

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 21/02737/LP3 Local Authority (Reg 3)

Proposal: **Change of use of existing building to community centre with associated elevational alterations, including replacement roof, gutters and piping, new entrance doors to front, steps/handrail to side, and patio area to front.**

Location: Usworth Park Pavilion, Usworth Recreation Park, Manor Road, Concord, Washington

Ward: Washington North

Applicant: Sunderland City Council

Date Valid: 24 January 2022

Target Date: 21 March 2022

APPLICATION SITE

The application site is a former bowling pavilion situated within Usworth Welfare Park. It sits with its entrance facing the bowling green and is currently boarded up and used as storage. It is a single storey brick-built building, with a pitched, tiled roof and is accessed via the footpaths through the park.

PROPOSAL

The proposal relates to the refurbishment and change of use of the building to provide a small community centre. Externally the roof will be recovered, and rainwater goods replaced. Part of a rear window is to be bricked up to make it slightly smaller, the entrance doorway will be relocated to replace a window and the existing entrance will be replaced by full height window. The surrounding paved area will be resurfaced and leveled to provide level access to the building, a small patio area, and new steps. A cycle store and refuse storage area will be sited close to the building. Internally, the toilets and changing rooms will be stripped out to provide a large multi-purpose community space, toilets, and kitchen.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management

Natural Heritage

Cllr Jill Fletcher

Cllr Michael Walker

Cllr Peter Walker

Environmental Health

Planning Policy

27 Manor Park Concord Washington NE37 2BT
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25 Manor Park Concord Washington NE37 2BT

Final Date for Receipt of Representations: **05.10.2022**

REPRESENTATIONS:

Public Consultation

No objections have been received.

Consultees-

Council's Planning Policy team - The Planning Policy team have commented that the proposal is acceptable in principle and have offered no objections to the proposed development.

Council's Environmental Health Team - Environmental Health has considered the application and have no objections to the proposed development.

Council's Transportation Development team - The Transportation Team have considered additional information provided during the consideration of the application and have offered no objections to the proposal.

Council's Ecology team - The Council's Ecology team have no objections to the proposal provided that any approval that may be forthcoming is subject to a number of conditions requiring measures to be taken to ensure the protection of protected and notable species during and after the carrying out of the works.

COMMENTS:

The main issues to consider are;

- The principle of the development
- The highway safety implications of the proposal,
- The impact of the development upon the visual amenities of the area,
- The ecological impacts of the development,

Principle and appropriateness of the development

The proposed use would be considered a Community Facility as defined by both the National Planning Policy Framework (NPPF) as well as the adopted Core Strategy and Development Plan (CSDP). As such the proposal is subject to CSDP Policy VC5: Protection and Delivery of

Community Facilities and Local Services, which indicates at Criterion 2, that support should be given to development of new and extended community facilities. Also, it states that developments for new community facilities should be located in accessible neighbourhood and centre locations.

Although the proposal is not located in a central location, the proposal is located within Usworth Recreational Park, which is considered a gathering area for the local community as well as a community facility within itself and is an acceptable location for a new community facility.

The principle of the proposal is therefore considered to be acceptable as it would provide a new community facility which is supported by Core Strategy VC5.

Highway 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.

Additional information was provided during the consideration of the application to clarify access arrangements and potential demand for additional parking. As the facility is intended to be managed and operated by members of community groups living locally, the Transportation Development team are satisfied that there are no highway safety concerns in this respect. Amended plans show that facilities for the storage of cycles and bin storage facilities will also be provided. The Transportation Development team have confirmed that there are no longer any highway safety concerns and the proposal will comply with policy ST3 in this respect.

Visual Amenity

Policy BH1 of the CSDP 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 building would appear to be circa mid-twentieth century and is not of particular historic or architectural merit, although it is not unattractive and relates well to its surroundings. The proposed external alterations are minimal and represent a practical solution to retain the character of the building whilst facilitating its reuse.

Subject to the use of matching materials, and the submission of further details of the refuse and cycle storage arrangements, the proposal is therefore not considered likely to be detrimental to the visual amenities of the host property or its setting within the park and complies with policy BH1 of the CSDP in this respect.

Ecology

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

An Ecological Impact Assessment was submitted with the application. The building has been identified as having the potential to be used by roosting bats (although no bats were found within the structure) as well as having the potential to support nesting birds.

The Ecology Team has commented that the framework of national and local policy requires development to provide ecological enhancements, which include but are not exclusive of a measurable biodiversity net gain. In this case, as the proposals are for minor development, it is not considered appropriate to pursue measurable biodiversity net gain. As recommended within the supporting ecological information, it is considered feasible to provide ecological enhancement by installing 2 bat boxes within the competed development.

The Ecology team therefore recommends that any forthcoming approval is subject to conditions requiring an updated bat report should development not be carried out within 12 months of approval, development outside of bird nesting season unless checks by a competent ecologist have been carried out, and the installation of 2 bat boxes.

CONCLUSION

The development has been found to be acceptable in principle and unlikely to result in any serious detriment to highway safety, the visual amenities of the host property and the area in general, or the biodiversity of the area, subject to the use of appropriate conditions. The proposal accords with policies VC5, ST3, BH1 and NE2 of the Core Strategy and Development Plan (CSDP) and is considered to be acceptable.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: GRANT CONSENT in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions listed below.

Conditions:

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

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

location plan received 22/11/21;
existing site plan received 22/11/21;
existing floor plans received 22/11/21,
existing elevations received 22/11/21;
proposed access plan received 14/9/22;
proposed floor plans received 14/9/22;
proposed elevations received 14/9/22

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, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors, windows, roller shutters and hard surfaced landscaping 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.

4 Notwithstanding the approved plans, before the development hereby permitted is brought into use, facilities for the storage of refuse within the site shall be provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter in order to ensure a satisfactory form of development and to comply with policies ST3 and BH1 of the CSDP.

5 Notwithstanding the approved plans, before the development hereby permitted is brought into use, facilities for the storage of cycles within the site shall be provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter in order to ensure a satisfactory form of development and to comply with policies ST3 and BH1 of the CSDP.

6 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, the surveys undertaken to determine the presence or likely absence of bats shall be repeated in accordance with good practice guidance at the time of those surveys. The results of any such surveys shall be submitted to the Local Planning Authority for approval, together with information indicating how impacts to roosting bats will be avoided, mitigated, or compensated for, and development shall commence/recommence only in accordance with a timetable and methodology approved by the LPA; in the interests of nature conservation and biodiversity and to comply with policy NE2 of the CSDP.

7 No works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority for approval and development shall only commence in accordance with the agreed details; in the interests of nature conservation and biodiversity and to comply with policy NE2 of the CSDP.

8 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the installation of two bat boxes has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and conservation objectives for the proposed works;
- b) location (shown on appropriate scale plans and/or elevation drawings) of specific make and model, or design, of bat boxes;
- c) timetable for the installation of the boxes.

The works shall be carried out strictly in accordance with the timetable and methodology approved by the LPA and shall be retained as such thereafter; in the interests of nature conservation and biodiversity and to comply with policy NE2 of the CSDP.

Reference No.: 22/00621/FUL Full Application

Proposal: **Change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access (Amended plan received 06.05.2022)**

Location: Land to the rear of 21 South Hetton Road, Easington Lane, Houghton-le-Spring, DH5 0LG

Ward: Hetton

Applicant: Whitegates Equestrian Centre

Date Valid: 6 May 2022

Target Date: 5 August 2022

PROPOSAL:

Introduction

Planning permission is sought for the change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access (Amended plan received 06.05.2022).

The application site is located within the village of South Hetton comprising an area of land to the (north) of residential properties 17 to 20 South Hetton Road and between the properties of 53 Cedar Crescent (west) and the former Saint Mary Presbytery (east). Although bound by residential uses, the plot in conjunction with the wider swathe of land to the north comprises open countryside as set out within the Council's saved allocations document of the Unitary Development Plan.

The site and proposal

The site is bounded by railings to the northeast of the site with the site in part being delineated post and rail fencing, which runs internally within the site between the shared side boundary of No. 53 Cedar Crescent and No 21 South Hetton Road with the land within the application boundary beyond being open field/countryside.

The application site measures approximately 8.66 hectares; it would be divided with an area measuring approximately 30m in depth by 73.9m (excluding the site egress area) with an overall area of 2123sqm which would contain the following;

- vehicular access
- dwelling and garage
- 20-paddock stable block with associated parking for No. 6 vehicles (this number has been reduced from No.14 over the course of this application)
- Equestrian land/paddock

Taking each element identified above the report sets out the proposed development.

Vehicular Access

Vehicular access would be taken off the existing access arrangement which provides rear access to the properties along South Hetton Road and to the two dormer bungalows located to the west of the development site. The existing access arrangement operates as a one-way system and access to the proposed development site would be taken off a new access arrangement proposed along the southern boundary of the site; internally to the site a one-way system is proposed with all traffic exiting out of the site using the existing access arrangement at the eastern corner.

Dwelling and Garage

The application proposes the construction of a detached rural farm workers dwelling with a detached garage to the rear; the proposed dwelling would be located to the west of the site and set in from the shared boundary with No. 53 Cedar Crescent; it would be set in from the common boundary by approximately 1.3m. The dwelling house would have a residential curtilage of 22.26m with the bin store/parking area beyond and a detached garage measuring approximately 6m by 4m with an eaves and ridge height of 2.55m and 3.65m respectively.

The dwelling house, a three bedroom dormer bungalow, would have a width of approximately 12.3m and a depth of approximately 9.2m and would have an eaves and ridge height of approximately 2.55m and 7.35m respectively; the front/north-eastern elevation would contain a three windows and a door opening at ground floor level and three pitched dormer windows; to the rear/south western elevation there would be four window openings and three rooflights; with a new door opening created on the side/south eastern elevation. Internally the dwelling house would have a central hallway from which access to the lounge, admin office, w/c and the family kitchen/dinning/family room. A utility room, and staff w/c is also proposed, with access from the south-eastern elevation.

20-paddock stable block with associated parking for No. 6 vehicles

The proposed stable block would measure 33m in width by 11.5m in depth and would have an eaves and ridge height of 2.7m and 4.1m respectively. It would be constructed from 1.2m high concrete panel wall with plastisol profiled metal sheeting above with roller shutter doors to the side elevations and the addition of No. 8 rooflights.

Parking provision for No.6 vehicles would be located to the front of the stable block to the west of the site and adjacent to the highway.

Equestrian land/paddock

The proposed equestrian land and paddock would be located to the rear of the dwelling house and stable block and would have an approximate area of 8.4 hectares or 84,477 sqm. No details have been submitted in regard to perimeter fencing.

The following information has been submitted in support of the application;

- Planning Statement
- Preliminary Appraisal Report C9440 REV A
- Construction Environmental Management Plan

The application has been the subject of a pre-application enquiry which clearly set out the policy criteria which needed to be met in respect of any future submission.

Further information was requested, and a substantial amount of time allowed for the submission of such information, however this information was not forthcoming and as such the application has been determined on the information to hand.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

REPRESENTATIONS:**Representations received**

9 representations have been received in respect of the application. 2 neither supported nor objected with 7 raising objections for the reasons summarised below;

Concern/Issue	Summary of comments
Amenity	Visual amenity Devaluation of property
Design	Encroachment
Highways Safety	Poor access Traffic generation
Impact	
Contamination	Noise, odour and litter Attract vermin
Heritage	

The matter of devaluation of property prices is not a material consideration in planning and is not discussed within this report; all other matters are considered as part of this report.

CONSULTEES:Planning Policy

The site is located in the Open Countryside. The application relates to the development of an equestrian use, a residential dwelling and a stable block. The development will be considered acceptable where it is in alignment with CSDP Policy NE9: Open Countryside. Notwithstanding the above, the biodiversity, design, amenity, highways impact and access should be considered.

Natural England

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Land Contamination - Comments dated 10 May 2022

The Preliminary Appraisal Report provides an overview of the geo-environmental setting of the development site based on published information sources and a site inspection visit; an assessment of coal mining risk; and a Preliminary Conceptual Site Model and Risk Assessment.

The report identifies that the historic map evidence suggests that the site has remained largely undeveloped from the time of the earliest mapping until the present.

The Preliminary Conceptual Site Model and Risk Assessment concluded that the site presents a low risk with respect to ground contamination end users, construction workers, controlled waters and the built development. The report goes on to state, however, that the presence of localised areas of made ground on the site cannot be fully discounted and that ground investigation is recommended.

Sirius recommend an outline programme of ground investigation to include trial pitting and the collection of soil samples for chemical analysis. Whilst the overall findings of the Sirius Geotechnical report are agreed with, our interpretation of the potential ground gas risk differs. The report states that the waste deposited within the landfill is recorded as being inert. However, the search information states that inert, industrial, commercial and household waste was licenced to be deposited and therefore the waste type could have included putrescible or hazardous wastes. In addition, it is noted that the recorded extent of the Glaciofluvial deposits of sands and gravels extends onto the subject site to within around 200m of the proposed development. This could have been, to some degree, quarried and landfilled onto the site (as suggested by the recorded boundary of the landfill); or could act as a preferential pathway for the migration of ground gas on to the subject site.

Recommendations - At this stage, following the review of the submitted report, we recommend that prior to commencing the development the site investigation works outlined by SIRUS are undertaken. It is recommended that more detailed ground gas risk assessment is included within the scope of detailed risk assessment.

This should be carried out in general accordance with relevant standards and guidance (British Standards; CIRIA guidance, CL:AIRE, YALPAG). The inclusion of ground gas monitoring is recommended in conjunction with a lines of evidence approach using the findings of the proposed investigation and any further documentary information obtained for the recorded landfill.

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

Updated comments 18 May 2022

Having reviewed the updated desk study for Land to the rear of 21 South Hetton Road. There are no additional comments to make at this stage, although we are now satisfied that the reported absence of biodegradable/putrescible waste within the nearby landfill means that the risk due to ground gas is likely to be low. The ground conditions encountered during the proposed investigation should be considered when deciding whether ground gas monitoring is to be completed as part of the ground investigation.

Transportation Development -17th May 2022

The following information is requested to progress the application:

- A swept path analysis demonstrating that a large horse box measuring 2.4 x 7.2 metres and large family vehicle measuring 2.4 metres wide x 4.8 metres long can pass along the proposed access road and identify any potential road widening requirements.
- A swept path analysis of both the access and egress points onto South Hetton Road is also required to ensure that both access points can accommodate both the horse box and large car and identify any potential widening of the access.
- A swept path analysis of the proposed access into the development is required.
- A block plan of the proposed access providing a visibility
- Splay of 2.4 x 43 metres from the site access can be achieved.
- The applicant is to provide further details of the anticipated number of vehicles

accessing the site at any one time and frequency of movements associated with the development.

- Details of staff numbers associated with the proposed office is required to fully assess car parking requirements for the site.
- Further details of any other activities associated with the site such as horse-riding lessons and/or other equine facilities, stables, dressage, saddlery or livery is required so that highway safety and parking requirements can be fully assessed.

Updated comments dated 24th June 2022

Further to highway Development Controls previous comments, the applicant was asked to provide the following further information:

- A swept path analysis demonstrating that a large horse box measuring 2.4 x 7.2 metres
- and large family vehicle measuring 2.4 metres wide x 4.8 metres long can pass along
- the proposed access road and identify any potential road widening requirements.
- A swept path analysis of both the access and egress points onto South Hetton Road is also required to ensure that both access points can accommodate both the horse box
- and large car and identify any potential widening of the access.
- A swept path analysis of the proposed access into the development is required.
- A block plan of the proposed access providing a visibility
- splay of 2.4 x 43 metres from the site access can be achieved.
- The applicant is to provide further details of the anticipated number of vehicles accessing the site at any one time and frequency of movements associated with the development.
- Details of staff numbers associated with the proposed office is required to fully assess car parking requirements for the site.

The applicant has submitted a revised plan showing a reduction in parking onsite, however, none of the requested further information listed above has been provided therefore parking requirements for the site cannot be assessed. The applicant is required to provide the outstanding further information requested to progress this application further.

Updated comments 10th November 2022

Further to Transportation Development's previous response dated 24th June 2022, the applicant was requested to provide further information as detailed above. As the applicant has failed to provide this information and address the highway safety concerns, Transportation Development cannot support this planning application and recommend refusal.

Environmental Health - Comments dated 1 September 2022

Environmental Health has considered the submitted documentation and has no objections to the proposed development, but considers that the submitted construction environmental management plan requires revision to ensure that, when implemented, the works to prepare the site and to construct the new development are adequately controlled to ensure nearby residents and the local environment is effectively protected from adverse impacts of noise, dust and other air pollutants, and other relevant matters.

If necessary, it is acceptable to incorporate a condition requiring the submission of a CEMP for the agreement of the LPA. In either case the comments below in relation to its content remains relevant.

The applicant's attention is therefore drawn to the advisory comments set out in the table below

The following appraisal of the submitted documentation may be useful to the Applicant in the determination and preparation of additional works and information	
General comments:	<p>The proposed development lies immediately behind properties on South Hetton Road and not behind the former church or presbytery. Closest sensitive receptors are therefore occupiers of 15-20 South Hetton Road and two properties immediately adjacent to the site numbered 52 and 53. A large area of field lies to the north-east.</p>
Construction Environmental Management Plan (CEMP)	<p>A CEMP was highlighted as being required during earlier consideration of the proposal. The submitted document dated April 2022 is not considered sufficient. Given the location of the site and the character of the immediate area the following matters should be addressed, and those measures implemented should the proposal receive any consent. The CEMP should include:</p> <p>Identification of the sensitive receptors and the separation distance between them and site working areas.</p> <p>Hours Working times should not exceed 0800 to 1800 weekdays, 0800 to 1300 Saturdays. No working on bank holidays and Sundays. Working outside these hours would be for exceptional reasons only and must first be subject to notification of the LPA.</p> <p>Noise Noise control measures must reflect the guidance set out in BS5228:2009+A1:2014 – Code of Practice for the Control of Noise and Vibration on construction of open sites.</p> <p>Compliance with a peak noise level of 75dB(A) at nearest dwellings is inappropriate as this has potential to cause significant disturbance to occupiers.</p> <p>Noise levels measured as period LAeq,t at the neighbouring dwellings should not exceed 70dB during the approved working hours.</p> <p>All plant and equipment must be kept well maintained and provided with the manufacturer's specified silencing.</p>

No equipment shall be used if appropriate silencing is not available.

Temporary acoustic barriers should be employed where noisy work will take place close to existing residential properties.

No generators or compressors shall be used unless appropriately silenced, and any generator left operating on site overnight shall be provided with an acoustic enclosure and located in a position to minimise propagation of noise to residential occupiers.

Solid hoardings should be positioned to separate the site works from the nearest adjacent dwellings (to minimise noise and dust).

The additional actions in section 4.5 should be retained.

Management of site works should include the monitoring of activities and adjustments where necessary (sect 4.8)

Dust and air pollutants:

No engines should be allowed to idle. No vegetation or waste shall be burned on site

No queuing of HGVs on the highway adjacent to existing dwellings.

Dust generation from earthworks and construction is linked to the management of materials and topsoil storage, deliveries and working practices.

Cut off saws shall only be operated with vacuum extraction or water suppression. Stockpiles of loose materials shall be protected from wind whip and either covered or wetted and compacted during periods of dry or windy conditions.

The highway shall be kept clean of mud and debris and an adequate water supply provided to enable the use of water sprays or bowser and wheel wash.

Lighting

Site lighting shall be located, angled and

	rated to avoid spill onto neighbouring properties.
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Ecology

Holding objection. Insufficient information is available to determine the potential impacts of the proposals upon the ecological interests of the site and surrounding area, as discussed above.

No documents have been provided in support of the application which assess the potential ecological impacts of the proposals. As a minimum, an Ecological Impact Assessment (EclA) should be provided in support of the application.

The EclA should include a detailed review of baseline data collected via a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PBRA) of the site, and any further protected species or habitat surveys which are highlighted as being necessary by a suitably qualified ecologist (SQE). Relevant species which should be considered include those protected / listed under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, The Protection of Badgers Act 1992, relevant Red Data books and both local and UK BAP Priority / NERC Section 41 species and habitats, The Hedgerow Regulations 1997, or other relevant species / habitats as indicated by the project ecologist.

The EclA should also include an assessment of the potential impact pathways of the works upon any statutory and non-statutory designated sites within a suitable buffer zone around the site.

The applicant will need to provide a series of detailed landscape plans for the site, so that pre and post-construction conditions can be determined by the SQE, and measures to ensure an overall increase in biodiversity post-works can be implemented.

Biodiversity Net Gain is set to become a mandatory part of the planning system in England as part of the Environment Act 2021. However, Biodiversity Net Gain has already been adopted by some local planning authorities (LPAs), requiring developers to deliver a net gain in biodiversity as a prerequisite to achieving planning permission.

Where this is not possible, off-site compensation may be required to ensure that the proposals are beneficial for biodiversity. Information should be provided in support of the full planning application which illustrates how the proposals will benefit biodiversity.

Where trees are present within or adjacent to the site which may have the potential to be affected by the proposals, an arboricultural report comprising a tree survey in line with BS5837, Arboricultural Impact Assessment and method statement should also be provided in support of the application.

COMMENTS:

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning

applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development.

The main issues to be considered in determining this application are: -

- Principle of the development.
- Design and impact on the street scene
- Impact on neighbouring amenity
- Contamination
- Ecological and landscape impact
- Highway and pedestrian safety
- Water and wastewater management
- Other matters

Principle of development

The NPPF at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. NPPF paragraph 8 sets out the principles for achieving sustainable development and has three overarching objectives (a) economic – to help build a strong, responsive, and competitive economy, (b) social – to support strong, vibrant, and healthy communities and (c) environmental – to protect and enhance our natural, built, and historic environment.

The NPPF at paragraph 80 advocates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The NPPF at paragraph 84 states that planning policies and decisions should enable;

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses
- c) sustainable rural tourism and leisure developments which respect the character of the

countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

CSDP Policy SP1 sets out the spatial strategy for growth and sustainable patterns of development, growth, and investment in Sunderland whilst CSDP Policy SP6 focuses on the supporting the sustainable growth of the Coalfield and seeks to ensure that the character of the Coalfields and the settlements is protected whilst ensuring its future sustainability which includes that the open countryside and settlement breaks are protected and focusing economic development on identified employment areas with economic development focussing on identified Employment Areas (Policies EG1 and EG2). CSDP Policy EG3 promotes (1) new employment uses or extensions to existing employment uses and (2) the change of use or redevelopment of land or premises that are presently in employment uses if there are regeneration benefits or there is no reasonable prospect of the land being used for employment uses, and the development is considered to be acceptable.

The site is not allocated for any specific land use by the CSDP or the ADP or the Allocations and Designations Policy Map and is not detailed as a key employment area under Policies EG1 and EG2. The Planning Statement states that the proposed development would provide for new employment opportunities within the equestrian field with the application form stating that the resulting development would create No.1 full-time employee.

CSDP Policy H1 indicates (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. CSDP Policy SP8 sets out that the Council will achieve its housing target by (inter alia) which includes the delivery of windfall sites (criterion 5).

The proposed site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

CSDP Policy NE8 sets out the criteria for development within the open countryside and seeks to support limited development which can help sustain existing businesses, boost the rural economy and assist in rural diversification and the development of new dwelling for agricultural, horticultural or forestry workers provided it can be demonstrated that there is a clear need.

The application proposes the change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access. Whilst the CSDP Policy NE8 criteria does not specify the construction of a rural workers dwelling for the purposes of equestrian use per se and as such the proposal does not meet with the policy requirements. However, the policy does seek to assist in rural diversification and at criterion 9 permits the limited infilling in villages or hamlets, where (i) there is a clear need and (ii) the scale, nature, design, materials and siting of the development is compatible with the existing development and in close proximity to it.

CSDP Policy NE12 states that development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land's contribution in terms of economic and other benefits.

The application forms states that the current use of the land is for agricultural purposes, however, the land classification is not identified as agriculture on the DEFRA website.

A Planning, Design and Access Statement (PDAS) has been submitted in support of the

application, this states that the proposed development as part of this application is related to the existing business at Whitegates Equestrian Centre which has been operational for over twenty years and that the erection of a new stable block which is sought to accommodate stallions (which due to their nature must be located away from gelding/mares). It also states that the proposed development would form a new branch to Whitegates Equestrian Centre and support the ongoing economic success of this existing business. The PDAS states that the proposed expansion would generate a further 50% turnover, with potential to increase gradually each year, lead to the creation of further employment and revenue within the locality.

The proposed dwelling house and stables would sit within a parcel of land between the existing built form and as such could be considered infill development and whilst it would extend the depth of the built form to the north, this would only be a marginal increase with the garage not extending beyond the boundary of rear garden curtilage of the neighbouring dwelling house (No. 53 Cedar Crescent). However, the proposed stable block is considered to be incongruent to the residential nature of the locality.

The application also includes the change of use of existing agricultural land to that of a paddock, although there is no information as to how this large area would be utilised. The PDAS states that the new workers dwelling is required in regard to the health and welfare of the horses as a member of staff is needed to be accessible to the stables at all times. Nevertheless, the application form identifies the proposed dwelling house as Market housing.

The proposed site is located off a narrow residential street and there are concerns in regard to access to and egress from the site, these concerns are discussed later within highway section of this report.

The site lies outside of any designated settlement boundary and is therefore considered to be a countryside location for planning policy purposes. A robust business case has not been put forward to demonstrate the need for such a development. No business plan, site management plan or financial plan/information has been provided, as to how the business would operate, develop and grow despite the LPA requesting this information, nor has any information been provided to demonstrate whether other options for expansion have been explored and discounted.

No evidence has been provided to demonstrate that there is in fact a need for the development. The application form and PDAS provide conflicting information in respect of the land classification and indeed, the intended use of the dwelling which is detailed in the application form as a 3-bedroom house for Market housing. The existing farmstead is located approximately 0.3km from the site and it is considered that there are available options for off-site supervision of horses, including the installation of on-site CCTV cameras, or the accommodation of horses within a livery yard where they are supervised and checked regularly throughout the day.

Further information was requested, and a substantial amount of time allowed for the submission of such information, however this information was not forthcoming and as such the application has been determined on the information to hand.

The proposal would result in the loss of agricultural land and as such consideration must be given to the agricultural land's contribution in terms of economic and other benefits. In regard to the paddock, no information has been provided in respect to the use of the paddock which is considered substantial in size. The PDAS identifies that Whitegates Equestrian centre is a long established and successful equestrian business offering horse-riding lessons and other equine facilities including show jumps, stables, dressage, saddlery or livery and that the development would be utilised for breeding. Nevertheless, it is not considered that the function of the

proposed development has been sufficiently demonstrated and thus, the proposal is not considered to accord with CSDP Policy NE12 in this respect.

In summary, there are concerns with the proposed change of use and development of the stable block along with the associated parking and access. Consequently, in view of the limited evidence provided in terms of substantial business case and demonstrable need, it is considered that the proposal would not meet the policy requirements of CSDP Policy NE8. Whilst it is acknowledged that the proposed development would boost employment opportunities for No.1 full-time member of staff, this is not considered sufficient to outweigh the anticipated level of harm.

Design and impact of on the street scene

The NPPF at Chapter 12 places an emphasis on achieving well designed places stating at paragraph 126 that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

NPPF paragraph 130 advocates that planning policies and decisions should ensure that developments;

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Whilst at paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

CSDP Policy BH1 seeks to protect and enhance the built and historic environment and sets out the design criteria for new development with an emphasis on achieving high quality design and positive improvement with CSDP Policy BH2 seeking to ensure that developments where possible incorporate sustainable design and construction methods.

Representations have been received raising concerns in regard to design and encroachment, these issues are addressed below.

Looking at both the proposed dwelling house and stabling individually, the acceptability in terms of design and impact are detailed below.

Dwelling and garage

In regard to the dwelling and garage, the dwelling house would be 1.5 storey in height with front dormers and would be constructed from facing brickwork, concrete roof tiles and white or grey Upvc windows. It is noted that the proposed development differs slightly to those within the existing street scene, which consist of bungalows to the immediate west, two-storey pebble-dashed terraced properties to the south and immediately opposite the site, and the former presbytery to the east. Nevertheless, given this mix of residential properties of varying architectural designs, the proposed dormer bungalow and garage are considered acceptable in respect of design and materials.

Stable Block

The proposed stable block would measure 33m in width by 11.5m in depth and would have an eaves and ridge height of 2.7m and 4.1m respectively. It would be constructed from 1.2m high concrete panel wall with plastisol profiled metal sheeting above with roller shutter doors to the side elevations and the addition of No. 8 rooflights. Given the residential nature of the locality, the proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with local and national planning policy in this respect.

In regard to the paddock, no information has been provided in respect to the intended use of the paddock, which is considered substantial in size, or, to the proposed boundary treatment. The PDAS identifies that Whitegates Equestrian centre is a long established and successful equestrian business offering horse-riding lessons and other equine facilities including show jumps, stables, dressage, saddlery or livery and states that the development would be utilised to accommodate Stallions for breeding but provides no further information on how the remainder of development site would be utilised. In the absence of such information the function of the site has not been demonstrated and as such the proposal does not accord with CSDP Policies NE8 and NE12 in this respect.

Impact on neighbouring amenity

Policy BH1 seeks to achieve high quality design and positive improvement by creating places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. In order to achieve this, development should be of a scale, massing, layout, appearance and setting, which respects and enhances the positive qualities of nearby properties and the locality and retains acceptable levels of privacy to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy HS1 sets out the principles to ensure the quality of life and amenity of existing neighbours and any future occupants of the proposed development and qualifies that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from matters including noise and ground conditions.

The closest neighbouring residential properties to the proposed development are those of the residential properties of No. 52 and 53 Cedar Crescent, which are located to the west of the proposed site; No.'s 15-20 South Hetton Road which are located immediately adjacent, and the former presbytery detailed as No 21 South Hetton Road which lies to the east.

No. 53 Cedar Crescent would share a common boundary with the proposed development site, the proposed dwelling would be set in from the shared boundary by approximately 1.3m with an interface difference between the side elevation of approximately 2.3m which is considered acceptable. The interface distances in respect of the adjacent properties on South Hetton Road and the property of No. 21 South Hetton Road to the east and the proposed development are considered acceptable.

In terms of the proposed dwelling, the dwelling house would be a three-bedroom dormer bungalow. Internally the dwelling house would have a central hallway from which access to the lounge, admin office, w/c and the family kitchen/dinning/family room. A utility room, a staff w/c is also proposed with access from the south-eastern elevation. In addition, it is noted that the application form categorises the residential unit for market housing.

It is considered that the proposed internal layout affords no privacy for the potential occupants whether they be site workers or a private purchaser, with access to the office being integrated as part of the development. It is considered that this layout would allow for members of the public and other staff to access the dwelling house and as such would not retain acceptable levels of privacy or ensure a good standard of amenity for future occupiers of property. In addition, there would be no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).

Representations have been received raising concerns in regard to noise, odour and litter. Environmental Health has been consulted as part of this application process and has raised no objection subject to recommended planning conditions. It is considered that subject to the imposition and adherence to the recommended planning conditions the proposal would be considered in accordance with local and national planning policy in this respect.

Contamination, water and wastewater management

The NPPF at Chapter 14 refers to meeting the challenge of climate change, flooding and coastal change and advocates at Paragraph 153 that planning policies should take a proactive approach to mitigating and adapting to climate change, taking into consideration the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Flooding from sewers is increasingly recognised as an issue in areas that are not necessarily at risk from fluvial flooding – whereby rainfall events, sometimes away from the area concerned, cause major surface water run-off to enter the sewerage system.

CSDP Policy WWE2 is concerned with reducing flood risk and flood risk management. CSDP Policy WWE3 relates to water management and the effect on flood risk, on-site and off-site, whilst CSDP Policy WWE5 relates to the disposal of foul water.

In regard to ground conditions and pollution, the NPPF paragraph 183 advocates that planning policies and decisions should ensure that;

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments

CSDP Policies HS1, HS2 and HS3 relate to contamination and are relevant in the assessment of this application. CSDP HS1 qualifies that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from matters including noise and ground conditions.

CSDP Policy HS3 states that it should be demonstrated that the developed site would be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

The application proposes the construction the change of use from agricultural land to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access on land to the rear of 21 South Hetton Road Easington Lane, Houghton-le-Spring DH5 0LG.

The site has remained undeveloped fields since the mid-1800s and is not in an area identified as being at risk of flooding. The application form states that the foul water and surface water would be disposed of via connection to the mains sewer which is considered acceptable.

The site lies within a coal mining legacy area identified as low risk and is in close proximity to an historic landfill site. Following initial comments from the Land Contamination Team (LCT) an updated Preliminary Appraisal Report has been submitted. The report provides an overview of the geo-environmental setting of the development site based on published information sources and a site inspection visit; an assessment of coal mining risk; and a Preliminary Conceptual Site Model and Risk Assessment. Having reviewed the updated information, the LCT have raised no objections subject to recommended planning conditions.

Taking the above into deliberation, subject to the imposition and adherence to recommended planning conditions, the proposal is considered in accordance with local and national planning policy.

Ecological and landscape impact

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible. It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats. The 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. The NPPF at Chapter 15 states that planning policies and decisions should contribute to and enhance the natural and local environment and seeks to protect and enhance biodiversity and geodiversity.

In regard to the ecological and landscape impact CSDP Policies NE1, NE2, NE3, NE4, NE9 and NE4 and Unitary Development Plan saved policies CN20, CN21, CN23 are relevant.

CSDP Policy NE9 seeks to protect, conserve and enhance the varied landscape character advocates that development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development. CSDP

Policy NE9 Criterion 2 states that development that causes significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless the impacts are clearly and demonstrably outweighed by the benefits of the proposed development.

The application site is identified as an existing agricultural field and within an identified wildlife corridor. No documents have been provided in support of the application which assess the potential ecological impacts of the proposal. The Council Ecologist has been consulted as part of the application and further information by way of an Ecological Impact Assessment (EclA), a Landscape Plan and proposals for biodiversity net gain were requested, however this information has not been forthcoming.

In the absence of such information the Council's Ecologist has raised an objection in terms of the potential impact upon the ecological interests of the site and surrounding area.

Taking the above into account, the proposal fails to demonstrate that there is a clear need for the development and how the development would support the management of existing wildlife corridors; how the development would contribute to biodiversity net gains or demonstrate the impact of the proposed development on the landscape and as such does not accord with the CSDP Policies detailed above of with the aims of the NPPF.

Highway and pedestrian safety

The NPPF promotes sustainable transport and advocates those opportunities to promote walking, cycling and public transport use are identified and pursued with paragraph 105 advocating the development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF paragraph 110 seeks to ensure that opportunities to promote sustainable transport has been considered and that safe and suitable access to the site can be achieved for all users. The NPPF at paragraph 111 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In regard to highways and pedestrian safety CSDP Policies ST2 and ST3 are relevant.

CSDP Policy ST3 outlines that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. In addition, proposals should include a level of vehicle parking in accordance with the Council's Parking standards.

The application proposes that vehicular access would be taken off the existing access arrangement which provides rear access to the properties along South Hetton Road and to the two dormer bungalows located to the west of the development site. The existing access arrangement operates as a one-way system and access to the proposed development site would be taken off a new access arrangement proposed along the southern boundary of the site; internally to the site a one-way system is proposed with all traffic exiting out of the site using the existing access arrangement at the eastern corner of the site. The application proposes that No. 8 car parking spaces would be created.

Representations were received by neighbouring residents over highway safety concerns in regard to poor access to the site, the width existing access road, traffic noise and generation and the day-to-day operation of the site.

Access to the site is via a one-way road system from South Hetton Road, with the access road being located to the south west of Cedar Crescent, adjacent to Cotherstone Court and to the side of No. 13 South Hetton Road. The road system operates a right turn only onto Cedar Crescent with the exit point being located to the side of No 20 South Hetton Road. It is proposed that a new entrance be created from Cedar Crescent onto the site which would be located to the south east of the proposed dwelling house; the new entrance would measure approximately 7m in width.

The amended plan proposes the creation of No.6 car parking spaces. Egress from the site would be via an existing farm track which runs along the boundary of No. 21 South Hetton Road, across the public footpath and in close to the proximity to the road junction. The proposed gateway exit, measuring approximately 2.86m, would be set back from the public footway by approximately 10m; by 7m to the road junction with Cedar Crescent and 14m to the road junction with South Hetton Road. The view from the proposed exit point is restricted by existing hedging and trees to the west and by the boundary fence and wall of the adjoining property of No. 21 South Hetton Road. It is considered that the proposal would intensify vehicular usage of the site above that of the current land usage and there are concerns that this intensification would have an adverse impact on the Local Road Network and would fail to provide

The Transportation Development Team was consulted on the application and further information was requested to demonstrate that the proposed development would not have an unacceptable adverse impact on both pedestrians and the local road network. In an attempt to resolve the concerns, the Planning Officer and the Transportation Development Officer met with the applicant to discuss the highway safety concerns, again further information was requested and despite the applicant confirming that the information would be submitted, this information has not been forthcoming.

In the absence of such information, the highways safety concerns have not been addressed and the proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal; that the existing means of access/egress meets the required current standards for the category of road, and safe and convenient access for all road users, The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

Conclusion

No substantial business case has been put forward for the rural diversification of the site. The need for the stables, paddock and a worker's dwelling within the locality has not been demonstrated. The proposal does not accord with CSDP Policies NE8 and NE12. Whilst it is acknowledged that the proposed development would boost employment opportunities for No.1 full-time member of staff, this is not considered sufficient to outweigh the level of harm identified.

The dormer bungalow and garage are considered acceptable in respect of design and materials, however, given the residential nature of the locality, the proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with CSDP Policy BH1.

The proposed internal layout would not retain acceptable levels of privacy or ensure a good standard of amenity for future occupiers of property. There would be no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).

Insufficient information has been provided demonstrate the impact of the proposed development on the character of the landscape. The proposal fails to demonstrate that there is a clear need for the development and substantiate the loss of agricultural land. The submission fails to demonstrate biodiversity net gains or how existing wildlife corridors would be managed and maintained. The proposal does not accord with the CSDP Policies NE1, NE2, NE3, NE8, NE9 and NE12 or the aims of the NPPF.

In the absence of further requested information, the highways safety concerns have not been addressed. The proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal; that the existing means of access/egress meets the required current standards for the category of road, and safe and convenient access for all road users, The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

For the reasons identified above, the proposed development would represent inappropriate development and as such the application should be refused.

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: REFUSE planning permission, for the reasons set out below:

1. No substantial business case has been put forward for the rural diversification of the site. The need for the stables, paddock and a worker's dwelling within the locality has not been satisfactorily demonstrated. The proposal does not accord with CSDP Policies NE8 and NE12.
2. The proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with CSDP Policies BH1 and NE9.
3. The proposed internal layout of the dwelling would not achieve acceptable levels of privacy or ensure a good standard of amenity for future occupiers. There is no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).
4. The submission fails to demonstrate biodiversity net gain or how existing wildlife corridors are to be managed and maintained. The proposal does not accord with the CSDP Policy NE2 and the aims of the NPPF.
5. The proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/ turning arrangements for all modes of transport and users can be achieved. The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

Reference No.: 22/01592/FUL Full Application

Proposal: **Development of flexible commercial units (Class B2, B8, and E(g) (ii) and (iii)) including mezzanines with associated accesses, car parking, cycle parking, bin stores, landscaping and associated ancillary works.**

Location: Land At West Quay, Crown Road, Sunderland

Ward: Southwick

Applicant: Adderstone Projects Limited

Date Valid: 27 July 2022

Target Date: 26 October 2022

INTRODUCTION

Planning permission is sought for a proposed development of eight flexible commercial units under Use Class B2 (general industrial), Use Class B8 (storage and distribution) and Use Class E(g) (including (ii) research and development of products and processes and (iii) industrial processes), including first floor mezzanines, at Quay West Business Village, Crown Road, Sunderland. The proposed development includes associated accesses, car parking, cycle parking, bin stores, landscaping and other ancillary works.

The planning application is made by Adderstone Projects Limited. Application details state that the flexibility of Use Classes is sought which could include amalgamating units subject to demand and requirements of future tenants.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site includes vacant parcels of land to the west and east of Quay West Business Village in the Southwick area of Sunderland. Quay West Business Village is situated on the north bank of the River Wear in low Southwick. It currently contains office spaces, and is accessed directly from Crown Road, and there is a fall across the application site of approximately 1.5 metres from north east to south west.

Crown Road and West Quay Road are positioned to the north of the application site, beyond which are a range of employment commercial units. Austin Boulevard and the River Wear are positioned to the south of the application site. The eastern part of the application site is positioned adjacent to the Queen Alexandra Bridge (Grade II listed) which is at a higher level, with employment commercial units positioned further east at a similar ground level.

The wider area in this part of Sunderland is predominantly characterised by employment and other commercial uses and contains both smaller and larger units.

The parcels of land which relate to this planning application are some of the only remaining vacant plots within the area and so provide an excellent opportunity for new, modern and high-quality development to assist in Sunderland's growing business community.

PROPOSED DEVELOPMENT

Application details state that the proposed development would seek to capitalise on the success of Quay West Business Village by delivering new complementary development in the form of eight modern and flexible commercial units with ancillary accommodation. The proposed development would provide a total new floor space of 2,247sq/m.

The scale of the units would be as follows:

- o Unit 1 would be approximately 16.8 metres by 24.3 metres in area, and a maximum height of 8.5 metres.
- o Units 2 and 3 (one block) would be approximately 15.8 by 30.7 metres in area, and a maximum height of 8.5 metres.
- o Units 4 and 5 (one block) would be approximately 15.5 by 26.9 metres in area, and a maximum height of 9.9 metres in the south elevation (the north elevation would be 8.5 metres in height).
- o Units 6, 7 and 8 (one block) would be approximately 10.5 by 49.9 metres in area, and a maximum height of 8.5 metres.

Specific details of external buildings materials for the proposed development have not been provided. However, application details state that the proposed new units would be constructed in brickwork and facing blockwork at the lower levels, and polyester powder coated panelling to upper levels. They would have large glazing features, windows and access doors with a framed cladding surround. Upper floor windows would be designed to allow light to penetrate to the mezzanine deck areas. The roofs would be of a profiled metal sheet with translucent panels, to allow natural lighting into the space below.

Each unit would have a timber screened refuse store in close proximity to service areas.

The existing access point from Crown Road to Austin Boulevard (within the applications site) would be maintained for units 1, 6, 7 and 8. Access to new vehicle parking would be provided from Crown Road for units 2, 3, 4 and 5. All units would have a level access and there would be minimal changes to landscaping within the application site. However, some landscaping would be undertaken to key areas, to soften the appearance of the proposed development.

The proposed development would include 31 new car parking spaces and 17 Sheffield cycle hoops for cycle parking (which would provide 30 spaces). Accessible spaces and electric vehicle charging points would also be provided.

Hardstanding areas (parking and pedestrian areas) would be constructed in a mixture of tarmac and permeable paving in keeping with the existing business park.

The application has been supported by the following documents:

- o Planning and Economic Development Statement by Pegasus Group (dated July 2022) received 15/07/2022
- o Design and Access Statement by Beautiful Pidgeon (dated June 2022) received 15/07/2022
- o Heritage Impact Assessment by Solstice Heritage LLP (dated July 2022) received 15/07/2022
- o Phase 1: Desk Top Study by JC Consulting (dated 01 June 2022) received 15/07/2022
- o Preliminary Ecological Assessment by OS Ecology (dated January 2021) received 15/07/2022
- o Biodiversity Net Gains Assessment by OS Ecology (dated October 2022) received 13/10/2022
- o Biodiversity Net Gains Metric received 23/09/2022

- o Noise Assessment by njd Environmental Associates (dated June 2022) received 15/07/2022
- o Transport Statement by itransport Planning (dated 14th June 2022) received 15/07/2022
- o Travel Plan by itransport Planning (dated 14th June 2022) received 15/07/2022
- o Phasing Plan (dated November 2022) received 15/11/2022
- o Air Quality Assessment by njd Environmental Associates (dated June 2022) received 15/07/2022
- o Flood Risk Assessment (Rev B) by Cundall (dated 06 October 2022) received 07/10/2022
- o Drainage Strategy (Rev C) by Cundall (dated 06 October 2022) received 07/10/2022
- o Sustainability Statement by Pegasus Group (dated July 2022) received 15/07/2022

PLANNING HISTORY

- o 2007 - Planning permission granted by Planning Committee for the construction of 48 no. single occupancy offices with associated car parking and landscaping with ancillary cafe facility (A1/A5) (Ref: 06/05248/FUL).
- o 2009 - Planning permission granted by Planning Committee for the construction of four, two storey office units and amendment to a further four office units, re-positioning of 15 car parking spaces and re-location of substation (previously approved 06/05248/FUL) (Ref: 08/03485/FUL)

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
 Cllr Kelly Chequers
 Cllr Michael Butler
 Cllr Alex Samuels
 Planning And Highways West
 Network Management
 Tyne And Wear Archaeology Officer
 Flood And Coastal Group Engineer
 Planning Policy
 Natural Heritage
 Watermans - Land Contamination
 Northumbrian Water
 Northumbria Police
 Environmental Health
 Nexus
 Planning Implementation
 Business Investment
 Northern Powergrid
 Northern Gas Networks

UK Energy Management Ltd 6 Crown Road Sunderland SR5 2AS

Tyne Tees Ceramics Sunderland Limited Thomas Street South Southwick Sunderland SR5 2BB

R Parkin And Son Blacksmiths And Fabricators 42 - 44 Wear Street Low Southwick Sunderland SR5 2BH
Millview Builders 46 Wear Street Low Southwick Sunderland SR5 2BH
Car And Bike Magic 48 Wear Street Low Southwick Sunderland SR5 2BH
Cars 2 You 2A Haswell Court Sunderland SR5 7AR
HD Auto Centre Former Timber Dealer Thomas Street South Southwick Sunderland
Vacant Property First Floor 12 Pickersgill Court Sunderland SR5 2AQ
Vacant Property Archway 3 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
Vacant Property 34 Wear Street Low Southwick Sunderland SR5 2BH
Citycare 8 Pickersgill Court Sunderland SR5 2AQ
Adderstone Group Limited Second Floor 5 Crown Road Sunderland SR5 2AS
Flat 40 Wear Street Low Southwick Sunderland SR5 2BH
Auctos Accountancy And Finance First Floor 3 Haswell Court Sunderland SR5 7AR
Loads2drive 2 Haswell Court Sunderland SR5 7AR
1 Haswell Court Sunderland SR5 7AR
Onepoint Systems Limited 10 Pickersgill Court Sunderland SR5 2AQ
9 Pickersgill Court Sunderland SR5 2AQ
Assystem Limied 7 Pickersgill Court Sunderland SR5 2AQ
Elliott Dent Limited 6 Pickersgill Court Sunderland SR5 2AQ
Caretakers Flat Ground Floor 3 Haswell Court Sunderland SR5 7AR
Alyson And Colin Coates Archway 7 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
Citycare 8 Crown Road Sunderland SR5 2AS
Sourceit Consulting Limited 6 Crown Road Sunderland SR5 2AS
Adderstone Group Limited First Floor 5 Crown Road Sunderland SR5 2AS
Planet SMS Ground Floor 12 Pickersgill Court Sunderland SR5 2AQ
Mr Ian Hogarth Archway 6 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
Interflax Scotland Limited West Quay Road Sunderland Enterprise Park Sunderland SR5 2TE
7 West Quay Court Crown Road Sunderland SR5 2BX
6 West Quay Court Crown Road Sunderland SR5 2BX
5 West Quay Court Crown Road Sunderland SR5 2BX
4 West Quay Court Crown Road Sunderland SR5 2BX
3 West Quay Court Crown Road Sunderland SR5 2BX
UK Land Estates Partnership First Floor 7 Crown Road Sunderland SR5 2AS
Lynch Healthcare Limited Ground Floor 7 Crown Road Sunderland SR5 2AS
2 West Quay Court Crown Road Sunderland SR5 2BX
Darwin Brewery Limited 1 West Quay Court Crown Road Sunderland SR5 2BX
Continental Conveyors Limited West Quay Road Sunderland Enterprise Park Sunderland SR5 2TD
Flat Times Inn 43 Wear Street Low Southwick Sunderland
J S Duckworths Wear Street Low Southwick Sunderland SR5 2BH
Thompsons MOT Centre 36 - 38 Wear Street Low Southwick Sunderland SR5 2BH
The Occupier Archway 2 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
New Image Wear Street Low Southwick Sunderland SR5 2BH
James W Trott Archway 5 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
SST Engineering Limited West Quay Road Sunderland Enterprise Park Sunderland SR5 2TE
Warwick Conservatories Windows And Doors Warwick House Wear Street Low Southwick Sunderland
Southwick Tyre Services Unit 2 Thomas Street South Southwick Sunderland
A Makin Vehicle Repair And Workshop Thomas Street South Southwick Sunderland
The Licensee Times Inn 43 Wear Street Low Southwick Sunderland
Davison Auto Care 40 Wear Street Low Southwick Sunderland SR5 2BH
Alexandra Bridge Coachworks Unit 5 Thomas Street South Southwick Sunderland

Herrington Industrial Services Ltd Low Southwick Crown Road Sunderland SR5 2BS
The Occupier Archway 1 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN
Ron Metcalf Roofing Ltd Archway 4 Queen Alexandra Bridge Inkerman Street Sunderland SR5 2BN

Final Date for Receipt of Representations: **21.11.2022**

REPRESENTATIONS:

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

Press notice expiry date: 30/08/2022

Site notice expiry date: 24/08/2022

Neighbour notifications expiry date: 23/08/2022

Consultation expiry dates: 23/08/2022, 29/08/2022, 26/09/2022, 05/10/2022, 28/10/2022 and 21/11/2022 (the 21/11/2022 expiry date related to the Lead Local Flood Authority only, and their response was received on 08/11/2022)

The following consultees were consulted on the application.

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

Neighbour Notification Responses

None received

Internal consultee responses

Environmental Health

First representation

The proposed development is acceptable subject to conditions being attached to any planning permission. These conditions relate to the following:

- o Noise associated with any fixed external plant or equipment. Future occupiers of the proposed units could introduce activities (i.e. equipment and plant such as air conditioning, refrigeration or extraction plant) that would have an adverse impact upon neighbouring commercial uses / sensitive receptors.
- o A Construction Environmental Management Plan (CEMP), to ensure that potential impacts associated with construction are identified and prevented / minimised.

o An assessment of discharge where any process from any given unit would result in discharge of pollutants to the external atmosphere, and an air quality assessment in relation to the submission of any biomass and associated equipment exceeding 50kW thermal input (excepting any process that would fall under the description within a schedule of the Environmental Permitting Regulations 2016).

The Council's Environmental Officer also advised that any premises incorporating hot food preparation should be provided with suitable extraction and odour abatement systems (existing conditions attached to planning permissions dating back to 2006 set out the requirements for developments on this site, and so such a condition should again be replicated for this application).

Case Officer Comments: The Environmental Health Officer was advised that previously approved uses on the site included ancillary cafes / hot food outlets. However, the current planning application is for flexible commercial units falling under Use Class B2 (general industrial), Use Class B8 (storage and distribution) and Use Class E(g) (including (ii) research and development of products and processes and (iii) industrial processes) only. On this basis they were asked whether a condition relating to suitable extraction and odour abatement systems would be necessary in this instance.

Second representation

On this basis there is no need to repeat conditions attached to previous planning permissions for development on the site relating to suitable extraction and odour abatement systems.

Flood and Coastal Team (the Lead Local Flood Authority)

No objections following the submission of further additional information, subject to the standard verification condition.

Suggested condition:

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/shapfile 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 and maintenance.

REASON

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

Transportation Development (the Local Highway Authority)

First representation

o Access - Application details state that detailed designs and swept path analysis will be undertaken as Units 2-5 come forward for development. This should be controlled by a condition, along with the assessment of visibility splays along Crown Road, given that street-level photography shows a significant number of cars parked along it. Vehicle access to Units

1, and Units 6-8 are proposed to use access arrangements already in place for existing units, which is acceptable. Bicycle and pedestrian access will use existing infrastructure already in place for the existing units on West Quay Business Village, which is acceptable.

- o Cycle parking - Cycle parking of 30 spaces would be acceptable. Further details including location should be provided as each plot comes forward - ideally Sheffield style cycle stands and shelters.

- o Car parking and electric vehicle charging - Car parking of 31 spaces would be acceptable. The applicant should clarify the access arrangements stated in section 4.22 of the Transport Assessment, which states that "...The two drives between units 2/3 and 4/5 are for potential servicing only (occasional/infrequent use) as well as pedestrians and cyclists which is in line with the parking bays along Crown Rd, to the North of Units 5-9 Pickersgill Court." The proposed site plan shows 7 parking bays between units 2/3 and 4/5, directly north of Haswell Court, which also implies this will be a car parking area, as well as for servicing. The proposed site plan shows an initial total of 4 electric vehicle charging points, which is broadly acceptable. Current and future on-site electric vehicle provision should be conditioned through the operation of the Travel Plan.

- o Servicing - A condition is recommended to require details of a swept path analysis, and a Services and Deliveries Management Plan, as each plot comes forward.

- o Travel Plan - The submitted Travel Plan is acceptable. Implementation of the Travel Plan should be controlled by way of a condition.

- o Trip generation and distribution - Given the relatively small numbers to be generated, trips should disperse onto the network without significant issue.

- o Highway impacts - The Transport Assessment states that there are no material impacts in terms of road safety, but an accident assessment has not been undertaken. The applicant should provide a basic accident analysis to provide evidence of any existing road safety issues on the immediate surrounding network. This is pertinent given the extent of parked cars along Crown Road, which may have implications for access and egress visibility.

- o Public and sustainable transport - there is good access to existing public transport provision (bus stops along Camden Street) and cycle networks.

Case Officer comments: Further information was submitted seeking to address comments raised by the Local Highway Authority.

Second representation

- o Two separate site accesses for units 2/3 and two separate site accesses for units 4/5 would be acceptable - drawings should be updated accordingly.

- o Crashmap information is acknowledged and shows no significant issues in terms of accident history at this location. In terms of a potential Traffic Regulation Order - this could be discussed (if necessary) as and when the plots come forward.

Third representation

No comments or objections

Conservation Team

The application site is considered to form part of the wider river corridor setting of the Grade II listed Bridge, but its contribution to this aspect of its setting is minimal taking into account its current unappealing vacant condition and the encroachment, extent, scale and form of 20th century commercial warehouses in the immediate surroundings as part of the Business Village and Sunderland Enterprise Park.

The proposed development is effectively an extension to the Business Park, the scale, massing, design and appearance of the commercial units reflecting the existing character of modern industrial and commercial warehouses along this part of the river corridor. It will impact on some clear views of the listed Bridge, most notably from the south-eastern development area, but it is acknowledged better views are available further to the east and west along the river corridor where the full span and more of the entirety of the design and construction of the Bridge can be better appreciated.

The impact of the development on short distance views and views from the south side of the river that capture the remnants of the red sandstone railway approach structure alongside the road Bridge is more intrusive as this is a key element of appreciating its historic significance as an originally designed double-decked dual road and railway bridge. Whilst there are similar close-up views from Crown Road / Wear Street that include the Times Public House, the only surviving built remnant of the Bridge's 19th century setting in this locality, elements of the Bridge would be partly obscured by the development in these views.

Having said that it is acknowledged that the adverse impact is limited to a narrow range of specific views from the wider range of key views of the Bridge which form part of its overall setting and from where its significance can be appreciated. Having regard to all of the above, the conclusion of the Heritage Impact Assessment that the proposal would have a minor negative impact on the setting of the Bridge and result in less than substantial harm to its significance at the lower end of this category, is agreed with. It is clear from the Planning and Economic Statement that the proposed development would bring considerable public benefits in the form of its economic outputs through job creation etc, so the minimal harm should be weighed against these as part of the planning balance in accordance with Paragraph 202 of the National Planning Policy Framework.

Watermans (Land contamination)

The submitted Phase 1: Desk Top Study recommends that a Phase 2 Investigation should be undertaken, including a series of random / non targeted exploratory holes. It also suggests that ground investigation should be designed based on the layout of the proposed development, with a view to targeting potential sources of contamination and confirming foundation design within the site. The findings and recommendations of the Phase 1: Desk Study are broadly agreed with. However, no details have been provided regarding consultations with local authorities and statutory bodies. The proposed ground investigation should be undertaken in accordance with industry best practice and relevant guidance.

Additional information could be provided as part of any Phase 2 investigation report. It is therefore recommended that conditions be attached to any planning permission in relation to the submission of a Phase 2 ground investigation, a remediation strategy, and verification report, and the event of any unexpected contamination being found that was not previously identified.

Natural Heritage

No objections in principle subject to conditions being attached to any planning permission in relation to the following:

- o Works to proceed in accordance with the measures specified in Section 6.2-6.4 of the submitted Preliminary Ecology Appraisal.
- o The submission of an Ecological Construction Environmental Management Plan.
- o The submission of detailed landscape plans, associated copy of Biodiversity Net Gains (BNG) Metric and a 30-year management plan, which confirm the level of off-setting required to ensure that there is no net loss in biodiversity.
- o The submission of a lighting strategy.
- o The creation of gaps in boundary treatment for hedgehogs.

- o Works, including building and vegetation clearance, to not be undertaken within the bird breeding season (March to September inclusive).
- o The submission of a plan which confirms specification and location of bat and bird boxes.

There is a need to consider Habitat Regulations Assessment - due to the potential for Special Protection Area (SPA) assemblage to utilise the intertidal mud, which lies immediately adjacent to the site.

In relation to the suggested condition above in relation to BNG, it is unlikely that net gain in biodiversity units could be achieved on site, and as such, off-site compensatory measures would be required. Conditions are also required because the Preliminary Ecological Appraisal has not considered construction works and impacts on off-site receptors, or that the application site lies within the River Wear Wildlife Corridor.

Case Officer Comments: The Council's Ecology Officer has undertaken Habitat Regulations Screening Assessment and concluded that the proposed development would not be likely to have any significant effects on any European designated site (in this case the SPA).

Business Investment

No response provided

External Consultee responses

Tyne and Wear Archaeology Officer

The application site is associated with Historic Environment Records for Shipbuilding Yards (HER 2771) and Wearmouth Crown Glass Works/Southwick Crown Glass Works (HER 2772).

The application site is associated with an archaeological desk-based assessment (Event 2562) which was produced in 2005 in advance of the development of Quay West. In the desk-based assessment it was concluded that extensive re-development of the site in the late 1950s which involved the demolition of East Yard, the regrading of the site, and the construction of the quayside; have impacted the likelihood that archaeological remains associated with the shipyards or earlier deposits survive at this locality. In the report no further archaeological investigation was recommended in association with the development of Quay West. After the production of the desk-based assessment the central area of the application site was developed for the buildings currently in situ. Historic satellite images suggest that the parts of the site which were not developed as part of the initial Quay West development, but are proposed to be developed as part of this application, were impacted to some extent by these earlier construction works.

Based on the conclusion presented in the archived archaeological desk-based assessment and the impacts associated with the construction of the existing buildings, no further archaeological investigation is required.

Northumbrian Water

No issues with the application, provided it is approved and carried out in strict accordance with the submitted document entitled 'Drainage Strategy'. This document reflects pre-planning enquiry advise identifying unrestricted foul connections at manholes 0001 and 1904. The surface water flows shall discharge via the public surface water sewer at manholes 1001 and 1901 and via an existing private surface water sewer at a total combined restricted rate of 5l/sec. A condition should therefore be attached to any planning permission to require the proposed development to be implemented in accordance with the submitted drainage scheme.

It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer Sustainable Urban Drainage SuDS features for adoption

Case Officer Comments: An amended Drainage Strategy was submitted after the above comments had been received from Northumbrian Water. However, it was only amended to address comments raised by the Council's Lead Local Flood Authority. It was not considered to be necessary to re-consult Northumbrian Water.

Northern Gas Networks

No objections

Northern Powergrid

No objections

Northumbria Police

No response provided

Nexus

Nexus welcomes re-development of areas of Quays West, and as an employment site close to Sunderland City Centre it will be important to encourage employees and visitors to travel via sustainable transport modes.

- o Public transport - Closest bus stops are located on Alexandra Avenue, with links to Sunderland City Centre, Washington and Chester-le-Street. There are also bus stops on Camden Street. People may opt to connect to the proposed development from the Metro via cycling.

- o Active travel - Nexus welcomes level access for all units, maintenance of drop kerbs and new tactile paving to encourage active travel. Upgrades to the riverside footpath and other pedestrian footpaths are welcome, as is the intention for each unit to be provided with cycle parking provision.

- o Travel ticketing - Nexus welcomes the intentions set out in the submitted Travel Plan, and the intentions of the developer / applicant to work with employees and employers to purchase public transport tickets. Nexus recommends that the developer / applicant meet the costs of providing introductory travel ticket provision. The ticket in question should be a Pop Pay as you Go card with £50 credit pre-loaded onto the card. It would encourage greater take-up of public transport.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

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

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partner and key stakeholders will create at least 7,200 new jobs particular in key growth sectors, and develop at least 95ha of employment land. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of existing communities through the growth and regeneration of Sunderland's growth areas including North Sunderland, by delivering the majority of development in the Existing Urban Area, and by emphasising the need to develop in sustainable locations in close proximity to transport hubs.

Policy SP4 'North Sunderland' of the adopted CSDP states that North Sunderland will continue to be the focus for regeneration and renewal, whilst ensuring its future sustainability. It states that in order to achieve this, the economic development will be focussed on identified Employment Areas (Policies EG1 and EG2).

The proposed development would contribute to delivering growth and sustainable patterns of development by developing employment land, within the Existing Urban Area, and in a relatively sustainable location with good access to public transport (see 'Impact on highway and pedestrian safety, and sustainable travel' below). It would contribute to the regeneration and future sustainability of North Sunderland, by focussing economic development on an identified Employment Site - in this case a 'Key Employment Site' designated under Policy EG2 of the adopted CSDP (see 'Economic Growth Policies' immediately below). On this basis it is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP4 of the adopted CSDP.

Economic Growth Policies

Policy EG2 'Key Employment Areas' allocates Key Employment Areas (KEA) to safeguard them for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. This includes vii. Low Southwick - KEA7. KEAs are those existing employment areas which are still required to meet anticipated needs for employment floorspace over the plan period, but are recognised as older and less effective employment areas, in locations of weaker demand.

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

Policy EG6 'Trade counters' of the adopted CSDP states that where industrial users within a Primary Employment Area or Key Employment Area require a 'trade counter/factory shop' this should be limited to a maximum of 500m² or 15% of the existing industrial floorspace and only be used for the sale of goods made or stored on the premises. It also states that developments for a trade counter/factory shop should not:

- i. compromise the industrial nature of the site or area in question;
- ii. attract customers in such large numbers so as to impede the access arrangements; and
- iii. cause significant operational difficulties for other neighbouring occupants.

The application site is part of a wider site allocated under Policy EG2 'Key employment areas' (vii. Low Southwick - KEA7) of the adopted CSDP. The proposed development would seek to deliver flexible employment uses (Class B2, B8 and E(g) (ii) and (iii)) within a designated employment area. Therefore, this proposed use would accord with economic growth Policy EG2 of the adopted CSDP.

However, it is possible that a proposed use under Use Class E(g) (ii) or Use Class E(g) (iii) could change to an office use (Use Class (g) (i) or different non-employment commercial use under Use Class E (such as a retail, financial and professional services, food and drink, and assembly and leisure uses, as well as non-residential institutions) which may not be acceptable on a designated Key Employment Area. It is therefore recommended that a condition be attached to any planning permission to ensure that any planning permission relates to employment uses under Use Class E(g) (ii) and (iii) only, and not other uses that would fall under Use Class E.

Any trade counter part of the proposed development would be not more than 15% of any given unit. It is recommended that a condition be attached to any planning permission to control this. On this basis it is considered that the proposed development would accord with Policy EG6 of the adopted CSDP.

Summary

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

2. Design and impact on visual amenity

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

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

The proposed development would be part of an existing employment area. The proposed commercial units would be of a similar scale, massing, layout and appearance to the existing commercial units positioned within the application site. They would appropriately assimilate into the existing built form, and so would have an acceptable visual impact when viewed from the public domain along Crown Road, from across the River Wear looking north, and from the Queen Alexandra Bridge. Detailed specifications of external building materials have not been provided. It is therefore recommended that a condition be attached to any planning permission to require samples and / or detailed specifications of all external materials for the proposed development (the proposed units and hard surfaces) to be submitted to and approved in writing by the Local Planning Authority.

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

Proposed landscaping would be minimal, with the proposed development mainly including additional hard surfaces. However, the applicant has provided a proposed planting plan which would seek to mitigate the loss of biodiversity (see 'Impact on ecology' below). This proposed planting plan would have some visual amenity value. It is therefore recommended that a condition be attached to any planning permission to require the proposed planting plan to be implemented in the interests of visual amenity.

Lighting may be required depending on the operators of the proposed units. However, specific details are not known. It is therefore recommended that a condition be attached to any planning permission to require the submission of a lighting scheme, prior to the installation of any lighting.

The applicant has considered sustainable design and construction. The proposed development would be constructed using modern building materials and specifications in accordance with Building Regulations, and so would reduce demand for energy and meet energy demands efficiently, with consideration given to low carbon technologies and renewable energy sources. The buildings would be constructed based on the principles of recycling and re-using material, they would utilise latest water efficiently measures, be flexible and adaptable, and provide some biodiversity enhancements (see 'Impact on ecology' below).

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

3. Impact on heritage assets

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities including by 1. giving weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. It states that development affecting a listed building should be sympathetic and complimentary to its setting.

Paragraph 202 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

A Heritage Impact Assessment has been submitted as part of this planning application. This concludes that the proposed development (in particular Units 1, 2 and 3) would result in minor negative effects on the setting of the architectural interest of the adjacent Grade II listed Queen Alexandra Bridge (with neutral impacts on all other heritage assets). These minimal impacts relate to very specific views of the bridge, and so constitute a low level of less than substantial harm to the significance of the heritage asset.

The Council's Conservation Team agree with the conclusions of the Heritage Impact Assessment (see their comments above). However, in accordance with Paragraph 202 of the NPPF, they have advised that the minor negative impact on the setting of the Queen Alexandra Bridge should be weight against the public benefits of the proposed development as part of the planning balance. They have advised that it is clear from the submitted Planning and Economic Statement that the proposed development would bring considerable economic benefits in the form of its economic outputs through job creation etc.

The applicant's Planning and Economic Statement states that 41 full-time equivalent (FTE) jobs would be crated during the construction process. The exact job creation opportunities when the proposed development is occupied would depend on the final mix of uses, but the Planning and Economic Statement states that this would be a minimum of 32 FTE up to as many as 129 FTE. It is considered that the proposed development would bring forward under-utilised parcels of land within a designated Key Employment Area, in a sustainable location for economic development and job creation. It is considered that these economic benefits would comprise public benefits which, in the planning balance, would outweigh the minor negative impacts on the setting of the Grade II Queen Alexandra Bridge.

The proposed development would not fully accord with Policy BH7 and Policy BH8 of the adopted CSDP. However, a material consideration in the decision-making process is Paragraph 202 of the NPPF, and the public benefits (economic output through job creation), which, in the planning balance, would outweigh the minimal harm to the setting of the heritage asset and any conflict with these policies. The proposed development would also accord with the development plan when read as a whole.

4. Impact on archaeology

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

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

5. Impact on residential amenity (including noise and air quality)

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

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

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

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

A Noise Survey and an Air Quality Assessment have been submitted as part of this planning application, and they conclude respectively that noise and air quality would not be a prohibitive factor in its determination. The Council's Environmental Health Officer has considered these assessments, and subsequently raised no objections to the proposed development in relation to impacts associated with noise and air quality (see their consultation response above). However, they have recommended that conditions be attached to any planning permission relating to any noise from fixed external plant or equipment, and in relation to air quality. The suggested air quality condition relates to an assessment of discharge - for any unit that would operate a process resulting in discharge of pollutants to the external atmosphere. It also relates to the submission of an air quality assessment where there would be the installation of a biomass boiler and associated equipment exceeding 50kW of thermal input. The Council's Environmental Health Officer has stated that any process that falls into a description within a schedule of the Environmental Permitting Regulations 2016 would be excluded from this requirement but should still be notified to the Local Planning Authority.

The Council's Environmental Health Officer has suggested that a condition should be attached to any planning permission to require the submission of a Construction Environmental Management Plan (CEMP) - to ensure potential impacts associated with the construction of the development are identified and prevented or minimised.

Given the comments from the Council's Environmental Health Officer, it is recommended that suggested conditions be attached to any planning permission in relation to noise, air quality and a CEMP. It is also recommended that an informative be attached to any planning permission to provide the applicant with further details regarding the information that should be included within the CEMP.

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

6. Impact on highway and pedestrian safety, and sustainable travel

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation;

they are assessed and determined against current standards for the category of road; and they will not create a severe impact on the safe operation of the highway network.

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

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development (see their comments summarised above). They have advised that the proposed access arrangements, car parking, cycle parking, and service arrangements would be acceptable. They have also advised that the proposed development would be acceptable in relation to trip generation, highway safety and sustainable travel. However, they have recommended that conditions be attached to any planning permission in relation to the following:

- o Detailed designs, swept path analysis and visibility splays for the access to the proposed units off Crown Road (Units 2-5).
- o To require hardstanding and car parking areas to be installed / constructed as per submitted details.
- o To require details of cycle parking shelters to be submitted and agreed, and for cycle parking to then be installed / constructed as per submitted details.
- o To ensure that the proposed development operates in accordance with the submitted Travel Plan.
- o To require the submission of a Services and Delivery Management Plan and swept path analysis for delivery vehicles.

Given the comments from the Council's Transportation Department it is recommended that their suggested conditions be attached to any planning permission. It is also recommended that a condition be attached to any planning permission in relation to the submission of details relating to bin stores and servicing areas.

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

7. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

A Preliminary Ecological Appraisal has been submitted as part of this planning application. It concludes that the proposed development would not impact on any Sites of Special Scientific Interest, and that habitats on the site are of local value, with grasslands of up to local value with

a range in botanic diversity. The application site is considered to be of low value to bats, birds, otters and hedgehogs.

The Council's Ecology advisor has highlighted the need for Biodiversity Net Gains (BNG) - which would need to be compensated for off-site (BNG would unlikely be possible on-site given the nature and extent of the proposed works and existing habitats). They have recommended that Habitat Regulations Assessment should be considered, that consideration should have been given to the potential for construction works to cause adverse impacts on off-site receptors (primarily associated with the intertidal mud and the River Wear), and that submitted details have failed to identify that the application site is positioned within a Wildlife Corridor. They have recommended that conditions be attached to any planning permission (see their consultation response above).

The Council's Ecology Officer has undertaken a Habitat Regulations Screening Assessment. They have concluded that the only potential pathway for harm to the qualified features of the European designated Special Protection Area (SPA) is non-physical disturbance as a result of the construction phase. However, the adjacent intertidal mud is not typical foraging habitat for the two wintering SPA bird species (purple sandpiper and turnstone). They have therefore concluded that the proposed development would not be likely to result in significant effects on the qualifying features of the SPA.

Given the above comments, it is recommended that conditions be attached to any planning permission, as advised by the Council's Ecology Advisor, in relation to the following:

- o Works to proceed in accordance with the measures specified in Section 6.2-6.4 of the submitted Preliminary Ecology Appraisal.
- o The submission of an Ecological Construction Environmental Management Plan (E-CEMP).
- o The submission of a lighting strategy.
- o The creation of gaps in boundary treatment for hedgehogs.
- o All contractors including, but not being limited to demolition contractors and building contractors) being provided with a toolbox talk from a Suitably Qualified Ecologist.
- o The submission of a plan which confirms specification and location of bat and bird boxes.

Birds are afforded statutory protection. It is therefore recommended that an informative be attached to any planning permission in remind the applicant that works, including building and vegetation clearance, should not be undertaken within the bird breeding season (March to September inclusive). It would not be necessary to attach a condition in relation to this (as advised by the Council's Ecology Advisor).

The proposed development would result in a net loss in biodiversity on-site (other neutral grassland and bramble scrub). The Council's Ecology Advisor therefore originally suggested that a condition should be attached to any planning permission to deliver and secure biodiversity net gains (BNG) off-site. However, if BNG was to be delivered off-site, this would need to be secured via a Section 106 legal agreement. Negotiations were undertaken (including the Council's Ecology Officer) with the applicant in relation to this matter, and they first explored the possibility of providing green roofs on the proposed units. The green roofs would still have resulted in the proposed development having a net loss in biodiversity (albeit reduced), but could have been considered acceptable given the other biodiversity enhancements being provided within the scheme (bat and bird boxes). However, the applicant has since advised that the green roofs would make the scheme unviable (albeit without the submission of a viability assessment). The applicant has instead proposed small areas of planting within the application site to accommodate the planting of new grassland (species rich

Emorsgate Meadow Mixture). In relation to BNG, the Council's Ecology Officer advised that this was not acceptable. Further negotiations were subsequently undertaken with the applicant exploring the possibility of off-site compensation with Hylton Colliery Pond Local Wildlife Site (LWS) suggested to the applicant as a suitable location for off-site habitat enhancements. However, the applicant has since confirmed in writing that they are not willing to provide any biodiversity net gain as part of this proposed development, given that it would make the scheme unviable and given that they are trying to build employment generating property.

Given the above, it is considered that the proposed development would result in a net loss in biodiversity, and to this extent it would not accord with Policy NE2 of the adopted CSDP. However, in order to provide some biodiversity within the application site and to mitigate the loss, if planning permission is to be granted it is recommended that a condition be attached to any planning permission to secure the delivery of the minimal biodiversity that the applicant is willing to provide in the form of the improved planting (species rich Emorsgate Meadow Mixture), as shown on the submitted planting plan.

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

8. Impact on flooding/drainage

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

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

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted 'Flood Risk Assessment (FRA) concludes that all forms of flood risk to and from the proposed development have been considered (including tidal, fluvial, existing sewers, proposed drainage, overland, infrastructure failure and groundwater). It concludes that the proposed development is classed as 'less vulnerable', it is in Flood Zone 1, and it is considered to be acceptable from a flood risk perspective.

The submitted Drainage Strategy concludes that new foul water would be discharged unrestricted into sewers via the existing foul water drainage. Surface water flow generated by the proposed development would be discharged unrestricted in the existing surface water network; Sustainable Urban Drainage Systems (SuDS) in the form of permeable paving would be provided to ensure suitable levels of treatment.

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

Northumbrian Water have raised no objections to the submitted Drainage Strategy. They have recommended that a condition be attached to any planning permission to require the proposed development to be carried out in strict accordance with the submitted document entitled

'Drainage Strategy'. It is recommended that such a condition be attached to any planning permission.

Northumbrian Water have advised that it is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission, where it is their intention to offer SuDS features for adoption. It is recommended that an informative to applicant be attached to any planning permission to remind the applicant of this.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage. It is therefore considered that the proposed development would accord with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted CSDP.

9. Impact in relation to land contamination

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

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

A Phase 1 Land Contamination report has been submitted with the application. The Council's Contamination advisors have raised no objections to the conclusions of the submitted Phase 1 report. They have suggested that conditions should be attached to any planning permission in relation to the submission of a Phase 2 ground investigation, a remediation strategy, and verification report, and in relation to the event of any unexpected contamination being found that was not previously identified. It is therefore recommended that these suggested conditions be attached to any planning permission.

Subject to the compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

Conclusions

The proposed development would deliver employment uses, eight flexible commercial units under Use Class B2 (general industrial), Use Class B8 (storage and distribution) and Use Class E(g) (including (ii) research and development of products and processes and (iii) industrial processes), within a designated Key Employment Area (KEA). It would support sustainable economic growth including by developing employment land and generating employment, within the Existing Urban Area in a sustainable location, and it would contribute to supporting economic development within an identified employment area in North Sunderland. It is therefore considered that the proposed development would be acceptable in principle, subject to conditions being attached to any planning permission to ensure that the units could not change to non-employment uses within Use Class E, and to control that any trade counters installed would be ancillary to the main employment uses only.

The proposed development would have minor negative impacts on the setting of the Queen Alexandra Bridge, in relation to very specific views. This would amount to less than substantial

harm to this designated heritage asset. However, it is considered that the economic benefits of the proposed development - bringing forward under-utilised parcels of land within a designated Key Employment Area, in a sustainable location for economic development and job creation, would comprise public benefits which, in the planning balance, would outweigh the minor negative impacts on the setting of the Grade II Queen Alexandra Bridge. The proposed development would also accord with the development plan when read as a whole.

Subject to the discharge of and compliance with recommended conditions to control external materials, finished floor levels, a proposed planting plan, and the submission of a lighting scheme, it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts when viewed from the public domain. The Council's Environmental Health Officer has advised that it would also have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties, subject to the discharge of and compliance with a conditions in relation to noise associated with any fixed external plant or equipment, discharge of any pollutants, and the submission of a Construction Environmental Management Plan (CEMP).

Given the comments from the Council's Transport Department and Nexus, subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety, or in relation to sustainable travel.

In relation to ecology, given that the proposed development would result in a net loss in biodiversity, to this extent it would not accord with Policy NE2 of the adopted CSDP. However, it is considered that the economic benefits of the proposed development mentioned above, would comprise public benefits which, in the planning balance, would outweigh the fact that it would result in the net loss in biodiversity. Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no other unacceptable impacts on ecology, and it would accord with Policy NE2 of the adopted CSDP in all other respects.

In relation to other technical matters, subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to archaeology, flooding / drainage and land contamination.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan when read as a whole (despite some conflict with heritage and ecology policies which would be outweighed by public benefits), and it would accord with guidance within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;
- gender reassignment;

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

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

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

- Drawing No. 02014-10000 (Location Plan) received 15/07/2022

- Drawing No. 02014-BPA-00-ZZ-DR-A-10001 (Existing Site Plan) received 27/07/2022
- Drawing No. 02014-BLA-00-ZZ-DR_A-10011 (Proposed Site Plan) received 09/09/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-30001 (Existing Section A-A) received 27/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-30002 (Existing Section B-B) received 27/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-30011 (Proposed Section A-A) received 27/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-30012 (Proposed Section B-B) received 27/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-Z-10021 (Proposed Floor Levels) received 16/08/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10220 (Proposed Elevations Unit 1) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10221 (Proposed Elevations Unit 2 & 3) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10222 (Proposed Elevations Unit 4 & 5) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10223 (Proposed Elevations Unit 6, 7 & 8) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10210 (Proposed Plans Unit 1) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10211 (Proposed Plans Unit 2 & 3) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10212 (Proposed Plans Unit 4 & 5) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10213 (Proposed Plans Unit 6, 7 & 8) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A-10214 (Proposed Plans Roof Plans 1, 2 & 3) received 15/07/2022
- Drawing No. 02014-BPA-00-ZZ-DR-A 10215 (Proposed Plans Roof Plans 4, 5, 6, 7 & 8) received 15/07/2022

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

3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the commercial units hereby permitted shall not be used for any other purpose within Use Class E other than uses falling under Use Class E(g) (ii) and (iii).

To ensure compliance with the submitted details, to safeguard the employment designation of the land, and to comply with Policy EG2 of the adopted Core Strategy and Development Plan.

4 Any trade counter to be installed as part of the development hereby permitted shall not exceed more than 15% of the floor space of any given unit, and shall only be used for the sale of goods made or stored on the premises.

To ensure compliance with the submitted details, to retain the employment character of the key employment area, and to comply with Policy EG6 of the adopted Core Strategy and Development Plan.

5 Notwithstanding details submitted, prior to the commencement of development hereby permitted, samples and / or detailed specifications of all external materials for the proposed development (the proposed units and hard surfaces) shall be submitted to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to preserve the setting of the Grade II listed Queen Alexandra Bridge, and comply with Policy BH1, Policy BH7 and Policy BH8 and adopted Core Strategy and Development Plan.

6 The development hereby permitted shall be constructed in accordance with the finished floor levels as detailed on Drawing No. 02014-BPA-00-ZZ-DR-A-10021 (Proposed Floor Levels) received 16/08/2022, read in conjunction with Drawing No. 02014-BPA-00-ZZ-DR-A-30011 (Proposed Section A-A) and Drawing No. 02014-BPA-00-ZZ-DR-A-30012 (Proposed Section B-B) both received 27/07/2022.

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

7 Prior to installation, any fixed external plant or equipment shall be assessed following the guidance in BS4142:2014. Rated noise levels at the nearest noise sensitive receptors should not exceed the measured night-time or daytime background LA90. Where necessary to meet this requirement, suitable noise mitigation measures shall be incorporated into the specification and shall be implemented before operation.

To ensure no significant adverse noise impacts on any existing sensitive receptors, and to comply Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

8 Prior to occupation of any industrial unit as part of the development hereby permitted, where there is an intention to operate a process from that unit which would result in discharge of pollutants to the external atmosphere, a suitable assessment of the discharge shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify any adverse environmental impacts that may arise from the discharge and shall specify suitable abatement measures where appropriate, which shall be implemented prior to the occupation of the relevant unit. Any proposal to install a biomass boiler and associated equipment exceeding 50kW thermal input must be subject to an air quality assessment (or biomass screening assessment) carried out by a suitably qualified Air Quality Consultant in accordance with relevant national guidance, which shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation / abatement identified in the air quality assessment shall then be implemented prior to the occupation of the relevant unit to which it relates. Any process that falls under a description within a schedule of the Environmental Permitting Regulations 2016 is excluded from this requirement but shall be notified to the Local Planning Authority in writing.

To safeguard air quality and the amenity of existing neighbouring site users in relation to emissions to air, and to comply with Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

9 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify all potential impacts upon the local environment and nearby occupiers arising from site clearance and construction, and shall set

out the mitigation measures proposed to prevent or minimise those impacts. The development shall then be constructed in strict accordance with the approved CEMP.

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

10 Prior to the first occupation of the relevant units hereby permitted, detailed designs, swept path analysis and visibility splays along Crown Road for vehicle accesses to Units 2, 3, 4 and 5 (read in conjunction with Drawing No. 02014-BLA-00-ZZ-DR_A-10011 (Proposed Site Plan) received 09/09/2022) shall be submitted to and approved in writing by the Local Planning Authority. Vehicle accesses shall be installed / constructed in accordance with approved details, and then retained henceforth.

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

11 Prior to the first occupation of the relevant phases of the development hereby permitted as set out in the Phasing Plan (dated November 2022) received 15/11/2022, the hardstanding areas and vehicle parking bays (including accessible bays and bays with electrical vehicle charging points) relevant to each phase, as shown on Drawing No. 02014-BLA-00-ZZ-DR_A-10011 (Proposed Site Plan) received 09/09/2022, 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.

12 Prior to the first occupation of the relevant phases of the development hereby permitted as set out in the Phasing Plan (dated November 2022) received 15/11/2022, details of shelters for the Sheffield style cycle stands relevant to each phase, as shown at the locations on Drawing No. 02014-BLA-00-ZZ-DR_A-10011 (Proposed Site Plan) received 09/09/2022, shall be submitted to and approved in writing by the Local Planning Authority. The approved Sheffield style cycle stands and shelters shall then be installed / completed on site and made available for use prior to the first occupation of the relevant phases of development, and 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.

13 Prior to the first occupation of the development hereby permitted, a Services and Deliveries Management Plan, and a swept path analysis relating to delivery vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then operate in strict accordance with the approved Services and Deliveries Management Plan.

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

14 The development hereby permitted shall operate in strict accordance with the Travel Plan by iTransport Planning (dated 14 June 2022) received 15/07/2022, including its monitoring and review as set out in Section 10.

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

15 Prior to the first occupation of the relevant units hereby permitted, full details of bin stores and servicing areas for each unit, shall be submitted to and approved in writing by the Local Planning Authority. The approved bin stores and servicing areas shall then be installed / completed on site and made available for use prior to the first occupation of the relevant units, and maintained and retained henceforth for their designated purposes. Refuse shall only be placed outside of the curtilage of the units on days of awaiting collection.

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

16 Prior to the installation of any lighting associated with the construction or operation of the development hereby permitted, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should include input from a Suitably Qualified Ecologist in line with current best practice guidelines, and include measures to ensure that the proposals do not have a negative impact upon species such as bats and otter; this should include dark zones along those habitat corridors designed to benefit wildlife, and will be illustrated through the provision of lighting contour (isolux) plans. The proposed development shall then be constructed / operated in strict accordance with the approved lighting scheme.

To ensure a satisfactory standard of development, to mitigate impacts on protected species, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

17 The development hereby permitted shall be undertaken in strict accordance with the avoidance measures, mitigation strategy and compensation scheme, as set out within Sections 6.2-6.4 of the ecology report 'Preliminary Ecological Appraisal - Quay West Business Park' (V1 Draft) by OS Ecology dated 27th January 2022 (received 15/07/2022).

To mitigate and compensate for any adverse impacts on protected species and habitats, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

18 Prior to the commencement of any ground works and site clearance as part of the development hereby permitted, an Ecological Construction Environmental Management Plan (E-CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The E-CEMP should include, but not be limited to, details of appropriate working methods to be used, pre-start checks, timings constraints and requirements for supervision by an Ecological Clerk of Works (ECoW), as well as ecological and environmental monitoring where required. The ground works and the development shall then be undertaken / constructed in strict accordance with this approved E-CEMP.

To ensure that there are no adverse impacts upon the ecological interests of the site and adjacent areas (including the River Wear), and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

19 Gaps measuring at least 13 cm by 13 cm shall be created or maintained in all boundary features, to ensure that the site remains permeable to species such as hedgehogs. These gaps shall be retained and maintained henceforth for the lifetime of the development.

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

20 Prior to the commencement of the development hereby permitted, all contractors including, but not being limited to demolition contractors and building contractors) shall be provided with a toolbox talk from a Suitably Qualified Ecologist, to ensure that they are aware of the legislation relating to relevant protected species, the working methods to be implemented and the procedures to follow in the event of any protected species being recorded on site during the works period.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

21 Prior to the commencement of the development hereby permitted, a plan detailing the specification and location of bat and bird boxes to be installed, in accordance with the ecology report 'Preliminary Ecological Appraisal - Quay West Business Park' (V1 Draft) by OS Ecology dated 27th January 2022 (received 15/07/2022), shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall then be installed in accordance with the approved plan, and then retained and maintained henceforth for the lifetime of the development.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

22 The development hereby permitted shall be constructed in strict accordance with the scheme of planting as detailed on Drawing No. 02014-BPA-00-ZZ-DR-A-10090 'Proposed Planting Plan' received 13/10/2022, read in conjunction with the Biodiversity Net Gain Assessment (dated October 2022) by OS Ecology received 13/10/2022). The approved scheme of planting shall be undertaken prior to the occupation of the development hereby permitted, and then retained and maintained henceforth for the lifetime of the development.

In order to mitigate the impact of the proposed development on biodiversity, in the interests of visual amenity, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

23 The development hereby permitted must be implemented in strict accordance with the drainage scheme contained within the submitted document entitled 'Drainage Strategy' Rev C dated 06 October 2022 (received 07/10/2022). The drainage scheme shall ensure that foul flows discharge to the combined sewer at manholes 0001 and 1904 and ensure that surface

water flows discharge to the public surface water sewer at manholes 1001 and 1901 and via the existing private surface water sewer. The surface water discharge rate shall not exceed the total available capacity of 5l/sec that has been identified in this sewer.

To ensure that an appropriate method of connection to the existing sewerage network is achieved, to prevent the increased risk of flooding from any sources and to comply with Policy WWE3 and Policy WWE5 of the adopted Core Strategy and Development Plan.

24 Prior to the commencement of the development hereby permitted, specific details of the timing of the submission of a verification report(s), which is to be carried out by a suitably qualified person, and the extent of the Sustainable Urban Drainage (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:

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

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

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

25 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
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

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

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

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

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

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

Reference No.: 22/01637/LBC Listed Building Consent

Proposal: **Remove existing palisade fencing from existing Grade II* Listed Victoria Viaduct and replace with anti-trespass fencing.**

Location: Victoria Viaduct, Washington, NE38 8LQ

Ward: Washington East

Applicant: Amalgamated Construction Ltd

Date Valid: 22 August 2022

Target Date: 17 October 2022

Introduction

The host property is a Grade II* Listed Viaduct, originally known as the Victoria Bridge, is a stone arch rail viaduct spanning the River Wear about 1 mile (1.6 km) south-east of Washington.

It is detailed under Historic England Listing No. 1354978 as;

NZ35SW HOUGHTON-LE-SPRING Victoria Railway Bridge 4/17

*G.V. II**

Railway bridge. 1838 by James Walker of Walker and Burges. Rusticated sandstone. 4 main arches, the most southerly spanning the Wear, and 3 minor at each end : main spans 100', 160', 144' and 100'; height from foundations to top of parapet, 156'6". Arches have voussoirs and bands; impost blocks to the minor arches. 3 semi-circular buttresses continue as refuges in the parapet. Massive coping to plinths of cutwaters. Historical note : Built for the Durham Junction Railway and completed on Victoria's coronation day, 28th June, it carried the main London-Newcastle line until 1868. Links the valley sides at their crest and was modelled on Trajan's bridge at Alcantara although not a copy. Source: Tomlinson North Eastern Railway (Newcastle 1914) 227, 318, 319.

Listed Building Consent is sought to remove the existing palisade fencing from existing Grade II* Listed Victoria Viaduct and replace with anti-trespass fencing.

The site is located within the ward of Washington East and within a site of archaeological importance.

The following documents have been submitted in support of the application;

Heritage Statement

Methodology

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

CONSULTEES:

Historic England
Cllr Fiona Miller
Cllr Logan Guy
Cllr Sean Laws
Network Management
Planning Implementation
Environmental Health
Planning Implementation

Final Date for Receipt of Representations: **11.11.2022**

REPRESENTATIONS:

Consultation Responses
Public Health - No objection

Transportation Development - No objection

Historic England - No objection

It is, unfortunately, typical that mothballed structures such as the viaduct become the focus of anti-social behaviour and health and safety concerns. The proposed barrier will be neater in appearance than the existing but in considering the impact on the character and appearance of the listed bridge it is a feature that is necessary rather than desirable.

It is noted that the barrier is drilled into the sandstone parapet of the bridge, which is presumably original fabric. It would be better to avoid drilling into original stonework but only if this is not at the expense of a robust secure barrier. If this is not possible, fixings should be made in a way that causes least damage when eventually removed.

In summary we accept that the barrier is preferable to the bridge being damaged by vandalism and the proposal supports its conservation as a mothballed structure, in line with paragraph 200 of the National Planning Policy Framework. Obviously, it is not ideal for a bridge of this quality to remain unused and to deny people the view from it, but this is a much wider issue than covered by the application. Recommendation Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Building Conservation - No objection

Background / Context

The Victoria Railway Bridge is a highly significant listed building reflected by its grade II* listing. Built in 1838 for the Durham Junction Railway it carried the main London - Newcastle line until 1868 and is an important surviving structure of the area's railway heritage. Its design was inspired by the roman bridge in Alcantara, Spain and it is an impressive and key landmark in Washington, especially when viewed from below along the River corridor.

The proposals have been subject to pre-application discussions on site in relation to how to find a suitable balance between minimising the visual impact of the security measures on the listed building whilst resolving the evident problems of trespassing onto the bridge by foot and motor/quad bikes and associated vandalism and anti-social behaviour.

Appraisal of Proposals

The application is supported by a very brief Heritage Statement that describes the grade II* listed Railway Bridge, however in accordance with NPPF paragraph 194 and CSDP Policy BH8 this statement should have considered in more detail the impact of the proposals on the significance of the listed building, including the public benefits of the proposal. It is requested therefore that the Heritage Statement be expanded and resubmitted.

Notwithstanding this the need for robust security fencing at either end of the Railway Bridge is acknowledged as the only means of preventing trespassers onto and crossing the bridge, which is closed to the public along with the route of the former railway tracks leading to and from the Bridge.

The proposed security fencing will inevitably have a negative visual effect on views along the Bridge at the upper level, especially from along the former railway line as can currently be seen from the existing palisade fencing and concrete blocks, which are visually intrusive and particularly unsightly as a result of their uncoordinated installation, damaged and vandalised appearance and ad-hoc approach to repairs. The new fencing will at least have a more uniformly designed and consistent appearance and will certainly be an improvement on the existing palisade fencing and blocks.

Whilst it will still have a visually intrusive impact on views along the former railway line it is recognised that the Bridge and line are closed and not accessible to the public, so the relevant importance of these views is limited. The most important views, as noted above, are from below the Bridge along the river corridor where the full span of the imposing stone structure and its impressive design can be readily appreciated. The proposed security measures will largely not be seen from the lower level along the river corridor and will therefore have negligible impact on these key views.

In respect of physical impacts on the historic structure of the bridge interventions appear to be limited to the 4 resin anchors that will be used to fix parts of the fencing to the parapet walls of the Bridge. This impact will be isolated and is not of concern. Further details are required over the excavation works for the concrete foundations for the remainder of the fencing, it is important these works do not intrude into or damage the historic structure.

Having regard to all the above the proposal is likely to have only a minor negative impact on the setting of the Bridge and result in a minimal amount of harm to its significance, albeit still falling within the category of less than substantial harm. NPPF Paragraph 202 is therefore relevant, which requires the harm to be weighed against the public benefits of the proposal.

In this regard, the proposed security measures are required to provide a more robust solution to the problems associated with unauthorised access onto the Bridge and therefore clearly bring public benefits that are likely to outweigh the minimal degree of harm. However, these benefits should be clearly set out in the Heritage Statement so that the balancing exercise can be properly undertaken in accordance with NPPF Paragraph 202.

Recommendation and Conditions

In summary, the proposals will have a minor negative impact on the setting of the listed Victoria Railway Bridge and result in minimal harm to its significance, albeit still falling into the category of less than substantial harm. This harm should be weighed against the public benefits of the proposal in accordance with the requirements of NPPF paragraphs 199 and 202 and CSDP Policies BH7 and BH8. Whilst it is likely the public benefits will outweigh the harm; the benefits

need to be clearly articulated in the Heritage Statement to provide the requisite robust justification (NPPF Paragraph 200) for the harm and enable the balancing exercise to be made.

Should consent be granted for the proposals the following conditions should be applied:-

- Full details of the excavation works for the concrete foundations for the fencing in order to provide assurance that there will be no physical damage to the historic structure of the Bridge.
- Full details of the style and finish of the fencing.

Updated response 11/11/2022

Having reviewed the additional information submitted for this application and note the following further to my original comments.

The style of the railings as shown on the drawings and confirmation of a Holly Green colour is considered to be acceptable, so no need to condition these details.

The condition should still be applied requiring final details of the excavation works for the concrete foundations following the investigation works noted on the drawings to confirm the depth available, this is needed to ensure the works do not intrude into or damage the historic structure.

The Heritage Statement now includes a very brief statement on the Public Benefits of the proposal; however, I should note it is not the role of the Conservation Team to weigh this against the less than substantial harm, it should be considered part of the planning balance.

POLICIES:

Sunderland City Council - Core Strategy and Development Plan 2015-2033 (CSDP)

Policy BH7 - Historic Environment

Policy BH8 - Heritage Assets

The National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

COMMENTS:

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

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

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." The NPPF at paragraph 202 advocates that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

CSDP Policy BH7 seeks to conserve and enhance the historic environment, whilst Policy BH8 seeks to protect designated and non-designated heritage assets. The city's archaeological remains are a rare record of the evolution of civilisation in Sunderland, giving people the opportunities to experience and learn about their past, Policy BH9 seeks to preserve and protect the City's Archaeological heritage.

The Victoria Viaduct has become the focus of anti-social behaviour and health and safety concerns over recent years; the Heritage Statement states that the work is required to stop unauthorised access and further damage to the structure. The proposed barrier would be neater in appearance than that which it would replace but in considering the impact on the character and appearance of the listed bridge it is a feature that is necessary rather than desirable.

Whilst it is acknowledged that, the proposed work would have a negative visual impact on views along the Bridge at the upper level, especially from along the former railway line, the new fencing would be more uniformed and consistent in design and appearance and is considered to be an improvement on the existing palisade fencing and blocks.

Although the proposed fencing is recognised to have a visually intrusive impact on views along the former railway line, it is recognised that the Bridge and line are closed and not accessible to the public, so the relevant importance of these views is limited. It is considered that the most important views are from below the Bridge along the river corridor where the full span of the imposing stone structure and its impressive design can be readily appreciated. The proposed security measures would not be highly visible from the lower level along the river corridor and as such would have negligible impact on these key views.

Having regard to all the above the proposal is likely to have only a minor negative impact on the setting of the Bridge and result in a minimal amount of harm to its significance, albeit still falling within the category of less than substantial harm. The proposed security measures are required to provide a more robust solution to the problems associated with unauthorised access onto the Bridge and therefore clearly bring public benefits that are likely to outweigh the minimal degree of harm.

Historic England and the City's Building Conservation Officer have been consulted and have raised no objections. The BCO has recommended the imposition of planning condition pertaining to excavation works for the concrete foundations.

Taking the above into deliberation, the proposed works are considered acceptable, the proposed public benefit would outweigh the less than substantial harm to the significance of the heritage asset and as such the proposed development is considered in accordance with local and national planning policy.

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 LISTED BUILDING CONSENT, subject to conditions below

Conditions:

1 The works to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the works are carried out within a reasonable period of time.

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

Location Plan

Site Plan

Anti-trespass Fence Plan: Drawing No. S11700-JNP-XX-XX-DR-C-7002 Revision PO1

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

3 Notwithstanding the information submitted as part of the application hereby approved, prior to any excavation works being undertaken, full details of the excavation work for the concrete foundations for the fencing shall be 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 unless the Local Planning Authority first agrees to any variation in writing.

Reason: To conserve and enhance the significance and character of the Grade II* Listed Viaduct and to ensure that the works cause no physical damage to the historic structure of the Bridge, and to comply with policy BH8 of the Core Strategy and Development Plan.

Reference No.: 22/01803/FUL Full Application

Proposal: **Change of use from open space to private garden with 1.8 metre boundary fence**

Location: 50 Monkside Close, Lambton, Washington, NE38 0QB

Ward: Washington South

Applicant: Gary Horn

Date Valid: 15 August 2022

Target Date: 10 October 2022

SITE DESCRIPTION AND PROPOSAL

The property to which this application relates is a two-storey semi-detached dwelling, positioned on a corner plot, with a public footpath situated immediately to its east. The property has an open plan frontage and looks onto tree lined natural and semi-natural green space to the rear.

It is noted that the space to the rear is located within a wildlife corridor although the piece of land to the side of the property is not.

Retrospective planning permission is sought to change the use of the area of land to the side of 50 Monkside Close from amenity open space to private garden. The area of land in question has an area of just under 18m².

A 1.8m high close-boarded timber fence has been erected to the side of the land and given the difference in land level, a 2.4m high fence to the rear.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Cllr Louise Farthing

Cllr Graeme Miller

Cllr Paul Donaghy

Network Management

Watermans - Land Contamination

Natural Heritage

Planning Policy

3 Cairngorm Avenue Lambton Washington NE38 0QW

1 Cairngorm Avenue Lambton Washington NE38 0QW

53 Monkside Close Lambton Washington NE38 0QB

49 Monkside Close Lambton Washington NE38 0QB

52 Monkside Close Lambton Washington NE38 0QB

51 Monkside Close Lambton Washington NE38 0QB

Final Date for Receipt of Representations: **07.11.2022**

REPRESENTATIONS:

Correspondence was received from Ward Councillor Louise Farthing, requesting that the application be referred to the Planning and Highways Committee for determination.

No representations have been received in response to public consultation.

COMMENTS:

Paragraph 126 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 meanwhile requires 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. Paragraph 134 states 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.

Paragraph 99, meanwhile, sets out that Local Planning Authorities should protect valuable areas of open space from inappropriate development.

As of the 30th January 2020 the Council has adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). Any UDP policies that are referred to in this report have been 'saved' pending the adoption of an Allocations and Designations Plan.

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.

Policy NE2 sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity.

Policy NE4 is also relevant, it states that green space will be protected from development that would have a serious adverse effect on its amenity, recreational or nature conservation value. Proposals for the development of green space will be considered in light of their contribution to urban regeneration and the importance of such space to the established character of the area.

Policy HS1 relates to quality of life and amenity and sets out that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources: i. air quality; ii. noise; iii. dust; iv. vibration; v. odour; vi. emissions; vii. land contamination and instability; viii. illumination; ix. run-off to protected waters; or x. traffic;

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

Section 4.37 of the Council's Development Management Supplementary Planning Guidance relates to boundary enclosures and sets out that proposals for new boundary fences, walls and other forms of enclosure should:

- o Take into account the character and appearance of the area and the scale, form, design and materials used in other nearby boundary treatments. This is particularly important if the application site is within an 'open plan' housing estate, occupies a prominent or corner plot, is a heritage asset or is within a Conservation Area;
- o Be of a visually interesting design, particularly where the boundary abuts a road, footpath or other public area. Long stretches of brick walls or fencing should be broken up by pillars, railings or similar;
- o Be designed so as not to harm the amenity of neighbouring properties, especially where the affected boundary is shared - high boundary treatments can appear as imposing from neighbouring properties and cause significant overshadowing; and
- o Be designed and positioned so as not to harm visibility for motorists and pedestrians, including in relation to driveway entrances. Particular care should be taken where a property stands at a road junction or is a corner plot.

ISSUES

The main issues to consider in assessing the application are the principle of the proposed change of use and impact on residential and visual amenity, ecology, environmental health and highway safety.

Principle of development

The Council's Greenspace Audit identifies that the wider Washington area has a higher amount of amenity space compared to other areas of the city, with the Washington South ward specifically having high provision, however the amenity space areas are of a below average quality.

Given that this development would result in the partial loss of a greenspace, the Council's Policy Team stated that it is expected to comply with CSDP policy NE4 and the applicant should provide robust justification as to its loss.

The applicant provided a statement of justification on the 30th October 2022, as well as copies of various monitoring reports by an engineering company and also an Arboricultural report dated 29th December 2019.

The reports set out that the vegetation on site has caused subsidence in relation to the host property's side extension, which led to the necessary removal of 3no. trees and hedging from the area of land in question.

The applicant stated that as the land was unregistered, it was decided to enclose the land and maintain it, with the fencing required to prevent any claims of injury due to actions undertaken to control the growth of vegetation.

The area of land that has been enclosed is modest in size, positioned so that it is not highly visible from the main street and has been in an overgrown condition in the past. Given this, it is considered that the recreational and amenity value of this area of land prior to its enclosure was low.

With regard to nature conservation although some modest planting has been lost, it is noted that the heavily planted wildlife corridor to the rear remains untouched.

Given the above, it is considered that the enclosure of this small area of land would not have a discernible negative impact on recreation and amenity or nature conservation, to a degree that would warrant a refusal of permission. It is also considered that the applicant has provided sufficient justification as to why the planting was removed and the area enclosed.

As such the proposal would accord with the NPPF and policy NE4, however, the overall acceptability of the proposal can only be determined following an assessment of the proposal in relation to all other relevant material considerations. This exercise is undertaken below.

Visual and residential amenity

There is a much larger area of open space beyond the land in question which offers significant visual and recreational benefits to residents within the locality; the area of land subject to this application is positioned in a rather more secluded location and an incursion into this area would not be considered to negatively impact the amenity of neighbouring dwellings, given the larger area of land that would remain.

The size and position of the fencing ensures that it has no negative impact on the residential amenity of any neighbouring dwellings.

It is noted that the fencing would be higher at the rear however, it is largely screened by the trees to the rear of the site. Aesthetically the close boarded fence does match the fencing within the surrounding area. It is considered that the fencing is of a size and design that appears appropriate within the residential setting and would be compliant with section 4.37 of the DMSPD.

Given this the use of this land for the purposes of extended residential garden and proposed boundary treatment is considered acceptable and would not harm residential amenity the character and appearance of the locality, recreational amenity or nature conservation in accordance with the NPPF and policy BH1 of the CSDP.

Ecology

It is acknowledged that the land in question incorporated trees and planting however, it would not be considered that its conversion and the removal of this planting has greatly impacted the nature conservation value of the wider area, given the wildlife corridor to the rear.

To this end the Council's Ecological consultant stated that they had no objection on ecological grounds and based on the nature of the works and very small area to be affected, it was considered that the works were unlikely to result in any negative ecological impacts.

The Council's consultant did request that conditions be applied to any approval relating to the completion of the works, however given that the works have now been fully completed these would not be required.

The ecologist did request a further condition relating to gaps measuring at least 13 x 13cm to be created in the base of the new fence, to ensure the area remains permeable to priority species such as hedgehog.

Given this and subject to an appropriate condition, it is considered that the use of this land for the purposes of extended residential garden and proposed boundary treatment is acceptable and would cause no unacceptable harm to the natural environment, in accordance with the NPPF and policy NE2 of the CSDP.

Environmental Health

It is considered that extending the garden area would not lead to an increase in noise and disturbance in relation to any neighbouring dwelling.

With regard to the potential for land contamination, a screening assessment was submitted by the applicant. The assessment sets out that no fuels or chemical have been stored, spilled or leaked at the site and that there have been no pollution incidents, either reported or unreported. It goes on to state that there have been no waste disposal or demolition activities onsite or within 250m of the site and there is no intention to import soil or soil forming materials onto the site. Finally, the current and historical adjacent land use is recorded as domestic.

The Council's Land Contamination Consultant has considered the detail provided and confirmed that historical mapping indicates the site has been undeveloped from at least 1862 until c. early 1990s and although the site is located in a Coal Mining Reporting Area, it is not located in a Coal Mining Development High Risk Area.

On the basis of the information provided and a review of available historical mapping, they consider the contamination risk to be low.

Given that no structures (other than the boundary fence) are proposed for construction, the risk associated with coal mining is also considered to be low and a Coal Authority report was not considered to be essential for the application.

Having considered all of the information submitted, and the comments provided by the Council's Land Contamination Consultant it is considered that the change of use and erection of fencing is acceptable and would comply with the NPPF and policy HS1 of the CSDP.

Highways

The introduction of the new fencing has not led to the existing footpath becoming excessively enclosed, given the more open aspect to the opposite side of the path. To this end the Council's Highway Section has raised no concerns or observations regarding the proposed change of use and boundary treatment.

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with policy ST3 of the CSD

CONCLUSION

For the reasons given above, the principle of the proposed change of use is considered to be acceptable without causing demonstrable harm to the character and appearance of the area whilst the proposal would also have no significant adverse impact on nature conservation, residential/visual amenity, environmental health or highway safety, in accordance with the NPPF, policies BH1, NE2, NE4, HS1 and ST3 and section 4.37 of the DMSPD.

It is therefore recommended that planning permission should be granted subject to the conditions listed below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

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

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

Existing plan, drawing number 01, received 10.08.22

Proposed plan, drawing number 02, received 10.08.22

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 Gaps measuring at least 13 x 13cm will be created in the base of the new fence to ensure the area remains permeable to priority species such as hedgehog. Within two months of the date of decision, evidence of their presence will be provided to the planning authority and approved in writing. These gaps shall then be maintained for the lifetime of the development.