

## **DEVELOPMENT PLAN**

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

### **Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Peter McIntyre  
Executive Director City Development

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**Reference No.:** 22/01673/HY3 HYB Regulation (3)

**Proposal:** **Hybrid planning application compromising of: Full planning permission for change of use of Former Elmore Golf Course to a Heritage and Eco Park with associated infrastructure- including car parking, play areas, woodland planting, grazing areas and wetland creation. Outline planning permission for a community farm, camping/education facilities and miniature railway.**

**Location:** Elmore Golf Club, Elmore Golf Course, Lorne Street, Easington Lane Houghton-le-Spring

**Ward:** Hetton

**Applicant:** Sunderland City Council

**Date Valid:** 24 August 2022

**Target Date:** 23 November 2022

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## **PROPOSAL:**

Planning permission is sought for the following:

Hybrid Planning compromising of full planning permission for change of use of the golf course to a 'Heritage and Eco Park' with associated infrastructure - including car parking, play areas, woodland planting, grazing areas and wetland creation. Outline planning permission is also being sought for a community farm, camping/education facilities and miniature railway. (All matters reserved with the exception of access).

This application forms the second phase of proposals for the wider golf course area. Members may recall that planning approval has already been granted for change of use of former club buildings to a community run garden centre and plant nursery with associated cafe, meeting, heritage interpretation and training facilities. Erection of 4no poly tunnels for plant nursery and plant sales and associated infrastructure/ landscaping (Planning Ref. 21/02716/LP3).

The site of the former Elmore Colliery and spoil heap was reclaimed in the 1990s to allow the development of a golf course within a woodland setting. The 61-hectare site was shaped to blend in with the natural rolling landscape and featured an 18-hole golf course. The golf course is no longer in use.

The site is located towards the southern edge of the Sunderland Local Authority boundary. It lies immediately west of Easington Lane village, and immediately south of the town Hetton-le-Hole. Consequently, housing borders the site to the north and east. Farmland lies to the south and west of the site, this is mostly arable with pockets of woodland and Elmore Vale Local Wildlife Site (LWS) also lies in close proximity.

The majority of the site is made up of open grassland with areas of mature woodland. There are numerous formal and informal footways throughout the site. The existing clubhouse and carpark are situated in the south eastern corner and gain direct access from Elmore Lane.

There is a bridleway that runs between the south western corner of the site adjacent to Elemore Lane and the northern boundary of the site towards Hetton le Hole.

The site is predominantly greenfield with the exception of the clubhouse and carpark. The site provides extensive views northwards due to its elevated location. Planting between what would have been fairways provides a strong structure to the site with planting consisting of a large number of pines with little understorey in some areas. Due to the former use of the site as a golf course there are clearly defined open areas, bounded by planting. There are also several ponds and streams within the site.

There is street lighting provision throughout the carpark as well as to the front of the club house. A public route connects to the north-eastern corner of the carpark from a neighbouring field connecting to Hetton le Hole / Easington Lane.

The site has strong cultural heritage links to coal mining and the first entirely new Stephenson railway using no animal power. Part of the original route of the railway line is still evident forming the eastern boundary to the site

During a 'Let's Talk Sunderland' resident consultation event, residents identified their aspirations for the derelict golf course and their desire to see the derelict Elemore site transformed into useable greenspace with measures introduced to address the high levels of motorbike and quad bike usage, vandalism, and litter.

The current proposal has been subject to pre-application discussions where the principle of the development was agreed and lead to numerous public consultation events, after the initial 'Let's Talk Sunderland' event, residents have further highlighted their desires to see a new country park being created that provides a safe recreational space for families, include a nature reserve/wildlife sanctuary with nature trails/walking routes and cycle tracks, a café and play parks. The action to develop the site was subsequently included in the Coalfield Neighbourhood Investment Plan and work has been under way since to bring the project to life.

The country park seeks to provide the largest feature of the site with approximately 55 hectares of open greenspace, connected by a network of paths, seating, bird hides, sculptures and interpretation boards leading throughout the extensive woodland, hedgerow planting, wetland creation and wildflower meadow planting. The park will also include a number of play on the way facilities.

The EcoZone element of the proposal is to be located to the north and west of the site and includes the Local Wildlife site, several streams, the existing pond and stands of tree planting. Access to this area of the site is to be restricted to the public behind post and wire fencing and hedgerow with access via gated areas in order to promote and enhance the existing habitats of value including the water bodies within the site. Culverted streams are to be opened up and the series of wetlands are to be connected to the existing streams, existing ponds are to be regraded and large areas of native woodland, scrub and wildflower meadow to be planted.

This phase of the overall development seeks to introduce an overflow car park with associated access from Elemore Lane, this access will be approximately 180 metres west of the existing car park entrance. The proposed overflow carpark will provide 110 conventional spaces and 10 disabled spaces. Electric Vehicle charging points and 10 cycle racks for secure storage are to be provided.

Access to the car park will be controlled by gates, with controlled opening hours.

## Outline elements:

Camping and education facilities. The southwest part of the site is earmarked to provide camping/glamping facilities as well as an educational building or scout hut. (Details in terms of scale, appearance layout and landscaping of each of these elements will be required at the reserved matters stage of the current delivery of the site).

The site will also require the submission of a management plan to be submitted for the operation of the camping site element of the proposal to ensure the facilities are operated in a coordinated manner.

Community Farm. As above the site seeks to provide an appropriate scheme within the site, again this element will be dealt with via a reserved matters application.

Miniature Railway. The site has strong cultural heritage links to coal mining and the first entirely new Stephenson railway using no animal power, subsequently the community are seeking to provide a heritage miniature railway on the site. All details would be required as a reserved matters application.

The planning application has been supported by the following:

- Planning Drawings;
- Planning Application Forms, Certificates and Checklist;
- Planning Supporting Statement
- Design and Access Statement;
- Flood Risk Assessment
- Transport Statement.
- Archaeological Assessments
- Ecological Assessments
- Site Investigation Assessments

## TYPE OF PUBLICITY:

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## CONSULTEES:

Network Management  
Cllr Iain Scott  
Cllr James Blackburn  
Cllr Claire Rowntree  
Hetton Town Council  
Planning And Highways West  
Watermans - Land Contamination  
Tyne And Wear Archaeology Officer  
Environmental Health  
Flood And Coastal Group Engineer  
Natural Heritage  
Northumbria Police

Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX  
18 Lorne Street Easington Lane Houghton-le-Spring DH5 0QS  
19 Lorne Street Easington Lane Houghton-le-Spring DH5 0QS  
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92 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
152 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0ER  
78 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
84 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
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51 Borrowdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DG  
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144 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0ER  
100 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0ER  
31 Pimlico Road Hetton-le-Hole Houghton-le-Spring DH5 0EX  
72 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
74 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
D Farrow 106 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0ER  
94 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
88 Lambton Drive Hetton-le-Hole Houghton-le-Spring DH5 0EP  
Hetton Moor House Farm Lawson Terrace Easington Lane Houghton-le-Spring DH5 0EY

Final Date for Receipt of Representations: **20.12.2022**

## **REPRESENTATIONS:**

County Archaeologist.

In 2020, AD Archaeology produced a comprehensive archaeological desk-based assessment (Event 5213) of the proposed development area. In the report it was identified that the proposed development area is located within a landscape associated with a density of prehistoric sites.

The south-eastern extent of the site was developed as Elemore Colliery between 1820 and 1970. In the report it is concluded that the proposed development area has potential for unknown prehistoric features to survive in areas of the site that have not been disturbed by works associated with the former Elemore Colliery and or landscaping works associated with the creation of the former golf course in the 1980s. In addition, the foundations of structures associated with Elemore Colliery may also survive.

The site was further evaluated through the excavation of archaeological evaluation trenches (Event 5325). A total of 8 trenches were excavated. Trenches 1-2 and 6-8 were located in the south-western sector of the golf course, at the site of the proposed car park and buildings. No significant archaeological features were identified within these trenches. Trenches 3, 4 and 5 were located at the site of the proposed interpretation viewing area and wetland area. Extensive ground disturbance, colliery waste and demolition material associated with the colliery were identified in all three of these trenches.

Demolition deposits were identified to extend greater than 3m below the present ground level. In the report it is noted that significant reconfiguration of the topography of the site is likely to have been undertaken during the construction of the golf course. It is concluded that it is unlikely that any archaeological features will be disturbed by the proposed works located in this area of the site. In the report, no further archaeological works are recommended in association with the proposed works.

Based on the evaluation works that have been undertaken within the proposed development area, and the scale and scope of the proposals, I do not consider that further archaeological investigation will be required if the works are approved. Localised works are however proposed to improve access to the southern extent of the Stephenson Trail, the former line of the Hetton Company Railway, Elemore Branch (HER 3625). These works are shown on the plan to be located along an existing footpath in an area of the site which is likely to have been impacted by earlier works and landscaping. So long as only shallow groundworks are required, I do not consider that archaeological monitoring will be required.

I am pleased that the proposed works include scope to highlight the industrial importance of the site and the area's connection to the history and development of coal mining and railways through incorporating heritage interpretation into the proposal. In addition, I am pleased that works have been proposed to improve the accessibility of the Stephenson Trail.

Northumbria Police Architectural Liaison Officer.

This site has been subject to extensive ASB complaints over the years and as noted in the Planning and Design & Access Statement has been beset with problems generated by off road vehicle problems. Our concern is that that the plans do not contain enough mitigation designed specifically to restrict quad and motorbikes from ruining the Countryside Park.

Project Team response.

The Elemore Project has engaged with the Police from the outset to design out crime at Elemore Park.

The Police were invited and attended the monthly project meetings to inform the design for the site including design out crime. The Elemore Project team also worked closely with Linda Nelson 9170 Designing Out Crime Officer and held a walkabout site visit to ensure design out crime options were included.

More recently the project has worked in partnership with the HALO project operated by the Police in the Hetton ward. Working with Joanne Pepper 1647 Constable Neighbourhood Policing Southern and Martyn Scott, Sergeant Response Policing Southern.

The Elemore Project has engaged with Northumbria Police from the outset to ensure the proposals seek to address the risk of anti-social behaviour and design out crime, with this in mind I hope the above/ attached information provides sufficient information/ comfort that the proposals have been designed with anti-social behaviour in mind, with every effort made to minimise the risk.

Land Contamination:

Dunelm Preliminary Investigation (Phase 1 Desk Study) Dunelm completed a Phase 1 desk study to evaluate likely ground conditions and significant geo-environmental issues at the site of the former Elemore Golf Course.

The report was informed by a Groundsure report, historical maps, a Coal Mining Report from David Bellis Associates (based on data obtained from the Coal Authority), British Geological Survey (BGS) mapping and historical borehole logs, and site reconnaissance.

No contaminated land information request was made to Sunderland City Council.

The report states it has been produced in accordance with Land Contamination Risk Management (LCRM) guidance. The report states that the site currently comprises a disused former golf club and is used by local residents as a recreational area. The site is irregular in shape and highly undulating throughout, with the exception of the golf course entrance car park in the southeast corner. Tall grasses, mature trees and other vegetation are present across large areas of the site and sections of Made Ground are visible locally at surface associated with the former use as a golf course.

A one-storey building with a macadam covered parking area is present in the southern corner. An informal gravelled car park is located adjacent. A large tank of unknown contents is located within a secured area adjacent to the building. No evidence of staining or leaking was recorded. Occasional fly-tipped waste is indicated as being present throughout.

The eastern section of the site is a grassed area in recreational use. Wooded areas are also present in the east. A small valley crosses the site, leading from 2No. reservoirs in the northeast. The valley had no visible water at the time of the site walkover; however, observations were obstructed due to vegetation growth. The reservoirs are covered by sandstone blocks and nesting goslings were observed.

The development proposals are indicated to comprise a Heritage and Eco Park. It is noted that the Phase 1 desk study covers the whole of the former Elemore Golf Course and fields beyond, whereas the application boundary only includes an area in the south of the Golf Course that includes the areas of car parking, the one-storey building and associated tank, and a grassed area.

The surrounding land use is largely residential in nature. However, electricity substations are recorded within the surrounding residential development and an iron works company is located 10m to the southwest.

The anticipated geology comprises Glacial Till of clay across the southern section of the site and Glaciofluvial Deposits of sand and gravel in the northern section. The solid geology is recorded as Lower Magnesian Limestone over Coal Measures.

The southeast section of the site is indicated as having been affected by colliery waste, with BGS borehole NZ34NE13885/11 recording colliery waste to a maximum depth of 25.4mbgl.

The report records the bedrock as a Principal aquifer; however, no classification is provided for the superficial deposits.

The site is also recorded as being located within a Zone 3 Source Protection Zone, although there are no recorded groundwater abstractions within 2km. The report states that there are 26No. surface water features recorded onsite. Of these, 2No. are small lakes connected by underground piping located in the northern section of the site.

The site is within a Coal Mining Affected Area and a Mining Report is included as an appendix to the Phase 1 Desk Study. The mining report indicates that the site has been affected by underground workings in seven seams in the western section of the site and six worked seams in the eastern section of the site. The shallowest worked seam in both sections is the High Main at a depth of 124mbgl and is therefore not considered to pose a significant risk to the proposed development.



The Phase 1 desk study indicates that the shallowest seam beneath the site is the Ryhope Little at a depth of 49mbgl. The report states that whilst there is no evidence that the seam has been worked, the possibility of unrecorded workings cannot be ruled out. Two mine shafts (Isabelle Pit and George Pit) are recorded within the southeast section of the wider site (not within the application boundary). The shafts are recorded as having been backfilled in 1978.

There are records of coal mining subsidence claims in the agricultural land to the west of the site, but none within the site boundaries. Historical mapping indicates that the southern section of the site comprised Elemore Colliery from at least 1856. The colliery was made up of the Isabella Pit, the George Pit and the Lady Pit.

Railway infrastructure associated with the colliery was also present within the site boundaries.

The George Pit is not labelled by the late 1890s and is considered to have been possibly backfilled. No significant changes are recorded until the 1950s when the colliery undergoes growth with a gravel pit in the southwestern section of the site and sand pits (125m x 250m in size) are recorded to extend to the northwest from the colliery.

A pond is located in the centre of the gravel pits at this time. By the 1960s, the pit located in the southern section of the site has grown and is labelled as a 'refuse or slag heap'. By the 1970s the railway has been dismantled and the sand pits have increased in size. The pits are recorded as disused by the mid-1980s and a football ground is located in the place of the active workings in the southeast corner. By 1994 the site has been developed into Elemore Golf Course. The reservoirs in the northeast of the site are recorded by 2001. The report records a historical landfill in the southeast corner of the site (referenced from Groundsure report). The type of landfill and activity dates are unknown. The report further states that there is a possibility that small unrecorded local waste tips may have existed in the vicinity of the site prior to the introduction of waste licensing regulations. These are within the application boundary. The report states that there is no requirement for radon protection measures in future properties at the site.

The site is recorded as being at low risk from UXO.

The report does not reference the potential for invasive weeds to be present at the site.

The report references the site's former use as a colliery and colliery waste site and the tank identified on the site walkover as potential sources of contamination. A list of potential contaminants is presented. Potential sources of ground gas are listed as the recorded landfill site, possible deep made ground, shallow mineworkings and mine shafts. A brief risk assessment concludes that potentially unacceptable risks have been identified and that further action is recommended. A diagrammatical preliminary conceptual model is included in the report, with potential sources, pathway and receptors identified. However, a risk estimation on the potential pollutant linkages is not provided. The report would benefit from a tabulated preliminary conceptual site model in the report text. The report recommends that an intrusive ground investigation is undertaken to verify the assumptions made in the preliminary conceptual site model and to provide data for foundation design.

An outline ground investigation strategy is provided and includes trial pits, percussive boreholes and rotary probe-holes with chemical and geotechnical testing, and installation of monitoring wells to enable subsequent gas and groundwater monitoring.

Recommendations:

At this stage, following the review of the submitted report we are broadly in agreement with the findings of the Phase 1 Desk Study. However, the following additional information is requested to be included in the Phase 2 report from the Applicant's Consultant:

- The Phase 2 ground investigation should be completed and submitted to SCC;
- The Phase 2 report should be specific to the application boundary and should include a section summarising the Phase 1 information specific to the application boundary. This should include confirmation of the presence/absence of surface water bodies/landfill/mining features etc. within the site boundary;
- An invasive weeds assessment is not included in the Desk Study. The presence/ absence of invasive weeds should be confirmed prior to ground investigation works commencing; and,
- Sunderland City Council should be consulted to obtain contaminated land and petroleum storage information for the site and its vicinity, and the response should inform the scope of the Phase 2 ground investigation.

Planning Conditions CL01, CL02, CL03 and CL04 should be included in the Decision Notice.

## Ecology

Habitat surveys were undertaken during the peak survey season and information relating to their nature are considered to be appropriate however, the report does not provide any indication of the value of such habitats, to put the site baseline into context in line with the guidelines cited within the report. This information would also allow a robust assessment of the potential impacts of the proposals to be made, by illustrating the areas of habitats of different types and value to be lost or affected by the proposals.

The EcIA report references a report relating to the Biodiversity Net Gain assessment; although the metric has been provided, the referenced report has not been made available. This should be provided to give context to the metric and assessment, and should include a plan clearly illustrating where habitats are to be created and/or enhanced. It is noted and welcomed that the proposals as set out in the BNG metric will result in a net gain of biodiversity units of over 10%, as well as increases in both hedgerow and river units.

Detailed landscape plans linked to an appropriate management plan for the lifetime of the development will be required, which can be secured and agreed via condition. The reports also reference a buffer zone to be created around the Local Wildlife Site (LWS) which lies within the survey boundary however, no plans have been provided which clearly delineates this area. As such, it is not possible to assess the likely effectiveness of this measure, which is designed to protect the LWS and other ecological interests of the site.

It is noted that a number of trees need to be removed on health and safety grounds, with a number of other trees/groups/sections of hedgerow to be removed in order to facilitate the development, the latter including a number of category B1 features. The loss of such features will be addressed on a minimum 2:1 basis which, based on the landscape plan provided, can be achieved or exceeded.

Protected and Notable Species - Surveys reported in the EcIA have largely followed best practice guidance, the exception being a bat survey which commenced 2 minutes late (which it is not considered would have been likely to have any material impact upon the assessment), and otter and water vole surveys, where only a single survey visit was undertaken, rather than the two typically recommended.

Based on the results of the otter and water vole surveys, along with previous survey data relating to the site, the results of the visits completed are considered likely to be robust, work in this area over a number of years having recorded a similar result with no field signs of either species recorded and sections of the watercourses/waterbodies drying up at times (pers comm Kevin O'Hara).

Although the survey results are considered to be robust, with the exception of the ornithological interests, no assessment of value is provided for the majority of protected and notable species; this should be provided and the impact assessment updated to clarify the level of impact the proposals will have upon key features or species.

The brown long-eared tree roost is an unusual record for the area, and the species does not appear to have been identified during the other surveys; further information is required on the value of this feature and the wider site for this and other bat species.

It should be clarified whether the consultants believe the site is not in regular use by the species, or it is likely to have been under-recorded. The implementation of a bat friendly lighting strategy in line with current best practice guidelines is considered to be critical if the site is to retain the potential to be used by such species.

The ornithological surveys were largely undertaken in line with current best practice guidelines and although it is noted in the constraints section that wind speeds during two visits were higher than predicted/forecast, it is accepted that this has not had a discernible impact upon the assessment of value. A previous version (2009) of the Birds of Conservation Concern (BoCC) lists is cited within the early parts of the report however, more up to date versions are noted later in the document and the assessment has been undertaken using the current version of the BoCC lists. The assessment of the site as being of district to county ornithological importance is considered to be appropriate based on the assemblage recorded at different times of the year.

The EcIA report indicates that the predicted increase in visitor numbers to the site has the potential to adversely affect the use of the site by a range of bird species. Although a 'reserve' area is proposed to help provide undisturbed breeding habitat, this is not illustrated on the plans provided therefore the potential efficacy of this as a mitigation option cannot be assessed. Further details showing the number of pairs of each species potentially affected / displaced should also be provided within the assessment, in order to help quantify the effects of the proposals upon the breeding assemblage, with similar data provided for the wintering assemblage where key habitat has the potential to be lost to or affected by the works.

#### Conclusion:

Holding objection. Further information should be provided in relation to the value of the site and impacts of the proposals, as well as the proposed mitigation strategy as outlined above, to ensure the proposals will not result in a negative impact upon local biodiversity.

Representation 2: This response refers to the following documents submitted in support of the above application, which relate to the ecological impacts of the proposals:

- Ecological Impact Assessment - Elemore Golf Course by DWS Ecology, Final version, 21/10/2022.
- Biodiversity Net Gain Plan - Elemore Golf Course by DWS Ecology, Final version, 15/07/2022.

- Elemore Golf Course - Existing and Proposed Sections through Lake, drawing no. LS000184\_003, rev. P02, dated 25/11/22

The above reports include further information relating to a series of ecological surveys and assessments completed at the site and provide an assessment of the potential impacts of the proposals upon protected sites and species, as well as information relating to a Biodiversity Net Gain assessment.

The updated and submitted reports address those comments issued previously, and provide a robust baseline for the site relating to both the habitats, and protected and notable species; this data should be used as a baseline for monitoring works to inform the ongoing management of the site.

The documents include an assessment of the potential impacts of the proposals, and avoidance, mitigation and compensation measures to be implemented through the works.

The BNG report provided gives context to the metric and assessment, and it is noted and welcomed that the proposals as set out in the BNG metric will result in a net gain of biodiversity units of over 10%, as well as increases in both hedgerow and river units. Proposed habitat management measures to be implemented as part of the works will include pond desilting/clearance works; as no great crested newts have been identified, such works are not anticipated to impact upon the species or require a license to be obtained from Natural England. The implementation of such measures are likely to increase the value of such features for biodiversity, creating a wider variety of ecotones than are currently present, and providing potential habitat for a wider range of bird, invertebrate and other species.

Conclusion: No objection on ecological grounds subject to the imposition of conditions; no further information is required at this stage.

Lead Local Flood Authority.

The Flood and Coastal team from Sunderland City Council have been instructed to carry out a Flood Risk Assessment for a new multifunctional green development on the former site of Elemore Golf Course.

- The FRA has been undertaken in accordance with the NPPF (Chapter 14), PPG (Flood Risk and Coastal Change), Environment Agency guidance and Sunderland City Council Guidance.
- This assessment has identified that the proposed development can be implemented in accordance with the relevant flood risk and drainage policies.
- The site covers a total area of 56 ha and falls within Flood Zone 1.
- The site is at low risk of flooding from all sources.
- Surface water runoff from the two car parks will be discharged into on site watercourses.
- Attenuation up to the 1 in 100 year + 45% climate change event will be provided within dry swales, a pond and wetlands.

Environmental Health.

The proposals are considered acceptable in principle subject to the inclusion of the following condition on any consent:

Construction Environmental Management Plan (CEMP).

Prior to the commencement of construction works a CEMP shall be submitted for the agreement of the LPA. The plan shall identify potential impacts upon the local environment and sensitive receptors arising from earthworks and construction.

Suitable mitigation measures to address those impacts shall be set out in the plan and shall be implemented.

Third Party Representations.

No letters of representation were received.

## **COMMENTS:**

### **POLICIES:**

CSDP policies VC5, VC6, SP7, HS1, HS2, HS3, BH1, BH2, NE1, NE2, NE3, NE4, NE8, WWE2, WWE3, WWE4, ST2 and ST3 are relevant to the consideration of the application.

UDP policies CN20, CN21, CN23, HA9 and LA1 are relevant to the consideration of the application.

### **CONSIDERATION OF APPLICATION**

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

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

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

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

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

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

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

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

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

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

1. Land use considerations.
2. The implications of the development in respect of the amenity of the locality.
3. The impact of the development in respect of highway and pedestrian safety.
4. The impact of the development in respect of ecology and biodiversity.
5. The impact of the development in respect of flooding and drainage.
6. The impact of the development in respect of ground conditions.

## COMMENTS:

### 1. Principle of land use:

The site is located within the Coalfield. CSDP Policy SP6: The Coalfield indicates that the character and settlements within this area will be protected, ensuring their future sustainability. In order to do this Open Countryside and Settlement Breaks will be protected (criterion 1). The site is located within the designation of the Open Countryside and therefore the proposals will need to be considered in the context of the provisions of CSDP Policy NE8: Development in the Open Countryside.

CSDP Policy NE8 states that limited development may take place within the Open Countryside where it would help to sustain existing businesses, serve to boost the rural economy and assist in rural diversification.

In particular, criterion 1 states that development for horticulture, outdoor recreation and rural business use purposes will be supported where there is a clear need; the scale, nature, design, material and siting of the development is compatible with the existing development and in close

proximity to it; and it will not result in a scale of activity that has a detrimental impact on the surrounding area.

With the above in mind there appears to be a mix of potential farming, educational and recreational elements to this application, therefore it is considered that the proposals would be in alignment with the policy and as such acceptable.

Criterion 7 of CSDP Policy NE8 further goes on to identify where extensions or alterations of a building will be supported in the Open Countryside. Applications will be supported where development would not result in a disproportionate addition over and above the site of the original building and where it would not adversely affect the form and character of existing buildings and be of design that reflects and complements existing buildings.

The current proposal seeks to future proof the site for the long term development of a miniature railway reuse, a community farm and campin facilities. Whilst all matters of these elements are reserved for further consideration (exception of access) in principle and subject to further design the proposals would be in alignment with the policy requirements and as such acceptable.

CSDP Policy VC5: Protection and delivery of community facilities and local services seeks to protect and enhance community facilities. Criterion 3 supports the shared use of facilities.

This application forms the second phase of proposals for the wider golf course area, following the Future proposals include the creation of a 'Heritage and Eco Country Park' including car parking, grazing areas, miniature railway, woodland planting, wetland creation, play areas and further car parking, with long term aspirations for the creation of camping and education facilities on site. The facility will be run and managed by a Social Enterprise Company. In light of the aforementioned, it is considered that the current proposal is in accordance with policy VC5 of the CSDP.

Saved UDP Policy L1 seeks to enhance the quality of life for residents and visitors by providing a range of high standard recreational and community facilities, and promote the dual use of educational and community facilities. The decision maker should consider whether the application meets these requirements, subject to further information being received from the applicant in regard to the floorspace of uses proposed on site.

The site is also covered by UDP Policy HA9.4, which supports Elemore Golf Course being developed as regional recreational resource. It should be noted at the time that the UDP was prepared that this policy related to the ongoing use of the site as a golf course and this policy was prepared within this context. However, notwithstanding this, it is considered that the proposals would assist in repurposing the site as a recreational resource and would therefore broadly be alignment with this policy.

In summary, the proposal seeks to re-use an existing building and promote and provide a community facility within a site that has been mothballed since 2019. The proposal is policy compliant and the principle of the development is considered to be acceptable.

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

### Residential Amenity

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not unacceptably impact on the amenity of future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

The proposal is a hybrid and the proposed uses are not considered to be detrimental to residential amenity, however it is considered that further noise and air quality assessments will be required via condition prior to the determination of any reserved application for a miniature railway to ensure the provision of such infrastructure is sited in an appropriate location.

With the addition of a CEMP condition to control the development phase of the proposals, it is considered to accord with the objectives of the above policies and is considered to be acceptable in this respect.

### Visual Amenity

Policy BH1 of the CSDP also states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

In this respect it is considered that the proposed physical alterations to the site in terms of the overflow car park are unlikely to adversely impact upon the character of the host property or the visual amenities of the street scene in general. However it is noted that full design details of all buildings to be erected within the site are to be scrutinised at the reserved matters stage of the development.

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

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

A Transport Statement has been produced to accompany the planning application. This provides on current/ future traffic flows and road capacity and potential impacts of the increase in traffic arising from the proposed development. The TS provides further details regarding the car parking proposals.

The comments below apply to the supplied Transport Statement (TS) in support of the proposal.

**Trip Generation** - The trip generation methodology employs a blended trip rate, based on a combination of the site's former use as a golf club/course, and proposed use as a country park. Given the slightly hybrid proposed use of the site, this is considered acceptable.

The methodology presents a total of 296 trips generated during weekdays and 380 on weekend days, with flows profiled across the hours of operation.

The TS also makes reference to "event days", which are not defined, but may generate additional traffic beyond normal operating flows. If known at this stage, the nature and likely frequency of these events should be clarified.



Car Parking and Parking Infrastructure - Two car parks are proposed:

- Conversion of existing car park to 50 spaces plus 5 disabled.

- New overflow car park of 100 spaces plus 10 disabled.

There is no specific car parking guidance for this type of proposal, but comparison of parking at a similar venue (Herrington Country Park) indicates that the number of spaces proposed is acceptable.

The applicant states that EV charging points will be made available on the overflow car park, yet this is not made clear on the supplied plans. This should be clarified. EV charging points should also be considered at the existing site, depending on the proposed car park operations (see below).

The applicant should indicate how the two car parks will operate, i.e. whether the overflow car park will remain closed until the existing car park has reached capacity, or if it will operate independently. If the former, it implies that EV charging facilities would be available once the existing car park is full, which would limit EV charging facilities.

Site Access/Road Safety - Proposed vehicle access is via the existing golf club entrance to the existing car park, and a new access 180m west of this, to the overflow car park. For the new access, which entails alterations to the existing highway, requires 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 proposed gates to the overflow car park must open inwards, to prevent obstruction onto the public highway.

The slightly restricted visibility splay at the existing car park entrance is noted, but considered acceptable given the previous use. The proposed speed restrictions to extend the 30mph speed zone, will also assist in the additional safety mitigation at the site entrance.

Highway Impact - The TS states the A182/Elemore Lane roundabout junction is considered to have sufficient capacity to accommodate the proposed traffic flows.

Public Transport - It is acknowledged that given the location of the site, travel by public transport is likely to be very low, with most trips predominantly by private car. The nearest bus stop with frequent services are close to the A182/Elemore Lane roundabout junction, which is an approximate 15 minute walk. There are closer bus stops on Lorne Street, but current services and infrastructure at these stops are very limited.

Cycle Storage - The layout indicates that cycle storage will be available at the site main entrance.

Travel Plan - A TP should be submitted and approved prior to the public opening of the site.

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

There are seven statutory designated sites within 2km of the site. Six Sites of Special Scientific Interest (SSSIs) lie within 2km:

Eppleton Grassland, Moorsley Banks, High Moorsley; Hetton Bogs, Pitlington Hill and Pig Hill and one Local Nature Reserve (LNR) lies within 2km; Hetton Bogs.

The site is situated within a SSSI impact zone; however the proposed development is not listed as one of those that requires consultation with Natural England. The proposals are not likely to impact on the SSSIs or LNR.

There are eleven non-statutory designated sites within a 2km radius of the site, all eleven are Local Wildlife Sites (LWS):

Hetton Bogs West, Eppleton Quarry, Hetton Park, Robin House & Moorsley Marsh, Hetton Lyons, Eppleton Railway, Elemore Vale, Pitlington Hill, Elemore Horseshoe Pond, Elemore Woods and Elemore Golf Course. The latter falls within the site boundary and Elemore Vale lies immediately south, only separated by a minor road.

The majority of the site consists of poor semi-improved grassland. Most of the proposals fall across these areas, with no loss of the more species rich grassland and very little loss in trees. Proposals avoid woodland and trees and include planting large numbers of additional trees as well as additional woodland blocks.

The woodlands on site will also be managed to further enhance them. Overall, the works may impact on birds, bats and hedgehogs via additional lighting and disturbance, but loss of habitat is minimal.

Long term disturbance through increased visitors is an issue for the breeding birds on site. However, mitigation has been proposed to ensure that the development proposal and work programme is designed to minimise the adverse effects on ecological features, such as restricted access to the nature reserve. A variety of habitat creation works are also proposed and the Biodiversity Net

Gain Plan also includes enhancement measures, with the aim of providing biodiversity net gain, thus fulfilling the aims of the NPPF.

Overall, the proposal is considered to have limited ecological impact but wide range of ecological benefits. according in full with relevant CSDP policies NE1, NE2 , NE4, NE9 and NE11.

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

The Environment Agency's Flood Map for Planning, shows the site to be located within Flood Zone 1, land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding less than 0.1%, therefore floodrisk from fluvial sources is considered to be low.

The development covers a total area of 56 ha and comprises of a country park, an education building, a community allotment, parking and a range of attractions including a playground, and a miniature railway. The total impermeable area is approximately 0.78 hectares.

It is proposed that the new overflow car park, in the south western corner of the site, will drain in two halves. The southern half will drain to a slot drain which runs through the centre of the car park and the northern half to a beany curb along the northern kerbline. These will both drain into a dry swale which runs from the north west corner of the car park to the north adjacent to the gravel track. The swale will then drain into a pond, then into a pipe, where the discharge will be restricted by a hydrobrake to 2.5l/s before discharging into the on site watercourse.

The northern kerbline of the existing car park, in the south eastern corner of the site, will be removed to allow the car park to naturally drain north into a new swale. The water will then continue into a new wetland area, through a hydrobrake, restricting to 2.4l/s, before

discharging into another swale. The water will finally drain through a pipe into the other on site watercourse.

Attenuation up to the 1 in 100 year + 45% climate change event will be provided within dry swales, a pond and wetlands.

The proposal is considered fully compliant with policies WWE2 and WWE3 of the CSDP.

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

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.

Further to consultation with the City Council's Land Contamination consultants and review of the Phase 1 Investigation Report, it recommended that conditions be attached to any planning permission to require the applicant to submit, prior to the commencement of development, a Phase 2 Site Investigation, followed by a Remediation Strategy (if necessary), and a verification report (if necessary). It is also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS3 (in relation to contamination) adopted CSDP.

#### Conclusion.

It is considered that the proposed development would be acceptable in principle at this location, and that it would be acceptable in relation to its design and visual impact (including on amenity green space) subject to the compliance with / discharge of recommended conditions. It would have no unacceptable impacts on residential amenity, highway safety, and ecology, or in relation to contamination subject to the discharge of and compliance with recommended conditions. It is therefore considered that the proposed development would accord with the relevant policies within the adopted CSDP and the saved policies within adopted UDP, as well as guidance within the National Planning Policy Framework (NPPF).

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

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

Dwg No. LS000187.001 Rev P01, Existing Site Plan dated 07.10.21.

Dwg No. LS000187.001 Rev P07, Masterplan layout dated 01.04.22.

Dwg No. EGC-SCC-HKF-00-SK-CH-1100 Rev P02, Overflow Car Park dated 18.05.22.

Dwg No. EGC-SCC-HKF-00-SK-CH-1100 Rev P03, Overflow Car Park dated 25.10.22.

Dwg No. EGC-SCC-HMK-00-DR-CH-1200 Rev P02, Road Markings Plan dated 18.05.2022.

Dwg No. EGC-SCC-HPV-00-DR-CH-0700 Rev P02, Road Pavements dated 18.05.2022.

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

2 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.

3 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments; and
  - where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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

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

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

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

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

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

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

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

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

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

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

7 Prior to commencement of works on site a Construction Environmental Management Plan (CEMP) shall be submitted for the agreement of the LPA and implemented in full accordance thereafter. The plan shall identify potential impacts upon the local environment and sensitive receptors arising from site clearance, preparation and construction. Suitable mitigation measures to address those impacts shall be set out in the plan and shall be implemented.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from operational works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

8 Works will proceed in accordance with the protection and enhancement measures as detailed in the submitted reports, including:

- Ecological Impact Assessment - Elemore Golf Course by DWS Ecology, Final version, 21/10/2022.
- Biodiversity Net Gain Plan - Elemore Golf Course by DWS Ecology, Final version, 15/07/2022.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

9 Vegetation clearance works will be undertaken outside of the bird nesting season (March - September inclusive). If this is not possible, works will not commence unless a checking survey by a suitably qualified ecologist has been undertaken no more than 3 days prior to the start of works, to ensure no active nests are present which would be affected. In the event any active nests are identified, the ecologist will implement a suitable buffer zone around this feature into which no works will progress until subsequent checks by the ecologist confirm that the nest is no longer active.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

10 No development, ground works or vegetation clearance shall commence until an Ecological Construction Environmental Management Plan (E-CEMP) produced by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. This will include:

- A review of ecological constraints
- Requirements for, and timings of checking surveys for protected and/or notable species, including requirements for repeat visits where necessary
- Details of the persons responsible for implementing the works
- Details for disposal of any vegetative wastes arising from the works, particularly relating to Schedule 9 species
- Details of any lighting and fencing proposed during the construction period, which will include input from a suitably qualified ecologist
- Working methods to be implemented in order to minimise the risk of protected or notable species being adversely affected, or notifiable species being spread through the works
- Details of habitat protection measures to be implemented through the works, particularly in relation to retained features such as trees and waterbodies/watercourses.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

11 Works will not commence until a site-specific arboricultural method statement produced by a suitably qualified arboriculturalist has been submitted to, and approved in writing by the local planning authority, which details the working measures to be implemented to ensure the protection of key trees and/or groups of trees to be retained through the works.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

12 A landscape and ecological management plan (LEMP) covering a period of no less than 30 years shall be submitted to and approved in writing by the LPA prior to the completion of works, which is related to the Biodiversity Net Gain documentation submitted with the planning application. The plan should include contingency measures should the biodiversity aims and objectives not be met to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The document will include details of the planting scheme (including how and when habitats will be created, and the species mixes to be used) and details of ongoing management and monitoring works, including frequency of inspections and timescales for addressing any issues which arise. The plan will be delivered in accordance with the approved details.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

13 A document will be submitted to the LPA prior to the completion of works on site, which provides details of a monitoring strategy to be implemented following the completion of works in relation to both breeding and wintering birds, due to the current ornithological value of the site. This will cover a period of no less than 5 years following the commencement of public access to the site, the results of which will be provided to the LPA in a report produced by a suitably qualified ecologist, which includes comparisons between the baseline data set and the results of the monitoring surveys. If the monitoring works indicate that there have been negative impacts on the



ornithological assemblage which cannot be related to national trends relating to such species, then measures will be proposed by the ecologists, and agreed with the LPA, to try to reverse such trends on site, with the monitoring strategy to be extended for at least a further 5 years to provide an indication of the efficacy of the updated management measures.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

14 Prior to the completion of construction works, a plan showing the location and specification of bird and bat boxes to be installed on the site will be submitted to, and approved in writing by the local planning authority.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

15 Works will not commence until a lighting strategy has been submitted to and approved by the LPA, which includes input from a SQE in line with current best practice guidelines, and includes measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats; this includes the confirmed roost, potential roost sites, and the waterbodies/watercourses, hedgerows and areas of tree cover within and bordering the site.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

16 No lighting will be permitted to be used for one hour either side of sunset, or one hour prior to sunrise which would illuminate any bat boxes installed on site or the confirmed roost site within the building between April and October inclusive, to ensure the roost or any bats present are not disturbed, or use of the roost site adversely affected. No restrictions will apply between November and March inclusive. The exception during the bat active season (April - October inclusive) will be for security lighting controlled by PIR or similar, with a trigger time which is as short as possible while fulfilling its purpose (ideally no more than 30 seconds) which is only to be used when the site is unoccupied, for reasons of public health and safety.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

17 Where new permanent fencing will be installed, this will include gaps which are of a suitable size as to ensure the site remains permeable to species including hedgehog and badger.

Reason: In order to protect the biodiversity of the site and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

18 No development except remediation, for which outline planning permission is hereby granted shall commence until the details of:

- Appearance.
- Landscaping.
- Layout.
- Scale

(hereinafter referred to as the "reserved matters") of that Phase have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by

Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable period of time.

19 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

20 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including footpaths, walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

21 A detailed Travel Plan will be required to be submitted to and agreed in writing with the LPA, with targets based on surveys to be undertaken at future agreed dates, within 6 months of the opening of the facility.

Reason: To ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

22 Prior to the opening of the site to the general public, the hardstanding areas and vehicle parking bays (including accessible bays and bays with electrical vehicle charging points) shall be installed / completed on-site and made available for use. The vehicle parking bays shall then be maintained and retained henceforth for their designated purposes.

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

**Reference No.:** 22/01798/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of a timber store for commercial refuse containers.**

**Location:** Bridge House, Bridge Street, Sunderland

**Ward:** Hendon

**Applicant:** Sunderland City Council

**Date Valid:** 24 October 2022

**Target Date:** 19 December 2022

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**PROPOSAL:**

Erection of a timber store for commercial refuse containers.

**TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

**CONSULTEES:**

Planning Implementation

Cllr Lynda Scanlan

Cllr Michael Mordey

Cllr Ciaran Morrissey

Network Management

Watermans - Land Contamination

Environmental Health

Final Date for Receipt of Representations: **09.12.2022**

**REPRESENTATIONS and CONSULTATIONS:**

- Land Contamination

It is considered that there is limited potential for contamination to be present within the soils and groundwater underlying the site associated with the current or historical on-site land uses.

In consideration of this and in light of the nature of the development proposals, which comprises a simple timber constructed storage area for waste bins with no enclosed spaces, no further assessment of potential contamination and ground gas risks is considered to be required.

The site is located within a coal mining reporting area and therefore a Coal Authority report must be obtained to confirm the mining risk.

- Transportation Development

No observations.

- Environmental Health

There are no observations offered on the proposal.

- Conservation

The proposed timber store would be sited within the existing car park area and is a small-scale enclosure providing a practical solution to bin storage. This shared storage is a visual improvement to scattered refuse bins around the site. The small scale of the structure would have no adverse impact on views into the adjacent conservation area, or any impact on setting of the nearby listed buildings. No heritage impact identified.

## **POLICIES:**

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

Core Strategy and Development Plan (CSDP)

SP1 Development strategy  
SP5 South Sunderland  
BH1 Design quality  
HS1 Quality of life and amenity  
BH7 Historic environment  
BH8 Heritage assets  
ST1 Urban core accessibility and movement  
ST2 Local road network  
ST3 Development and transport  
WWE6 Waste management  
WWE 7 Waste facilities

## **COMMENTS:**

The application relates to the erection of a timber store for commercial refuse containers to service Bridge House, Bridge Street, Sunderland. The application property Bridge House is a purpose-built perimeter office block with the A1018 to the north, Bedford Street to the east and south and Bridge Street to the west; it is three-storeys and constructed of red brick with a slate roof. The property is in the ownership of the local authority and managed by Bradley Hall.

The application proposes the construction of a 20sqm timber store to house commercial refuse containers within the hardstanding area of the car park associated with Bridge House. The store would be of vertical timber boarding set on metal frame fixed to the ground, with timber inward opening gates to the southern side. The enclosure is required to provide safe refuse storage space for communal refuse containers to serve the commercial premises which make up Bridge House thus addressing the lack of communal facilities at the site. As part of the development a bollard adjacent to the carriageway would be removed and a dropped kerb installed. to enable convenient collection of refuse from the site. The store would not result in the loss of any parking spaces at the site and would not compromise the layout or flow of vehicles through it.

The proposed development has been the subject of a pre-application enquiry under planning reference number 22/00203/ENQ.

The site is located within the ward of Hendon. It is within a coal mining legacy area identified as low risk and the smoke control area of Hendon/Grangetown Area. The site is within the Article 4 HMO: Hendon Ward and the Sunnyside Consultation Area.

### **Principle of development**

CSDP Policies s SP1 and SP2 set out the principles for development with a focus on sustainable economic growth and the regeneration of the Urban Core. The proposed development would provide refuse storage facilities to an existing office building which is within a sustainable location and as such the proposal is considered acceptable in this respect.

### **Design, heritage impact and impact on the street scene**

CSDP Policy BH1 seeks to ensure that developments achieve high quality design and positive improvement through accordance with a clear set of criteria as set out in the policy. 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; avoids disruption to established views of important buildings, structures and landscape features; as well as encouraging durability and adaptability throughout the lifetime of a development.

The proposed location is outside of but close to the designated boundary of the Sunnyside Conservation Area with a group of listed buildings to the south on High Street West. The proposed materials are considered acceptable and would provide a practical solution to bin storage and would provide screening for refuse containers and would hide unsightly bagged waste and waste receptacles from view. The structure would be relatively small in size and is considered to provide a visual improvement within the street scene; it is considered that there would be any adverse impacts on the character of the area and the development would not have an adverse impact on views into the adjacent conservation area, or any impact on setting of the nearby listed buildings.

The Building Conservation Officer has been consulted and has raised no objection.

Taking the above into deliberation, the proposal is considered acceptable in accordance with local and national planning policies.

### **Amenity Impact**

The proposal has been assessed in line with local and national planning policies. The structure would be relatively small in size and would provide an adequate refuse storage solution to tenants at Bridge House; the proposal would address a deficiency in facilities at the site and would hide unsightly bagged waste and waste receptacles from view and would not result in any adverse impacts upon the amenity of occupants of the offices or nearby development.

The Environmental Health team has been consulted as part of this application process and have raised no objection. The proposal is considered acceptable in this respect.

### **Contamination**

In regard to contamination, CSDP Policies HS1, WWE6 and WWE7 are relevant. The Contaminated Land Team (LCT) has been consulted and have raised no objection, however,

the LCT stated that within a coal mining reporting area and therefore a Coal Authority report must be obtained to confirm the mining risk.

The site is within a coal mining legacy area identified as low risk and as such the Coal Authority's Standing Advice is applicable. Furthermore, the proposal would not result in any below ground works. The refuse storage unit would improve waste management and waste provision within the site. The proposal is considered in accordance with local and national planning policy in this respect.

### **Highway and pedestrian safety**

The proposed development has been assessed in line with local and national planning policies. The development would result in a secure compound which would provide communal commercial refuse facilities for the offices and businesses within Bridge House. The location is well positioned for easy collection of refuse containers by refuse vehicles and would not result in the loss of any existing car parking within the site. The Transportation Development Team has been consulted and have raised no objection. The proposal is considered acceptable in this respect.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

- 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.

### **Conclusion**

The proposed development is considered acceptable in principle. The design and materials are considered acceptable and would not have a negative impact on the locality or on neighbouring amenity. There would be no contamination issues or highway and pedestrian safety implications as a result of the development. The development is considered in accordance with local and national planning policies and as such is recommended for approval.

### **RECOMMENDATION:**

Members be minded to Grant Consent in accordance with Regulation 3 of the Town and Country Planning General Regulation 1992 (as amended) and subject to the condition set out 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

Floor and Elevation Plan: Drawing No. BS/JT/22740(1)

Site Plan: Drawing No. BS/JT/22740(2)

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 facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interest of the satisfactory appearance of the development upon completion in accordance with the provisions of Core Strategy and development Plan Policy BH1 and the aims of the NPPF.

**Reference No.:** 22/01958/FU4 Full Application (Reg 4)

**Proposal:** **Demolition of existing school buildings and development of a replacement school building and indoor swimming pool block, along with car parking, hard and soft landscaping, playing pitches and access arrangements.**

**Location:** Farrington Community Academy, Allendale Road, Sunderland, SR3 3EL

**Ward:** St Chads

**Applicant:** Department for Education

**Date Valid:** 1 September 2022

**Target Date:** 1 December 2022

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## **PROPOSAL:**

Full planning permission is sought for the demolition of the existing school buildings and development of a replacement school building and indoor swimming pool block, with associated car parking, hard and soft landscaping, playing pitches and access arrangements.

The host site comprises a substantial 5.5ha parcel of land which houses Farrington Community Academy within the suburb of Farrington, Sunderland. The existing site includes blocks of teaching accommodation which are predominantly three storeys in scale and largely concentrated centrally and towards the north-western boundary of the site. A swimming pool is also located towards the north-western corner of the site, with the remainder of the land set aside for playing fields and sporting provision along with areas of hardstand and car parking.

The area is typically residential in character although there are pockets of commercial uses found nearby, including a local parade of shops on the opposing side of Allendale Road. Residential properties oppose the site to the west in respect of Allendale Road, to the north in respect of Ashford Road and the Castle Green/Castle Mews developments, and to the south in the form of properties located on Ardrossan Road.

Existing vehicular access to the site comprises an entrance located on Allendale Road which acts predominantly as a service entrance and links to informal parking provision for the adjacent Jubilee Centre. The main staff and visitor parking is located off Ashford Road / Ascot Court and is also used by the community out of hours to access the pool and the sporting provision available on site.

Site levels generally slope across the land from a high point in the eastern corner towards the south and west. The edge of the site largely sits at a similar level to the surrounding properties within the vicinity, with the exception of the properties located beyond the south-eastern corner of Ardrossan Road and the northern edge with Ashford Road where the site edge dips with the properties outside the site sitting at a lower level. The north-eastern corner of the site rises accordingly to tie in with the higher levels exhibited at Castle Mews and the adjacent area of designated open space which lies beyond the eastern curtilage.

The submission sets out the rationale for the development, qualifying that the Department for Education has recognised that the majority of teaching accommodation at Farrington Community College is beyond its useful service life and that funding has been made available to



replace the existing educational provision along with the on-site swimming pool. In this regard, the submission sets out that the provision of the new accommodation will provide the school with much needed modern, fit for purpose teaching facilities that will enhance the learning environment and life chances for the pupils and provide the community with an asset they can be proud of.

The submission also confirms that the rebuilding programme will be a phased development to ensure that the school remains fully operational during the works.

The new school will provide accommodation for 1050 pupils and 140 staff and will continue to deliver community use. The accompanying Design and Access Statement provides a comprehensive overview of how the final and current scheme was arrived at as part of the development brief and in respect of site constraints.

In terms of layout, the scheme illustrates the addition of two new buildings within the context of a substantially reconfigured site. This includes the development of the new main school teaching block to the south/west of the site which will be arranged over three floors and the addition of a new swimming pool to the north of the site. The existing sports hall, Jubilee Centre (which is not included within the redlined development site), sports facilities building and Multiuser Games Area (MUGA) to the east, are all to be retained. The remainder of the site, with specific reference to those areas currently occupied by existing buildings, will, following demolition, be reconfigured and developed to provide improved and additional sports facilities, including dual use pitches/running track and onsite parking facilities.

Further supplementary onsite works are also proposed, including various sections of new boundary treatment to include 2.4m high wire mesh panel fencing around the perimeter of the site, the addition of new cycle parking, covered external dining facilities, bin storage, internal footpath links and external canopies. New areas of soft landscaping are also set out across the site.

Public access to the site is shown to be restricted to a newly formed visitors, pedestrian and vehicle entrance off Allendale Road. With regard to the vehicular access, this will involve modifying/widening the existing service entrance adjacent to the Jubilee Centre which will cater for visitor parking, controlled deliveries, and compliant accessible parking provision.

The submission also sets out that reconfigured staff parking located off Ashford Road is to be provided, retaining the Ascot Court entrance which will be accessed by the community out of hours to service the pool and the wide range of sporting provision available on site. A new 'exit only' egress point is also proposed on to Ashford Road.

The application has been accompanied by a wide range of supporting information and technical surveys and reports, including, but not limited to the following:

- Planning Statement and Statement of Community Involvement.
- Design and Access Statement.
- Flood Risk Assessment.
- Existing Networks Drawings and Proposed Drainage Strategy.
- Transport Assessment and Travel Plan.
- Arboricultural Impact Assessment.
- Method Statement and Tree Protection Plan.
- Ecological Impact Assessment and Biodiversity Net Gain Assessment.
- Lighting Assessment Lighting Scheme and External Lighting Strategy.
- Energy Statement.

- Phase 1, 2 and 3 Reports (Ground Conditions).
- Construction Methodology Statement Ventilation and Extraction Statement.
- Archaeological Desk-Based Assessment.
- Noise Impact Assessment.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
 Sport England  
 Natural Heritage  
 Tyne And Wear Archaeology Officer  
 Environmental Health  
 Sport England  
 Watermans - Land Contamination  
 Tyne And Wear Archaeology Officer  
 Watermans - Land Contamination  
 Flood And Coastal Group Engineer  
 Northumbrian Water  
 Natural Heritage  
 Flood And Coastal Group Engineer  
 Network Management  
 Cllr Chris Burnicle  
 Cllr Simon Ayre  
 Cllr Dominic McDonough  
 Director Of Childrens Services  
 Planning Implementation  
 Flood And Coastal Group Engineer  
 Environmental Health  
 Watermans - Land Contamination  
 Northumbrian Water  
 Northern Powergrid  
 Northumbria Police  
 Chief Fire Officer  
 Planning Policy  
 Landscape  
 Sport England  
 Landscape  
 Network Management

## **REPRESENTATIONS:**

The application has been publicised via letters sent to nearby residential properties, the posting of site notices in the vicinity and the publishing of a press notice in the Sunderland Echo newspaper.

As a result of the publicity carried out, 1 public representation has been received from an occupier of Carlisle House on Ashford Road. The objection sets out that;

1. The development seems to require the removal of an existing mature tree.
2. The development would have a negative impact on the visual amenity enjoyed by residents of Carlisle House and would negatively affect property values.

In addition, the representation sets out that there is currently a lot of school and sports related traffic, littering and parking along Ashford Road and that it is requested that the planning proposal incorporates a no parking zone along Ashford Road, except for deliveries and loading. It is also requested that an alternative exit road be considered to run from the proposed car park between the proposed swimming pool complex and the existing sports hall to an exit gate on Allendale Road.

The above comments will be addressed within the main body of the report, however with specific regard to property values, this is considered to be a private, civil matter and cannot therefore be given material weight within the assessment of a planning application.

### The Statement of Community Involvement

The supporting documentation confirms that the developer actively engaged with the local community on the delivery of the new school prior to the submission of the application. This included a leaflet drop, distributed to residents close to the school in July 2022. This leaflet provided information on the proposed scheme and included an invitation to submit comments via an online consultation website. The leaflet also provided details of, and offered an invite to, a community consultation event which was held on 19 July.

In addition to the above, the school also posted the leaflet on its social media site and encouraged parents and pupils to view the consultation website and obtain information on the proposals as well as providing feedback and raising queries.

Finally, the developer created a website to inform local residents and key stakeholders of the proposals. The submission confirms that the website had a relatively high engagement rate, having been viewed by 640 unique visitors. Overall, 20 feedback responses were returned during the consultation in response to questions posed as to whether they supported the redevelopment of the school and whether they agreed that the current plans provided a high-quality learning environment for Farringdon Academy pupils. A question was also posed which provided opportunity for any other comments and feedback to be offered.

In response to the questions posed, 80% of the comments either agreed or strongly agreed with the principle of the redevelopment and the creation of a high-quality learning environment, whilst 65% chose to offer further comments on the proposal. Full detail of the community engagement process can be viewed online within the planning file.

### Internal Consultees

Public Health - No objections have been offered to the proposed development subject to the inclusion of conditions to deal with noise from building services and plant equipment, a scheme to deal with odour abatement in respect of the new school kitchen and compliance with Construction Environmental Management Plan (CEMP).

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - The content of the amended Flood Risk Assessment and Drainage Strategy has been considered and they are considered to be acceptable subject to the imposition of a condition requiring the submission of a verification report.

Ground contamination - The Council's Ground Contamination consultant has considered the submitted documentation, consisting of a Phase 1 Desk Based Assessment, Phase 2 Ground Investigation and a Phase 3 Remediation Strategy. Based on the content of these submissions, no objection has been offered to the development proceeding from a contamination perspective, although conditions requiring the submission of an updated Remediation Strategy, the submission of a verification statement and the inclusion of a condition to deal with unexpected contamination have all been recommended.

Council's Ecology team - No objections have been offered to the proposal subject to the inclusion of conditions to ensure that the works proceed in accordance with the avoidance, compensation and mitigation measures provided in the documents submitted in support of the planning application, a condition to deal with lighting, the retention/creation of boundary features for hedgehogs and ensuring that site clearance works are undertaken and the appropriate time.

Council's Highways team - Further to additional details and clarifications having been provided, no objection has been offered.

Council's Landscape Architect - No objections subject to the imposition of a condition to ensure the landscaping scheme is laid out in accordance with the agreed planting schedule.

## **External consultees**

County Archaeologist - Further to the submission of an archaeological desk-based assessment and in light of the results of archaeological trial trenching, the County Archaeologist has confirmed that they do not consider that it is likely that the proposed development will impact any archaeological remains and therefore no further archaeological works are recommended in association with this application.

Northumbrian Water - Have confirmed that they have no issues to raise on the revised Flood Risk and Drainage Strategy dated 21 October 2022, subject to the imposition of a condition ensuring that the development is implemented in accordance with the revised document.

Tyne and Wear Fire and Rescue Service - No objections to the proposed development.

Northumbria Police (Designing out crime Officer) - In review it is considered that the proposed development is well designed and no objections from a Crime Prevention Perspective are offered other than to note that the security strategy may need review once there is a clearer picture of the wider community use of facilities outside the normal school day.

Sport England - Sport England does not wish to raise an objection to this application as it is considered to meet exception 4 of the above policy. The absence of an objection is subject to conditions being attached to the decision notice should the local planning authority be minded to approve the application.

## 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.

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

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

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

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

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

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

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

- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);

- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);

The Council adopted the Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document are relevant to the consideration of the development proposal. It should also be noted that whilst the CSDP is the starting point for decision making, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations Plan. A full schedule of policies which have been saved is contained within Appendix 1 of the CSDP.

The CSDP policies of relevance to the consideration of this proposal are SP1, HS1, HS2, HS3, BH1, BH2, BH9, VC5, NE2, NE3, NE4, NE9, WWE2, WWE3, WWE4, WWE5, ST1, ST2 and ST3.

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

1. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity, design and sustainability considerations;
4. The impact of the development in respect of ecology, biodiversity, landscaping and trees;
5. The impact of the development on highway and pedestrian safety;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions with regard to archaeology and land contamination;

## **1. Land use considerations**

The school is considered a 'community facility' in planning terms. Consequently, CSDP Policy VC5: Protection and Delivery of Community Facilities and Local Services is relevant. It sets out community facilities will be protected and enhanced by (inter alia) supporting development of new and extended community facilities. This is supported by paragraph 95 of the NPPF which gives weight to the expansion or alteration of schools.

Policy VC5 also sets out that the development for new community facilities should be located in accessible neighbourhood and centre locations. In this regard the location is determined by the site of the existing school, albeit it is also recognised that the site would be considered as being within an accessible neighbourhood.

It is acknowledged that the siting of the new school building would be within an area of allocated school playing field as referenced by saved UDP Policy L7 and is also considered as playing field within the Council's Greenspace Audit.

In this regard, saved UDP Policy L7 states that land allocated for open space will be retained in its existing use, with alternative uses only acceptable if certain circumstances apply. To this end, policy NE4 of the CSDP makes it clear that the Council will refuse development on greenspaces (including school playing fields) which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that:

- I. The application demonstrates that the provision is clearly surplus to requirements;

- II. An acceptable replacement facility is provided;
- III. Where replacement by the developer is not practicable, securing a financial contribution to enable the Council to deliver new greenspace or sports provision or improvements to existing provision at an appropriate off-site location.

Policy NE4's requirements essentially mirror those of paragraph 97 of the NPPF, which also seeks to protect existing open space and playing fields from development unless circumstances similar to those set out by policy NE4 are applicable.

As has been referenced within the representations section of this report, as the development would impact on an existing playing field, consultation has been carried out with Sport England. For the purposes of consultation with Sport England, this application relates to the loss of existing playing fields and/or the provision of replacement playing fields and, as such, needs to be considered against exception 4 of Sport England's policy. This states;

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

Sport England have assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4 advising;

"The area of playing field which will be lost to development is broadly triangular in shape and measures just over 1Ha. No assessment of its quality has been included in the submission. Aerial photos show it to have been used to set out a football pitch and 200m grass running track over the years. The field is relatively flat albeit with a more pronounced embankment towards its Allendale Road frontage"

"The proposed site layout creates two parcels of playing field with a combined area of 1.4Ha. The proposal therefore meets the quantitative test within exception 4. The shape of the new playing field areas are broadly rectangular (albeit with an irregular south-western boundary) and the proposed masterplan shows them to be capable of accommodating football pitches and a 200m grass running track. Subject to the imposition of appropriate conditions to tie the implementation of the replacement playing field areas with the methodologies set out in Sport England's design guidance 'Natural Turf for Sport', the proposal is considered capable of meeting the qualitative test within exception 4. The current school's indoor and outdoor sports facilities are made available for community use outside of school hours and make a valuable contribution to meeting local needs for sports facilities. Sport England welcomes the reprovision of the swimming pool within the development proposals, and the school's commitment within the proposals to continue their community offer".

In light of the above assessment, Sport England confirmed that it did not wish to raise an objection to the application as the scheme was considered to meet the requirements of exception 4. This assessment was arrived at subject to 3 conditions being attached to any approval given, one of which related to the submission of a Feasibility Study Report within 6 months of commencement of the use. The purpose of this condition is to assess the proposed ground conditions and constraints which could affect the playing field quality, along with detailing the drainage of the playing surface. The agent has sought to address this matter up

front and has submitted additional details. This additional information has been considered and agreed by Sport England and, as such, the condition will now be reworded as a compliance condition. The two remaining recommended conditions pertaining to the community use agreement and details of any permanent mounds of construction material shall be imposed as set out.

With regard to the above, it is considered that the proposal would introduce an improved community facility which would have no undue adverse impact upon greenspace whilst providing new and upgraded sporting facilities on an established school site.

In summary, existing facilities at Farringdon Academy are no longer considered to be fit for purpose with the proposed scheme seeking to improve the educational facilities through the provision of an efficient and effective modern education facility that will enhance the learning environment and life chances for the students. This aspiration accords with the principles of CSDP Policy VC5 and paragraph 94 of the NPPF and great weight should be given to the community benefits of delivering a significantly improved educational establishment at the site.

Notwithstanding, and in order to determine the overall acceptability of the proposed development, consideration must be given to all other relevant material considerations as set out below.

## **2. Residential amenity considerations**

Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Meanwhile, policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

In terms of the level of amenity to be afforded to the future occupiers of the land/ buildings, the scheme has evidently been designed to provide enhanced learning and sporting facilities for students and members of the community alike and full details of accommodation is provided within the accompanying Design and Access Statement.

In terms of assessing the implications of the redevelopment on the amenity of nearby residential properties, it is evident that the scheme would see both new build construction and demolition works taking place. In order to address the requirements of CSDP Policy HS1, the application has been accompanied by a Construction Environmental Management Plan. This provides a comprehensive overview of the practices that will be employed to mitigate impacts arising during the demolition and construction phases and has been agreed by the Council's Environmental Health Officer (EHO). A condition requiring adherence to the measure and mitigations contained within the CEMP will be placed on any approval given. In terms of noise



and odour, the EHO has also recommended that conditions be attached to any approval to deal with noise from building services and plant equipment and in respect of extraction and ventilation associated with the operation of the new school kitchen.

In addition to the above, the application has also been supported by an Air Quality Assessment and a Lighting Assessment. The Air Quality Assessment has considered local monitoring data along with DEFRA background concentration data as part of the overall assessment of local air quality and concludes that the development is not likely to have a significant impact on the "existing acceptable air quality". This report and its conclusions have been considered and accepted by the EHO. The Lighting Assessment includes diagrams which ably demonstrate that there will be no significant light spill off site from the proposed development and this has also been accepted as being appropriate by the EHO.

Beyond the confines of the site, it is also necessary to assess the implications of the development's built form and massing, on the living conditions of nearby residential properties. In this respect, the layout plans demonstrate that the two primary areas to consider are the creation of the new main school building to the south-west of the site and the addition of the new swimming pool to the north of the site.

In firstly addressing the implications of the new main school building, the Council, as Local Planning Authority (LPA), has worked with the developer during pre-application stage to offer appropriate guidance/ identify constraints and relay relevant policy.

As part of the early design process the developer identified that within the site, the area of land that would be suitable for the delivery of the new school building was going to be constrained due to a number of factors, which included the need to retain the existing school buildings during construction, the retention of the Jubilee Centre and the preservation of the existing sports facilities. In this regard, the submission sets out that a feasibility study undertaken by the architects identified that the field to the south of the site was the only realistic location for development. The accompanying Design and Access Statement (DAS) qualifies that once the site was identified, the architect explored several design opportunities before concluding that the scheme subject to consideration as part of this application offered the most appropriate opportunity. The three design options that were explored are contained within the DAS.

Within this context and based on the area chosen for the new school building, the LPA acknowledge that the scheme will bring new physical development closer to the main, front facing elevations of the residential properties on Ardrossan Road. Given the closer relationship with the aforementioned properties, the building has been designed to ensure that the main expanse of the south facing elevations are splayed/angled away from the northerly fronting properties. This would ensure that there would be no direct overlooking and subsequent loss of privacy for the occupiers on Ardrossan Road.

In terms of assessing amenity impacts arising from the scale and massing, it is noted that as per the existing buildings, the new school building is to be constructed over 3 stories and would present a maximum completed height of some 9.85m above ground level. Based on observations made during the officer site visit and as corroborated by site level plans submitted as part of this application, it is recognised that the build out area within the site would sit approximately 700mm higher than the established ground level to the front of the properties on Ardrossan Road. With this in mind, the physical perception of the development when viewed from footpath level would appear greater.

Notwithstanding, and as has been touched on above, the layout of the building has been carefully considered to ensure that the majority of the elevational massing is orientated away

from the properties to minimise physical interaction and direct interfacing. In this respect, the two main pinch points shown on the layout plan would sit 22m and 24m away respectively from the prevailing building line on Ardrossan Road, with the splayed nature of the elevations increasing this distance accordingly. This approach is considered to be acceptable and is sufficient to ensure that the development would not appear unduly overbearing, oppressive or significantly reduce the level of skylight when experienced from within the confines of the properties on Ardrossan Road. Within this context, it should also be noted that as the new building is positioned due north, it would have no demonstrable impact on the level of direct sunlight that is currently received by the occupiers on Ardrossan Road.

The submission also sets out that some native mix planting is to be established alongside the southern boundary of the site to provide a level of screening and to soften the development from public vantage points. This will be elaborated on within Section 4 below.

In turning to the west, it is noted that physical development would be brought closer to the front elevations of a select number of easterly fronting properties on Allendale Road. However, based on dimensions taken from the site masterplan, the primary street fronting elevation would sit over 29m away from the nearest residential property and this is considered to be more than sufficient to ensure that no adverse amenity impacts would arise.

Moving to the north of the site, the existing swimming pool which is positioned close to the junction of Allendale Road and Ashford Road, is to be demolished and replaced by a new fit for purpose facility. In contrast to its current location, the new facility will be re-positioned slightly to the east and laid out horizontally adjacent to Ashford Road. The swimming pool building will be located some 26.5m away from the established building line on Ashford Road (incorporating Carlisle House) and is to rise to just over 7m in height. Taking into consideration both the height of the new building and the spacing to be retained, it is considered that the development will not adversely impact on the living conditions of residential occupiers to the north by way of a loss of sun/daylight, overshadowing or by having an overbearing impact.

Given the above and subject to the conditions recommended by the EHO, it is considered that the new school will serve to provide pupils with a high-quality learning environment without adversely impacting on the development on the living conditions of existing properties in the area, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 127 of the NPPF.

### **3. Visual amenity, design, and sustainability considerations.**

Policy BH1 of the Council's CSDP also seeks to achieve high quality design and positive improvement by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

With regard to the above, the new buildings are considered to provide a modern, contemporary design response which represents a significant visual improvement on the existing facilities which have become tired and dated. As has been set out previously, the redeveloped proposals

have been worked up around the retention of the main sports hall and the Jubilee Centre, with careful consideration having been given to the scale and massing of the new main school block which has been designed by taking a 'zig zag' approach to protect the amenity of nearby residents to the south, whilst allowing for a new, large expanse of greenspace to sit centrally within the site. Externally, the aesthetics of the new main school building comprise a selection of tried and tested materials which include facing brickwork and composite aluminium cladding to break up the building and reduce its prominence.

The external facing materials to be used in the new swimming pool will present a combination of insulated metal cladding which, along with the large expanse of glazing, will largely dominate the northern (Ashford Road) fronting elevation. The western elevation of the swimming pool will see the metal cladding integrated into facing brickwork along with feature signage to provide an active frontage which will be recessed from Allendale Road behind a new memorial garden.

One of the key changes to the functional layout of the school relates to the provision of new and improved parking facilities for staff to the north of the site. In order to facilitate the revised parking area, the proposal would see the introduction of a new egress only access point from the site onto Ashford Road which would involve the removal of two trees sitting within the verge. In this regard, it is noted that an objection has been received from an occupier of Carlisle House (Ashford Road) to the north of the site, with the comments stating that these particular works would have a negative effect on the visual amenity of the occupiers of Carlisle House.

Within this context, it is appreciated that the new egress point would sit in front of Carlisle House, however, in general terms, officers do not consider that the introduction of a further access point onto Ashford Road would have an unduly adverse impact on the amenity of the area. Although the loss of two trees is regrettable, this needs to be considered within the context of the wider landscape improvements that will be implemented throughout the site. These are discussed in greater detail within Section 4 of this report, but with specific regard to Ashford Road, the proposed landscape strategy would see a further 6no trees planted along the northern perimeter in addition to the trees that are to be retained close to the junction of Allendale Road and in respect of the tree to be retained closer to the junction of Ascot Court. Overall, this approach would see a positive net increase of tree planting on Ashford Road which would, in officer opinion, serve to improve the visual amenity of the street scene.

In moving onto the remainder of the site, the works will see key areas of open space and sporting facilities retained and enhanced, with a new covered canopy proposed between the existing Multiuser Games Area and the 3G football pitch.

In terms of addressing sustainability, paragraph 150 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The application has been accompanied by a Sustainability Statement which provides a comprehensive overview of the sustainable design strategy which is to be employed throughout the development. The statement covers sections on the key design principles, health and well-being, resilient buildings, energy strategy and the sustainable estate strategy for the school.

The document has been summarised within the Planning Statement, wherein it sets out that the principles of passive design and the integration of low energy solutions are to be utilised, noting that the building is to be future proofed against the risks of climate change and designed to achieve Net Zero Carbon.

The new school will utilise photovoltaic panels, air source heat pumps and hybrid ventilation, as well as a range of energy efficient equipment and design principles, such as:

- Optimised access to natural light;
- Heat recovery;
- Low energy LED lighting;
- Variable speed pumping (to minimise energy consumption for water and air flow);
- and
- Enhanced access to natural light.

With regard to the above, officers are satisfied that the submission has ably demonstrated that the development has been informed by a sustainable approach to construction practices, building design and the use of materials and internal fixtures and fittings, in accordance with the requirements Policy BH2.

In summary, it is considered that the design of the new school within the reconfigured grounds is acceptable, and that the development will have a positive effect on the visual amenity of the locality in accordance with sound sustainability principles. The proposals therefore accord with the requirements of the NPPF and the Council's adopted CSDP in respect of these matters.

#### **4. The impact of the development in respect of ecology, biodiversity, landscaping and trees**

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

The application has been accompanied by a series of ecological surveys that were completed at the site between February 2021 and August 2022, including habitat assessments, protected species surveys and a series of bat activity surveys of the buildings to be demolished.

In considering the content of the bat surveys the Council's consultant Ecologist observed that whilst bats were recorded, the conclusions of the report are accepted insofar that the mitigation

measures and precautionary working methods within the report are proportionate to the scale and nature of the development and identified risks and impacts of the proposals.

The Biodiversity Net Gain Report (BNG) documents confirm that a net gain in both biodiversity units and hedgerow units can be achieved on site through the proposed works and that these will be subject to appropriate management and monitoring schemes.

The reports identify the presence of a number of designated sites within 2km of the development and the conclusions in relation to potential impacts upon such sites (no adverse impacts) are considered to be robust based on their reasons for designation and their distance from the proposed works area. Although part of the site falls within a wildlife corridor as identified within the ecological reports, it is accepted that the proposed works both within and beyond the bounds of this feature would result in biodiversity improvements to both the habitats present and in terms of the site's potential value to protected and notable species. It is therefore considered that the proposals would have the potential to be of ecological benefit rather than resulting in adverse impacts on this feature. A planning condition will be attached to ensure that all works are carried out in accordance with the proposed mitigations and enhancements set out within the Ecological Impact Assessment & Bat Survey and the BNG Assessment.

The majority of species within the proposed planting scheme are native and/ or of known value to wildlife and considered to be appropriate to the development, with the inclusion of native species-rich hedgerows being a welcome addition to the site. It will be necessary for the works and monitoring to be undertaken in line with the measures contained in the Landscape Ecological Management (LEMP) which has been submitted in support of the planning application to ensure the full biodiversity objectives of the proposals as submitted are met. This will also be conditioned accordingly.

The accompanying lighting report indicates that site lighting has been designed with regard to current best practice guidelines relating to bats (BCT/ILP 2018). The lux level contour plans indicate that although light levels along boundary features will exceed 2 lux in places, the areas in which this will be the case are actually relatively limited and, based on the low levels of bat activity recorded during the baseline surveys, the lighting strategy as proposed is considered to be acceptable. Proposed bat box locations as illustrated in Figure 5 of the LEMP indicate that wall mounted boxes will be installed in areas where light levels are lowest around the buildings however, lux levels exceed those detailed in current best practice guidelines. In order to maximise the chances of such features being used following the completion of works, the Council's consultant Ecologist has advised that the lights to be installed which would illuminate the relevant sections of the building should be fitted with motion sensors, which will only trigger when required for health and safety reasons. An appropriately worded condition will be attached to the decision notice to deal with this.

Subject to the conditions set out above, it is considered that the development will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policy NE2, of the CSDP.

In turning to the landscaping proposals, Policy NE3 supports the retention and protection of valuable trees within development proposals whilst Policy NE9 states that proposals should incorporate high quality landscape design, implementation and management.

The submission sets out that the objective for the new soft landscape is to provide a safe, visually attractive environment based on sound ecological principles. Within this context, the scheme has been worked to meet the requirements of the Urban Greening Factor (this is a tool

which evaluates and quantifies the amount and quality of urban greening provided by a scheme and informs decisions about appropriate levels of greening that should be included within new development) and in respect of addressing BNG.

In terms of tree planting, the scheme illustrates that a notable level of new tree planting will take place across the site. This will largely occur to the site boundaries to aid screening and to create a leafy frontage to the school. In this regard, a total of 16no trees are to be planted along the Allendale Road frontage to supplement the 5no trees to be retained in front of the existing sports hall, whilst 6no trees are to be planted alongside the edge of Ashford Road in addition to the existing 5no trees which are to be retained. Finally, alongside Ascot Court on the approach to the main entrance, a further 5no trees are to be planted. The proposed tree species are to be predominately native including Norway Maples, Common Silver Birch, Common Oak and Rowan amongst others and will be selected for their robustness to site conditions, extended seasonal variety and their ability to quickly give a sense of presence and structure to the landscape.

In terms of trees to be lost to the redevelopment proposals, these include 3no Category B trees (moderate value), 2no category C trees (low quality) and 1no category U tree (unsuitable for retention due to poor structural condition). The trees are required to be removed due to the design requirements of the scheme i.e., the widening of the existing access onto Allendale Road, the creation of the new egress onto Ashford Road and to facilitate the onsite parking improvements. Overall, the scheme proposes a substantial increase in tree coverage across the site and this will serve to enhance the visual amenity of the development and locality.

In addressing key areas of the remaining landscaping, it was noted that the existing hedge running alongside Ashford Road/ Ascot Court is proposed to be removed to facilitate the onsite revisions to the parking layout. Following further discussions with the Council's Landscape Architect, the developer has agreed to replant native hedging at this location by way of mitigation.

As has been touched on earlier in the report, native mixed scrub will also be planted alongside the southern boundary to screen and soften the feel of the development for residents on Ardrossan Road.

Overall, officers are satisfied that the development proposals will incorporate and implement a high-quality landscape design which will be subject to long term management.

## **5. The impact of the development on highway and pedestrian safety**

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

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic

congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

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

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

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

The application has been accompanied by a Transport Assessment (TA) which assesses the transport-related impacts associated with the proposed development.

In terms of access, the TA confirms that the existing accesses from Allendale Road and Ascot Court are to be retained but subject to modifications. The Allendale Road access is to be widened with new manual gates added whilst the Ascot Court access will be made ingress only with a new single point egress provided directly onto Ashford Road. The TA sets out that the modifications should include tactile paving and 'no entry' signs provided for the Ashford Road access, whilst the existing 'SCHOOL KEEP CLEAR' markings along Ascot Court will be retained with double-yellow lines proposed along the rest of Ascot Court and along the southern side of Ashford Road between the new access and the junction with Ascot Court and Anglesey Road. Although it is noted a representation from an opposing resident has requested that the entirety of the southern side of Ashford Road is marked out by double yellow lines, this has not been raised as being necessary by the Council's Highway Engineers. Notwithstanding, it is also proposed that the speed limit on both Ashford Road and Ascot Court are reduced from 30mph to 20mph to ensure sufficient visibility and improve pupil safety.

The above modifications and recommendations have been considered and are accepted by the Council's Highway Engineers and will be secured under a Section 278 agreement and via a Traffic Regulation Order which the developer will be required to enter into. Informatives will be placed on the application accordingly in this respect.

In terms of pedestrian access, the existing traffic-free southern gated student entrance from Silksworth Road and gated eastern access from Allendale Road will be retained, with a new student entrance to be provided south of the Allendale Road vehicular access, adjacent to the new main school building. Furthermore, a new visitor entrance will be provided immediately north of the Allendale Road vehicular access, running through the car park.

In terms of parking provision, the scheme is to consist of two areas with 24 spaces contained in the eastern car park and 118 spaces contained within the northern car park with a number of electric charging bays and disabled bays included.

Improved provision for sustainable transport is also provided through the introduction of new cycle parking which can accommodate up to 54 bicycles throughout the site. An area has also been set aside to further increase this capacity should it be required.

The TA also offers analysis on the sustainability of the school's location, highlighting the opportunities that exist for pedestrians, cyclists and public transports users. The assessment's conclusion being that the sustainably located school exhibits adequate levels of pedestrian and cycling infrastructure, and there are a number of public transport opportunities within acceptable walking distance of the site.

In terms of proposed trip generation, the TA reports that the highway network would not experience any adverse traffic impact resulting from the new development.

In terms of highway and pedestrian safety the proposed scheme will be safely connected to and integrated with the local transport network and with regard to a detailed review of road injury accident data undertaken as part of the TA, no particular highway safety concerns have been identified that would be materially affected by the proposed development.

Further to requesting some additional clarifications from the agent which were provided in a supplementary format to the TA, the above conclusions have been accepted by the Council's Transportation Officer.

On the basis of the above, it is considered that the implications of the proposed development in respect of access, highway capacity, pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

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

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed;
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

- a) take account of advice from the Lead Local Flood Authority (LLFA);
- b) have appropriate proposed minimum operational standards;



- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

The submitted drainage strategy has been revised during the course of the application's consideration and confirms, in line with the hierarchical approach, that the scheme will discharge into the surface water sewer rather than the on-site combined sewer. This approach was requested by the Council's Lead Local Flood Authority and has now been agreed.

There are no objections to the development from the Lead Local Flood Authority subject to condition that ensures that the submitted drainage strategy is implemented as planned and is effective is imposed. Northumbrian Water Limited (NWL) have also offered no objection to the scheme, advising that any consent should be conditioned to ensure that the scheme accords with the requirements of the FRA.

Subject to such conditions, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## **7. The impact of the development in respect of ground conditions with regard to archaeology and land contamination**

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policy BH9 states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ.

However, where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

The County Archaeologist noted the inclusion of the archaeological desk-based assessment (produced by Archaeological Services Durham University) and the fact that the development site may have once been farmland associated with Silksworth Village during the medieval and subsequent post-medieval periods. The desk-based assessment identified that development and landscaping associated with the extant school and playing fields in the 20th century may have impacted the survival of archaeological remains, although this did not preclude the possibility of some archaeological interest remaining and a recommendation was given that the site be further evaluated to assess the archaeological potential of the proposed development area. In this respect, the County Archaeologist advised that evaluation trenches were required in order to establish the presence or absence of archaeological deposits prior to the determination of this application. The trenching was carried out during the consideration period of the application and on receipt and assessment of the evaluation work the County Archaeologist has noted and agreed with the conclusions of the report which confirms that the proposed development is unlikely to impact upon any archaeological resource. In this respect further archaeological work has been recommended.

The development therefore accords with the requirements of CSDP policy BH9.

With regard to ground contamination, Paragraph 170 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 178 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.

As has been set out within the consultee section of this report, the application has been accompanied by a Phase 1 Desktop Study, a Phase 2 Contaminated Land Risk Assessment and a Phase 3 Remediation Strategy which have all been reviewed by the Council's ground contamination consultant. Overall, the response from the consultant qualifies that they have no objection to the development commencing subject to the imposition of planning conditions to cover updates to the submitted Remediation Strategy, the submission of a verification report to demonstrate the effectiveness of the remediation carried out and a standard condition to deal with any unexpected contamination that maybe encountered during the build out. In this respect, members will note that conditions to this effect have been imposed on the proposed consent at the time of the preparation of this report. However, and with specific reference to the wording of the remediation condition, members will note that this is currently set out as a pre-commencement condition with the onus placed on the developer to address the condition requirements prior to development commencing (including demolition).

In this respect and whilst the consultant has made it clear that they are in agreement with the contents and proposals of the remediation statement, they have also qualified that the

objectives of the remediation strategy and the works to be undertaken should be subject to review following completion of the post-demolition ground investigation.

This requirement, in terms of the proposed pre-commencement trigger point, does create a logistical issue, as it is imperative that the existing school buildings remain in situ and operational during the build out phase to ensure that the education of the students remains unaffected. At the time of writing this report there are further discussions pending which are likely to result in a revision to the wording/ phasing or the potential deletion of the remediation condition to facilitate commencement of work on the new school building. An update will be provided to members in advance of the meeting to clarify how this matter will be addressed.

Subject to the above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

- 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.

## **Conclusion**

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed will utilise an existing school site which will deliver much improved facilities through the provision of an efficient and effective modern educational establishment. In addition, it is considered that the development, through the use of contemporary materials and a high-quality landscaping scheme, will have a positive effect on the visual amenity of the locality, without causing undue detriment to the amenity of nearby residential occupiers.

Further, the proposal has been informed by sustainable construction practices, building design and green solutions in addition to achieving biodiversity net gain across the site.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and are acceptable relative to highway and pedestrian safety. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk, sustainable drainage and archaeology.

As discussed above, whilst the risks posed by potential contamination and ground conditions can be adequately addressed through planning conditions, further discussions are pending over the wording or, subject to additional information being received, necessity of, the remediation condition and an update will be presented to members in advance of the committee meeting.

The proposals are consequently considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 94 of the NPPF, great weight should be given to the overriding positive benefits of delivering a new fit for purpose educational establishment.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP.

## **RECOMMENDATION:**

Members be Mindful to Grant Consent for the development in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report, subject to the draft conditions set out below and further consideration of matters relating to site remediation with regard to the scope and structure of any conditions required.

## Conditions:

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

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

The proposed elevations as amended (main school building) received 18.11.2022 (Plan ref's: RYD-Z1-ZZ-DR-A-3600 REV P7 and RYD-Z1-ZZ-DR-A-3602 REV P4);

The proposed floor plans and roof plan (main school building) received 01.09.2022 (Plan ref's RYD-Z1-00-DR-A-3000 REV P9, RYD-Z1-01-DR-A-3001 REV P9, RYD-Z1-02-DR-A-3002 REV P9, RYD-Z1-R1-DR-A-3003 REV P4);

The proposed elevations as amended (swimming pool) received 11.10.2022 (Plan ref's: 139852 RYD Z2 ZZ DR A REV P5 3600 and 139852 RYD Z2 ZZ DR A 3601 REV P4);

The proposed floor plan and roof plan (swimming pool) received 01.09.2022 (Plan ref's RYD-Z2-00-DR-A-3000 REV P11 and RYD-Z2-R2-DR-A-3051 REV P4);

The proposed substation plans, and elevations received 01.09.2022 (Plan ref: RYD-SS-00-DR-A-3607 REV P1);

The proposed demolition plan received 01.09.2022 (Plan ref: RYD-00-ZZ-DR-A-1001 REV P1);

The site masterplan as amended received 16.12.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0002 REV P17);

The fencing plan as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0110 REV P07);

The fencing details as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0601 REV P03);

The kerbs plan as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0120 REV P04);

The planting strategy as amended received 16.12.2022 (Plan ref:139852-OOB-ZZ-00-DR-L-0030- REV P09);

The Sport England Plan as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0045 REV P07);

The General Arrangement Hardworks overview and sheets 1 to 3 as amended received 18.11.2022 (Plan ref's 139852- OOB- ZZ- 00- DR- L- 0100 REV P03, 139852- OOB- ZZ- 00- DR- L- 0101 REV P04, 139852- OOB- ZZ- 00- DR- L- 0102 REV P04 and 139852- OOB- ZZ- 00- DR- L- 0103 REV P04);

The existing and proposed levels with existing trees to be retained and/or removed received 18.11.2022, (Plan ref's 139852- OOB- ZZ- 00- DR- L- 0300 REV P05, 139852- OOB- ZZ- 00- DR- L- 0301 P05, 139852- OOB- ZZ- 00- DR- L- 0302 REV P04 and 139852- OOB- ZZ- 00- DR- L- 0303 P05);

Typical soft work and hard work details as amended received 18.11.2022 (Plan ref's 139852- OOB- ZZ- 00- DR- L- 0602 REV P03 and 139852- OOB- ZZ- 00- DR- L- 0604 REV P03);

The No Works Area Plan as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0007 REV P08);

The Circulation Strategy as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0020 REV P09);

The Site Sections as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0040 REV P05);

The Existing and Proposed Levels plan as amended received 18.11.2022 (Plan ref: 139852- OOB- ZZ- 00- DR- L- 0302 REV P04);

The Drainage Key plan as amended received 18.11.2022 (Plan ref: 080584-CUR-ZZ-ZZ-D-C-92001 REV P05);

The location plan received 01.09.2022 (Plan ref: RYD-00-XX-DR-A-0100 REV P1).

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

3 The development hereby approved, shall be carried out in full accordance with the list of external materials as set out within the document entitled (Farringdon Community Academy, Architectural Material Sample Board) submitted on 20 December 2022, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

4 The new school building shall not be occupied until details of the odour control and extraction system to be installed within the proposed school kitchen have been submitted to and approved in writing by the Local Planning Authority. The system shall then be installed in accordance with the approved details prior to first use of the kitchen and maintained as such thereafter.

Reason: In the interests of ensuring the amenity of the locality is not adversely affected by odour and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

5 Prior to the operation of any fixed external building services plant and equipment, a noise assessment shall be submitted for approval in writing. For the avoidance of doubt, the noise assessment shall demonstrate that noise levels generated by fixed external building services plant and equipment (including any kitchen extract ventilation) shall not exceed the following noise limits at the relevant noise sensitive receptors when rated in accordance with BS4142:2014+A1:2019 and as set out in the Noise Survey and Assessment (ref: 80392-SRL-RP-YA-001-S2-P1, dated 13 January 2021);

47dB LAeq T daytime and 36 dB LAeq T night-time at Ardrossan Road.

42dB LAeq T daytime and 31 dB LAeqT night-time at Ashford Road.

Reason: In the interests of ensuring the amenity of the locality is not adversely affected by plant/equipment noise and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

6 The development hereby approved, shall be carried out in full accordance with the measures and mitigations outlined within the Construction Environmental Management Plan as amended, received 28.11.2022 and the updated Site Access and Logistics document received 12.12.2022.

Reason: In order to protect the amenity of the area during the construction phase and to accord with policies BH1, HS1 and ST3 of the Core Strategy Development Plan.

7 Prior to first use, full details of all new photovoltaic panels to be installed on the new school building and swimming pool, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the photovoltaic panels shall be installed in full accordance with the agreed details prior to first use of the development.

Reason: In the interests of delivering a sustainable form of development in accordance with policy BH2 of the Core Strategy Development Plan.

8 The replacement playing field detailed in drawing no.139852-OOB-ZZ-00-DR-L-0002, shall be developed in full accordance with the recommendations and timescales set out in the STRI document entitled Farringdon Community Academy - Feasibility Study Report dated 04/11/22. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the objectives of the NPPF and Policy NE4 of the Core Strategy Development Plan.

9 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing pitch and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy NE4 of the Core Strategy Development Plan.

10 Prior to the commencement of development, details of any permanent mounds of construction material shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England), if they are located on playing field areas.

Reason: To ensure that the development does not adversely affect playing field provision and to accord with the objectives of the NPPF and Policy NE4 of the Core Strategy Development Plan.

11 The onsite landscaping scheme shall be carried out in full accordance with the details set out within the agreed planting strategy. Thereafter the landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with Policies NE2 and NE9 of the Core Strategy Development Plan.

12 The development hereby approved shall be carried out in accordance with the recommendations for ecological mitigation, the enhancement measures and for biodiversity net gain as set out in Section E of the Ecological Impact Assessment & Bat Survey (E3 Ecology Ltd, R04 dated 23.08.22) and within the Biodiversity Net Gain Assessment and Metric (E3 Ecology Ltd, R03 dated 27.09.2022) with all recommended measures adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.

13 The long-term aims and means of delivery for the ecological enhancements to be created by this development shall be carried out in accordance with the management objectives set out within the Landscape and Ecological Management Plan (E3 Ecology Ltd, R02 dated 17.11.2022), with all recommended measures adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: In order to ensure the ecological enhancements are sustainably secured and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

14 The new school building shall not be occupied until confirmation has been received (for agreement in writing with the Local Planning Authority), that the lights with the potential to illuminate the new bat boxes to be installed on the site (both building and wall mounted) will be fitted with motion sensors, which will only trigger when required for health and safety reasons, and will illuminate the area around the boxes for no more than 30 seconds following the cessation of activity in this area. The lighting shall then be installed in accordance with the approved details and maintained as such thereafter.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.

15 To ensure that the site remains permeable to species such as hedgehog, gaps measuring at least 13 x 13cm shall be created or maintained in all boundary features prior to first occupation of the dwellings.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.

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

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.



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

Reason: in the interests of visual amenity and to comply with Policy NE3 of the Core Strategy Development Plan.

18 Prior to the first commencement of the development, the tree protection measures set out in the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Elliot Consultancy Ltd, July 2022) shall be implemented in full with the relevant signage and areas of protective fencing installed at the locations recommended in the Tree Protection Plan (appendix 4 and 7 of the Assessment) for the duration of all construction works, in order to ensure retained trees at the site are properly protected during construction works.

Reason: To comply with the objectives of the NPPF and Policy NE3 of the Core Strategy Development Plan.

19 The development hereby approved shall be implemented in line with the drainage scheme contained within the submitted documents entitled "Flood risk assessment" and P01 DRAINAGE KEYPLAN" dated 21 October 2022.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policies WWE2 and WWE3 of the Core Strategy and Development Plan.

20 The lighting scheme for the development hereby approved shall be implemented in full accordance with the strategy outlined within the document entitled External Lighting Assessment for Farrington Community Academy, ref 139852-BMD-00-XX-RP-E-48700 and dated 22.08.2022.

Reason: In the interests of ensuring the amenity of the locality is not adversely affected by overspill from the lighting and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

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

- Photographic evidence of petrol interceptor installation, proof of delivery to site and manufacture specific details proving sufficient water quality treatment will be provided.

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

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

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

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

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

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

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

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

24 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

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**Reference No.:** 22/02157/VA3 Variation of Condition (Reg 3)

**Proposal:** **Variation of condition 2 (approved plans) and 15 (glazing) attached to planning permission 21/02835/LP3 - proposed amendments include reducing footprint of building by providing a stepped back design onto Keel Square (including outdoor cafe), lighting installation to northern elevation and new windows to western and southern elevations**

**Location:** Land South of High Street West, High Street West, Sunderland, SR1 3DZ

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 10 October 2022

**Target Date:** 9 January 2023

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## Proposal

The application seeks a minor material amendment to an earlier grant of planning permission which will be repeated below:

### Reference

21/02835/LP3

### Description

Demolition of buildings at 275, 278-284 High Street West, an area of seating at Keel Square and an area of hardstanding currently hoarded off and used for storage. Erection of a landmark library building (Use Class F1(d)) with an indoor city square (Use Class F1(e)), creative spaces (Use Class F1(b)), event space (Use Class sui generis), a cafe (Use Class E(b)), space for business entrepreneurs (Class E)/retail (Use Class E), and faith space (Use Class F1(f)), known as "Culture House", including stopping up of public highway at Middle Street and High Street West (as amended to include demolition, 4 February 2022)

### At

Land south of High Street West, Sunderland, SR1 3DZ

The reasons for the proposed amendment, as described within the submitted Planning Statement, will be repeated below.

*Following approval of application 21/02835/LP3, some significant challenges to the construction of the design were discovered as a result of detailed discussions with utility providers which identified a critical Openreach network line running through the north-west corner of the Site which had not initially been identified in radar scan surveys. This line is a critical and sensitive piece of fibre infrastructure which provides the majority of Sunderland city's network connectivity. Diverting the line would be a significantly complex process and it is therefore proposed to amend the building footprint to avoid this piece of infrastructure. This has resulted in the northern elevation being stepped back to avoid the Openreach network.*

The description of the proposed amendment, as shown within the submitted Planning Statement, will be repeated below:

*The proposed uses will remain as per the previous consented scheme (21/02835/LP3). As a result of the footprint changes, there is an overall reduction in floorspace of 705sqm. Overall, the proposed building will provide 6,661sqm of floorspace in total, split across four floors.*

A summary of the proposed amendments will be shown below:

- Step back front of the previously approved building, reducing floorspace by around 705m<sup>2</sup>.
- An outdoor café seating area, occupying some of the space created by stepping back the front of the building.
- Lighting installation to front elevation.
- New windows to northern and western elevations.
- External bin store to the back of the building.

## **Publicity**

The publicity will be summarised below:

- Neighbour notifications sent to 132 nearby properties (including anybody who submitted a representation for the initial grant of planning permission).
- Press notice published in the local newspaper on 18 October 22.
- Site notices displayed on 14 October 22.

## **Consultees**

The consultee responses will be summarised below.

### Ward Cllrs

No responses received.

### Conservation Officer

*The proposed scheme introduces a high quality and visually striking contemporary building at a prominent City Centre site that will enhance the character and significance of Bishopwearmouth Conservation Area and the settings of surrounding listed buildings and make a key contribution to the regeneration and vibrancy of the area.*

### Ecology consultant

*No objection on ecological grounds to the revised scheme, subject to Planning Condition 13 of the existing consent being reviewed, and updated plans to be submitted showing proposed specifications and locations of bat and bird boxes to be integrated into the structure, in line with the modified building design and lighting strategy. No amendments are required to the remaining planning conditions relating to the ecological impacts of the proposals.*

### Environment Agency

No response received.

### Environmental Health

*This variation relates to amendments to the original plans and to item 15 of the original permission relating to glazing for safety and designing out crime purposes.*

*There appears to be no impact upon the conditions that were suggested by ourselves for inclusion in the permission ref 21/02835/LP3. It is assumed that Conditions 3 (CEMP), 17 (Noise) and 18(kitchen extraction) remain outstanding and our original comments therefore remain relevant.*

*No other observations are offered*

Fire & Rescue Service

No response received.

Historic England

*Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.*

Land contamination consultant

No response received.

Lead Local Flood Authority

*I would recommend approval for this application based on the information supplied in the FRA and Drainage Strategy document.*

Local Highway Authority

Comments:

**NORTH ELEVATION**

**STOPPING UP (SECTION 247 TCPA)**

*It is noted that the building footprint to the north has reduced and therefore the area of adopted highway that requires stopping-up will also be affected. The applicant should therefore be advised to revise the stopping-up plans.*

**CAFÉ / SEATING AREA**

*The outside seating area appears to be proposed on adopted highway, (Keel Square). The seating area will therefore require a permit / licence. The applicant should be advised to contact Sharyn Cardozo, Network Operations, [Permits@sunderland.gov.uk](mailto:Permits@sunderland.gov.uk) to arrange permission / consents.*

**SOUTH ELEVATION**

**DELIVERY AREA**

*Clarification is required from the applicant on what appears to be a stepped arrangement to the delivery area.*

**BIN STORE / CYCLE STORAGE**

*The applicant should also be advised to clarify if the bin store to the south of the premises is proposed on private land and if the cycle storage facilities are to be relocated.*

North East Ambulance Trust

No response received.

#### Northumbrian Water

*We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "proposed drainage layout".*

#### Police Architectural Liaison

*Northumbria Police have no objection to the proposal from a crime prevention perspective.*

#### Tyne & Wear Archaeologist

*If the proposed amendments are approved, the previously recommended archaeological watching brief and report conditions (conditions 6 and 20) secured in association with application 21/02835/LP3 are still required in association with this development.*

### **Representations**

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

*I am pleased to see that the footprint has been altered and now does not intrude beyond the building line of the Primark building, as I proposed in my earlier objection. I am delighted to say I now fully support the planning application.*

### **Policies**

Core Strategy and Development Plan (2015-2033)

### **Comments**

The principle of the development has already been established, via the extent planning permission (ref: 21/02835/LP3). The relevant matters for consideration are therefore any detailed impacts arising from the proposed amendments. These will be given consideration below.

#### Amenity

The potential for proposed outdoor café to introduce noise / disturbance should be given consideration. The starting point would be to note that the Plant Noise Report, submitted with the initial planning application, identified the Nearest Noise Sensitive Receptors as the residential to the south east and the hotel current under construction opposite the site (ref: 19/01101/FU4). The proposed outdoor café would, more generally, be sited on one of the main thoroughfares through the City (High Street West) and next to Keel Square. The Environmental Health Officer, in their consultation response, have also said that they have *no other observations*. The proposed outdoor café would therefore be unlikely to lead to a material increase in noise and disturbance for the occupiers of nearby land and buildings.

The potential for the proposed lighting installation to introduce illumination should be given consideration. The starting point would be that the installation also requires consent under the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended). The Agent has recently submitted such an application (ref: 22/02391/ADV); which will consider impacts relating to amenity and public safety.

The impact of the proposed lighting does, however, still need to be given consideration as part of the current application. The Applicant has submitted a description which will be repeated below.

*The '8-bit wall' facade of Culture House will consist of 1704 LED-illuminated bricks connected to a computer-based animation playback system. Working as a large format, but very low resolution video screen, subtle animations will play across the North elevation of Culture House during the day and into the evening. Each LED brick is heavily diffused and visible during daylight hours as a white-only ripple or animated texture. From dusk until an agreed time, the full range of colours are visible to provide a backdrop to Keel Square and an attractor to members of the public approaching across the new bridge and from City Hall.*

*The spacing of the bricks and intentionally low power consumption (compared to LED advertising screens) means this surface is not suitable for advertising or highly detailed messaging. Calculated light levels for this customised product are up to 320cd/m<sup>2</sup> a meter away.*

The potential for the proposed new windows to lead to overlooking of nearby land and buildings needs to be given consideration. The new window facing north would look across Keel Square; whilst the new windows facing west would look across High Street West and then onto Keel Square. The proposed new windows would therefore be unlikely to lead to a material impact upon the privacy of nearby land and buildings.

The potential for the external bin store to introduce noise / disturbance should be given consideration. The key point would be that the proposed bin store would be to the back of the building, near a service yard for other nearby premises (such as the Bridges). The Environmental Health Officer, in their consultation response, have also said that they have *no other observations*. The proposed bin store would therefore seem unlikely to lead to a material increase in noise and disturbance for the occupiers of nearby land and buildings.

The proposed amendments, given the above, accord with policies HS1 (Quality of life and amenity) and HS2 (Noise sensitive development) of the Core Strategy; subject to the recommended conditions. There are not any material considerations that indicate a decision should be made otherwise.

## Design

The impact of the proposed amendments, in terms of design, needs to be given consideration. The submitted Design and Access Statement says that the *building will still provide a strong civic landmark to the southern edge of Keel Square, that encloses the square formally to improve the experience of the public realm.*

The Design and Access Statement also says that the proposed lighting installation *will help to define the north central block as the entrance into the building* and that *1,704 LED brick tiles will be integrated into the front facade to deliver the ambition.*

Although the comments have been made within a heritage context, the comments from the Conservation Officer are relevant when considering the design of the proposed amendment; which will be repeated below:

*The proposed scheme introduces a high quality and visually striking contemporary building at a prominent City Centre site*

*The proposed amendments to the previously approved scheme are considered to have further positive impacts on design quality*



*The proposed introduction of new windows to the western and southern elevations will help to enliven these elevations and improve their architectural interest, enhancing the overall design and appearance of the building.*

In terms of material considerations, there has been a representation which will be repeated below

*I am pleased to see that the footprint has been altered and now does not intrude beyond the building line of the Primark building, as I proposed in my earlier objection. I am delighted to say I now fully support the planning application.*

The proposed amendments, given the above, accord with policy BH1 of the Core Strategy; subject to the recommended conditions. There are not any material considerations that indicate a decision should be made otherwise.

### Drainage

The relevant part of the submitted Design & Access Statement will be repeated below.

*Drainage arrangements have been tweaked slightly, relocating the tank and hydrobrake manhole. This can be seen in the revised Drainage Layout Drawing.*

The advice from the Lead Local Flood Authority will be repeated below.

*I would recommend approval for this application based on the information supplied in the FRA and Drainage Strategy document.*

The advice from Northumbrian Water will be repeated below.

*We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "proposed drainage layout".*

The proposed amendments, given the above, accord with policy WWE2 of the Core Strategy; subject to the recommended conditions. There are not any material considerations that indicate a decision should be made otherwise.

### Ecology

The relevant Section, 40, of the Natural Environment and Rural Communities Act 2006 will be repeated below.

*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.*

The relevant part of the submitted Design & Access Statement will be repeated below.

*The proposed amendments will not alter the conclusions of the Preliminary Ecological Appraisal carried out by AES Ltd as part of the original application*

The advice from the Council's ecology consultant will be repeated below

*The reasons for the requested changes are understood and in themselves, will likely have no discernible impact upon the ecological interests of the site and surrounding area, beyond those*

*already identified through the ecological documents submitted in support of the original application. However, the revised building footprint/outline, design and lighting works have the potential to conflict with the bat and bird box locations proposed and agreed under planning condition 13 of the consented application (22/01165/DIS). As such, bird and bat box locations will need to be reviewed and approved for the modified scheme.*

*No objection on ecological grounds to the revised scheme, subject to Planning Condition 13 of the existing consent being reviewed, and updated plans to be submitted showing proposed specifications and locations of bat and bird boxes to be integrated into the structure, in line with the modified building design and lighting strategy. No amendments are required to the remaining planning conditions relating to the ecological impacts of the proposals.*

The Agent has recently submitted the proposed specifications and location of bat and bird boxes, as sought by the Council's ecology consultant. The intention would be to provide Members with an update in due course.

### Heritage

The impact of the proposed amendments upon the heritage of the City needs to be given consideration using the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. These will be repeated below:

- Section 66 says that the local planning authority has a *general duty as respects listed buildings in exercise of planning functions* and that the *local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- Section 72 says that *with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*

The Planning and Heritage Statement, submitted with the initial planning application, identified the heritage assets which could be affected by the proposed development. These will be repeated below:

- The Peacock public house to the west (Grade II)
- The Magistrates Court (Grade II).
- Bishopwearmouth Conservation Area to the west.

The advice from the Conservation Officer relating to the impact of the proposed development upon the setting of the listed buildings and the Conservation Area will be repeated below:

*Whilst the scale and massing of the building is significant and could potentially have an overbearing impact on the adjacent Peacock PH, the architectural quality of the building and careful attention to the transition of building heights and roofscape features, architectural detailing and materials, should allow it to sit comfortably next to both the Peacock and Magistrates Court, as well as the high-quality landscaping of Keel Square.*

*The proposed amendments to the previously approved scheme are considered to have further positive impacts on design quality and the settings of the conservation area and above-mentioned listed buildings. The stepping back and re-alignment of the frontage of the new building will improve its contextual relationship with Keel Square, significantly reducing its intrusion into the square, with its footprint responding better to the surrounding historic development pattern and the established building line of High Street West, helping to better*

*frame existing views along the High Street to Keel Square and the conservation area. The proposed introduction of new windows to the western and southern elevations will help to enliven these elevations and improve their architectural interest, enhancing the overall design and appearance of the building.*

The summary provided within the consultation response from the Conservation Officer will be repeated below:

*The proposed scheme introduces a high quality and visually striking contemporary building at a prominent City Centre site that will enhance the character and significance of Bishopwearmouth Conservation Area and the settings of surrounding listed buildings and make a key contribution to the regeneration and vibrancy of the area*

The advice from Historic England will be repeated below:

*Historic England provides advice when our engagement can add most value. In this case we are not offering advice.*

The proposal would, given the above comments from both the Conservation Officer and Historic England, accord with policies BH7 (historic environment) and BH8 (heritage assets); subject to the recommended conditions. There are not any material considerations that indicate a decision should be made otherwise.

The above also means that the Council can record that a decision has been made in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Highway

The relevant part of the submitted Design & Access Statement will be repeated below.

*The access and servicing arrangements will not be altered as a result of the proposed amendments*

The response from the Local Highway Authority will be repeated below.

*Comments:*

### **NORTH ELEVATION**

#### **STOPPING UP (SECTION 247 TCPA)**

*It is noted that the building footprint to the north has reduced and therefore the area of adopted highway that requires stopping-up will also be affected. The applicant should therefore be advised to revise the stopping-up plans.*

#### **CAFÉ / SEATING AREA**

*The outside seating area appears to be proposed on adopted highway, (Keel Square). The seating area will therefore require a permit / licence. The applicant should be advised to contact Sharyn Cardozo, Network Operations, [Permits@sunderland.gov.uk](mailto:Permits@sunderland.gov.uk) to arrange permission / consents.*

## **SOUTH ELEVATION DELIVERY AREA**

*Clarification is required from the applicant on what appears to be a stepped arrangement to the delivery area.*

## **BIN STORE / CYCLE STORAGE**

*The applicant should also be advised to clarify if the bin store to the south of the premises is proposed on private land and if the cycle storage facilities are to be relocated.*

The intention would be to provide Members with an update in due course.

## **Other**

The initial grant of planning permission included a condition recommended by the Police, which will be repeated below

*No development shall take place above damp proof course until a report prepared by a qualified Blast Engineer has been submitted to and approved in writing by the Local Planning Authority. The report shall include consideration of the proposed design arrangements, fixtures, glazing specification and structures. The development hereby approved shall thereafter be constructed in accordance with the approved details.*

*Reason: To ensure, in accordance with policy BH1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved designs out crime.*

The Police, after the issuing of the initial planning permission, sent an e-mail which will be repeated below:

*I met with Cundall Security who have reviewed the scheme and I am satisfied that the appropriate measures to mitigate the level of threat are being taken. Northumbria Police are therefore of the opinion that the condition can be discharged.*

The consultation response for the current application will be repeated below.

*Northumbria Police have no objection to the proposal from a crime prevention perspective*

The condition for a report prepared by a Blast Engineer, given the above, does not need to be repeated for the current application.

There have also been a series of applications to discharge some of the planning conditions that were attached to the initial grant of planning permission. These details will be incorporated into the draft 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.

## **Conclusion**

The principle of the proposed development has already been established, via the extent planning permission (ref: 21/02835/LP3). The detailed impacts arising from the proposed amendments accord with the relevant policies of the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The exception to the above would be the details of the proposed bat and bird boxes which are currently being given consideration by the Council's ecology consultant. The intention would be to provide Members with an update in due course.

A further exception to the above would be the outstanding comments from the Local Highway Authority. The intention would be to provide Members with an update in due course.

## Recommendation

Members be minded to Grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended); subject to:

- The satisfactory resolution of the outstanding points from the Council's ecology consultant and Local Highway Authority (including any additional / amended conditions).
- The draft conditions below.

## Conditions

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

- Site Plan (3820-FBA-XX-00-DR-A-01001 P5);
- Level 00 Plan (3820-FBA-XX-00-DR-A-00000 P14);
- Level 01 Plan (3820-FBA-XX-01-DR-A-00200 P14)
- Level 02 Plan (3820-FBA-XX-02-DR-A-00200 P14);
- Level 03 Plan (3820-FBA-XX-03-DR-A-00300 P12)
- Level 04 Roof Plan (3820-FBA-XX-04-DR-A-00400 P10)
- North Elevation (3820-FBA-XX-XX-DR-A-00\_50 P4)
- North Elevation and Section (3820-FBA-XX-XX-DR-A-21\_50 P2);
- South Elevation (3820-FBA-XX-XX-DR-A-00\_52 P3)
- South Elevation and Section (3820-FBA-XX-XX-DR-A-21\_52 P2);
- West Elevation (3820-FBA-XX-XX-DR-A-00\_51 P3);
- West Elevation and Section (3820-FBA-XX-XX-DR-A-21\_51 P2);
- Section 01 (3820-FBA-XX-XX-DR-A-00\_01 P3)
- Section 02 (3820-FBA-XX-XX-DR-A-00\_02 P3)

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.

2. The demolition phase of the development hereby approved shall be undertaken in accordance with the plans below:

- Environmental Aspects and Impacts Register (approved via 22/01057/DIS)
- Nuisance Checklist (approved via 22/01057/DIS)
- Construction Phase SHE Plan (received, 28 June 2022) (approved via 22/01057/DIS)
- Logistics Plan (received, 22 July 2022) (approved via 22/01057/DIS)
- Phasing Plan (approved via 22/01057/DIS)
- e-mail from Agent (5 September 2022) (approved via 22/01057/DIS)
- Method Statement (Document 1, V1) (approved via: 22/01162/DIS)

Reasons: To address the potential impacts to the local environment arising from site works and to ensure the development hereby approved minimises impacts upon biodiversity; in accordance with policies HS1, NE2, ST2 and ST3 of the Core Strategy and Development Plan (2015-2033).

3. No development (other than demolition, site clearance and vegetation removal) 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

include:

- identification of sensitive receptors - notably users of the footpaths and highway, occupiers of neighbouring properties (note the new hotel being developed nearby) and tower blocks overlooking the site, site working times.
- site lighting,
- use of solid perimeter hoardings,
- notification of neighbouring occupiers,
- use of any mobile crusher,
- dust management including sheeting of HGVs, use of water sprays,
- monitoring of weather conditions,
- cleanliness of the highways,
- noise management - silenced plant, control of working procedures and utilisation of mobile noise barriers where necessary,
- prohibition of burning of materials
- minimisation of engine idling and vehicle queuing.

The CEMP shall also follow guidance provided by the Institute of Air Quality Management (particularly in relation to the management of dust) and BS5228:2009+A1 in relation to noise and vibration.

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

Reason: To address the potential impacts to the local environment arising from site works; in accordance with policies HS1, ST2 and ST3 of the Core Strategy and Development Plan (2015-2033).

4. During the construction phase of the development hereby approved, the appointed archaeologist shall be present at relevant times during the undertaking of the groundworks, in accordance with the submitted programme of observations of groundworks to record items of interest and finds (approved via: 22/01164/DIS).

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 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

5. Development shall not commence (other than demolition, excluding any groundworks) until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

- adjoining land;
- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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

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

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

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

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

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

7. No development (other than demolition, excluding any groundworks) shall commence until specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person and the extent of the SuDS features to be covered in the report(s), have been submitted to and approved by the Local Planning Authority.



The verification report(s) shall thereafter be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this 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.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the Core Strategy and Development Plan (2015-2033).

8. No development, other than demolition and enabling works shall commence before details of a service management plan has been submitted to and approved in writing by the Local Planning Authority. The service management plan shall include full details of timings, routes and arrangements for servicing of Culture House with the aim of ensuring that servicing by existing occupiers of Bridges Shopping Centre will not be adversely impacted upon and that no servicing of Culture House will take place during those periods. The development shall then operate in accordance with the approved service management plan.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), a safe and secure means of access.

9. No development shall take place above damp proof course until full details and samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The details and samples shall include bricks, bag washed bricks, roof tiles and other roofing materials, windows and doors. The development hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure, in accordance with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves high quality design and preserves the setting of local heritage assets.

10. No development shall take place above damp proof course until sample panels of different brick types fully bedded and pointed have been provided on site and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure, in accordance with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves high quality design and preserves the setting of local heritage assets.

11. No development shall take place above damp proof course until a detailed landscape plan / planting strategy has been submitted to and approved in writing by the Local Planning Authority. The landscape plan / planting strategy shall demonstrate a Biodiversity Net Gain in accordance with paragraphs 6.2-6.3 of the Preliminary Ecological Appraisal (submitted via: 21/02835/LP3). The landscaping / planting shall thereafter be provided within the first planting season following the completion of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a Biodiversity Net Gain.

12. No external fixed plant or ventilation and extraction systems shall be installed until an Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall demonstrate that the design of any proposal meets the noise limit in accordance with BS4142:2014 at the following relevant noise sensitive receptors (as identified in the submitted Plant Noise Report, submitted via: 21/02835/LP3):

- Noise Sensitive Receptors 1 and 2 (residential tower blocks), rated noise levels shall not exceed the existing background LA90 of 52dB day and 39dB night
- Noise Sensitive Receptor 3 (hotel), rated noise levels shall not exceed the existing background LA90 of 55dB day and 41dB night.

The submitted Assessment shall also include plan and elevation drawings of the proposed plant, ventilation and extraction systems; prepared to a recognised metric scale.

The approved plant, ventilation and extraction systems shall thereafter be fully provided before the development has been brought into first use.

Reason: To ensure, in accordance with policies BH1 and HS2 of the Core Strategy and Development Plan, the development hereby approved includes noise mitigation and achieves high quality design.

13. No extraction and odour abatement systems for the proposed kitchen shall be installed until a completed Odour Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall ensure that the discharge of cooking odours from the kitchen is adequately controlled. The submitted Assessment shall also include plan and elevation drawings of the proposed odour abatement systems; prepared to a recognised metric scale. The approved odour abatement systems shall thereafter be fully provided before the kitchen hereby approved has been brought into first use.

Reason: To ensure, in accordance with policies BH1 and HS1 of the Core Strategy and Development Plan, the development hereby approved does not have an unacceptable impact upon amenity and achieves high quality design.

14. The building shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition update 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 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

15. Within six months of the development hereby approved being into first use a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based upon the submitted Interim Travel Plan (File Name: JN2344-

Rep-0002.2 Interim Travel Plan, submitted via: 21/02835/LP3). The operational phase of the development hereby approved shall thereafter be undertaken in accordance with the approved Final Travel Plan.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), includes an appropriate Travel Plan.

16. 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 development hereby approved being brought into first use, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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

17. 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.

**Reference No.:** 22/02219/LP3 Local Authority (Reg 3 )

**Proposal:** **Proposed development at Roker Park including earthworks to facilitate the creation of a new amphitheatre and viewing platform, construction of single storey building for a café (including detached bin store), felling / pruning of trees and associated landscaping (including paving, benches / seating and replacement railings).**

**Location:** Roker Park, Roker Park Road Roker Sunderland

**Ward:** St Peters  
**Applicant:** Sunderland City Council  
**Date Valid:** 18 October 2022  
**Target Date:** 13 December 2022

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## Proposal

The application seeks planning permission for:

Proposed development at Roker Park including earthworks to facilitate the creation of a new amphitheatre and viewing platform, construction of single storey building for a café (including detached bin store), felling / pruning of trees and associated landscaping (including paving, benches / seating and replacement railings).

At:

Roker Park, Roker, Sunderland

The reason for the proposed development, as described within the submitted Design & Access Statement, will be repeated below

*Roker Park continues to increase in popularity. With the increased visitor numbers, it has become apparent that the park is lacking a café, for such a popular regional facility. The City Council wants to make the most of the park's historic features, whilst also ensuring there are attractions to keep families coming back time after time and to ensure the park is fully utilised. As such Sunderland City Council (SCC) are seeking planning permission to undertake earthworks to facilitate the creation of a new amphitheatre and viewing platform, construction of single storey building for a café (including detached bin store), felling / pruning of trees and associated landscaping (including paving, benches / seating and replacement railings).*

The Applicant recently submitted amended plans (mid November), which relocated the proposed café by around 3-4 metres. The report below will be based upon these amended plans.

The Applicant also submitted further amended plans on 21 December, which reduced the size of the proposed amphitheatre and seeks the retention of 7 trees that were previously proposed to be removed as part of this planning application. These amended plans have been uploaded onto the public access website and will be presented to Members as part of the officer presentation at the committee meeting.

## Publicity

The publicity will be summarised below:

- Neighbour notifications sent to 21 nearby properties on 21 October 22
- Press notice published in the local newspaper on 1 November 22
- Site notices displayed on 24 October 22

## Consultees

The consultee responses will be summarised below.

### Ward Cllr – Cllr Lynn Vera

*I'm in favour of this much needed proposal*

### Ward Cllr – Cllr Samuel Johnson

*I would like to put on record my support for this application.*

*The works will have a positive, transformative impact on Roker Park and on the local community which the café serves.*

*Because of these works, visual amenity will increase substantially and, from my discussions with Council officers, improved sightlines will help to make the park safer. Meanwhile, the cafe will help to create jobs and economic opportunity in the local area*

### Conservation Officer

*Overall, the proposed scheme will enhance the setting and significance of the listed bandstand, the listed drinking fountain and the historic and landscape character and vitality of Roker Park and make a positive contribution to the character and appearance of the wider Roker Park Conservation Area.*

However, given the aforementioned alteration to the amphitheatre it is considered prudent to liaise with the Conservation Officer to ensure the position remains as above.

### Ecology consultant

*While the proposals are considered to be broadly acceptable from an ecological perspective, a Habitats Regulations Assessment will be required to inform the future operation of the amphitheatre, to ensure there will be no significant impacts upon those sites designated along the coast for their national and international ornithological importance.*

*Furthermore, clarity is sought on whether the proposals as submitted will result in the loss of any category A trees, the loss of which cannot be readily mitigated.*

*Should planning consent be granted, a series of conditions should be attached.*

### Environmental Health Officer

*The proposed development is considered to be acceptable, subject to the inclusion of the following conditions on any consent:*

- Café extraction and odour abatement scheme
- Construction Environmental Management Plan

### Gardens Trust

*Overall, we consider that any harm caused to the Grade II park by the construction of the*

*café will be mitigated by the public benefit derived from the improvements.*

However, although noteworthy that the Gardens Trust comments focus on the proposed café, given the aforementioned alteration to the amphitheatre it is considered prudent to liaise with them to ensure their position remains as above.

#### Land contamination consultant

*At this stage, following the review of the submitted reports, we can confirm that we are in general agreement with their findings. However, the following recommendations are provided:*

- The presence / absence of invasive species should be confirmed;*
- The risk mitigation measures recommended within the 1st Line Defence Detailed UXO Risk Assessment report with respect to future works at the site should be followed in full, including future ground investigation.*
- The findings of the proposed ground investigation should be provided to SCC for review.*

*It is considered that these items can be addressed as part of the proposed Phase 2 ground investigation report. Planning Conditions CL01, CL02, CL03 and CL04 will be required in the Decision Notice*

#### Local Highway Authority

*Comments*

##### **SCHEME OF WORKING**

*A scheme of working is required for the operation and management of the site including, construction site traffic, contractor parking, building material deliveries & storage, site compound layout and any temporary access points.*

#### Police Architectural Liaison

*Northumbria Police welcome the development and repurposing of public park space and the introduction of a new amphitheatre and café will introduce levels of activity which hopefully will contribute to the daytime safety of users, but in making that statement we have to acknowledge that public parks have in recent times come under a degree of scrutiny, particularly in respect of women's safety.*

#### Tyne & Wear Archaeologist

*Given the scope of the proposed works and the records that are available in association with the park, I do not consider that archaeological intervention will be required in this case.*

### **Representations**

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

*I do not object to the development of an amphitheatre but to the development of a cafe in Roker Park. This will be in very close proximity to the coffee shop in the pods (Emmys Coffee Pod). There is no need for 2 cafes in such a small space.*

### **Policies**

Core Strategy and Development Plan (2015-2033)

Unitary Development Plan (1998)

Roker Park Conservation Area Character Appraisal and Management Strategy (1997)

## Comments

The principle of the proposed development will be given consideration below.

The Unitary Development Plan (UDP) allocates the site as lying within the *Seafront and Coast*.

The relevant UDP policy, L12 (Coast and Riverside), will be repeated below.

*THE COUNCIL WILL PROMOTE THE RECREATIONAL AND TOURIST POTENTIAL OF THE COAST AND THE RIVERSIDE BY IMPROVING ACCESS AND ENCOURAGING DEVELOPMENT WHICH PROVIDES FOR THE NEEDS OF VISITORS (INCLUDING HOTELS). WITHOUT ADVERSELY AFFECTING THE ENVIRONMENT AND CONSERVATION REQUIREMENTS.*

The proposed development, by providing for the needs of visitors through the provision of a cafe and amphitheatre, would make a contribution towards the above policy.

The UDP also allocates the site as an *Existing Open Space Over One Hectare*.

The relevant UDP policy, L1 (General), will be repeated below.

*IN THE PROVISION OF RECREATION AND LEISURE FACILITIES THE CITY COUNCIL WILL SEEK TO:*

- (i) ENHANCE THE QUALITY OF LIFE FOR RESIDENTS AND VISITORS BY PROVIDING A RANGE OF HIGH STANDARD RECREATIONAL, SPORTING, CULTURAL AND COMMUNITY FACILITIES; AND TO ACHIEVE THE STANDARDS OF OPEN SPACE PROVISION IDENTIFIED IN L4, L5 AND L6. WHILST TAKING ACCOUNT OF THE ENVIRONMENTAL AND SUSTAINABLE POLICIES OF THE PLAN.*
- (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 (CF8),*
- (v) RETAIN EXISTING PARKS AND RECREATION GROUNDS AND MAINTAIN AND UPGRADE THE FACILITIES IN LINE WITH MODERN REQUIREMENTS AND NATURE CONSERVATION CONSIDERATIONS.*

The proposed development, by upgrading the facilities at the Park with a café and amphitheatre, would make a contribution towards the above policy.

The relevant policy within the Core Strategy, VC6 (Culture, leisure and tourism), will be repeated below.

*1. Development of cultural, leisure and tourism proposals will generally be supported, particularly:*

- (i) the development of Music, Arts and Culture proposals within the Minster Quarter, including a new auditorium;*
- (ii) leisure and tourism proposals at Seaburn and Roker seafront;*
- (iii) new hotel development in the Urban Core;*

- (iv) *the delivery of cinema and ancillary food and beverage units at Washington Town Centre;*
- (v) *the development of new sports hubs at Washington, Sunderland North and Sunderland South as part of the Football Association's Parklife programme;*
- (vi) *leisure development which contribute to healthy lifestyles; and*
- (vii) *the temporary use of vacant buildings and sites by creative, cultural and community organisations, particularly where they help activate and revitalise key city and town centre locations and the public realm.*

The proposed development, by providing a development that would add to the leisure and tourism within both Seaburn and Roker seafront, would contribute towards the above policy.

In terms of material considerations, there have been expressions of support from two of the three Ward Cllrs; which will be repeated below:

Cllr Lynn Vera

*I'm in favour of this much needed proposal*

Cllr Samuel Johnson

*I would like to put on record my support for this application.*

*The works will have a positive, transformative impact on Roker Park and on the local community which the café serves.*

*Because of these works, visual amenity will increase substantially and, from my discussions with Council officers, improved sightlines will help to make the park safer. Meanwhile, the cafe will help to create jobs and economic opportunity in the local area*

In terms of further material considerations, there has been a representation which will be repeated below:

*I do not object to the development of an amphitheatre but to the development of a cafe in Roker Park. This will be in very close proximity to the coffee shop in the pods (Emmys Coffee Pod). There is no need for 2 cafes in such a small space.*

In response, planning policy does not require an Applicant to demonstrate a need for the proposed café.

The principle of the proposed development therefore accords with the relevant policies within the development plan. The material considerations, in the form of the representations received from the Ward Cllrs, also indicate that the principle of the proposed development should be supported.

The principle of the proposed development can therefore be support and consideration shall now be given to any detailed impacts arising from the proposed development. These will be given consideration below.

### Amenity

The proposed development, given the relatively small scale nature of the project and its location within the Park, would not lead to a material loss of day light or privacy for the occupiers of nearby land and buildings.



The relevant parts of the submitted Design & Access Statement will be repeated below:

*It is anticipated the café will operate 7 days a week and typically between the hours of 8am-6pm, however there may be a need/ opportunity to open evenings for events/ activities.*

*Based on the cooking equipment in the current drawing, an electric kitchen - 'No open flame', a wall mounted stainless steel 304grade extract canopy with 350mm plate fan. 0.69m<sup>3</sup>/sec at 50Pa 63db(A)1m. The canopy will use make up air via natural ventilation. Canopy includes speed controller. Canopy has been designed to DW172. The location is to the Gable end of the building closest to the embankment. It's shown on elevation plan P2 on dwg KP22304-ELE-P.*

*Amphitheatre style seating is proposed within the existing planted slope to provide a place for people to sit and view the bandstand.*

The advice from the Environmental Health Officer (EHO) will be repeated below:

*The café is of medium size and substantially separated from sensitive dwellings by distance and intervening soft landscaping. It is not anticipated to be a noticeable source of noise from ventilation equipment.*

*The number of covers, cooking equipment and detailed design of the extraction system are not known at this time. Whilst the separation distance between the cafe and existing dwellings is significant with intervening park land, it is normal to require an odour risk assessment to determine the level of odour abatement that is appropriate to any commercial kitchen. It is proposed to require, by condition, an odour risk assessment and scheme of odour abatement.*

*The nature of the development involves significant earthworks. A condition is proposed to require the submission of a construction environmental management plan that should identify potential environmental impacts arising from site works and should identify suitable mitigation measures to prevent or minimise those impacts.*

The conclusion from the EHO will be repeated below

*The proposed development is considered to be acceptable, subject to the inclusion of the following conditions on any consent:*

- *Café extraction and odour abatement scheme*
- *Construction Environmental Management Plan*

The proposal would therefore accord with the relevant policies found within the development plan; namely HS1 (quality of life and amenity) and HS2 (noise-sensitive development). There are not any material considerations that indicate a decision should be made otherwise.

## Design

The relevant parts of the submitted Design & Access Statement will be repeated below.

*The proposed café building is a single-story building, designed and located to make the most of an underutilised parcel of land and to respond to the existing historic bandstand, existing topography and existing planting and is situated to ensure that maintenance and delivery access is provided. The building maximises existing views of the bandstand to the west and existing planting to the east whilst creating an attractive semiprivate outdoor dining area. The café has been sited so depending on where you sit you either get a view of the bandstand and*

whoever/ whatever is occurring in the bandstand or the other view gives clear line of site to the waterfall and fairy dell, which have recently been refurbished.

*Amphitheatre style seating is proposed within the existing planted slope to provide a place for people to sit and view the bandstand. It is hoped that following the restoration of the bandstand (next phase of SCCs masterplan for Roker Park), events in and around the bandstand will increase footfall within the park. The amphitheatre has been carefully designed to work with existing levels to ensure that this striking feature sits comfortably within the site.*

*Throughout the scheme high quality materials are proposed. These include granite steps and paving as well as reclaimed Scoria blocks, all of which are appropriate to the parks existing character. The proposals also include a new 1.2m high black estate railing, to replace existing bow top fencing, and a new low Corten steel retaining wall within the amphitheatre. Set amongst planting this retaining wall will be a distinct feature which will incorporate local quotes and lyrics from local bands.*

Although made within a heritage context, the advice from the Council's Conservation Officer would also be relevant when considering the design of the proposed development; and will be repeated below

*The new Café container building whilst of a simple functional design, will blend into its park surroundings through the careful choice of the external hardwood cladding material and green roof, and discreet integration of security shutters partially concealed by projecting Brie Soleil features. Its siting, scale and external treatment will allow it to sit quite subtly in the location proposed and not compete with the bandstand as the key feature of this part of the Park. The orientation of the café will importantly give users fine views of the bandstand.*

*The proposed use of traditional materials for the majority of the hard surfacing and landscape features will suitably reinforce the Park's historic character. The Cor-ten planting and floor edging will introduce attractive contemporary artistic additions to the enhancement scheme at the lower levels, but I'm less convinced by the use of Corten as ribbon fencing at the higher-level viewing platform. This could potentially appear overly prominent in the Park so perhaps it could be reviewed.*

The response from the Police Architectural Liaison will be repeated below:

*Northumbria Police welcome the development and repurposing of public park space and the introduction of a new amphitheatre and café will introduce levels of activity which hopefully will contribute to the daytime safety of users, but in making that statement we have to acknowledge that public parks have in recent times come under a degree of scrutiny, particularly in respect of women's safety.*

*The older compartmentalised Victorian parks present a specific challenge, because they frequently block clear sightlines and were designed to be serendipitous, which doesn't naturally encompass clear wayfinding and long sightlines.*

*We recommend wherever possible that all shrubbery and overhanging trees should be maintained to ensure they do not obscure the sightlines of people using the paths or obstruct any existing lighting. This involves a maximum height for shrubs, which tends to be around 90cm to 1m (to avoid them being tall enough for a person of average height to hide behind) and raising the tree canopies where possible to 8 foot ( the 3x8 principle). Indeed if you follow that rule it makes the park appear better maintained and improves natural surveillance.*

*We also support the gender mainstreaming of public spaces because spaces designed for all tend to be used by all, and inherently safer. It is therefore disappointing that neither Women's safety nor encouraging more women to use the space feature in the Design & Access Statement. We would encourage the applicant to convene a women's group to review the plans for development and would suggest that Kainat Javed, the Women's Safety in Public Places Project Lead at the Office of the Police and Crime Commissioner be included in any such group (kainat.javed@northumbria-pcc.gov.uk )*

*Last year with Government funding through the Safer Streets Fund we were able to commission academic research to produce a Safer Parks Standard, which we would heartedly recommend to the applicants.(copy attached), and we would also like to signpost the Planning Authority and the Applicant to the excellent resource produced the Atkins Group – Getting Home Safely available at Get home safe (snclavalin.com)*

In response, the advice relating to the maintenance of shrubbery and overhanging trees can be relayed to the relevant Officer within the Council. The advice contained within the fourth and fifth paragraphs can, again, be relayed to the relevant Officer within the Council – if any changes are subsequently required to the Park which require planning permission, then these can be given further consideration in due course.

The proposal would therefore accord with the relevant policies found within the development plan; namely BH1 (design quality) and BH3 (public realm). There are not any material considerations that indicate a decision should be made otherwise.

### Ecology

The UDP allocates the east of the site as forming part of a Wildlife Corridor. The pre-amble to the relevant policy, CN23, will be repeated below:

*It is believed that by linking urban green areas to the surrounding countryside, it is possible to maintain or create 'corridors' along which wildlife movement and colonisation can take place.*

The relevant Section, 40, of the Natural Environment and Rural Communities Act 2006 will be repeated below.

*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.*

The relevant parts of the submitted Preliminary Ecological Appraisal will be repeated below

*The proposals are not likely to impact on the SSSI (Site of Special Scientific Interest) and are far away from the costal sites to not impact them directly.*

*Eleven main habitats were identified... the site is dominated by hardstanding, amenity grassland, ornamental shrubs and broadleaf plantation woodland. Most of these habitats are all of limited value for wildlife. The woodland habitat is of higher value, and a small loss in this woodland habitat will have a moderate impact at county level.*

*There is habitat on site that is considered to provide suitable habitat (trees and ornamental shrubs) for nesting birds, and hedgehogs.*

The advice from the Council's ecology consultant will be repeated below:

*While the proposals are considered to be broadly acceptable from an ecological perspective, a Habitats Regulations Assessment will be required to inform the future operation of the amphitheatre, to ensure there will be no significant impacts upon those sites designated along the coast for their national and international ornithological importance.*

*Furthermore, clarity is sought on whether the proposals as submitted will result in the loss of any category A trees, the loss of which cannot be readily mitigated.*

In response, the intention would be to provide Members with an update for the two outstanding points raised by the Council's ecology consultant.

### Groundworks

The relevant parts of the submitted Preliminary Investigation will be repeated below:

*The site is not in an area affected by shallow coal mining.*

*The desk study indicates that the site has not been previously developed other than the construction of the park and it is therefore considered unlikely that significant ground contamination is present however, some localised levelling may have occurred and therefore some made ground deposits may be present on site.*

*Based on the model, potentially unacceptable risks have been identified and further action is therefore recommended. This further action should comprise an intrusive ground investigation that would enable additional Hazard Assessment to be carried out, followed by Risk Estimation and Risk Evaluation. The Preliminary Conceptual Site Model should be revised on completion of the ground investigation. An outline of a suitable intrusive ground investigation is included in the following Section of this report.*

The advice from the Council's land contamination consultant will be repeated below:

*At this stage, following the review of the submitted reports, we can confirm that we are in general agreement with their findings. However, the following recommendations are provided:*

- The presence / absence of invasive species should be confirmed;*
- The risk mitigation measures recommended within the 1st Line Defence Detailed UXO Risk Assessment report with respect to future works at the site should be followed in full, including future ground investigation.*
- The findings of the proposed ground investigation should be provided to SCC for review.*

*It is considered that these items can be addressed as part of the proposed Phase 2 ground investigation report. Planning Conditions CL01, CL02, CL03 and CL04 will be required in the Decision Notice*

The proposed development would therefore accord with the relevant policies within the development plan; namely policy HS3 (contaminated land). There are not any material considerations that indicate a decision should be made otherwise.

### Heritage

The bandstand within the site has a Grade II listing. The site also lies within a Conservation Area (Roker Park) and a Registered Historic Park and Garden (Grade II).

The relevant Sections, 66 and 72, of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be repeated below

*In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

*In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

The relevant policy within the UDP, NA28 (historic park), will be repeated below.

***ROKER RECREATION PARK IS IDENTIFIED AS AN HISTORIC PARK. ITS CHARACTER AND SETTING WILL BE PROTECTED FROM ADVERSE IMPACT BY DEVELOPMENT.***

In terms of material considerations, the Council has adopted the Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS). The CAMS identifies that the bandstand within the site makes a positive impact upon the Conservation Area.

The relevant parts of the CAMS will be repeated below

*PRIMARY OBJECTIVE: To ensure that the special architectural or historic interest of the Roker Park Conservation Area is preserved and enhanced for the benefit of current and future generations and for the enrichment of the City's built heritage.*

*MANAGEMENT OBJECTIVE 2: To manage and enhance the special historic interest of Roker Park in accordance with its 'Registered' status whilst allowing it to reach its full potential as a valued urban park and sea front attraction.*

*PROPOSAL 2e: The Council will seek to undertake environmental improvements to enhance the setting of the 'listed' bandstand and sustain it as a focal point for events in the Park by providing a more usable and attractive space.*

The relevant parts of the submitted Design & Access will be repeated below.

*the proposed alterations/ developments will not harm the parks historic layout or architectural detailing. Improvements will be made to landscaping and the setting of the Grade II listed bandstand in accordance with the Roker Park CAMS*

*The landscape and public realm proposals will enhance the significance of the Grade II listed bandstand and ensure the bandstand has a viable future in a functional area*

*SCC have identified that the park lacks of a café and the bandstand currently appears to sit within a throughfare; the proposals seek to address these two matters and create a new café offer whilst enhancing and better revealing the significance of the Grade II listed bandstand, by improving the landscaping/public realm within it's vicinity and create an improved 'compartmentalised area'*

The advice from the Council's Conservation Officer will be repeated below.

*The layout, orientation, design, detailing of the landscaping works is informed by the historic character of the Park and responds particularly well to the bandstand, re-creating the role of the listed structure as a key focal point for the park. The pruning of trees and shrubbery and creation of an amphitheatre and viewing platform will open-up and create new views of the bandstand and wider park. Together with planned future repair/restoration works to the bandstand, the landscaping scheme will significantly enhance the setting and significance of the listed structure and registered historic park.*

*The proposed use of traditional materials for the majority of the hard surfacing and landscape features will suitably reinforce the Park's historic character. The Cor-ten planting and floor edging will introduce attractive contemporary artistic additions to the enhancement scheme at the lower levels, but I'm less convinced by the use of Cor-ten as ribbon fencing at the higher-level viewing platform. This could potentially appear overly prominent in the Park so perhaps it could be reviewed.*

*The new Café container building whilst of a simple functional design, will blend into its park surroundings through the careful choice of the external hardwood cladding material and green roof, and discreet integration of security shutters partially concealed by projecting Brie Soleil features. Its siting, scale and external treatment will allow it to sit quite subtly in the location proposed and not compete with the bandstand as the key feature of this part of the Park. The orientation of the café will importantly give users fine views of the bandstand.*

*Overall, the proposed scheme will enhance the setting and significance of the listed bandstand, the listed drinking fountain and the historic and landscape character and vitality of Roker Park and make a positive contribution to the character and appearance of the wider Roker Park Conservation Area.*

The advice from the Tyne & Wear Archaeologist will be repeated below:

*Given the scope of the proposed works and the records that are available in association with the park, I do not consider that archaeological intervention will be required in this case.*

The advice from the Gardens Trust will be repeated below:

*Overall, we consider that any harm caused to the Grade II park by the construction of the café will be mitigated by the public benefit derived from the improvements.*

The proposal would therefore accord with the relevant policies found with the development plan; namely NA28 (historic park) of the UDP and policies BH7 (historic environment), BH8 (heritage assets) and BH9 (archaeology) of the Core Strategy. There are not any material considerations that indicate a decision should be made otherwise.

The above also means that the application has been given consideration in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Highway

The relevant parts of the submitted Design & Access Statement will be repeated below:

*The café will be serviced out of trading hours, with access served from Roker Park Road. This access is also currently used by SCC park teams and those using/servicing the Roker Park Lodge.*

The advice from the Local Highway Authority will be repeated below:

*Comments:*

#### **SCHEME OF WORKING**

*A scheme of working is required for the operation and management of the site including, construction site traffic, contractor parking, building material deliveries & storage, site compound layout and any temporary access points.*

The proposal would therefore accord with the relevant policies found within the development plan; namely policy ST2 (local road network) and ST3 (development and transport).

#### **Trees**

The trees on the site are protected through being in a Conservation Area.

The relevant part of the submitted Arboricultural Impact Assessment will be repeated below

*Trees are allocated a retention category and colour code reference based upon their quality and value within the existing context. These are:*

- *Category A – Trees of high quality with long term future potential*
- *Category B – Trees of moderate quality, medium term future potential*
- *Category C – Trees of low quality, short term future potential*
- *Category U – Trees in such condition they cannot be realistically retained for longer than ten years*

The survey data identifies the proposed works, which will be repeated below

#### **Category A**

T18 - sycamore (remove)

#### **Category B**

T3 - common ash (remove)

T4 - purple cherry plum (remove)

T15 - mixed species group (remove one third)

T16 - common ash (remove)

T17 - common ash (remove)

T28 - common ash (remove)

T38 - mixed species group (remove)

T42 - sycamore (remove)

#### **Category C**

T8 – Common Lime (remove)

T14 – Whitebeam (remove)

T34 - common ash (remove)

T39 - wych elm (remove)

#### **Category U**

T2 - English Elm (fell)

T11 - mixed species group (heavy thinning)

The proposal would therefore, through the felling of category A and B trees, be contrary to the relevant policy within the development plan; namely policy NE3 (Woodlands / hedgerows and trees). The matter will be given consideration in the conclusion below.

## **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

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

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



## Conclusion

The principle of the proposed development accords with the relevant policies within the development plan. In terms of material considerations, two out of the three Ward Cllrs have expressed strong support for the scheme.

The proposed development accords with the relevant policies within the development plan, in terms of detailed impacts for amenity, design, groundworks, heritage and highways.

The only exception would be the detailed impacts for trees. The application includes the felling of trees which fall within categories A (1no) and B (11no.).

In response, the advice from the Council's Conservation Officer should be borne in mind when considering the impact upon trees; and will be repeated below:

*The proposed scheme to rationalise the trees / shrubbery of part of the Park through pruning and some replacement/ re-planting, develop a new café and undertake a comprehensive range of hard and soft landscaping improvements within the immediate setting of the bandstand, will effectively implement Management Proposals 2d and 2e of the CAMS. This is highly appropriate.*

The felling of these trees would therefore lead to both heritage and wider benefits through the provision of the proposed café and amphitheatre. These benefits outweigh the harm caused by the felling of one category A tree and 11 category B trees.

An update will be provided to Members, in terms of the outstanding points raised by the Council's ecology consultant.

## Recommendation

Members be minded to Grant Consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended); subject to:

- The satisfactory resolution of the outstanding points raised by the Council's ecology consultant relating to Habitats Regulations Assessment and whether category A trees would be felled (including any additional / amended conditions).
- The satisfactory responses from the Council's Conservation Officer and Gardens Trust.
- 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:
  - Existing Site Plan, (002 P03)
  - Proposed Site Plan (003 P04)

- Details & Section (004 P03)
- Proposed Building Plan & Elevations (LS00018605 05 P01)
- BS5837 Survey Data (as found within Appendix 7.1 of the submitted Tree Survey & Arboricultural Impact Assessment)

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 construction phase of the development hereby approved shall be undertaken in accordance with the plans and documents below:
  - Ecological Method Statement for Contractors Working at: Roker Park (as found within the submitted Ecological Impact Assessment)

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.

4. Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
  - o where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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

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

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

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

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

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

6. No development, ground works or vegetation clearance shall commence until an Ecological Construction Environmental Management Plan (E-CEMP) produced by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. This will include:
- A review of ecological constraints
  - Requirements for, and timings of checking surveys for protected and/or notable species, including requirements for repeat visits where necessary
  - Details of the persons responsible for implementing the works
  - Details for disposal of any vegetative wastes arising from the works
  - Details of any lighting and fencing proposed during the construction period, which will include input from a suitably qualified ecologist
  - Working methods to be implemented in order to minimise the risk of protected or notable species being adversely affected, or notifiable species being spread through the works
  - Details of habitat protection measures to be implemented through the works, particularly in relation to retained features such as trees

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

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the construction phase of development hereby approved avoids adverse impacts upon biodiversity.

7. No development shall commence until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from the works and set out the mitigation measures to be implemented to protect nearby occupiers and the local

environment. The CEMP shall include but not be limited to matters of noise and vibration, dust management and control of other air pollutants, site lighting and hours of work. The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure, in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033), the construction phase of development hereby approved does not have an adverse impact upon amenity.

8. No development shall commence until a Scheme of Working has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the operation and management of the site including, construction site traffic, contractor parking, building material deliveries & storage, site compound layout and any temporary access point. The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved Scheme of Working.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the construction phase of the development hereby approved does not have an adverse impact upon the local road network.

9. No development, ground works or vegetation clearance shall commence until a site-specific arboricultural method statement, produced by a suitably qualified arboriculturalist, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail the working measures to be implemented to ensure the protection of key trees and/or groups of trees to be retained through the works. The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved method statement.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved avoids adverse impacts upon biodiversity.

10. No development shall commence until details and / or samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The external samples shall include hard landscaping and hardwood cladding to the café and bin store. The development hereby approved shall thereafter be undertaken in accordance with the approved details and / or samples.

Reason: To ensure, in accordance with policies BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved makes a positive contribution to the character and appearance of Roker Park.

11. The café hereby approved shall not be brought into first use until an Odour Risk Assessment and Scheme of Odour Abatement has been submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall be fully implemented before the café first opens for trading and shall be maintained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not have an adverse impact upon amenity.

12. The development hereby approved shall not be brought into first use until a plan showing the location and specification of bird and bat boxes to be installed on the site will be submitted to and approved in writing by the local planning authority. The development shall thereafter not be brought into first use until the approved bird and bat boxes have been fully provided on site.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides gains for biodiversity.

13. The development hereby approved shall not be brought into first use until a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The document will include details of the planting scheme (including how and when habitats will be created, and the species mixes to be used) and details of ongoing management and monitoring works, including frequency of inspections and timescales for addressing any issues which arise. The development hereby approved shall thereafter be managed in accordance with the approved LEMP.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides gains for biodiversity.

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

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

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

15. 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

## **Informatives**

1. The Council's ecology consultant has advised that:

Vegetation clearance works will be undertaken outside of the bird nesting season (March – September inclusive). If this is not possible, works will not commence unless a checking survey by a suitably qualified ecologist has been undertaken no more than 3 days prior to the start of works, to ensure no active nests are present which would be affected. In the event any active nests are identified, the ecologist will implement a suitable buffer zone around this feature into which no works will progress until subsequent checks by the ecologist confirm that the nest is no longer active

**Reference No.:** 22/02436/LP3 Local Authority (Reg 3 )

**Proposal:** **Change of use of shared accommodation to 2no. residential dwellings**

**Location:** 24 Rennie Road, Sunderland, SR5 5EJ

**Ward:** Redhill

**Applicant:** Sunderland City Council

**Date Valid:** 8 November 2022

**Target Date:** 3 January 2023

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## **PROPOSAL:**

The planning application has been submitted by the Council and is seeking to the change the property from extra care housing (Use Class C2) to 2no. dwelling houses (Use Class C3).

The application site is located within a predominately residential area and is surrounded by housing. To the front is Rennie Road and to the rear is an area of open space. The property is currently vacant.

The host property is two storey detached block in what was originally two semi-detached properties. The proposal will involve internal and external alterations to subdivide the properties. Works to the exterior will include new windows and doors and fencing to the rear to divide the garden areas, the existing detached outbuilding to the rear will be removed.

It is noted that the Design and Access Statement submitted with the application refers to the creation of parking on site, however this is not shown on the submitted plans. The agent confirmed on the 19.12.22 that this was an error and as per the plans, no parking is being created on site.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Cllr John Usher  
Cllr Alison Smith  
Cllr Paul Stewart  
Network Management  
Planning Policy  
Environmental Health

## **REPRESENTATIONS:**

The application has been publicised by site notice and neighbour notifications. Following this extensive consultation exercise there were no letters of representation received.

In terms of other consultation, the Council's Environmental Health team responded by confirming that the proposal would be acceptable in principle subject to the submission of a Construction Environmental Management Plan (CEMP). However, given that minimal physical alterations to the building are proposed, extended periods of disturbance are unlikely and it is considered that requiring the preparation and submission a CEMP for approval is somewhat excessive and would place an unreasonable burden on the applicant.

The Council's Transportation Development team have no observations to make.

The Council's Policy section, meanwhile, set out that the proposal should meet the requirements of CSDP policy H1 relating to housing mix, policy ST2 and ST3 relating to parking and highway safety, BH1 in relation to design and amenity and HS1 in relation to quality of life and amenity. It is also noted that the site is located within the 250m buffer for the surface Coal MSA and the 500m buffer for the limestone MSA and therefore policy M1: Minerals Safeguarding Areas and Infrastructure, however given the nature of the proposals the development does not conflict with the mineral strategy.

The other polices mentioned above will be considered further within the following report

## **COMMENTS:**

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

- Principle of Use
- Residential Amenity
- Visual Amenity
- Highway Safety

### **Principle of Use**

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 also includes local policies for development management purposes.

Until the Allocations and Designations (A&D) Plan, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, has been adopted by the Council, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there



is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

CSDP Policy H1: Housing Mix indicates (at Criterion 1, subpoint ii) that residential development should provide a mix of housing types, tenures and sizes which are appropriate to its location. It is noted that the proposal relates to conversion from a shared accommodation to 2 no. separate residential dwellings and this reflects the housing types within the area.

In this regard, given that the application site lies within a predominantly residential area and the conversion will provide 2no. separate residential properties, the principle of development is considered to be acceptable.

### **Residential Amenity**

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not unacceptably impact on the amenity of future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured. This policy also requires accommodation to meet the minimum requirements set out within the Technical Housing Standards - Nationally Described Space Standard.

The proposal is a form of residential development and therefore not considered likely to adversely impact upon the residential amenities of nearby properties. The proposed layout will also provide prospective occupiers with a good standard of amenity which accords with the Nationally Described Space Standards. The proposal therefore accords with the objectives of these policies and is considered to be acceptable in this respect.

The new upper floor window within the side elevation adjacent to no. 22 would serve a bathroom area and would be obscurely glazed, the new upper floor window to the rear would overlook the garden area and open space beyond. Given this, it is considered that the new windows would not materially increase overlooking in relation to any neighbouring dwelling.

With regard to the fencing to the rear it would be set in some distance from the neighbouring dwelling no. 22 and is not considered to have a negative impact on this property's residential amenity.

### **Visual Amenity**

Policy BH1 of the CSDP also states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The alterations will provide 2 no. residential properties which will mirror each other with regard to design and would utilise matching materials. The properties once divided would appear congruous with the existing streetscene.

With regard to the fencing, it would be positioned to the rear of the property and would be screened by the planting to the rear. It would not be considered that the fencing would appear visually intrusive within the streetscene.

## **Highway Safety**

Policy ST2 of the CSDP sets out that Local Road Networks will be protected for safe and efficient movement and it should be ensured that development does not have a negative impact on the Local Road Network.

Policy ST3 of the CSDP set out that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

The Council's Highway Section have provided no objection to the proposal. It is considered that the conversion to 2no. individual residential properties would not increase existing parking demands, given that the staff within the facility will have required a similar degree of parking. It is also noted that there is ample on street parking around the site.

## **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.

## **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 number S3868-BDN-XX-XX-DR-A-0001 Rev P2, received 03.11.22  
Existing 3D plan, drawing number S3868-BDN-XX-XX-DR-A-0005 Rev P2, received 03.11.22  
Existing elevations, drawing number S3868-BDN-XX-XX-DR-A-0004 Rev P2, received 03.11.22  
Existing plans, drawing number S3868-BDN-XX-XX-DR-A-0003 Rev P2, received 03.11.22  
Existing site plan, drawing number S3868-BDN-XX-XX-DR-A-0002 Rev P2, received 03.11.22  
Proposed 3D plan, drawing number S3868-BDN-XX-XX-DR-A-0009 Rev P2, received 03.11.22  
Proposed elevations, drawing number S3868-BDN-XX-XX-DR-A-0007 Rev P2, received 03.11.22  
Proposed repairs/alterations, drawing number S3868-BDN-XX-XX-DR-A-0008 Rev P2, received 03.11.22  
Proposed plans, drawing number S3868-BDN-XX-XX-DR-A-0006 Rev P2, received 03.11.22  
Proposed site plan, drawing number S3868-BDN-XX-XX-DR-A-0010 Rev P2, received 03.11.22

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.

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**Reference No.:** 22/02473/LP3 Local Authority (Reg 3)

**Proposal:** **Replace and enlarge 3 no. existing windows to rear (west elevation).**

**Location:** Houghton Branch Library And Learning Centre 74 Newbottle Street  
Houghton-le-Spring DH4 4GB

**Ward:** Houghton

**Applicant:** Sunderland City Council - Property Services

**Date Valid:** 15 November 2022

**Target Date:** 10 January 2023

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## **PROPOSAL:**

This application is to replace and enlarge 3 existing windows at the first floor of the rear of the library building in Houghton le Spring. The three small narrow windows would be increased in size to 1.6 metres width and 1.4 metres in height, with materials and frames to match the colour scheme of the library.

## **SITE DESCRIPTION**

The application site is the Houghton le Spring Library and Learning Centre located on the Corner of Newbottle Street, Houghton le Spring, flanked by Brinkburn Crescent. The site backs on to a public car park and has long narrow windows at the first floor level.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Cllr John Price  
Cllr Mark Burrell  
Cllr Juliana Heron  
Planning And Highways West

## **COMMENTS:**

### **PRINCIPLE OF DEVELOPMENT**

The Councils Policy Section have considered the principle of the proposed use with regard to both the adopted Core Strategy and Development Plan (CSDP), saved policies contained within the Unitary Development Plan (UDP) as well as saved policies contained within the UDP Alteration No. 2.

The site is located within Houghton Town Centre and it is considered that CSDP Policy VC1 is relevant in this instance. This policy sets out broad support for the vitality and viability of designated centres.

The proposal would not affect the vitality of the centre and as such would be acceptable in line with Policy VC1 of the CSDP.

## DESIGN AND AMENITY ISSUES

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraphs 130 and 134 set out that good design is a key aspect of sustainable development and require that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Finally, that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

It also 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. The alterations would not be considered to affect the visual amenity of the area or the host building and therefore it is acceptable in this respect in compliance with Policy BH1 of the CSDP.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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.

## **CONCLUSION**

The development is in accordance with relevant SPD guidelines, Core Strategy Development Plan (CSDP) policies and NPPF. It is considered acceptable and Members are recommended to grant consent in accordance with 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 received on 9.11.22
- Existing and proposed elevations received on 9.11.22

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.