifting its condition from 'poor' to 'moderate'. This would be achieved by, for example, removing non-native species, introducing a range of additional tree or shrub planting, improving the woodland structure, increasing the age and height of trees and increasing standing and lying deadwood habitat. Management and maintenance recommendations are also provided by the updated Ecological Impact Assessment.

These additional measures are allied to those set out in relation to the original planning application, namely:

- Creation of species-rich grassland, native scrub planting and woodland management, to increase the ecological value of the site post construction.
- Use of trees, scrub and grassland seed of local/UK provenance (where possible) in the landscaping scheme.
- Removal and management of non-native and invasive species, throughout the site.

- The adoption of the habitat management plan to ensure appropriate long-term management of the habitats of ecological value created on the site.
- Development of an ecological monitoring programme to assess the success of the mitigation and enhancement scheme in relation to key habitats and species.

Measures targeted towards delivering enhancements to protected and target species, such as bat boxes, breeding bird boxes and hedgehog shelters, are also recommended. These interventions would be delivered on areas of land to both sides of the river.

Whilst the Council's Ecology officer accepts the proposed mitigation, enhancement and management measures and welcomes the level of biodiversity net gain being delivered, it is observed that the proposed measures are now contained within a series of documents straddling the original planning application and the current variation application. For clarity and conciseness, the Council's Ecology officer has recommended that the proposed measures are combined into one Biodiversity Management Plan document, to be submitted for the approval of the Council as Local Planning Authority. Such a condition would replace conditions 4 and 5 of the current planning permission. It is recommended that Members agree to this rationalisation of the ecology conditions in line with the Ecology officer's advice.

CONCLUSION

Based on the above, it is considered that the proposed amendments to the approved details, in terms of the removal of additional trees and the revisions to the submitted ecological mitigation, enhancement and management proposals to reflect this, are acceptable. Whilst it is accepted that the proposals mean the removal of a greater number of trees than originally planned, none of the trees are of high amenity value and their loss will, to an extent, be mitigated by the proposed improvements to retained areas of woodland nearby. The impacts of the amended scheme on ecology and biodiversity are also considered acceptable, with a key benefit being that the proposals are still able to deliver a level of biodiversity net gain which exceeds current and forthcoming policy objectives.

In reaching this conclusion, it has also been recognised that the proposed amendments are required to ensure the delivery of a bridge which will be designed to support the realisation of the Council's objectives (as set out in the Riverside Sunderland SPD) of providing improved pedestrian and cycle linkages between the City Centre and the north side of the river and regenerating and revitalising the former Vaux Brewery and Sheepfolds sites. It is considered appropriate to give significant weight to the positive benefits of the bridge development and that these benefits outweigh the limited harm to local amenity caused by the additional tree loss.

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: The amendments to the approved details are therefore considered acceptable and it is recommended that Members GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, with condition 2 of the original planning permission amended to reflect the revised submitted details and conditions 4 and 5 replaced by a new, combined ecology condition in line with the advice of the Council's Ecology officer. All other conditions of the original permission which remain applicable will also be re-imposed.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original planning permission for the development (ref. 20/02391/LP3) was granted, i.e. 30th March 2021, 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

Reason: 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:

- o Planning Application Boundary and Site Layout SCC-NWF-ATK-SBR-XX-DR-CB-000100 P05.1
- o Constructions Sequence Sheet 1 SCC-NWF-ATK-SBR-XX-DR-CB-000101
- o Construction Sequence Sheet 2 SCC-NWF-ATK-SBR-XX-DR-CB000102
- o Construction Sequence Sheet 3 SCC-NWF-ATK-SBR-XX-DR-CB-000103
- o Haunched Steel Box Girder General Arrangement SCC-NWF-ATK-SBR-M3-CB-000001
- o Drainage Layout Drawing SCC-NWF-ATK-SBR-XX-DR-CD-000104 P01.2
- o Headwall detail SCC-NWF-ATK-SBR-XX-DR-CD-000117 P01
- o Drainage Strategy SCC-NWF-ATK-SGN-RP-CD-000102, REV 3.0 dated 16 December 2020
- o Flood Risk Assessment SCC-NWF-ATK-SGN-RP-LW-000101 dated 16 December 2020
- o Arboricultural Appraisal Report DEV201111-618 REV07 dated 09/01/2023
- o Tree Protection Plan MWA TPP 08 dated 11/01/2023
- o MWA Tree Survey Schedule DEV-180719-322
- o Geotechnical and Geoenvironmental Desk Study Report SCC-NWF-ATK-SBR_BN-RP-CB-000005 dated 16 December 2020
- o Construction Noise Assessment NJD20-0190-003R dated December 2020
- o Noise Assessment NJD20-0190-002R dated December 2020
- o Air Quality Assessment NJD20-0190-001R dated December 2020
- o Transport Statement SCC-NWF-ATK-SGN-RP-TR-000104 dated 16 December 2020

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

3 The development hereby approved will be carried out in accordance with the Construction Environmental Management Plan NB047-SCC-LSI-B-DOC-ZM-0001 P02 and the Construction Transport Management Plan and Pedestrian & Cycle Route Closures and Diversions Report by Atkins dated 16 December 2020, unless other minor variations are agreed in writing with the Local Planning Authority. The development must then be carried out in accordance with any such minor variations as agreed with the LPA.

Reason: in order ensure construction works respect the local environment, amenity and transport network and to accord with the objectives of policy HS1 of the CSDP.

4 Within 3 months of the date of this permission, a Biodiversity Management Plan (BMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The ecological measures detailed in the BMP shall be in general conformity with the Ecological Enhancement and Mitigation Plan: River Wear Footbridge, Sunderland (by DWS, dated December 2020) and Sections 7 and 8 of the Ecological Impact Assessment & Biodiversity Net Gain Addendum: New Wear Footbridge (by DWS, dated January 2023).

The content of the BMP shall include the following.

- a. Description and evaluation of features to be managed.
- b. Aims and objectives of management.
- c. Appropriate management options for achieving aims and objectives.

- d. Prescriptions for management actions.
- e. Preparation of a work schedule (including an annual work plan, and specifying the duration of the long-term management).
- f. Details of the body or organisation responsible for implementation of the plan.
- g. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure the development delivers appropriate ecology and biodiversity mitigation, enhancements and management, in accordance with the requirements of policy NE2 of the CSDP and the NPPF.

5 The development shall be carried out in accordance with the ecological maintenance and monitoring details agreed through the discharge of condition 6 of planning permission ref. 20/02391/LP3 (discharge of condition ref. 22/02032/DIS), unless alternative details are agreed in writing with the Local Planning Authority via the discharge of condition 4 of this variation permission.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

6 Prior to construction of the bridge deck, full details of the final design of the bridge deck, including parapet, materials and colour finishes shall be 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 order to ensure final details of the bridge design are acceptable and comply with the objectives of policies BH1 and BH8 of the CSDP.

7 Prior to construction of the bridge deck, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; planting plans including written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees, plants, noting species, sizes and proposed numbers/ densities. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure final landscaping details are acceptable and to comply with the objectives of policy BH3 of the CSDP.

8 The development must be carried out in complete accordance with the Remediation Strategy agreed through the discharge of condition 9 of planning permission ref. 20/02391/LP3 (discharge of condition ref. 22/01609/DIS).

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

9 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

10 The development hereby permitted shall not be brought into use until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason :To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary longterm remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

11 Piling using penetrative methods shall not be carried out other than in accordance with the details agreed through the discharge of condition 12 of planning permission ref. 20/02391/LP3 (discharge of condition ref. 22/01667/DIS).

Reason: To ensure that piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N: 'Groundwater Resources', of the 'The Environment Agency's approach to groundwater protection'.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13 Prior to the installation of any external lighting to the bridge deck, full details of the bridge deck lighting scheme shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the development shall be carried out in accordance with the approved detail unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure that the lighting scheme has an acceptable impact on the local environment and to comply with the objectives of policy HS1 of the CSDP.

14 No groundworks or development shall commence at the north and south bridge landing points until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

15 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 14 of this decision notice has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

17 No groundworks or development shall commence in the compound and crane areas of the site until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification approved by the Local Planning Authority after the submission of the geotechnical investigation results. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

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

18 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 17 of this decision notice has been submitted to and approved in writing by the Local Planning Authority.

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

19 Within three months of the commencement of development, the appointed Transport Co-ordinator for the development shall undertake a review of the submitted Construction Transport Management Plan (CTMP), in consultation with the Council as Local Planning Authority. The CTMP shall then be subject to ongoing monitoring and review in accordance with a programme to be determined as part of the initial review with the LPA.

Reason: in order to ensure the CTMP properly addresses potential effects on the local highway network for the duration of construction works, in accordance with policies ST2 and ST3 of the CSDP.

20 Prior to the completion of the reinforced concrete bridge deck, final details in relation to surface water drainage arrangements for the bridge must be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the details to be submitted must include a plan and section, details of the outfall to the River Wear and a section from the outfall to the Wear and the sizing and specification of any proprietary treatment device. The development must then be completed in full accordance with the agreed details.

Reason: to minimise the risk of uncontrolled run-off and to comply with the objectives of policies WWE2 and WWE3 of the Council's CSDP.