

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	21/02627/FUL
Proposal	Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane) (as amended).
Location	The Cavalier, Silksworth Lane, Sunderland, SR3 1AQ
Ward	Silksworth
Applicant	CJ Taverns
Date Valid	10 January 2022
Target Date	11 April 2022

Proposal

The application seeks full planning permission for

Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane)

at The Cavalier / Hunters Lodge, Silksworth Lane Sunderland SR3 1AQ

The site lies towards the south west of the City, to the south east of the A690. The surrounding land uses include dwelling houses to the east, a residential development currently under construction to the south and apartments to the west. The site itself, containing a public house with associated access and car park, has an irregular plan form and covers around 0.9 hectares.

The proposed development would involve the demolition of the existing public house and the construction of 14 dwelling houses and a three-storey building to provide five apartments; including a new pedestrian access onto Silksworth Lane. The existing vehicular access would be retained.

Publicity

Neighbour notification letters were sent to nearby properties (11 January and 15 August 22)

Press notice displayed in the local newspaper (Sunderland Echo, 18 January 22).

Site notices were displayed on Silksworth Lane (11 January 22)

Consultees

Ward Councillors (Washington North)

No representations received.

Ambulance

No response received.

Ecology

Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals.

Education

No response received.

Fire & Rescue Service

Please advise if this is to be timber framed construction.

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

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

Land contamination consultant

A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice

Lead Local Flood Authority

I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

Local Highway Authority

Comments relating to access / visibility splay, pedestrian provision / safety, Transport Statement, trip generation, accident data, car parking, cycle storage, electric vehicles, Autotrack / servicing, highway drainage / surface water run-off, SUDS, adoptable standard, private development, retaining walls, Section 278 agreement and Construction Environment Management Plan.

Housing

No response received.

National Highways

Offer no objection.

Natural England

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on the:

- *Northumbria Coast Special Protection Area (SPA)*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *A Habitats Regulations Assessment*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Northumbrian Water

We request that the following approval condition is attached to a planning approval,

Police Architectural Liaison

Overall we have no objection to the proposal although we would like to make the following comments

- We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.*
- The plans lack detail as to the security of communal spaces in the Type E, apartments block*

Representations

The representations will be summarised below

Principle

Loss of public house with a garden would be contrary to policy VC5.
The proposal would be excellent for the local area

Amenity

Loss of trees would reduce the privacy for occupiers of Ski View. Proposed three storey building would lead to loss of privacy and day light and would be overbearing.

Cumulative

Other developments have reduced the amount of green space in the local area.

Design

Does not follow guidance for local context and character.

Drainage

Access to existing septic tank.

Ecology

Felling of trees will have impact upon local wildlife.

Groundworks

Stability of existing retaining walls.

Procedure

The submitted plans are not accurate and do not show the surrounding development. The plans submitted for a previous application are not accurate (19/00006/OUT)

Trees

Loss of trees

Planning History

The most relevant planning applications will be repeated below; together with a commentary.

91/02123/1	Residential development APPROVED (OUTLINE).
91/00913/1	Housing development for 7 no. detached dwellings & 7 no. terraced town houses. WITHDRAWN.
93/00854/40	Erection of 6 no. residential units. APPROVED

The three applications above should be given very little weight by the decision taker given that they date from around 30 years ago.

10/01350/OUT	Outline application (all Matters Reserved) for the demolition of public house and the erection of 7 dwellings WITHDRAWN
11/00767/OUT	Resubmission of outline application for the demolition of public house and the erection of 7 dwellings (all matters reserved). WITHDRAWN

The two applications above should be given very little weight by the decision taker given that they were both withdrawn.

15/02345/OUT	Outline application for demolition of existing public house and removal of existing trees to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016). APPROVED.
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The above application should be given very little weight by the decision taker given that the planning permission has now expired.

19/00006/OUT	Proposed new residential development consisting of up to 14 dwelling houses and up to 8 apartments with associated parking MINDED TO GRANT PLANNING PERMISSION; SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT.
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The above application should be given limited weight by the decision taker given that the committee report relied on the fallback position offered by an earlier grant of outline planning permission which has now expired (15/02345/OUT).

Policies

Core Strategy and Development Plan (2015-2033)

Draft Allocations and Designations Plan (December 2020)

The Council undertook consultation around two years ago for the Draft Allocations and Designations Plan (A & D Plan). The representations received are currently being logged and taken into consideration. There has recently been an appeal decision which said that *Given the stage of the ADP this carries very little weight as planning policy* (ref:

APP/J4525/W/21/3270321). The A & D Plan should therefore only be given very limited weight by the decision taker.

Material Considerations

City Plan (2023-2035)

Low Carbon Framework (including associated Low Carbon Action Plan)

Supplementary Planning Documents:

- Development Management (including the Residential Design Guide)
- Planning Obligations.

Officer comments

Principle

The Glossary within the Core Strategy defines a *community facility* as

A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres.

The current use of the site as a public house would fall within the above category of *community facility*. The most relevant policy within the development plan would therefore be policy VC5 (Protection and delivery of community facilities and local services) of the Core Strategy; which will be repeated below

Community facilities and local services will be protected and enhanced by:

- 1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses;*
- 2. supporting development of new and extended community facilities. Developments for new community facilities should be located in accessible neighbourhood and centre locations; and*
- 3. supporting the shared use of facilities, provided that it can be demonstrated that such shared use will not adversely affect the level of social and community provision.*

The supporting text to policy VC5 clarifies, when considering the loss of a community facility, that:

It is important to protect viable facilities so far as is practicable, unless there is an overriding justification for their loss or exceptional benefits deriving from alternative forms of development. The council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss. The applicant will be required to provide written evidence that they have marketed the facility for at least 24 months and consulted with the Local Voluntary and Community Sector and advertised in the local press. The level of detail will depend upon the nature of the proposal; the applicant should contact the council at the earliest stage to discuss this.

The Applicant has not undertaken a marketing exercise in accordance with the paragraph immediately above.

The Applicant has, however, submitted a commentary; which will be repeated below

The client prior to the pandemic and lockdowns was suffering a financial loss as there is a large decline in the use of public houses, business was very slow and then the lockdown caused major financial issues.

Pub numbers in the UK have been in steady decline. The data, taken from the British Beer and Pub Association (BBPA), and the Office for National Statistics (ONS), shows this decline varies regionally, and according to the type of pub ownership.

The ONS data is used for the regional statistics. Its count includes the numbers of pubs and bars around the UK.

A 2014 report by the Institute of Economic Affairs (IEA) found that the fall in pub numbers was due to:

- Regulations such as the 2007 smoking ban.*
- Economic factors such as the 2008 recession.*
- Increased taxation.*
- Reduced alcohol consumption. Studies show that increasing numbers of 16 to 24-year-olds are choosing not to drink alcohol.*

In essence the above factors had already led to a decline in business prior to the pandemic. Therefore, the client submitted and had approved a planning application for residential development on the site from 2015.

There are an abundance of other public houses / bars, social club's or other drinking establishments, 18 in total within a 1-mile radius. This is walkable distance within around 15 mins for the average person from the proposed site in Silksworth.

In terms of material considerations, there has been an objection from the Campaign for Real Ale; which will be repeated below

The Cavalier Public House, is currently a community facility used by members of the public resident in Sunderland. The garden in particular is regarded as one of the "best pub gardens" in the city.

Application (21/02627/FUL) has been made after the implementation by Sunderland City Council of policy VC5 "Protection & delivery of community facilities & local services" part of Sunderland City Council's Core Strategy & Development Plan (2015-2033)? (Dated Jan 2020.) My organisation is concerned by the worrying loss of public houses acting as valuable community facilities particularly in suburban parts of the city. We would like assurance from the planning department that VC5 will be taken into account when this new planning application is decided.

Furthermore we object should any "principle(s) of using the site for residential development" established prior to the current "Sunderland City Council's Core Strategy & Development Plan (2015-2033) (Dated Jan 2020.)" be accepted in any new application.

The proposal, in terms of the loss of a community facility in the form of a public house, would therefore be contrary to the relevant policy within the development plan and the representation received from CAMRA.

There also needs to be consideration given to the sustainability of the proposed site for a residential development; which will be presented below.

The Core Strategy, at policy SP1 (development strategy), says that:

- 1. To support sustainable economic growth and meet people's needs, the council, working with*

local communities, its partners and key stakeholders will:

- i. deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure...*
 - v. ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs.*
2. *The spatial strategy seeks to deliver this growth and sustainable patterns of development by:*
- i. supporting the sustainability of existing communities through the growth and regeneration of Sunderland's sub areas including: the Urban Core (Policy SP2); Washington (Policy SP3); North Sunderland (Policy SP4); South Sunderland (Policy SP5); and the Coalfield (Policy SP6);*
 - ii. delivering the majority of development in the Existing Urban Area;*
 - iii. emphasising the need to develop in sustainable locations in close proximity to transport hubs...*
 - iv. delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas;*
 - v. protecting Sunderland's character and environmental assets including Settlement Breaks, greenspaces, Open Countryside and Green Belt; and*
 - vi. minimising and mitigating the likely effects of climate change.*

The proposed development would make a contribution towards the above policy by providing 19 apartments and dwelling houses (point 1i) and the impacts upon physical, social and environmental infrastructure will be given consideration in the relevant detailed sections below (point 1v).

The proposed development would provide growth within both South Sunderland and the Existing Urban Area (points 2i and 2ii), would be within a sustainable location close to bus services (point 2iii) and would deliver homes (points 2iii and 2iv).

The impacts of the proposed development upon the character of the City, environmental assets and climate change will be given consideration in the relevant detailed sections below (point 2v and 2vi).

The Core Strategy, at policy SP5 (South Sunderland), says that

South Sunderland will continue to grow and become a spatial priority for housing and economic development. In order to achieve this:

- 1. economic growth will be focused in identified Employment Areas (Policies EG1 and EG2) and at the Port of Sunderland (Policy SS5);*
- 2. South Sunderland Growth Area (Policy SS6) is allocated as a new sustainable community;*
- 3. the council and its partners will work to secure regeneration and renewal at Hendon, Millfield and Pennywell; and*
- 4. the Settlement Breaks will be protected.*

The proposed development would make a contribution towards the above policy by providing apartments and dwelling houses in an area identified as a *spatial priority for housing*.

The Core Strategy, at policy SP8 (Housing supply and delivery), says that

The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year. The new homes to meet Sunderland's need will be achieved by:

- 1. the development of sites identified in the SHLAA;*
- 2. the development of sites allocated in the A&D Plan;*
- 3. the development of sites (Strategic and Housing Growth Areas) allocated in this Plan;*
- 4. the conversion and change of use of properties;*
- 5. the development of windfall sites; and*
- 6. the development of small sites.*

The proposed development would make a contribution towards the above policy by developing a small windfall site for housing (points 5 and 6).

The Core Strategy, at policy H1 (housing mix), says that

- 1. Residential development should create mixed and sustainable communities by:*
 - i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council's SHMA or other evidence;*
 - ii. providing a mix of house types, tenures and sizes which is appropriate to its location;*
 - iii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and*
 - iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 – accessible and adaptable dwellings.*
- 2. Development where appropriate and justified, should also seek to:*
 - i. provide larger detached dwellings; and*
 - ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.*
- 3. Development should consider the inclusion of self-build and custom house building plots.*

The proposed development would make a contribution towards the above policy by contributing to meeting affordable housing needs (point 1i), providing a mix of houses types (point 1ii) and providing detached dwellings (point 2i). The density of the proposed development will be given consideration in the detailed sections of the report below (point 1iii).

The Core Strategy, at policy H2 (affordable homes), says that:

All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. This affordable housing should:

- 1. be provided on-site in order to help achieve mixed and balanced communities. However, exceptionally, off site provision or a financial contribution made in lieu may be considered acceptable where it can be justified;*
- 2. be retained in affordable use in perpetuity;*
- 3. when part of a mixed housing scheme should be grouped in clusters throughout the site;*
- 4. be indistinguishable in terms of appearance from the market housing; and*
- 5. reflect the latest available evidence with regards the tenure split and size of dwellings.*

A viability assessment should be submitted in line with the requirements of the PPG where it is not proposed to deliver the affordable housing requirement in full.

The proposed development would make a contribution towards the above policy as the submitted Affordable Housing Statement says that *an initial target of 15% provision of affordable housing should be sought and that will be achieved by the supply of 3no. two bedroom apartments on the development as affordable*. The policy seeks 15%, which equates to three units; such an amendment could be sought via the associated legal agreement.

The Core Strategy, at policies ID1 (Delivering Infrastructure) and ID2 (Planning Obligations) says that *development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms, including affordable housing and local improvement to mitigate the direct or cumulative impact of development... in accordance with Planning Obligations SPD*.

The Planning Obligations Supplementary Planning Document says that residential development of more than ten dwelling houses should contribute towards:

Equipped Play Space - £704 per dwelling house.

Open Space (amenity green space) - £68.22 per bedspace

Allotments - £85.5 per dwelling house.

A legal agreement could ensure the above payments to provide for the infrastructure sought by policies ID1 and ID2. The detailed sections below will identify if any further infrastructure payments would be necessary.

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

The Framework specifically says that:

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

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

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

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

In summary, matters relating to the construction of the proposed apartments and dwelling houses would make a contribution towards the relevant policies found within the development

plan and the relevant parts of the Low Carbon Framework and the associated Low Carbon Action Plan. The proposal would, however, also involve the loss of a community facility in the form of a public house; contrary to the relevant policy within the development plan and the concerns expressed in the representation from CAMRA. The principle of the proposed development will therefore be given further consideration in the planning balance at the end of the report.

Amenity

The submitted Noise Impact Assessment says that *noise levels affected the proposed development from road traffic have been measures and that if windows are required to be open for long periods of time, the resulting internal ambient noise levels in habitable rooms exceed the guidance upper limits.* The Assessment also says that *noise levels in most of proposed gardens are calculated to exceed the guideline upper limit.* The Assessment recommends mitigation in the form of glazing for the proposed buildings (including the potential for mechanical extract) and noise barriers to the south east and middle of the site.

The Environmental Health Officer (EHO) has advised that

Road traffic noise was identified as the primary noise source affecting the development site, and consequently noise levels were assessed during day and night hours with the data being compared to the desirable standards for internal and external noise climates set out in BS8233:2014 and World Health Community Noise guidelines.

The methodology and conclusions of the report are accepted.

Mitigation measures to achieve acceptable standards are set out in Table 1 and Figure 1 of the acoustic report.

Table 1 sets out suitable options for glazing and ventilation systems, and Figure 1 identifies the relevant building facades requiring treatment together with the locations of noise barriers on the site. The noise barriers may be either a solid close boarded timber fence of minimum surface density 10kg/m² or a brick wall - both of a height of at least 1.8m.

The final development design must specify the exact scheme that is selected to achieve the sound reductions recommended within the report. Applicant is advised to refer to Table 1 and Figure 1.

A condition is proposed to ensure a suitable design and its implementation.

The EHO has also recommended a condition for the submission of a Construction Environment Management Plan (CEMP).

The impact of the proposed development upon the amenity of the surrounding dwelling houses will be given consideration below:

North - the nearest proposed dwelling house would be sited on plot 1 with a distance from the proposed side elevation to the side elevation of the existing dwelling house of around 20 metres. The next nearest would be sited on plot 11 with an angled distance from the proposed rear elevation to the back of the existing dwelling house of around 27.9 metres. The proposed dwelling houses would also be facing uphill.

East - the nearest proposed building would be the proposed three storey apartment block sited towards the south east of the site with a distance from the proposed rear elevation to the back elevation of the existing dwelling house of around 31.3 metres. The Agent has estimated the finished floor levels to be 88.65m for the proposed apartments and 89.9m for the existing dwelling house.

South - the proposed apartments and dwelling houses would overlook Silksworth Road and the green space immediately thereafter.

West - the nearest proposed dwelling houses would be sited on plots 1 and 2 with a separation distance from the proposed rear elevation to the edge of the site of around 23.5 metres.

The proposed development, in terms of the impact of the proposed apartments and dwelling houses upon the occupiers of existing properties nearby, would therefore accord with the relevant space standards described at paragraph 5.23 of the adopted *Residential Design Guide*, as found within the Development Management Supplementary Planning Document (SPD).

In terms of material considerations, there has been a representation submitted from the occupier of the dwelling house immediately opposite the proposed three storey apartment block that the proposed development would lead to loss of privacy and day light and would be overbearing.

In response, the Agent has submitted an amended site plan which accurately plots the position of both the existing dwelling house and the proposed apartment block; including an estimation of floor levels. The separation standard within the SPD, for a three storey building facing an existing dwelling house, would be 26 metres.

The SPD also says that for each 1 metre increase in ground levels, 2 metres should be added to the separation distance. The difference in finished floor levels between the existing dwelling house and the proposed apartment block has been estimated by the Agent to be 1.25 metres, which means 2.5 metres should be added onto the separation distance. The total separation distance should therefore be 28.5 metres.

The amended plan shows that the separation distance would be 31.3 metres, greater than the minimum separation distance sought by the SPD.

There are some instances where the proposed dwelling houses within the site do not accord with the separation distances found within the SPD. These will be given consideration within the planning balance at the end of the report.

In terms of further material considerations, there has been a representation submitted on the basis that the proposed loss of trees would reduce the privacy for occupiers of Ski View. In response, the separation distances to these existing dwelling houses would exceed the space standards provided within the SPD.

In terms of further material considerations, there has been a representation submitted on the basis that other developments in the local area have reduced the amount of green space in the local area. In response, the site at the current point in time comprises a public house with associated access and car parking; albeit with some green space in the form of a play area and an open area near Ski View. The proposed development would leave an area to the north of the site open and free of development.

In summary, the detailed matters relating to amenity would accord with the relevant policy within the development plan, namely HS2 (noise-sensitive development); subject to the recommended conditions.

In terms of material considerations, the separation distances from the proposed development to the existing dwelling houses accord with the separation standards provided within the *Residential Design Guide*.

The exception to the above would be the proposed reliance on mechanical ventilation and the separation distances between the proposed dwelling houses. These will be given consideration in the planning balance at the end of the report.

Design

The layout of the surrounding area includes low density residential to the north (Silksworth Close), medium density residential to the east and south (Ski View and Cavalier Way) and high density to the west (the tower blocks at Amsterdam Road). The density of the proposed development, as 14 dwelling houses (including detached, semi detached and a short terrace of three units) and a three-storey block, would therefore be consistent with the prevailing pattern of development.

The design of the surrounding area includes substantial two storey detached dwelling houses (such as Silksworth Close to the north), a mix of suburban housing to the east at Ski View and the tower blocks opposite at Amsterdam Road. The design of the proposed development, with a maximum height of three storeys and a contemporary appearance (constructed from red or buff brick, dark grey upvc windows and dark grey or red concrete tiles), would therefore be consistent with the design of the surrounding area.

The main public view of the site would be from the road fronting the site, when travelling along Silksworth Road. The proposed development seeks to retain most of the trees to the front of the site; other than those which would be felled for the proposed apartments. There would also be an acoustic barrier for the apartments and a widened access. The views from the road would therefore remain quite similar in the sense of a site fronted by trees with an access towards the middle.

There would also be medium range views of the site from Amsterdam Road, opposite the site. The views of the site during the winter are somewhat open when the trees are not in leaf; whereas during the summer the trees provide a green frontage which effectively screens views of the site. The proposed development, especially during the winter months, would lead to a different view between the retained trees as currently open land would be filled with the dwelling houses. The view would, however, be seen within the context of dwelling houses either side of the site and, more generally, within the context of a generally urban area. The view would also be substantially screened during the summer months when the retained trees are in full leaf.

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

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

Overall we have no objection to the proposal although we would like to make the following comments

- *We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.*
- *The plans lack detail as to the security of communal spaces in the Type E, apartments block*

In response, the two points above could be covered by a planning condition.

In terms of material considerations, there has been a representation which considers that the proposed development does not follow the guidance for local context and character and draws attention to the Residential Design Guide.

In response, the Council has an adopted *Development Management Supplementary Planning Document* (SPD); which, of itself, forms a material consideration when determining the application. The SPD includes a *Residential Design Guide* which provides includes detailed chapters such as *urban design principles*, *designing streets* and *detailed design aspects of residential developments*. For the reasons given above, Officers consider that the proposed development would be consistent with the density, design and landscape of the local area.

In summary, the design of the proposed development would accord with the relevant policies found within the development plan, namely BH1 (Design Quality), NE9 (landscape character) and NE11 (creating and protecting views) and the advice found within the material consideration of the SPD; subject to the recommended conditions.

Drainage

The submitted Flood Risk Assessment and Drainage Strategy says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Strategy continues by saying that *an infiltration test done on site suggested that there is limited scope for infiltration*, discounts discharge to the nearest watercourses as *not a viable option* and proposes discharge into the existing sewer network. The Strategy includes a drawing showing an *indicative drainage strategy* including permeable paving and *cellular storage* (i.e. an underground tank). The Strategy also says that there would be *adequate treatment to surface water passing through the proposed site* and that foul flows would connect to the existing sewer system.

The Lead Local Flood Authority (LLFA) have advised that:

I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

Northumbrian Water have advised that:

We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4507 and ensure that surface water discharges to the combined sewer at manhole 4507.

The surface water discharge rate shall not exceed the available capacity of 2.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

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

In terms of further material considerations, there has been a representation received saying that the proposed development would prevent access to an existing septic tank.

In response, the Agent has submitted an amended existing site plan which shows the indicative location of the septic tank towards the south west of the site. The amended Design & Access Statement says that:

The neighbour's septic tank is on the land of the Cavalier, underground. It is adjacent to the neighbour's house to the back of the existing car park. This will remain and legal access will be granted for any maintenance.

In summary, the detailed matters relating to drainage would accord with the relevant policies found within the development plan, namely WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) and the relevant Strategic Priority of the Low Carbon Action Plan; subject to the recommended conditions.

Ecology

The submitted Ecology Survey and Risk Assessment says that on site the *main habitats identified were deciduous woodland, scrub, ruderals and improved grassland*. The Assessment considers that the *habitats were considered important at a parish level*, with the woodland and scrub *considered to have the greater ecological value*. The Assessment says the proposed development would lead to *loss of areas of bramble scrub, improved grassland and a few trees from the deciduous woodland*.

The Assessment, in terms of protected species, says that:

Bats - *no impact on any bat roost or hibernation site and that bat foraging habitat will be maintained.*

Badgers - *no impact on badgers*

Breeding birds - *some disturbance to birds during the construction period.*

Amphibians - *no evidence from site surveys or records of amphibians and there is a negligible risk that the development would have any negative impact on amphibian populations*

Reptiles - *no evidence of reptiles and there is a negligible risk of the development having any negative impacts on any species of reptile.*

Small Mammals - *removal of the scrub and the development of the site will have an impact on the small mammal population as there will be a decrease in available habitat.*

Invertebrates - *loss of areas of scrub and ruderals may have an impact on the range of invertebrates using the area.*

The Assessment recommends mitigation including advice during construction works, *bird boxes and bug hotels will be erected in the woodland and the new landscape scheme will include plants that provide a good nectar source and / or feeding habitat for birds.*

The submitted Defra Metric indicates that there would be a Biodiversity Net Gain of 17.1%

The Council's Ecologist has advised that

The most recent iteration of the supporting ecological report specifies a number of mitigation measures that are required to ensure the proposals do not result in significant harm to biodiversity. These can be secured by condition.

In addition, the provision of detailed landscaping plans, in general conformity with the submitted plans will need to be secured.

The Council's Ecologist has undertaken a net gain calculation which shows that there would be a *net loss of 0.79 habitat biodiversity units, equivalent to 16.67% loss.* The Ecologist considers the figure to be more realistic than the 17.1% net gain shown within the metric submitted by the applicant. The Ecologist has advised that, in order to provide a 1.15% net gain, there should be *enhancement of 0.3 ha of broadleaved woodland from moderate to good condition in an offsite location* and that the management could take place on woodland within the ownership of the Council.

The Council's Ecologist has further advised that the site lies within the 7.2km buffer from protected coastal European site. The Ecologist has recommended that the application will therefore need to make a financial contribution towards the Sunderland Recreation Mitigation Strategy, at a rate of £557.14 per apartment / dwelling house. The contribution would ensure mitigation of increased recreational pressures, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Council's Ecologist has concluded by saying that

Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals.

The conditions relate to measures to be undertaken during the construction phase (such as accordance with Arboricultural Method Statement), built into the development (such as bird nest boxes) and management arrangements thereafter (such as a woodland management plan).

Natural England have advised that:

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on the:

- *Northumbria Coast Special Protection Area (SPA)*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *A Habitats Regulations Assessment*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

In response, the Council's Ecologist has advised that mitigation for any impacts upon the protected coastline can be secured via a financial contribution towards the Sunderland Recreation Mitigation Strategy. The Council's Ecologist has advised that such a contribution would ensure accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

In terms of material considerations, there has been a representation expressing concern that the felling of trees will have an impact upon local wildlife. In response, the Council's Ecologist has recommended conditions and a legal agreement which will ensure a small biodiversity net gain.

In summary, the detailed matters relating to ecology would accord with the relevant policies found within the development plan, namely NE2 (biodiversity and geodiversity); subject to the recommended conditions and financial contributions.

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

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

Fire

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

Please advise if this is to be timber framed construction.

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

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

In response, whether the building would be timber framed would be a matter for consideration via the Building Regulations. The report noted in the second paragraph of the response relates to the Building Regulations.

Groundworks

The submitted Phase I Geoenvironmental Desk Study says that the site has been developed *since at least 1914 with one large buildings and several smaller structures around the site. These were demolished and the site redeveloped by 1968 into its current form.*

The Study says that a Phase 2 Ground Investigation should be undertaken and that *the potential for widespread gross contamination is considered highly unlikely, contamination, if present, is likely to be highly localised within near surface soils.* The Study also says that *a potentially elevated risk of EO (explosive ordnance) may be present for redevelopment workers.*

The Council's land contamination consultant has advised that

At this stage, following the review of the submitted report, we can confirm that we are in general agreement with the findings of the report.

The proposed Phase 2 ground investigation should be undertaken. This should include investigation of the areas previously considered to be occupied by former quarries to confirm DBS Environmental's interpretation of these features and to confirm that significant thicknesses of Made Ground are not present in these areas.

A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice

In terms of material considerations, there has been a representation submitted expressing concern at the impact of the proposed development upon the stability of existing retaining walls. In response, these matters would require consideration via the Party Wall Act; rather than being a significant material planning consideration.

In summary, the detailed matters relating to groundworks would accord with the relevant policies found within the development plan, namely HS3 (contaminated land); subject to the recommended conditions.

Highways

The submitted Transport Statement says that the existing access and egress arrangements of the site would be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians and that the existing accident record does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals. The Statement further says that it is considered that the site is well located to allow for journeys by walk, cycle and public transport to be undertaken. The Statement concludes by saying that it is considered that there are no outstanding reasons why the proposed development should not be granted planning permission on highways grounds.

The advice from the Local Highway Authority will be repeated below; together with an Officer comment thereafter.

ACCESS / VISIBILITY SPLAY

It is noted that the existing site access would be retained for the proposed development and that the access route would be widened to 5.5m with a separate pedestrian footway provided. Given the existing speed limit of the road, (40mph) the applicant is proposing a visibility splay of 2.4m x 63m, which is considered satisfactory. It is proposed as part of the site access works that any verge areas obstructing the vertical element of the junction visibility splays would be corrected to ensure the appropriate provision of visibility.

Officer comment

These works are shown on a drawing within the Transport Statement. The drawing says any verge areas above 0.6m of access to be cut-back / retained. The Local Highway Authority have advised that that if these proposed works were constructed to an adoptable standard, then the area where the works have been undertaken can be adopted via the Highway Act.

PEDESTRIAN PROVISION / SAFETY

There is no footway on the east side of Silksworth Lane therefore the applicant is proposing a new uncontrolled pedestrian crossing point. This crossing point should be in the form of a zebra

crossing; the proposed crossing and footway will subsequently connect to the development. The zebra crossing, footway, appropriate signing and road markings would form part of the Section 278 works. For avoidance of doubt the applicant must undertake the works prior to occupation of the site.

Officer comment

The type of pedestrian crossing can be given further consideration as part of the agreement via Section 278 of the Highway Act.

TRANSPORT STATEMENT

The site currently benefits from an access and egress point located to the west of the development from Silksworth Lane. The existing access and egress arrangements of the site are to be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians

Officer comment

These works are shown on a drawing within the Transport Statement (Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle). A planning condition can be attached to ensure that these works are undertaken before the occupation of the first apartment / dwelling house.

TRIP GENERATION

The TRICS database has been utilised to generate anticipated vehicle movements associated with the proposed development. It is anticipated that in the busiest peak hour there would be around nine trips resulting from the development equating to less than one vehicle movement every six minutes. The assessment shows that this is similar in character to the approved residential development on site, whilst there would be more than a two times reduction in daily vehicle movements compared to the current use of the site. The vehicle trip generation is therefore considered satisfactory.

Officer comment

Noted.

ACCIDENT DATA

It is noted that the applicant has obtained accident data (five-years data) including the site access point and the adjacent Silksworth Lane. It would appear that during the study period no accidents have been recorded within the vicinity of the site access on Silksworth Lane.

Officer comment:

Noted.

INTERNAL LAYOUT

CAR PARKING

It is noted that a total of 28 car parking spaces are provided for the 14 dwellings with an additional four visitor spaces also provided. The apartment block provides a total of six car parking spaces plus one visitor space. The car parking and visitor parking is considered satisfactory.

Officer comment

A condition could be attached to ensure that the spaces are provided before the occupation of each respective apartment / dwelling house.

CYCLE STORAGE

It is advised that secure, covered cycle storage is utilised for the development.

Officer comment

A condition could be attached to ensure that cycle storage would be provided before the occupation of each respective apartment / dwelling house.

ELECTRIC VEHICLES

It is advised that provision is provided for electric vehicles.

Officer comment

The supporting text for policy ST3 (development and transport) says that residential scheme of more than 50 dwelling houses will be expected to make provision for the installation of home charging apparatus.

AUTOTRACK / SERVICING

The Autotrack drawing should demonstrate the turning manoeuvres of an 11.2m pantechicon, however the submitted drawing only illustrates the turning manoeuvres of an 8.17m vehicle; applicant to clarify.

Officer comment

The Agent has recently submitted a Swept Path Analysis (April 23) showing the turning for a pantechicon. The Local Highway Authority have advised that these are *considered acceptable*.

HIGHWAY DRAINAGE/ SURFACE WATER RUN-OFF

No surface water discharge would be allowable onto Silksworth Lane.

Officer comment

The submitted Flood Risk Assessment and Drainage Strategy says that surface water would be discharged into the existing sewer network.

SUDS

The SUDS proposals will be commented upon at the Detailed Design Stage when additional design information is available, all enquires to Paul Armin, Flooding and Coastal Section.

Email: Paul.Armin@sunderland.gov.uk

Officer comment

The Lead Local Flood Authority have advised that they *recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.*

ADOPTABLE STANDARD

The submitted TS confirms that the access road into the site has an initial gradient of 10% increasing to 12% as it enters the site. Normally a carriageway longitudinal gradient of 5% should be taken as the maximum. Where conditions necessitate, a departure from the standard will be considered to allow a maximum gradient of 7% for shared surface type, category 3 roads and 10% for other categories of road. In the case of category 1 and 2 roads a departure will only be considered for sections of road where no junctions are proposed. At junctions, the gradient of the side road should not exceed 5% when rising or 4% when falling to the main road for a distance equivalent to twice the kerb radius at the junction, measured along the centreline of the side road from the channel line of the main carriageway. Normally for footways and footpaths a longitudinal gradient of 5% should be taken as a maximum. Where site conditions necessitate, a

departure from the standard will be considered to allow a maximum gradient of 10%. Taking the above into account it is considered that the access road and footway do not meet the necessary standards to be adopted under a Section 38 Agreement. The development will therefore have to remain private.

Officer comment

The access remaining private will need to be given consideration in the planning balance.

PRIVATE DEVELOPMENT

For private developments the road maintenance, street lighting and footway maintenance would be the responsibility of the house owners fronting the road unless there is a bespoke agreement between the residents and the landowner; applicant to clarify. The construction works would not be supervised by Sunderland City Council.

Officer comment

A condition could be attached to ensure the submission of a management plan before the occupation of the first apartment / dwelling house.

ADDITIONAL HIGHWAY COMMENTS

RETAINING WALLS

The applicant should contact Graham Yates, with regard to existing and proposed retaining walls adjacent to the proposed adopted highway. Email: Graham.Yates@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

SECTION 278 AGREEMENT

The proposal will entail alterations to existing highways, the applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

SECTION 38 AGREEMENT

The proposed connecting footway to the south of the site access will require dedication as footway under a Section 38 agreement. The applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

A CEMP is required.

Officer comment

A condition can be attached for the submission of a CEMP.

There has also been a response from National Highways, operator of trunk roads (such as the A19), advising that they have *offer no objection*.

In summary, the detailed matters relating to highways would accord with the relevant policies found within the development plan, namely ST2 (Local road network) and ST3 (Development and transport); subject to the recommended conditions.

Procedure

There has been a representation submitted which expresses concern that the submitted plans are not accurate and do not show the surrounding development. In response, the Agent has submitted amended plans which show the surrounding development and accurately plot the siting of nearby properties.

There has also been a representation submitted which expresses concern that the plans submitted for a previous application are not accurate (19/00006/OUT). The matter would need to be given consideration via the application in question, rather than the current application.

Sustainability

The Agent has submitted detailed *Sustainability Statement*; which says that there would be a *fabric first energy strategy which will achieve significant reductions in CO2 emissions*. The Statement says the strategy would include an improvement upon existing building regulation standards for insulation, 100% energy efficient lights and water conservation measures. The Statement concludes by saying that the proposed apartments and dwelling houses would be *highly insulated, energy efficient and constructed above current Building Regulations standards*.

In terms of material considerations, there would also be contribution towards Strategic Priority 3 of the Low Carbon Framework; which seeks to *create an energy efficient built environment*. There would also be a contribution towards the Low Carbon Action Plan which, at Action References 3.03 and 3.05, seek the *enabling the delivery of new low carbon homes across the city and for a push for higher quality energy and low carbon design standards in all new and renovated development across the city*.

In summary, the detailed matters relating to sustainability would accord with the relevant policies found within the development plan, namely BH2 (Sustainable design and construction), the relevant Strategic Priority of the Low Carbon Framework and the relevant Action Reference of the Low Carbon Action Plan; subject to the recommended conditions.

Trees

The submitted Tree Survey identifies that the trees on site are protected by a Tree Preservation Order (TPO); namely *Tree Preservation Order No. 88 at The Cavalier Public House, Silksworth Lane, Sunderland*.

The Survey presents four categories for trees, namely:

Category A – Trees of high quality with long term future potential

Category B – Trees of moderate quality, medium term future potential

Category C – Trees of low quality, short term future potential

Category U – Trees in such condition they cannot be realistically be retained for longer than ten years

The Survey identifies that the proposed development would require the removal of 15 trees within Category U, 4 within Category C, 11 within Category B and none within Category C.

The Survey also says that the *group G4 on the Arbtech survey has been predominantly removed although a small area of saplings which are below the size limit for inclusion are still present close to the existing public house building.*

The above paragraph refers to an earlier Arboricultural Impact Assessment, which categorised a group of trees towards the middle of the site as category B2.

The Survey makes recommendations for the construction phase, including a plan showing the provision of protective fencing and arboricultural supervision during the excavation of foundations within the root protection area of retained trees.

The Survey concludes by saying that the *majority of perimeter trees and woodland around the site will be retained this will ensure that the visual amenity of the area is not compromised and that there is sufficient space within the survey area to plant replacement trees as mitigation for trees being removed.* The Survey also concludes that *trees being recommended for retention through the period of proposed development can easily be protected.*

The submitted Noise Impact Assessment proposes two noise barriers which would be within the canopy of trees shown as being retained. The Agent has advised that these barriers would replace an existing fence with posts, so there would not be an affect on the existing trees.

In terms of material considerations, there has been a representation submitted expressing concern at the loss of trees. In response, the proposed loss of trees will need to be given consideration in the planning balance at the end of the report.

In summary, the detailed matters relating to trees do not accord with the relevant policies found within the development plan, namely NE3 (woodlands / hedgerows and trees) and the representation received relating to the loss of trees. The matter will be given consideration in the planning balance at the end of the report.

Summary

The table below provides a summary of the relevant planning considerations, taking into account any mitigation which could be secured via planning condition or legal agreement. The magnitude of the likely significant effects will be described **in bold** using a scale of neutral, negligible, minor, moderate, significant and substantial. The reason for the significance of each item will be explained after the table.

	Adverse	Neutral / Negligible	Benefit
Economic			<u>Principle</u> Provision of housing Moderate Short term jobs during construction Minor
Environmental	<u>Amenity</u> Proposed apartments and dwelling houses may require	<u>Amenity</u> The internal and external noise levels would meet the relevant standards.	<u>Sustainability</u> The proposed development would be constructed above

	<p>mechanical ventilation. Minor</p> <p>Separation distances between the proposed dwelling houses do not meet the space standards within the Residential Design Guide. Minor</p> <p><u>Highway</u> The access cannot be constructed to adoptable standards. Moderate</p> <p><u>Trees</u> The proposed development would require the felling of 15 protected trees, including 11 of moderate quality. There would also be two acoustic barriers within the canopy of trees shown as being retained. Moderate</p>	<p>The separation distances to the existing dwelling houses would meet the space standards within the Residential Design Guide.</p> <p><u>Design</u> The density and design of the proposed development would accord with the relevant policies within the development plan and the Residential Design Guide.</p> <p><u>Drainage</u> The proposed development would provide attenuation, to the satisfaction of both the Lead Local Flood Authority and Northumbrian Water.</p> <p><u>Groundworks</u> The Council's land contamination consultant has advised that the outstanding concerns can be dealt with via planning condition.</p>	<p>Building Regulation Standards. Minor.</p>
Social	<p><u>Principle</u> Loss of public house. Moderate</p>		<p><u>Principle</u> Provision of three affordable apartments Minor</p>

The submitted Noise Impact Assessment says that mitigation may take the form of mechanical extract equipment. The provision of mechanical extract would consume energy and potentially rely on windows being closed at certain times. These arrangements would slightly reduce the amenity for the occupiers of the proposed apartments and dwelling houses and are therefore given consideration as being **minor adverse**.

The separation distances between some of the proposed dwelling houses do not meet the space standards within the Residential Design Guide. The initial point to consider would be that the separation distances to the existing dwelling houses are in accordance with the Residential Design Guide. The distances between the proposed dwelling houses are generally only 2 or 3 metres less than sought by the separation standards, which would limit the potential impact. There would also be an element of "buyer beware" given that the concern only relates to the distances between the proposed dwelling houses. These arrangements mean that the impact would be limited and are therefore given consideration as being **minor adverse**.

The proposed development would involve the felling of 15 protected trees, including 11 of moderate quality. The trees do, however, lie within private land; which can only be accessed by a private access of Silksworth Road. These access arrangements reduce the impact slightly and can therefore be given consideration as **moderate adverse**.

The proposed development would involve the loss of a public house, which would be contrary to both policy VC5 of the Core Strategy and the representation from CAMRA. The Agent has, however, submitted an amended Design & Access Statement which draws to attention that there are other public houses within Silksworth and other within a one mile radius, including East Herrington and Ryhope. The availability of other public houses means that the impact would be reduced slightly and can be given consideration as **moderate adverse**.

The proposed development would provide housing, in the form of 14 dwelling houses and five apartments. The Core Strategy, at policy SP8, says that the Council will *seek to exceed the minimum target of 745 net additional dwellings per year*. These provisions within the Core Strategy mean the impact can be given consideration as being **moderate beneficial**.

The proposed development would provide jobs during the construction period. Given that these jobs would be for a relatively short period of time the impact can be given consideration as being **minor beneficial**.

The submitted Sustainability Statement says that the development would be constructed to a standard above the current Building Regulations. These arrangements can be given consideration as **minor beneficial**.

The proposed development would provide a level of affordable housing which would be in accordance with policy H2 (affordable homes). Given that the requirements of the policy would be met, the impact can be given consideration as **minor beneficial**.

In summary, the most significant adverse impacts are generally environmental and social; including the loss of a public house, the access being private and felling of protected trees (including 11 of moderate quality) and can be given consideration as **moderate adverse**.

The most significant beneficial impacts are generally the provision of housing and can be given consideration as **moderate beneficial**.

In conclusion, the impacts arising from the proposed development are both **moderate beneficial** and **moderate adverse**.

In terms of deciding which should be given the most weight, consideration should be given to the provisions of the recently updated City Plan which says that as part of a *dynamic smart city we will have... more and better housing*.

The most recent Housing Strategy for Sunderland (2017-2022) says a strategic housing priority would be *maximising housing growth and increasing the choice of housing*, including *increasing the supply of available housing land*.

The Core Strategy also says, at policy SP8 (Housing supply and delivery) that

The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year.

Given the provisions of the City Plan, the most recent Housing Strategy and policy SP8 of the Core Strategy, the moderate economic and social benefit of providing housing outweighs the minor and moderate environmental and social harm described in the table above.

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 planning permission subject to the successful completion of a Section 106 Agreement and the draft conditions below.

Section 106 contributions

Provision of three affordable units on site.

Financial contributions towards

- allotments (£85.5 per dwelling house)
- biodiversity net gain (£15,000)
- equipped play space (£704 per dwelling house)
- mitigation for the protected coastline (£557.14 per dwelling house)
- open space (£68.22 per bedspace)

Conditions

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

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

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

- Indicative Drainage Strategy (115345/2001 B)
- Construction Details Sheet 1 (115345/2004 A)
- Proposed site plan (AL (90) 0200 A)
- House Type A Proposed Plans (AL (90) 0100)
- House Type A Proposed Elevations (AL (00) 0110)
- House Type B Proposed Plans (AL (00) 0200)
- House Type B Proposed Elevations (AL (00) 0210)
- House Type C Proposed Plans (AL (00) 0300)
- House Type C Proposed Elevations (AL (00) 0310)
- House Type D Proposed Plan (AL (00) 0400)
- House Type D Proposed Elevations (AL (00) 0410)
- House Type E Proposed Level 00 Plan (AL (00) 0500)
- House Type E Proposed Level 01 Plan (AL (00) 0501)
- House Type E Proposed Level 02 Plan (AL (00) 0502)
- House Type E Proposed Elevations (AL (00) 0510)
- House Type E Proposed Elevations (AL (00) 0520)
- Existing and Proposed Site Sections 1 (AL (90) 0050)
- Proposed Site Sections (AL (00) 0060)

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

3. The construction phase of the development hereby approved shall be undertaken in accordance with the plans and reports below:
- Tree Protection Plan, as found at Appendix 7.5 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)
 - Protective Fencing Details, as found at Appendix 7.6 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)

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

4. No development shall commence until a Stage 2 detailed Unexploded Ordinance Assessment has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be undertaken in accordance with any recommended mitigation.

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

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

5. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from those works and sets out the mitigation measures to be implemented to protect nearby occupiers and the local environment. The CEMP shall further address working hours, noise and vibration, vehicle routing, air pollution from plant, prohibition of burning of vegetation and waste and site lighting. The CEMP shall also include measures to minimise carry over of mud and dusty materials onto the public highway. The construction phase of the development hereby approved shall thereafter be undertaken with the approved CEMP.

Reason: To ensure, in accordance with policy HS1, ST2 and ST3 of the Core Strategy, the construction phase would be undertaken in the interests of amenity and highway safety.

6. No development shall take place until an ecological design strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

- installation of 12 bird nest boxes (including 2 for treecreeper) within retained woodland
- installation of integral bat boxes within each dwelling
- details of the boundary treatments used to ensure hedgehog access to residential gardens
- installation of hedgehog hibernacula in retained woodland,

- invertebrate hibernacula in retained woodland

The strategy shall also include:

- Purpose and conservation objectives for the proposed ecological works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. make and model of features to be installed.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.

The construction phase shall thereafter be undertaken in accordance with the design and strategy and the approved features shall thereafter be retained for the lifetime of the development hereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.
- Confirmation that foul flows discharge to the combined sewer at manhole 4507 and that surface water discharges to the combined sewer at manhole 4507.
- Confirmation that the surface water discharge rate does not exceed the available capacity of 2.5 l/sec.

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

10. No development shall take place above damp proof course until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the noise attenuation measures to be included within each apartment and dwelling house. The scheme shall identify specifications of the noise barriers on site. For the avoidance of doubt, the submitted details shall refer to Table 1 and Figure 1 of the submitted Noise Impact Assessment. The development hereby approved shall not be occupied until the approved noise attenuation measures have been provided within the apartments and dwelling houses and on site. The approved noise attenuation measures shall thereafter be retained for lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy HS2 of the Core Strategy, the development hereby approved includes noise mitigation.

11. No development shall take place above damp proof course until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed from the approved materials.

Reason: To ensure, in accordance with policy BH1 of the Core Strategy, the development hereby approved has high quality design.

12. No development shall take place above damp proof course until details of the proposed means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be fully provided before the occupation of the first apartment / dwelling house.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

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

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

14. No apartment or dwelling house shall be occupied until a lighting design strategy for the roadway within the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

No apartment or dwelling house shall therefore be occupied until the approved lighting design has been fully provided on site. The approved lighting shall thereafter be retained for the lifetime of the development hereby approved.

15. No apartment or dwelling house shall be occupied until a woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the creation of habitat piles from arisings of any necessary tree works.

The plan shall further include

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward for the lifetime of the development).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The woodland management plan shall also

- detail the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved management plan shall thereafter be fully implemented for the lifetime of the development hereby approved.

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

16. No apartment shall be occupied until details of the security measures for the communal spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be fully provided before the occupation of the first apartment.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

17. No apartment or dwelling house shall be occupied until the works to the access and visibility splay, shown on the submitted Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle (DTP/3704819/SK001 A), have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

18. No apartment or dwelling house shall be occupied until the access road, footway and parking spaces, as shown on the Proposed site plan (AL (90) 0200 A), have been fully provided on site.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

19. No apartment or dwelling house shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The respective apartment and dwelling house shall not be occupied until the approved cycle parking has been provided. The cycle parking shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes cycle parking.

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

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

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

Reference No.: 22/00781/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing buildings on site and construction of a retail development comprising retail store with external garden centre (Class E), 2 retail units (Class E), a Vets practice and Tanning Shop (Sui Generis) and a drive-thru coffee outlet (Class E/Sui Generis) with associated access, parking and landscaping (additional drainage info received 09/03/23).**

Location: Former Farringdon Hall Police Station Primate Road Sunderland SR3 1TQ

Ward: Silksworth

Applicant: Almscliffe Deshi Developments (1) Ltd

Date Valid: 8 April 2022

Target Date: 8 July 2022

PROPOSAL:

Full planning permission is sought for the demolition of existing buildings on site and the construction of a retail development comprising a retail store with external garden centre (use class E), 2 no. retail units (use class E), a vets' practice and tanning shop (sui generis uses) and a drive-thru coffee outlet with associated access, parking and landscaping on land at former Farringdon Hall Police Station, Primate Road, Sunderland, SR3 1TQ.

The proposed development affects the site of, and land adjacent to, the former Farringdon Hall Police Station at North Moor. The police station building is four storeys in scale and occupies a prominent location adjacent to the busy roundabout junction between North Moor Lane and the A690 Durham Road, which represents one of the key routes in and out of central Sunderland. The police station is accessed from Primate Road, which leads from Durham Road and through an area of housing to serve the site. The police station building has been vacant since 2017 and has recently been subject to vandalism and anti-social behaviour, with the building now in a derelict and unsightly condition.

The application site is irregular in shape and as originally submitted, covered an area of 1.69ha. The original proposed application site comprised the police station building and police vehicle parking areas, a dense belt of trees around the police station's periphery, an area of grassed open space to its south-west and a section of redundant road and hardstanding beyond. During consideration of the application, further open space to the north-east of the site was added to the application site, to provide additional space for sustainable drainage infrastructure to serve the development. Areas of open space within the application site include several small groups and a number of individual trees. Land within the application site slopes notably uphill from north-east to south-west, with the high point along the North Moor Lane boundary.

The site is bordered by the A690 Durham Road to the north-west, whilst to the south and south-east is a group of buildings including a McDonalds drive-thru restaurant, a convenience store, a BT telephone exchange building, the Farringdon Community Fire Station and a Kingdom Hall of Jehovah's Witnesses. To the east is the former staff car park (not included within the application

site) and an extensive area of grassed open space fronted by dwellings of Princetown Terrace. This area of open space is subject to a current planning application for 65 no. affordable homes with associated infrastructure and landscaping (application ref. 21/01001/FU4). The application is pending consideration by the Council as Local Planning Authority.

The development proposed at the site firstly involves the demolition of the existing police station building. New development at the cleared site comprises the following key elements:

Retail store with external garden centre

Located in the northern part of the site, roughly on the footprint of the police station, the store has a gross internal area (GIA) of 2,313 sq. metres and includes 600 sq. metres of external garden centre space to the south side of the building. The store is intended to be occupied by B&M Home and Garden.

The store building is roughly rectilinear in shape and has a footprint of approximately 56m x 46m. Floorspace will be subdivided into a sales area, a warehouse area and staff welfare area. The building features a pitched roof set behind a parapet (height of 8.9m) and large areas of glazing are provided around the main entrance. Otherwise, external walls are to be finished with light and dark grey composite panels, with a signage zone above the main entrance facing the car park.

The external garden centre area measures 15m x 46m and will be surrounded by 4.8m high green mesh fencing, with large entrance gates into the car park to accommodate deliveries from lorries.

The proposed use of this unit falls into use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Drive-thru coffee outlet

The unit is located to the west side of the car park, parallel to the North Moor Lane boundary, and has a GIA of 168 sq. metres (footprint of 15.9m x 12.7m). An enclosed service area is included to the side of the unit, to provide a waste storage and delivery area. The unit is intended for the operation of Costa Coffee and has been designed to reflect the chain's corporate branding and aesthetic requirements, featuring areas of deep red and cream render and cedar cladding to external elevations and anthracite grey fascia panels. The unit features a mono-pitched roof with a maximum height of 5.4m

The application describes the drive-thru coffee outlet as a Class E(b)/sui generis use. To clarify, sui generis uses are those which do not satisfactorily fall into a use class of the Use Classes Order. Uses involving the sale of food and drink for consumption mostly undertaken on the premises fall within use class E(b) of the Order, whilst uses involving the sale of hot food for consumption off the premises are listed as sui generis by the Order.

Terrace of four small units, including 2 no. retail units, a vets' practice and tanning shop

These units are located within the south-western part of the site and have a total GIA of 654 sq. metres (block footprint measuring 32m x 21.5m), divided unequally between the four units. The largest unit has a floorspace of 168 sq. metres, with the smallest being 100 sq. metres. One of the retail units is targeted at Greggs, the retail baker, with other anticipated occupiers being a veterinary practice and a tanning shop.

Elevational treatment is comparable to the B&M unit, with grey cladding broken up by feature glazing around unit entrances and signage zones above. The block has a very shallow pitched roof surrounded by a parapet with a height of 5.2m.

The two retail units (including the Greggs unit) are covered by use class E(a), whereas the vets' practice and the tanning shop have been identified as sui generis uses by the application submission.

Access arrangements

Primary access into the development is from North Moor Lane, just to the south of the roundabout with the A690 Durham Road. This will be a left-turn only arrangement, with exiting traffic also only be able to turn left onto North Moor Lane. A second exit only point is proposed directly onto Durham Road. The proposed layout also proposes a connection through to the access road for the neighbouring McDonalds drive-thru unit. This will provide an additional, indirect access/exit onto North Moor Lane, further to the south of the main access point.

Delivery vehicles are intended to use the main access from North Moor Lane and exit the site onto Durham Road.

Pedestrian access into the development will be readily available from the existing footways running alongside Durham Road and North Moor Lane.

Car and cycle parking

The units within the development are essentially arranged around the periphery of a central car park. This will provide a total of 110 no. spaces, including 7 no. accessible bays and an eight-bay electric vehicle charging station with EV charging columns standing underneath yellow canopies. The accessible spaces will be located adjacent to building entrances. The drive-thru lane for the coffee outlet is to lead from and to the west side of the car park.

A cycle rack is also proposed adjacent to the B&M unit.

Substation

The development will be supported by a small electricity substation, located adjacent to the EV charging bays. The substation has a footprint of 4m x 3m and a height of 2.6m.

Trees and landscaping

As noted above, the application site does include areas of open space featuring individual and small groups of trees, whilst a dense belt of trees surrounds the police station building. These trees will be lost to the development. Trees in the deep verge alongside Durham Road are to be retained.

New landscaping will predominantly be to the edges of the development and primarily utilises native species to maximise biodiversity opportunities. New tree planting includes field maple, rowan, birch and alder. Native hedges are also proposed, including along the eastern edge of the B&M unit. Wildflower grass planting is proposed to the rear of the terrace of units. Climbers feature in two narrow beds along Durham Road where parking areas are close to the footpath and also to the retaining wall at the rear of the B&M unit in order to soften its appearance whilst the adjacent new hedge is maturing.

As noted earlier, land within the application site slopes markedly uphill from the north-east to the south-west. To create a relatively level environment, gradients within the site are proposed to be eased, with the B&M unit consequently built on a platform rising above the land falling to the north-east. This arrangement requires the provision of a retaining wall around the edge of the B&M unit, with the section of the greatest height at the rear of the building. As highlighted above, the retaining wall is to feature climbing plants to soften its appearance.

In terms of employment creation, it is anticipated that the development will create a total of 103 no. full time equivalent jobs. The development will also support new temporary employment during construction works.

Operating and servicing hours for the stores within the development are proposed as follows:

Opening hours

B&M unit - Monday to Saturday 08:00 to 22:00, Sundays and Bank Holidays 10:00 to 17:00

Costa drive-thru - Daily 06:00 to 23:00

Greggs unit - Daily 05:00 to 22:00

Tanning shop unit - Monday to Friday 09:00 to 22:00, Saturday 09:00 to 19:00, Sundays and Bank Holidays 11:00 to 18:00

Opening hours for the vets' practice and the fourth unit within the terrace are unknown at this stage.

Servicing for all units will take place between the hours of 05:00 and 23:00.

The proposals have been amended during the consideration of the application, namely the enlargement of the 'red line' of the application site boundary to encompass additional open land to the north-east of the site to deliver sustainable drainage infrastructure (2 no. detention basins) and very minor changes to the layout of the development to avoid buried services.

The planning application has been supported by the following technical documentation:

- Planning Statement, including Sequential Assessment and Open Space Assessment
- Design and Access Statement
- Visual Impact Images
- Statement of Community Involvement
- Retail Impact Assessment
- Preliminary Ecological Assessment and Bat Roost Risk Assessment
- Biodiversity Net Gain assessment (updated during consideration of application)
- Biodiversity Management and Monitoring Plan
- Arboricultural Impact Assessment and Tree Protection Plan
- Road Safety Audit report
- Servicing and Delivery Management Plan
- Phase I Preliminary Contamination Risk Assessment
- Noise Assessment
- Air Quality Assessment
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Travel Plan

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Natural Heritage

Natural Heritage

Flood And Coastal Group Engineer

Flood And Coastal Group Engineer
Flood And Coastal Group Engineer
Flood And Coastal Group Engineer
Network Management
NE Ambulance Service NHS Trust
Northern Gas Networks
Northumbria Police
Chief Fire Officer
Public Rights Of Way Officer
Nexus
Natural Heritage
Cllr Joanne Laverick
Cllr Patricia Smith
Cllr Philip Tye
Network Management
Planning And Highways East
Land Contamination
Flood And Coastal Group Engineer
Environmental Health
National Highways
Northumbrian Water
Landscape
Planning Policy
Network Management
National Highways

7 Princetown Terrace Sunderland SR3 1RL
17 Princetown Terrace Sunderland SR3 1RL
4 Princetown Terrace Sunderland SR3 1RL
9 Princetown Terrace Sunderland SR3 1RL
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5 Princetown Terrace Sunderland SR3 1RL
16 Princetown Terrace Sunderland SR3 1RL
12 Princetown Terrace Sunderland SR3 1RL
1 Princetown Terrace Sunderland SR3 1RL
10 Princetown Terrace Sunderland SR3 1RL
2 Princetown Terrace Sunderland SR3 1RL
6 Princetown Terrace Sunderland SR3 1RL
3 Princetown Terrace Sunderland SR3 1RL
15 Princetown Terrace Sunderland SR3 1RL
14 Princetown Terrace Sunderland SR3 1RL
Kingdom Hall Of Jehovahs Witnesses Primate Road Sunderland SR3 1TQ
LLloyds Lloyds TSB ATM North Moor Road Sunderland SR3 1TJ
6 North Moor Farm North Moor Lane Sunderland SR3 3BG
5 North Moor Farm North Moor Lane Sunderland SR3 3BG
1 North Moor Farm North Moor Lane Sunderland SR3 3BG
3 North Moor Farm North Moor Lane Sunderland SR3 3BG
4 North Moor Farm North Moor Lane Sunderland SR3 3BG
2 North Moor Farm North Moor Lane Sunderland SR3 3BG
Simply Local North Moor Road Sunderland SR3 1TJ
Tyne And Wear Community Fire Station North Moor Road Sunderland SR3 1TJ

Rear North Moor Inn Primate Road Sunderland SR3 1TQ
McDonald's North Moor Road Sunderland SR3 1TJ

Final Date for Receipt of Representations: **27.01.2023**

REPRESENTATIONS:

Public consultation - the planning application has been publicised by means of consultation letters, site notices and a notice published in the Sunderland Echo. A second round of consultation was undertaken following the enlargement of the site boundary to encompass additional land for drainage infrastructure purposes.

A total of 8 no. representations have been received, mainly in support of the proposed development.

Expressions of support have been submitted by residents of 26 and 40 Allendale Road, 28 Abercorn Road, 16 and 38 Pancras Road and 11 Princetown Terrace (2 no. representations), with the following comments offered:

- Local kids use the site as a meeting place
- Site used for graffiti, fly tipping, vandalism, fires and anti-social behaviour
- Development will be nice for the community
- Decent proposal for an eyesore which needs pulling down
- Scheme improves shopping choices and employment
- Turning a derelict area into somewhere everyone can use
- Plans should go through as quickly as possible

Sunderland Civic Society (SCS) has submitted a detailed representation in respect of the proposed development. This makes a series of observations which note potential benefits of the scheme but also areas of concern.

In terms of benefits, the SCS representation notes that:

- The scheme could contribute to achieving the additional retail floorspace forecast as set out in the Council's Core Strategy and Development Plan
- The scheme could enhance facilities in the surrounding estates and complement the existing facilities adjacent to the site
- The site is very accessible by a variety of modes of transport given its proximity to the A690
- The scheme will redevelop unused land, including that occupied by the derelict police station

In terms of areas of concern, SCS make the following observations:

- There is potential conflict with retained Unitary Development Plan policies SA6(1), which part of the site for mixed-use development (i.e. not retail), and L7, which allocates part of the site as open space. The Council's draft Allocations and Designations Plan (A&D Plan) proposes to delete the mixed-use allocation, suggesting the direction of the Council's policy is to move away from commercial development at the site.
- Concern that the submitted Retail Impact Assessment is based upon outdated evidence and that trade diversion could be greater than anticipated, especially given the decline in the City Centre as a retail destination due to the growth in online sales and the impact of the Covid-19 pandemic.
- The left-turn only exit onto North Moor Lane could be dangerous as drivers will be tempted to turn right from this to access the A690 roundabout.

- The development will intrude into the area of grassed open space flanking the side of the A690. This currently provides a very attractive border to the road and will be significantly eroded by the development.
- Consideration should be given to incorporating the police station car park off Primate Road into the development site, as it will otherwise continue to fall into a state of disrepair.

The SCS representation concludes by expressing reservations about the need/scale of the development and the robustness of the data used to inform the submitted Retail Impact Assessment given recent and continuing changes to shopping trends. It is suggested that, if necessary, additional commercial floorspace could be created by focusing on the area allocated for mixed-use development by the UDP, thus freeing up the police station land for an alternative development, such as housing.

National Highways - originally advised that the Council should not approve the proposed development, due to concerns over its potential impact on the operation of the A19 trunk road. Detailed comments highlighted concerns with the robustness of the Transport Assessment submitted with the planning application, particularly in respect of the trip generation data and trip type assumptions provided within the Assessment. The submitted comments recommended that planning permission be withheld until these issues had been rectified by the applicant.

Further information relating to trip generation and distribution was supplied by the applicant, however National Highways requested further clarity on how trip distribution numbers were derived and that traffic flow diagrams be provided to show proposed trip distribution and assignment across each arm of the A690/A19 (Doxford) junction.

The information requested by National Highways was provided by the applicant's consultant and the final consultation response from National Highways advises that the following key inputs are agreed:

- Scheme will generate 134 two-way trips in the weekend evening peak period and 279 two-way trips in the Saturday peak period.
- Weekday evening peak of 86 primary trips, 32 pass-by trips and 13 linked two-way trips.
- Saturday peak of 168 primary trips, 74 pass-by trips and 28 linked two-way trips.
- Morning peak numbers are low enough to not warrant further assessment.
- Assignment of trip numbers at the arms of the Doxford junction is considered appropriate and demonstrates that impacts will be acceptable (9 two-way trips in the morning peak period and 17 two-way trips in the evening peak).

Based on the above, National Highways have confirmed the withdrawal of their objection.

Northern Gas Networks - no objections to the proposed development; advice to the developer is provided in respect of gas apparatus in the area.

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

Northumbria Police - no objection to the proposed development. Recommendations are provided in respect of enhancing the security features of the B&M unit's rear elevation.

Nexus (Tyne and Wear Passenger Transport Executive) - notes that the site is within an existing urban area and is adjacent to the A690, which provides a major travel corridor between the City Centre and the A19. It is observed that bus stops on North Moor Lane and Durham Road provide

frequent bus connections to the City Centre, various other destinations in Sunderland and other towns and villages in the region.

The comments from Nexus recommend that as an increase in the usage of bus stops in the vicinity of the site is likely to occur as a result of visits to the site and employee journeys, the developer should fund the provision of shelters to the stops on North Moor Lane and improved pedestrian crossing facilities over Durham Road. It is also recommended that the developer funds public transport travel tickets for employees, in order to encourage the use of bus for their journeys to and from the site.

Northumbrian Water - no issues to raise, provided the proposed development is carried out in strict accordance with the submitted Flood Risk Assessment and Drainage Strategy. The submitted strategy reflects pre-planning advice provided to the developer and incorporates the foul and surface water discharge arrangements agreed with Northumbrian Water. A condition requiring the implementation of the submitted strategy is requested.

Tyne and Wear County Archaeology officer - the site is considered to have low archaeological potential. There are no Historic Environment Records directly associated with the site, excepting the route of the Sunderland - Durham road along the boundary. The site has been heavily disturbed by previous development and a desk-based assessment produced for the proposed housing development on adjacent land did not identify any further archaeological interest. Accordingly, it is considered that no additional archaeological assessment of the site is required.

Council's Planning Policy team - notes that the proposed development would introduce a range of main town centre uses and other uses within an out-of-centre location. It is therefore necessary for the application to demonstrate that there are no more sequentially preferable sites for the development and that it would not have a significant adverse impact upon the vitality and viability of existing designated centres (as per Core Strategy policy VC1). It is also suggested that the existing police buildings should be considered as a community facility and that the applicant must demonstrate that the building is no longer required for a community use (as per Core Strategy policy VC5).

In addition, the Policy team's comments highlight the relevance to the application site and proposed development of saved UDP policy SA6.1 (which allocates part of the site for commercial development), saved UDP policy L1 and Core Strategy policy NA4 (which relate to development affecting allocated open space) and Core Strategy policies NE2 (biodiversity and geodiversity), NE3 (woodlands, hedgerows and trees), BH1 (design quality), HS1 (quality of life and amenity), ST2 (local road network) and ST3 (development and transport). The objectives and requirements of these policies should be addressed by the application as is deemed appropriate.

Council's Ecology officer - initial comments advised that the ecological report submitted in support of the application comprised preliminary work only and was therefore insufficient to enable the Council to understand potential ecological impacts. The submitted report identified several additional survey requirements, particularly in respect of bats, however these have not been undertaken. Without the additional survey work being carried out, the Council could not be certain that significant ecological harm would not occur.

In terms of biodiversity net gain, the initial submission indicated a significant net loss of biodiversity, in conflict with local and national planning policy objectives, however the submission does not indicate how this loss will be addressed by the application.

The applicant subsequently prepared and submitted an Ecological Impact Assessment (EclA) and completed Biodiversity Net Gain (BNG) metric calculation. This has been reviewed by the

Council's Ecology officer, who notes that the EclA contains bat survey information and indicates the presence of a maternity roost in the southern part of the existing building. Loss of the roost, in the absence of mitigation, represents significant ecological harm. It is, however, feasible to mitigate the impacts of the destruction of the roost by undertaking works in accordance with mitigation measures included in a licence issued by Natural England. The need for such a licence should be drawn to the applicant's attention via an informative note on any decision notice. Reference to the mitigation measures should also be embedded in the Construction Environmental Management Plan (CEMP) for the development. The CEMP should also include measures to avoid the accidental entrapment of badger and hedgehog and direct impacts to nesting birds in structures or vegetation. Additionally, a condition requiring the submission and approval of a lighting strategy for the site, which should be designed to be compatible with the continued use of the site by foraging bats, is required.

In respect of BNG, the submitted calculation shows a loss of 1.87 area habitat units, equating to a 44.71% loss. Whilst there will be a gain of 2.20 hedgerow units, these cannot be used to address the loss of area units. As such, the Council's Ecology officer advised that it will be necessary to compensate for on-site impacts through off-site measures.

Following discussions with the applicant, it was suggested that the nearby Silksworth Lakeside park (owned by the Council) be considered as a potential location for off-site measures. The applicant's ecology consultant subsequently identified an area of grassland and an area of woodland within Lakeside where improvement measures can be implemented, with scrub habitat created on the grassland and enhancement and improved management measures introduced to the woodland. A Biodiversity Management and Monitoring Plan has been prepared by the applicant's consultant, which sets out the measures required to improve the biodiversity value of the two areas of land and a programme for subsequent management and monitoring to ensure net gain objectives are realised. In line with BNG requirements, the measures would have to be managed for a 30-year period.

The Council's Ecology consultant considers the recommended measures to be acceptable and to deliver a net gain in biodiversity, in line with local and national policy objectives. The most appropriate means by which to secure the net gains is for the Council to take responsibility for the implementation, management and monitoring measures set out in the ecology consultant's plan, with the developer required to meet the Council's costs for this burden. Following discussions with the Council's Landscaping team, it has been established that a financial contribution of £44,000 would cover the Council's costs over the 30-year management and monitoring period. This contribution would be secured via an agreement under s106 of the Town and Country Planning Act.

To summarise, the Council's Ecology officer confirms that on-site ecology impacts can be acceptably mitigated, provided that the recommended conditions are imposed and that all works are undertaken in accordance with a Natural England licence. Off-site enhancement and management measures within Lakeside Park will ensure a net gain in biodiversity is achieved, with the delivery and management of this to be the responsibility of the Council but funded by the applicant.

Council's Flood and Coastal team (Lead Local Flood Authority) - initial comments advised that further information was required before the development could be approved. Further details were requested in respect of discharge arrangements, maintenance arrangements, detailed flood and drainage drawings, landscaping details, discharge agreements and arrangements during construction works.

Following the submission of further information by the applicant's consultant, including proposals to deliver 2 no. detention basins on the adjacent open space, the LLFA has confirmed that the development is acceptable in terms of risks from flooding, whilst the submission now incorporates a sustainable drainage strategy which will ensure the scheme does not materially increase the risk of flooding elsewhere. There are no objections to the development proceeding, subject to a condition requiring the submission of a verification report to demonstrate that the drainage strategy has been implemented as agreed.

Council's Environmental Health team - considers the proposed development to be acceptable, subject to a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP).

In terms of noise, it is observed that the site is well-separated from the nearest sensitive properties and the submitted noise assessment report demonstrates that the operation of the proposed development is unlikely to pose a significant risk of adverse impacts to Thorney Close Primary School and residential properties to Princetown Terrace.

Additionally, there are no concerns relative to odours given the nature of the proposed uses within the development and the location of the nearest sensitive properties.

In terms of air quality, the submitted assessment has considered the construction phase of the development and subject to the CEMP incorporating the recommended dust suppression measures, there are no concerns in this regard. Impacts upon air quality from the operation of the development have been assessed using appropriate screening methodologies and indicate that predicted pollutant concentrations are unlikely to be significant and will be below the current air quality objectives/limit values.

Council's Land Contamination consultant - generally satisfied with the methodology and conclusions of the Phase I Risk Assessment Report and the Phase II Ground Investigation Report submitted with the planning application and it is considered that site conditions do not appear prohibitive to its development as proposed. It is advised, however, that further inspections, sampling and analysis of the footprint of the vacant police station building is required once it has been demolished. The additional work could be submitted either as an addendum to the Ground Investigation Report or as part of the Remediation Strategy.

Conditions which address the above and which require the submission and approval of a Remediation Strategy (for the whole site) and a Verification Report are recommended. It is also advised that a condition relating to encountering unexpected contamination be imposed.

Council's Highways team - comments advise that the submitted trip generation methodology and outputs appear largely robust, however the capacity assessment shows that the proposal will have a material impact on the performance of the A690 Durham Road/North Moor Lane roundabout junction during a weekday PM period. In addition, there are concerns relating to the proposed site access arrangements, in particular safety concerns around the proposed egress onto the A690 Durham Road. It was requested that these issues be examined further by the applicant.

Subsequent to the receipt of the comments, the applicant has provided further information in respect of trip generation and greater detail for the proposed design and arrangements for the 'left out' egress onto Durham Road. The additional detail has been reviewed by the Council's Highways team and is considered acceptable; as such, there is now no objection to the proposed development.

The development is also considered acceptable in relation to its accessibility by public and sustainable transport, the internal layout and movements, the proposed level of car parking and electric vehicle charging provision and servicing and refuse arrangements. It is recommended that the level of cycle parking to be provided is clarified. The submitted Travel Plan is also considered acceptable and a planning condition should ensure the monitoring and review of its plan objectives.

A condition requiring the submission and approval of a Construction and Environmental Management Plan (CEMP) is recommended, whilst the recommendations made by Nexus in respect of the development supporting improved public transport facilities in the locality and public transport tickets for employees are supported.

CONSIDERATION OF APPLICATION

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

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

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

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

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

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

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF.

Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the potential future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has been produced and subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered consistent with the NPPF, although little weight can be given to any draft A&D Plan policies given that the document has made limited progress through the adoption process.

Although it does not form part of the Council's adopted Development Plan, regard should also be given to the Council's City Plan 2019-2030. This sets out the Council's vision, being 'by 2030 Sunderland will be a connected, international city with opportunities for all'. Three key themes will drive this vision, these being:

- A Dynamic Smart City
- A Healthy Smart City
- A Vibrant Smart City

The City Plan sets out a wide range of specific and more general delivery objectives for the period up to 2030, including the delivery of more and better jobs and supporting thriving businesses.

The adopted CSDP firstly sets out a list of Strategic Priorities for the City, in order to achieve its Spatial Vision for 2033. These Strategic Priorities are:

1. To deliver sustainable economic growth and meet objectively assessed employment and housing needs;
2. To identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
3. To promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;
4. To provide a range of choice of accommodation, house types and tenures;
5. To provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;
6. To support and improve the vitality and economic performance of the Urban Core and designated centres;
7. To protect, sustain and enhance the quality of our built and historic environment;
8. To protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;
9. To adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;
10. To manage waste as a resource and minimising the amount produced and sent to landfill;
11. To promote sustainable and active travel and improve transport infrastructure;
12. To manage the City's mineral resources;
13. To ensure the City has the infrastructure to support its growth and prosperity;

A wide range of more specific CSDP policies are relevant to the consideration of the proposed development, as set out below.

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through

the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

SP5 - South Sunderland will continue to grow and become a spatial priority for housing and economic development by: focusing economic growth in identified Employment Areas and the Port of Sunderland; developing the South Sunderland Growth Area as a sustainable community; securing the regeneration and renewal of Hendon, Millfield and Pennywell; and protecting Settlement Breaks.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures. Planning applications for large-scale development (i.e. more than 100 dwellings) should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

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

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

VC1 - seeks to protect the vitality and viability of city, town, district and local centres by directing new retail, leisure, entertainment, cultural facilities and services to existing centres. Development outside of existing centres will be expected to follow the sequential assessment approach.

VC2 - applications for edge- or out-of-centre retail development will require an impact assessment to be submitted where the relevant stated local threshold is exceeded.

VC5 - community facilities and local services will be protected and enhanced by resisting their loss unless a suitable replacement is provided or the existing facility is surplus to requirements. The development of new facilities will generally be supported, as will the shared use of facilities.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 - sustainable design and construction should be integral to major development proposals.

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH5 - new shop fronts must relate well to the scale and appearance of the building and the character and appearance of its location.

BH9 - development should not adversely affect the archaeological interest and setting of a Scheduled Ancient Monument and the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 - seeks to protect existing greenspace from inappropriate development. Greenspaces should only be developed if: the greenspace is clearly surplus to requirements; a suitable replacement facility is being provided; or an agreed contribution is made by the developer to the Council to deliver new provision or improve existing greenspace.

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 - requires new development to maintain water quality.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

The UDP allocates the grassed areas alongside Durham Road and North Moor Lane as open space and saved policy L1 therein sets out the Council's strategic objective of identified sufficient land within the City to meet its recreational and leisure needs. Partially saved UDP policy L7 states that the development of allocated open space will only be appropriate if certain criteria are met - the criteria listed have, however, been replaced by those provided within CSDP policy NE4.

Also relevant is saved UDP policy SA6.1, which allocates the site for commercial uses involving food and drink (former use class A3), light industry, offices, research and development (former use class B1), hotels (use class C1) and assembly and leisure (former use class D2). Town centre uses of a scale beyond a level which is ancillary to any development of the site will only be allowed where:

- (i) a lack of suitable alternative location in the City Centre or an edge of centre is demonstrated;
- (ii) it does not, solely or cumulatively, divert investment from existing centres so as to threaten their vitality and viability.
- (iii) it contributes to a balanced distribution of facilities accessible to all sectors of the community by public transport, on foot or cycle as well as by car; and
- (iv) it does not have an adverse effect on overall travel and car use

Members should note at this point that following the amendment to the Town and Country Planning (Use Classes) Order in 2020, former use classes A1 and B1 now fall within use class E (commercial, business and service), whilst use class D2 is split between use classes E and F.2 (local community uses). Use class C1 remains extant.

With regard to the draft Allocations and Designations (A&D) Plan, policy NE15 identifies the grassed land alongside Durham Road and North Moor Lane as greenspace. It is also observed that the application site is within the scope of the view from the artificial ski slope within Silksworth Sports Complex; this is identified as a key viewpoint by policy NE16 of the draft A&D Plan.

Members should note at this stage that when, in line with the requirements of s38(6) of the Planning and Compulsory Purchase Act 2004, consideration is being given as to whether a development proposal is in 'accordance with the plan', it is necessary to consider whether the proposal accords with the plan taken as a whole (as per the *R v Rochdale MBC ex parte Milne* judgement). Consequently, a development proposal does not have to accord with each and every policy of a plan in order to be found 'in accordance with the plan' and any areas of conflict with the Plan need to be considered in the context of wider policy accordance and the positive aspects of the development in a 'planning balance' exercise.

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

- Build a strong, competitive economy (section 6);
- Ensure the vitality of town centres (section 7);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. The principle of the proposed development;
2. Consideration of policies relating to retail development;
3. Consideration of policies relating to open space;
4. The implications of the development in respect of residential amenity;
5. The implications of the development in respect of design and visual amenity;
6. The implications of the development relative to archaeology;
7. The impact of the development in respect of highway and pedestrian safety;
8. The impact of the development in respect of ecology and biodiversity;
9. The impact of the development in respect of flooding and drainage;
10. The impact of the development in respect of ground conditions;

1. Principle of proposed development

The application site is subject to two extant allocations in the UDP of 1998 which were not deleted upon the adoption of the CSDP. Firstly, as set out above, the application site is, in part, allocated by saved policy SA6.1 of the UDP as a site for commercial and light industrial uses falling within former use classes A3 (food and drink), B1 (offices, light industry and research and development) and D2 (assembly and leisure) and extant use class C1 (hotels). 'Town centre' uses will only be permitted at the site if certain criteria are met, including that no preferable sites are available in the City Centre or an edge of centre location.

The proposed development of the site would primarily deliver retail floorspace (current use class E(a), former use class A1 at the time of the UDP's adoption), with some sui generis floorspace (the tanning salon and veterinary practice) and a drive-thru coffee outlet incorporating elements of current use class E(b) and a sui generis use. Only food and drink sales (current use class E(b), former use class A3) are listed by policy SA6.1 as being acceptable at the site of the North Moor commercial allocation. As such, the proposed development does give rise to some conflict with the UDP allocation.

It should at this point be noted that whilst UDP policy SA6 has been saved, it is not an up-to-date allocation of the site, and it is also observed that the draft A&D Plan does not propose to carry through the UDP allocation and nor does it propose to allocate the site for any similar form of development. Whilst little weight can be given to the draft A&D Plan at this stage, the emerging local plan does indicate that the site is unlikely to be allocated for any form of retail or commercial development in future iterations of the Development Plan.

Indeed, the draft A&D Plan Proposals Map shows much of the site being allocated as greenspace. This aligns with the second extant UDP allocation at the site (i.e. greenspace allocation under policies L1 and L7), although it is observed that the draft A&D Plan does include areas of grassed space which are currently covered by UDP policy SA6.1's allocation. The areas of greenspace within the site are subject to the objectives and requirements of CSDP policy NE4 which, as set out earlier, largely promotes the retention of valuable greenspace unless certain criteria are met.

To summarise the position in respect of land use allocations at the site, it is partly subject to the saved (although not up-to-date) UDP policy SA6.1 allocation for commercial/light industrial development (which is not proposed to be carried through to the A&D Plan) and partly subject to the extant UDP allocation as greenspace (which is proposed to be carried through and expanded within the A&D Plan). The development proposed by the current planning application involves

uses which conflict with UDP policy SA6.1 and it will also result in the loss of greenspace, in conflict with the objectives of saved UDP policies L1 and L7 and CSDP policy NE4.

The Council's Planning Policy team also note that the existing police station should be classed as a community facility and policy VC5 of the CSDP seeks to ensure such facilities are not unacceptably lost. The planning agent has advised that the building has been vacant since 2015 and was closed in response to Northumbria Police budget cuts. The building was subject to marketing by Sanderson Weatherall agents and there was no interest in putting the building to another community use. Given the long-term vacancy of the building, its increasingly dilapidated state and the lack of any interest in an alternative community use, its loss is not considered to conflict with policy VC5's objectives.

The proposed development does, therefore, give rise to some conflict with the extant UDP policies relevant to the site and these tensions have been identified in the representation submitted by the Sunderland Civic Society. This position of conflict represents the starting point for the consideration of the merits of the current planning application and as s38(6) of the Act directs, planning applications should be determined in accordance with the development plan. This is, however, unless material considerations indicate otherwise - it is therefore necessary to assess the issues relevant to the proposed development to fully establish the extent and significance of the conflict with the extant UDP policies and whether there are considerations which would mean the application should be approved in spite of the conflict. The material considerations relevant to the application are identified and assessed in the following sections of this report.

2. Consideration of policies relating to retail development

Broadly speaking, the local and national policy framework seeks to ensure that the viability and vitality of existing town and local centres is maintained by, amongst other measures, ensuring new retail development is directed towards existing centres wherever possible.

As noted above, the application site is partly subject to saved policy SA6.1 of the UDP, which allocates some of the site for commercial and light industrial development. As set out in the previous section of this report, the mix of uses proposed by the development are not considered to be consistent with the list provided in policy SA6.1. The policy goes on to state that 'town centre' development on the site will only be supported if it can be demonstrated that the following criteria are met:

- (i) no suitable City Centre or edge of centre sites for the development exist;
- (ii) it does not, solely or cumulatively, divert investment from existing centres so as to threaten their vitality and viability;
- (iii) it contributes to a balanced distribution of facilities accessible to all sectors of the community by public transport, on foot or cycle as well as by car; and
- (iv) it does not have an adverse effect on overall travel and car use.

Criterion (i) partly correlates with paragraph 87 of the NPPF, which states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Plan. Main town centre uses should preferably be in town centres, then in edge of centre locations; out of centre locations should only be considered where suitable sites are not available or expected to become available within a reasonable period. Paragraph 88 of the NPPF goes on to advise that when considering edge of centre and out of centre locations, preference should be given to accessible sites which are well-connected to the town centre.

Policy VC1 of the CSDP is also relevant; it seeks to direct town centre development to existing centres and states that the development of main town centre uses outside of existing centres will be expected to follow the sequential assessment approach.

To clarify, the Glossaries to the NPPF and the CSDP identify main town centre uses as: retail development, leisure, entertainment and more intensive sport and recreation uses, offices and arts, culture and tourism development.

Echoing the criterion (ii) within policy SA6.1, policy VC2 of the CSDP states that when assessing applications for edge- or out-of-centre retail development, the Council will require an impact assessment to be submitted where the development will exceed the relevant threshold. In respect of proposals affecting a District Centre, the threshold is set at 750 sq. metres for both convenience and comparison retail floorspace, whilst where a Local Centre is being affected, the threshold is 500 sq. metres.

Paragraph 90 of the NPPF states that such impact assessments should include:

- (a) an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) an assessment of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Policy VC2 of the CSDP goes on to state that where there is evidence that the development would have a significant adverse impact upon the vitality and viability of a designated centre, planning permission should be refused, an approach which aligns with the advice of paragraph 91 of the NPPF. Paragraph 91 also directs that applications which fail to satisfy the sequential test should be refused.

The planning application has been accompanied by a Sequential Assessment, which seeks to demonstrate that there are no more sequentially preferable suitable sites available for the development in the centres identified by the CSDP which are in the Primary Catchment Area (PCA) of the proposal. The reasoning for the identified PCA is explained within the accompanying Retail Impact Assessment and is discussed later in this report. The centres within the identified PCA are Doxford Park District Centre and Silksworth and Pennywell Local Centres. The submitted Assessment is informed by the *Tesco Stores Ltd. v Dundee City Council* Supreme Court Judgment of 2012, which essentially established that providing a developer demonstrates a degree of flexibility in respect of the format and scale of their scheme, the question to be addressed by a Sequential Assessment is whether available sites are suitable for the proposed development, not whether the proposed development can be reduced or altered to fit an available site. This Judgment was referenced by the Secretary of State's *Rushden Lakes* decision in 2014, which concluded that if a sequentially preferable site is not suitable for a developer's commercial requirements, then it should not be considered a 'suitable' site for the purpose of a Sequential Assessment.

The submitted Assessment establishes three sequential search parameters, as follows:

- a minimum site size of 1.16ha, which allows for an appropriate degree of flexibility given the overall size of the application site is 1.69ha
- the need for a site that will allow for a safe manoeuvring of customer vehicles
- the requirement for a prominent site with the ability to attract passing trade

In the context of these parameters, the Assessment provides details of the sites considered within Doxford Park District Centre and Silksworth and Pennywell Local Centres, which were identified

via allocations in the Council's Development Plan, retail health check findings, agent websites and online searches. Units or land within the centres were assessed against three indicators - their availability, suitability for the proposed development and their viability in the context of the proposed scheme. At Doxford Park, the one vacant unit identified was not being marketed and was too small for the proposed development. A greater number of vacant units were apparent in Silksworth Local Centre, however again, these were not being actively marketed and were too small for the proposed development. Two vacant units in Pennywell Local Centre are considered too small for the scheme.

The Council instructed HollissVincent, a planning consultancy with expertise in retail planning, to review the applicant's Sequential Assessment and advise the Council on whether it was robust in the context of local and national policy requirements. The report prepared by HollissVincent advises that the application proposal is considered to pass the sequential test. The submitted Assessment is considered to demonstrate that there are no other sites or premises located within, or on the edge of, the relevant designated centres in the catchment area of the application proposal that would both be suitable and accommodate 'the broad type of development which is proposed by the application by approximate size, type and range of goods' (a test set in the *Aldergate Properties Ltd v Mansfield District Council and Regal Sherwood Oaks Ltd* judgment in 2016). The applicant has adopted an appropriate degree of flexibility in relation to the format and scale of the development and this would apply even if the development was to be disaggregated into its three principal elements which, as a general principle, had been confirmed by case law (e.g. the *Cribbs Causeway* call-in Inquiry decision of 2018).

Given the advice of the HollissVincent report, it is considered that the submitted Sequential Assessment acceptably demonstrates that there are no more sequentially preferable sites available for the proposed development in nearby designated centres or edge-of-centre locations. As such, the proposed development is considered to accord with the requirements of paragraph 87 of the NPPF and policy VC1 of the CSDP in this regard. Criterion (i) of saved policy SA6.1 also requires a sequential approach to any retail-led development at the site, but it makes specific reference to the City Centre; focusing on the City Centre is not, however, considered to be appropriate given that it is not identified as a priority in applying a sequential test by policy VC1 of the CSDP and given that the City Centre is not within the anticipated catchment area of the development. The HollissVincent report considers the methodology used by the submitted Assessment to be informed by contemporary policy and case law and on this basis, the Assessment is considered robust.

In line with the requirements of paragraph 90 of the NPPF and policy VC2 of the CSDP, the applicant has also submitted a Retail Impact Assessment (RIA) with the application. Informing this is a 'Retail Health Checks' document, which provides an assessment of the performance, vitality and viability of the three centres within the proposed development's catchment area (i.e. Doxford Park, Silksworth and Pennywell).

The RIA submitted with the planning application firstly seeks to establish the Primary Catchment Area (PCA) of the proposed development, i.e. the areas of population from which the majority of the scheme's trade would be drawn (the PCA was also used to guide the Sequential Assessment). The PCA has been informed by the findings of the Household Survey commissioned as part of the Sunderland Retail Study of 2016, which was in turn produced to inform the adopted CSDP. The application site lies within Zone 2 of the Study, and this is considered to represent an appropriate PCA for the development. Doxford Park District Centre and Silksworth Local Centre are located within the PCA. A range of other retail provision within and outside the PCA has been identified, namely the B&M store at Ryhope, the City Centre, Trimdon Street Retail Park, Sunderland Retail Park, Pallion Retail Park and Hylton Retail Park.

The RIA goes on to analyse existing shopping patterns for residents within Zone 2, to inform assumptions on trade diversion and assess whether there is any additional capacity for additional comparison and convenience retail floorspace. The analysis is considered to demonstrate that residents of the development's PCA are travelling outside the area for comparison shopping and that Doxford Park District Centre and Silksworth Local Centre attract a very low level of comparison trade. In terms of convenience shopping, the PCA of the development has a relatively healthy spend retention rate, partly due to the presence of the large Morrisons supermarket at Doxford Park. There is, however, some leakage of spending to adjacent Zones and the RIA suggests that there is some capacity for additional convenience floorspace to serve local residents who are currently spending their money elsewhere.

The existing picture is used to inform an Assessment of Impact. This section of the RIA firstly explains the methodology and approach taken in preparing the RIA. In respect of population and expenditure, the RIA uses data from the 2016 Retail Study. It then goes on to provide an anticipated turnover for the retail elements of the scheme (i.e. excluding the sui generis uses), this being £11.73m by 2025, and an appraisal of turnover for existing centres based on the Retail Study's figures. No other planned investments within the PCA have been identified as relevant to the Assessment. The detailed data underpinning the Assessment is provided in a series of spreadsheets in an appendix to the main document.

In terms of impacts on centres within Zone 2, the RIA firstly asserts that submitted Health Check demonstrates that both Doxford Park and Silksworth centres are healthy, with limited vacancy rates, good pedestrian flows and a good variety of existing uses. Some trade (anticipated to be £0.37m) will likely be diverted from Doxford Park, but this will not undermine its vitality and viability and the development will not compete with the Morrisons store given the types of goods available. Similarly, a small amount of trade is anticipated to be diverted from Silksworth, it is again asserted that this will not materially affect its vitality and viability.

Pennywell Local Centre lies within Zone 3 of the Retail Study; again, the applicant's Health Check suggests its condition is healthy and that the development will result in very limited trade diversion. The City Centre is within Zone 1 of the Retail Study and the RIA notes that it is a destination for both comparison and convenience shopping. There are stores within the City Centre which will sell similar goods to those proposed at the application site and some trade will be diverted, but this is anticipated to be around 1% of its trade and so the impact is argued to be negligible. Trade from existing out-of-centre stores selling similar goods to the proposed development will be diverted, however it is argued that the scheme will provide greater consumer choice for shoppers in Zone 2 and will assist with retaining expenditure in Zone 2.

In conclusion, the RIA asserts that it provides a robust and thorough assessment of the impact of the proposed development on designated centres within the study area and demonstrates that the impact of the development on designated centres would be negligible and not harm their vitality and viability. It contends that the impacts are acceptable and so the development accords with the requirements of paragraph 90 of the NPPF, policy VC2 of the CSDP (and also criterion (ii) of saved UDP policy SA6.1).

The submitted RIA has also been reviewed by HollissVincent on behalf of the Council. The HollissVincent report firstly agrees with the RIA's conclusion that the proposed development would not materially affect any committed or planned investment in Doxford Park District Centre or Silksworth or Pennywell Local Centres. Whilst the Civic Society's objection expresses concern in respect of the health of the City Centre, citing the impact of the Covid-19 pandemic and the closure of stores such as Debenhams and Tesco, the issue appears to relate more to vitality and viability rather than investment and to this end, it is accepted that the City Centre is outside of the development's Primary Catchment Area and that there is no suggestion that the proposed

development would not jeopardise planned City Centre investment, such as regeneration plans identified in the Riverside Sunderland Supplementary Planning Document (SPD).

The HollissVincent report accepts the RIA's use of Zone 2 of the Retail Study as a proxy for the development's Primary Catchment Area and judgment that trade will primarily be drawn from this area. Conclusions made in respect of the current spending patterns of residents within Zone 2, with substantial leakage of comparison spending but good retention of convenience spending, also appear to be robust. Additionally, the HollissVincent report concludes that methodology followed for establishing impacts is appropriate and the report then goes on to analyse in detail the data presented within the appendix to the RIA.

HollissVincent's report agrees that highest absolute diversions of trade are likely to be from the City Centre and from out-of-centre locations occupied by stores offering similar goods to the proposed B&M store. It is noted that the Civic Society has expressed concern at this potential draw of trade from the City Centre, however even if the trade diversion of £1.954m identified by the RIA were to be doubled as a sensitivity test, the percentage impact would remain around 1% and so cannot be argued to constitute a significant adverse impact on the City Centre's trading levels. Out-of-centre stores do not, meanwhile, enjoy policy 'protection' in the NPPF and are not part of the established hierarchy of centres set out in the CSDP.

Conclusions reached in respect of the health of Doxford Park, Silksworth and Pennywell centres are agreed with (and, in respect of Silksworth centre, a check of its condition and vacancy rates was also undertaken by Council officers) and it is accepted that trade diversion from these centres will not be significant given the identified diversion rates of between 1 and 3%.

The HollissVincent report advises that the application proposal is considered to pass the two impact tests at paragraph 90 of the NPPF for the following reasons:

- there are no existing, committed or planned investments within established district or local centres located within the Primary Catchment Area of the development which would suffer any 'significant adverse' impact as a result of the application proposal;
- in respect of the City Centre, committed and planned investment is primarily in the area covered by the Riverside Sunderland SPD and is targeted at improving the office and residential offer of the central business district; and
- the application proposal is highly unlikely to cause a 'significant' adverse impact on any of the designated centres within, or beyond, the development's catchment area, in relation to projected trade diversion and consumer choice.

Having considered the applicant's Sequential Assessment, Retail Impact Assessment and Health Check document in detail, the HollissVincent report offers the following key conclusions in respect of the proposed development:

- The development accords with the sequential approach incorporated into policy VC1 of the CSDP. No sequentially preferable and suitable sites are available for the development and the applicant's Assessment is robust.
- The development is unlikely to have a significant adverse impact on the vitality and viability of Doxford Park District Centre, Silksworth Local Centre or any other designated centre elsewhere in Sunderland, in accordance with the requirements of policies VC1 and VC2 of the CSDP. The applicant's RIA is considered to be robust.
- There remains some conflict with saved UDP policy SA6, however given the age of this allocation, this should not be determinative.
- The draft A&D Plan can only be given limited weight at this stage.

- Accordance with the sequential and retail impact tests is a positive material consideration in the planning balance exercise to be undertaken.

The HollissVincent report recommends that the Council accepts that there are no local or national main town centre use policy reasons for refusing the application proposal, subject only to the imposition of conditions which:

- i) Restrict the total gross internal area (GIA) of the proposed development on the application site to 3,800 sq. metres;
- ii) Restrict the total net retail sales area (Class E(a)) on the application site to an aggregate of 3,000 sq. metres, including an allowance of 600 sq. metres for the garden centre component;
- iii) Restricts the GIA of the drive-thru unit to 170 sq. metres.

These recommended conditions incorporate a strictly limited amount of flexibility, given that the application proposal has been assessed based on the figures provided by the applicant. The purpose of the conditions is to reflect the basis on which the application has been assessed and to maintain the vitality and viability of established centres within the local retail hierarchy.

In summary, detailed consideration has been given to the proposed scheme in the context of the local and national planning policies relevant to retail development. In doing so, regard has been given to the Sequential Assessment and Retail Impact Assessment submitted with the application, the appraisal of the proposed development and its policy compliance undertaken by HollissVincent and the advice and recommendations of HollissVincent's report.

It is considered that the proposed development passes a sequential test and that it will not have a significant adverse impact on the vitality and viability of Doxford Park District Centre, Silksworth Local Centre, Pennywell Local Centre or any other nearby centres, including Sunderland City Centre. As such, the proposed development satisfies the requirements of the NPPF and policies VC1 and VC2 of the CSDP.

In respect of saved UDP policy SA6.1, it is recognised that the uses within the proposed development do not accord with the list provided within the policy, although the submission has satisfied criterion (i) and (ii) of the arm of the policy which sets out when town centre uses may be considered acceptable. In any case, and as noted in HollissVincent's report, it is considered that conflict with this policy is not a determinative issue given the age of the policy allocation and its potential deletion from the emerging local plan. The scheme's compliance with the other criterion within policy SA6.1 is considered in later sections of this report.

Given the above, it is considered that the proposed development is appropriate for the application site in sequential terms and in relation to its impact on nearby designated centres. The proposed development is therefore considered to comply with the requirements of policies SP5, VC1 and VC2 of the CSDP and paragraphs 87, 88, 90 and 91 of the NPPF.

3. Open space policy considerations

As noted in preceding sections of this report, the application site is, in part, allocated as greenspace by saved policies L1 and L7 of the UDP. Furthermore, the Proposals Map of the draft A&D Plan shows greenspace at the site, with the land identified by saved UDP policy L1, plus some areas covered by the commercial development allocation in the UDP, included in the proposed allocation. The greenspace allocation in the draft A&D Plan is also identified as amenity greenspace in the Council's most recent Greenspace Audit. Greenspace within the application site would be lost to built development, car parking and access road and, following the

amendment to the proposed drainage arrangements for the site, an area of grassed open space would also accommodate drainage infrastructure in the form of two detention basins.

Policy NE4 of the CSDP is therefore relevant and it seeks to 'protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report'. This will be achieved through designating greenspaces via the A&D Plan, delivering new and enhanced greenspaces, including within new development, and by refusing development on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value. This is unless it can be demonstrated that:

- i. the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or
- ii. a replacement facility of appropriate equivalence is provided by the developer on a site agreed with the Council; or
- iii. where replacement is neither practicable or possible, an agreed contribution is made by the developer to the Council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

Members should note that the objectives and terms of policy NE4 of the CSDP largely mirror those set out at paragraphs 98 and 99 of the NPPF.

In terms of establishing the application site's value as greenspace, the Greenspace Audit scores the site against a range of 60 criteria, such as the site's accessibility, condition and level of use, and it has been given a final valuation of 118 (with a weighting of 40) compared to a City-wide average score of 80. The space scores highly in relation to amenity criteria, rather than due to its recreational or ecological value. In terms of the wider area, the Silksworth Ward (in which the site is located) has a 'High' quantity of amenity greenspace (7.17 hectares per 1000 population against a City average of 5.36ha/1000) and a 'High' quality of amenity greenspace (average score of 87). The adjacent Sandhill Ward, however, has a 'Below Average' quantity (4.57ha/1000) of amenity greenspace and a 'Very Low' quality of amenity greenspace (average score of 77), with the Audit highlighting particular deficiencies in the Humbledon and Plains Farm neighbourhood.

The applicant's Open Space Assessment document provides an overview of the Audit's consideration of the value of the site and the position relative to the wider Silksworth Ward. The applicant's Assessment contends that the Audit demonstrates that Silksworth has access to a significantly greater amount of amenity greenspace than the City-wide standard and that greenspace within the Ward is also of a greater quality. It is also noted that the extensive parkland of Silksworth Sports Complex and Lakeside Park is nearby. It is therefore argued that the loss of greenspace at the site would have a negligible impact on amenity greenspace provision within the Ward given the wider position and the availability of greenspace nearby. It is also suggested that landscaping within the site will provide some compensation for that being lost.

The applicant's position has been given consideration; however, it is noted that the criteria within policy NE4 of the CSDP does not include allowing the development of greenspace simply on the basis that the existing position in the locality is 'healthy'. In any case, it is considered that the local position relative to greenspace is not as clear cut as suggested by the applicant's Assessment, given the lower quantity and quality of greenspace in the Humbledon and Plains Farm neighbourhood, in which the site is located. This has led to the additional weighting of 40 points given to the site in the Audit.

Given the above, it has been communicated to the applicant and their planning agent that the Council does not consider the application submission to have demonstrated that one of the criteria within policy NE4 which would permit the development of the greenspace has been satisfactorily met. To this end, policy NE4 of the CSDP does set out that the development of greenspace can be acceptable where replacement provision is being made by the developer or a financial contribution is provided to allow the Council to deliver new open space or improve existing provision. In this case, the applicant is not proposing to deliver any alternative replacement facilities, but notwithstanding the conclusions of the submitted viability assessment and following further discussion, the applicant has agreed to make a financial contribution of £7,026.26 towards the provision or improvement of open space in the area.

This figure is informed by the calculation methodology set out in the Council's adopted 'Planning Obligations' Supplementary Planning Document (SPD), although as the SPD calculation is designed for a residential development, it has been necessary to modify the methodology to base the calculation on full-time jobs being created, rather than new bedspaces (i.e. 'per bedspace' cost of improving and maintaining 1ha of open space of £68.22 x 103 full-time jobs = £7,026.26). The contribution would be secured via an agreement under s106 of the Town and Country Planning Act 1990 (as amended).

The making of the financial contribution is considered to mean that the proposed development would meet criteria (iii) of CSDP policy NE4 and where one of the criteria is met, the policy sets out that the development of open space can be approved.

Given the above, it is concluded that whilst it is accepted that the scheme would result in the loss of open space of above average quality (as identified by the Greenspace Audit), the applicant's willingness to make a financial contribution towards the improvement of off-site existing open space is considered to mean that the development satisfies policy NE4 of the CSDP. This is because the policy does permit the development of open space where such a financial contribution can be secured. In reaching this view, it is observed that in the Audit, the open space does not score highly in respect of its recreational and nature conservation qualities, with the open space's main value derived from its contribution to local amenity.

Notwithstanding this above, the appropriateness of developing the open space at the site needs to be considered in terms of the proposed development's effect on the visual amenity and character and appearance of the locality; this matter is considered further in section 5 of this report.

4. Implications of development in respect of residential amenity and local environment

Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, ensure a high standard of amenity for existing and future users. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. This policy also requires new development to include initiatives which serve to 'design out' crime.

The application site is relatively remote from residential properties. The closest to the site are to the east at Princetown Terrace, approximately 125 metres away. The grassed land between the site is, however, subject to a current planning application (ref. 21/01001/FU4) for housing development and the site is also proposed to be allocated for housing under policy H8.35 of the draft A&D Plan. The proposed layout for the housing development submitted under app. ref. 21/01001/FU4 shows dwellings being approximately 42 metres from the boundary of the current planning application site, with the nearest proposed unit being the B&M store and garden centre.

It is considered that the distance from the development site to Princetown Terrace, together with intervening land uses and tree planting, will ensure that the existing residential properties will not experience any significant effect on their amenity in terms of outlook, sunlight/daylight or privacy. Additionally, it is considered that the separation distance of over 40m available between the development site and any potential new housing will ensure that the development would be able to coexist satisfactorily with such housing in respect of the outlook, sunlight/daylight and privacy of any new dwellings.

With regard to noise, policy HS2 of the CSDP and paragraph 185 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of noise-sensitive property, such as dwellinghouses. The noise assessment submitted with the planning application has been reviewed by the Council's Environmental Health team and there are no objections in relation to noise given the relative remoteness of the site from sensitive properties, including the dwellings at Princetown Terrace and Thorney Close Primary School. The submitted noise assessment is considered robust and demonstrates that, when assessed against the relevant British Standards and World Health Organisation Guidelines for Community Noise, no significant noise impacts should occur during operation of the development, including from fixed plant, vehicle parking, outdoor seating, and the drive-thru facility.

The applicant's noise consultant has also confirmed that the same conclusions can be reached in respect of any dwellings built on the adjacent land - an assessment of the potential impacts on the dwelling nearest the application site as shown by the layout proposed for planning application ref. 21/01001/FU4 demonstrate that noise levels experienced would be around the same as those to be experienced by existing properties.

Given the conclusions of the Council's Environmental Health team in relation to noise and the general remoteness of the site from existing and proposed residential properties, there is not considered reason to object to the applicant's request for the proposed early and late opening of the Costa and Greggs units or impose restrictions on the timings of deliveries etc., as there is no evidence to suggest this arrangement would give rise to any local amenity concerns.

In terms of air quality, the submitted Air Quality Assessment shows impacts arising from demolition and construction activity and the operation of the development are not expected to be significant and there will be no exceedance of statutory objectives in relation to air quality. The Council's Environmental Health team consider the Assessment to be robust and agree with its conclusions, therefore there are no objections in relation to this matter. It is recommended, however, that the Construction Environmental Management Plan for the development incorporates the dust mitigation measures set out in Table 6 of the Assessment.

It is accepted that a development of this scale can result in noise and disturbance during construction works and in relation to this scheme, this could occur over an extended period. Clearly, however, such disturbance is an inevitable by-product of a built development, and it is the role of the Local Planning Authority and Environmental Health and Highways officers to ensure the construction phase of the development can be appropriately managed to minimise the effects of construction activity on the local environment. To this end, a condition requesting the

submission and approval of a Construction Environmental Management Plan (CEMP) has been recommended by the Council's Highways and Environmental Health teams and Members are advised to impose such a condition in the event they are minded to approve the application.

In terms of crime and anti-social behaviour, as set out in the 'Representations' section of this report, Northumbria Police's Designing Out Crime officer is largely supportive of the scheme and offers no objections to the development. Advice has been provided in relation to security measures for the B&M store and these can be shared with the applicant via an informative note.

At this point, it is noted that the representations which express support for the proposed development cite issues around the vacant police station building being a target for anti-social behaviour and vandalism. The proposed redevelopment of the site would, it is hoped, help to address this issue.

Consideration is also given at this juncture to the objectives of policy SP7 of the CSDP, which states that the Council will seek to improve health and wellbeing in Sunderland by, amongst other measures, ensuring that new developments are:

- i. are age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
- ii. have a strong sense of place which encourages social interaction;
- iii. are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space;
- iv. promote improvements and enhance accessibility to the city's natural, built and historic environments;
- v. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
- vi. appropriately address any contaminated land to an acceptable level (Policy HS3); and
- vii. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

More detailed consideration is given to the credentials of the development in relation to accessibility, built form and contaminated land later in this report, however it is considered that site of the development and the proposed layout is conducive to easy access both on foot and by bicycle. Furthermore, as noted above, it has been established that the development will not give rise to any unacceptable adverse effects on local amenity. To clarify, the development is not considered to meet the criteria for requiring a Health Impact Assessment as set out by the supporting text to policy SP7.

With regard to the above comments, it is considered that the proposed development will not give rise to any substantive harm to the amenity of existing dwellings and other sensitive receptors in the vicinity of the application site. This conclusion is also considered applicable in respect of any dwellings built on the open space between the site and Princetown Terrace. Consideration has also been given to air quality, noise and disturbance during construction work and for the reasons set out above, the scheme is considered acceptable in relation to these matters.

It is therefore considered that the proposals are compliant with the requirements of policies BH1, SP7, HS1 and HS2 of the CSDP and paragraphs 130 and 185 of the NPPF in relation to residential amenity.

5. Implications in relation to design and character and appearance of the area

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 124 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

- local market conditions and viability;
- the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting, or of promoting and change;
- the importance of securing well-designed, attractive and healthy places.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 126 stating that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be 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);
- establish or maintain a strong sense of place;

Paragraph 131 highlights the important contribution new trees can make to the character and quality of urban environments, and also the role they can play in helping to mitigate and adapt to climate change. New development should incorporate new tree planting throughout, with the provision of tree-lined streets strongly encouraged.

Paragraph 134 then 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, especially where there is clear conflict with local and national design guidance and policies.

Paragraph 154, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Aforementioned policy BH1 of the CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;

- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

Policy BH2, meanwhile, requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works. Policy NE3 seeks to retain valuable trees and hedges within development proposals, whilst aforementioned policy NE4 seeks to retain valuable areas of open space. Policy NE11 requires consideration to be given to the impact of development on key views.

In assessing the visual impact of the proposed development, it is firstly necessary to consider the current condition of the site. As noted earlier, the application site currently includes areas of grassed open space and amenity tree planting. This open space and tree coverage forms part of a wider, cohesive border to the section of the A690 between Herrington to the south and the junction with Premier Road/Springwell Road to the north, providing an attractive corridor for one of the key routes into the city. The site does, however, also accommodate the vacant police station building, which has been subject to a significant degree of vandalism and anti-social behaviour and its condition has deteriorated to the point that its presence is a highly visible blight on the local area (as evidenced by the representations in support of the application).

It is considered that the demolition of the vacant police station would be of benefit to the visual amenity of the area given its current condition. In terms of the development of open space, as set out in section 3 of this report, the applicant is willing to make a financial contribution to compensate for its loss, however notwithstanding this, it is recognised that the development of open space could give rise to negative effects on the character and appearance of the locality. Similarly, the loss of trees at the site could cause harm to local visual amenity.

Turning to the layout and design of the proposed development, clearly this is, to a degree, dictated by the operational requirements of the occupiers of the units and the need to provide facilities such as customer car parks and servicing areas for the units.

Given their location at a busy road junction, the units will be of prominence in the locality and whilst they are designed to face into the customer car park, the shop frontages of the B&M unit and retail terrace will be apparent from North Moor Lane and Durham Road, giving the development an 'active' appearance and creating visual interest when viewed from these vantage points. Servicing areas are, meanwhile, relatively discrete, being located alongside units in areas separate to the main car park, ensuring servicing activity is segregated from the main public parking and access areas.

In terms of pedestrian connections, at present the open space within the site is crossed by several footpaths, which largely provide a slightly more direct route from North Moor Lane or the McDonalds unit towards Durham Road. Pedestrian access into the site and routes through the development will be provided so that such a connection can still be made, although the pavement along North Moor Lane and the edge of the roundabout will provide a relatively direct alternative option.

The proposed Costa drive-thru unit and the retail terrace are of a design, appearance and scale which will complement the existing range of buildings at North Moor, including the McDonalds drive-thru unit, the convenience store and even the fire station building. The terrace of units will be constructed from contemporary materials, with glazed entrances facing into the car park, to give the block a simple but modern and lightweight appearance. The Costa unit's design, appearance and external treatment is more clearly driven by the company's branding, but this echoes the approach taken at the adjacent McDonalds unit. Overall, it is considered that the retail terrace and Costa drive-thru unit will relate satisfactorily to the other commercial buildings at North Moor, and they do not raise any specific concerns in relation to the visual amenity of the area.

The B&M unit is much larger in scale, although as noted previously, it will broadly stand on the footprint of the existing police station building, which is itself a substantial four-storey block. Again, the design and internal layout of this unit is largely governed by operational requirements and as with the smaller units, it will present a glazed entrance to the car park of the development. The design approach is again contemporary and external materials will match the retail terrace, with the glazing complemented by a 'neutral' palette of light and dark grey panelling to external walls. The open garden centre to the side of the building will be enclosed by simple green mesh fencing.

It is observed, however, that the B&M unit will present substantial blank elevations to Durham Road and Primate Road. Moreover, as highlighted previously, the site of the B&M unit is to be levelled to create a flatter development platform, which necessitates the provision of a retaining structure around the unit, increasing the site's height relative to Durham Road. The side of the B&M unit also stands closer to Durham Road than the existing police station building, and its side elevation runs parallel to it, rather than being angled away as with the police station. Additionally, whereas the police station building is essentially made up of a series of adjoining blocks, the B&M unit is a much more 'solid', squat block-shaped building. Screening of the police station building afforded by the existing tree belt will also be lost.

Given the above, it is considered that the B&M unit could appear as a rather imposing building when viewed from both Durham Road and Primate Road, even in comparison to the existing police station building. Whereas the police station building stands back from Durham Road, the B&M unit could appear as intruding somewhat into the landscaped corridor which, as noted above, characterises this section of Durham Road. Such concern is also expressed in the representation from the Sunderland Civic Society.

The identified issue was shared with the agent for the application, who advised that the unit is located and designed to meet operational requirements and ensure it forms part of a cohesive retail park environment. The unit is positioned to the rear of the site when viewed from the main access, to allow for good visual connections for customers of the retail park. Additionally, due to the shape of the application site, the size of the unit's footprint and the tenant's requirements, the B&M unit cannot be located elsewhere within the development. The agent also points out that the height of the proposed B&M unit and the existing police building is around 9 metres, suggesting that the B&M unit will, in fact, be of a similar scale to the police building.

The agent also elected to prepare and submit some computer-generated images (CGIs) showing the proposed B&M unit within the developed site, with the aim of demonstrating that the unit has a lesser visual impact than anticipated. The CGIs show views from the North Moor roundabout, from Durham Road closer to the front of the B&M unit and two views from the north of the unit (facing towards its rear). The images do show that in longer-distance views from the roundabout and Durham Road to the rear, the visual impact of the unit will be softened to an extent by retained tree planting, including the street trees to Durham Road, with the retaining wall and rear elevation also softened by climbing plants.

Nevertheless, it is considered to remain the case that from close quarters, the size and position of the B&M unit and the reduction in screening at the site means the building will somewhat intrude into the prevailing streetscene and result in some harm being caused to the visual amenity of the locality. This conclusion is considered valid even when taking into account the presence of the current police station building.

As has been noted, the application site currently features a range of trees, including individual 'street trees' to Durham Road, small groups of trees within open space and a belt of trees around the perimeter of the police station building. None of the trees at the site are covered by a Tree Preservation Order or afforded any other form of protection (e.g. the site is not within a Conservation Area). Street trees bordering Durham Road are to be retained and the Arboricultural Impact Assessment (AIA) recommends the erection of fencing to ensure their protection during construction works. It is recommended that the adoption of the tree protection measures is secured by a condition on any approval.

Other trees within open space and the belt around the police station building are to be lost. The AIA identifies three groups and eight individual category 'B' trees (those of moderate value) and six category 'C' trees (those of lower value) as being felled to facilitate the proposed development. None of the trees to be lost are of the highest value, category 'A'.

Whilst the retention of the street trees to Durham Road will mean they continue to provide an attractive corridor to the road and offer some screening of the development, it is considered that the loss of tree coverage at the site will have a minor negative impact on the visual amenity of the locality. To this end, and as noted above, the loss of the belt around the police station building does mean the new B&M unit will intrude somewhat into the prevailing streetscene given the reduction in the screening effect of trees. Although some additional tree and shrub planting is proposed through the landscaping scheme for the development, the level and type of new planting possible is constrained by the nature of the proposed development and it will not fully compensate for the trees being removed in visual terms.

Similarly, it is considered that the loss of grassed space will cause some harm to the visual amenity of the locality, as its development will give the locality a less 'open' and green character and appearance than is presently the case.

In terms of the objectives of paragraph 131 of the NPPF to incorporate 'tree lined streets' into new development, it is considered that the nature of the development means opportunities for this are relatively limited, nevertheless the proposals do retain trees where possible and appropriate and new planting of trees, hedges and other shrubs is proposed.

To summarise the position relative to the visual impacts of the scheme, it is considered that the proposed development does give rise to some concern in terms of its effects on the visual amenity of the area, caused by the loss of trees and open space and the scale, design and position of the B&M unit. These negative impacts do, however, need to be considered in the context of the visual benefit to be derived from the demolition of the dilapidated police station building, which represents a significant 'eyesore' at a very prominent location. The visual impact of the other units within the development is also considered acceptable and they will complement the existing commercial units at North Moor.

The development does not give rise to any specific concerns in terms of its visibility from the key viewpoint within Silksworth Sports Centre - the view towards the site from this vantage point is already across a largely urbanised environment, including the existing range of buildings at North Moor, and this will not materially change as a result of the additional development at the site.

With regard to sustainability, the applicant's Sustainability Statement sets out that the overarching intention is to create a retail park which reduces carbon emissions by implementing energy efficiency measures, incorporating low carbon emission technologies and utilising renewable energy systems where appropriate. The Statement advises that the development will exceed the energy efficiency requirements of Part L of the Building Regulations, however the measures to be adopted to achieve this will be determined by the occupiers of the new units. The following measures will, however, be available for adoption:

- effective structural design and layout of stores, meaning less plant is required
- improved building insulation, air tightness and ventilation techniques
- optimisation of service routes to minimise energy distribution requirements
- energy metering, energy efficient and smart lighting and maximum use of natural lighting
- fan invertors and temperature controls
- water consumption reduction practices, such as rainwater harvesting and dual-flush toilets

In addition to the above, the Statement sets out that measures to reduce waste are available for adoption, including the re-use and recycling of demolition waste, either on-site or off-site if more appropriate, the availability of a waste compactor in the service yard and no over-ordering of materials.

The Planning Statement also highlights the development's credentials in terms of its accessibility by sustainable modes of transport, such as on foot, by cycle and by public transport, and that the scheme will incorporate electric vehicle charging points.

It is considered that the applicant's statement evidences that the proposed development has been designed and planned in a manner which gives proper regard to sustainable construction and development principles, in accordance with the objectives of policy BH2 of the CSDP.

The proposed development has also been carefully considered against the relevant CSDP and NPPF policies which relate to design, character, trees and landscaping and visual amenity. In terms of visual amenity, the proposed development does cause some concern due to the loss of trees and open space and there being some visual intrusion caused by the size and position of the proposed B&M unit. It is, however, recognised that the development will secure the demolition of the vacant police station, which is in an increasingly dilapidated condition and is a magnet for anti-social behaviour. Clearly, this is a positive aspect of the scheme which brings some benefit in terms of local amenity. Additionally, the wider scheme is considered of an acceptable layout and design, and it will largely complement the existing commercial development at North Moor.

It is therefore considered that whilst the scheme gives rise to some negative visual impacts, these are somewhat diluted by there being positive elements of the development, particularly the demolition of the police station, meaning that overall, the development's negative impact on the visual amenity of the area will be relatively minor. This still means there is some conflict with the objectives of policies BH1, NE3 and NE4 of the CSDP and the NPPF. Ultimately, however, the limited harm caused to the visual amenity of the locality falls to be balanced against all other material planning considerations, both negative and positive. In terms of positive considerations, it has already been identified that the scheme will enable the demolition of the police station building, that the development has successfully passed a sequential assessment and retail impact assessment and that it can satisfactorily co-exist with existing residents and other properties in the area. An assessment of other material planning considerations is undertaken in following sections of this report.

6. Implications of development relative to archaeology

In relation to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the CSDP, policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring 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 archaeological interest of the site has been considered by the Tyne and Wear County Archaeology officer and as set out in the 'Representations' section of this report, further archaeological evaluation was not considered necessary given the site's limited archaeological potential.

On this basis, the scheme is not considered to give rise to any issues relative to archaeology and so is compliant with the requirements of the NPPF and policy BH9 of the CSDP.

7. Impact of the development on highway and pedestrian safety

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

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

Policy ST3, meanwhile, states that new development should:

- provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic (including pedestrians, cyclists and public transport) or exacerbate traffic congestion or the risk of accidents;
- incorporate appropriate pedestrian and cycle routes within and through the site, linking to the wider network;
- submit an appropriate Transport Assessment/Statement to demonstrate no detrimental impact on the existing highway;
- include an appropriate level of vehicle and cycle parking;
- make appropriate provision for the electric vehicle charging;
- safeguard existing public rights of way;

Policy SP7 of the CSDP also promotes active travel and seeks to ensure new developments are easily accessible on foot and by bicycle.

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

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and

- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

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

Paragraph 112 goes on to advise that within the context of paragraph 109, applications for development should:

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

Paragraph 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

As set out within the 'Representations' section of this report, there are now no objections to the development from National Highways. The additional information provided by the applicant to clarify trip generation and distribution of journeys using the A690/A19 junction has been reviewed and is considered to acceptably demonstrate that traffic to and from the site will not unacceptably affect existing traffic flows at the junction.

In terms of more localised considerations, the proposals have been reviewed by the Council's Highways team, who note that the site affords the opportunity to maximise sustainable travel given its proximity to existing pedestrian and cycle networks and public transport services. The internal layout of the development is considered acceptable, whilst the scheme includes an appropriate amount of car parking and electric vehicle charging points. Servicing arrangements within the development also appear to be acceptable. Approval of a Construction Environmental Management Plan (CEMP) for the site is required, whilst clarification of final cycle parking provision is also requested. It is considered that these matters can be addressed via appropriately worded conditions.

Initially, the Council's Highways team was concerned at the potential impact of traffic generated by the development on the operational performance of the A690/North Moor Lane roundabout and the proposed site access arrangements, particularly the egress onto the A690 Durham Road. Additional trip generation information supplied by the applicant's consultant has addressed concerns relating to the capacity and operation of the roundabout junction, with the data provided considered robust. A more detailed analysis of the proposed access and egress arrangements has been undertaken via a Road Safety Audit and this in turn has led to the production of more detailed junction designs. The completion of the Audit and the preparation of the detailed access and egress arrangements give confidence that the site will be able operate without resulting in unacceptable risks to highway safety.

There are now no objections to the proposed development from the Council's Highways team, allied to the withdrawal of the objection from National Highways.

Nexus has also been consulted on the application and as set out in the 'Representations' section of this report, they have no objections to the proposed development of the site given its accessibility from a range of local bus services, which give access to destinations across the city and to further afield. Nexus' comments do, however, note that an increase in the usage of bus stops in the vicinity of the site is likely to occur because of additional visits to the site and employee journeys, and as such it is recommended that the developer fund the provision of shelters to the stops on North Moor Lane and improved pedestrian crossing facilities over Durham Road. It is also recommended that the developer funds public transport travel tickets for employees, to encourage the use of buses for their journeys to and from the site. It is suggested that these measures be secured by planning condition(s). Nexus' recommendations are supported by the Council's Highways team.

Nexus' comments were raised with the applicant's planning agent, who subsequently engaged the scheme's transport consultant for a response. The consultant has argued that Nexus' requests for contributions towards bus shelters and pedestrian crossing and funding travel tickets for employees are unreasonable and are not necessary to make the development acceptable in planning terms. It is noted that the proposed scheme has been assessed by Nexus and the Council's Highways teams and they do not object to the proposals and that there is no reasoned justification or a technical highways reason for the recommended improvement works.

When considering requests for planning obligations, such as contributions towards highways infrastructure and travel tickets, the Local Planning Authority must consider whether they meet the tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and at paragraph 57 of the NPPF. Any such obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development

It is considered that the requests from Nexus are related to the development and can be argued to be fairly and reasonably related in scale and kind. The applicant's argument that the obligations are not necessary to make the development acceptable is, however, considered to be valid. To this end, the site is already served by several bus stops on Durham Road and North Moor Lane and introducing additional shelters is not considered essential for the development to succeed. Similarly, there are existing wide surface-level crossing points to Durham Road and a signal-controlled crossing to North Moor Lane and again, it is considered that improvements to these crossings is not essential, especially in the absence of any objections from Nexus or the Council's Highways team in relation to this matter. The same is considered applicable to the funding of employee travel tickets - whilst this would potentially encourage use of public transport by staff, it is not considered necessary to ensure the acceptability of the proposed development at the site.

It is therefore concluded that whilst there is some merit to Nexus' recommendations in relation to encouraging the use of public transport, the recommended obligations are not considered essential to make the development acceptable and are not considered to meet the tests in the Regulations and the NPPF. It is suggested, however, that an informative note be added to any planning approval, which recommends that the developer engages with Nexus in relation to their recommendations.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations and that there are no significant concerns in relation to vehicular and pedestrian access arrangements, the layout of the development and parking provision. The proposals will therefore satisfy the objectives of policies SP7, ST2 and ST3 of the CSDP and paragraphs 110, 111 and 112 of the NPPF.

8. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraphs 179 and 180 also seek to encourage development which will deliver measurable net gains in biodiversity.

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. Development which would have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

With regard to biodiversity net gain, the Environment Act of 2021 introduces a requirement for certain types of new development to achieve a measurable net gain of at least 10%. This is, however, being introduced on a phased basis between November 2023 and April 2024, so that at present, the 10% requirement is not yet mandatory. Additionally, the NPPF does not currently stipulate a minimum percentage uplift for biodiversity net gain in relation to individual planning applications, whilst policy NE2 of the CSDP does not specify a required level of net gain; rather the supporting text to the policy (at paragraph 10.16) explains that the Council will produce a Supplementary Planning Document (SPD) to clarify the types of development that require the delivery of net gains in biodiversity. Such an SPD has not yet been produced. The current legislative and policy position therefore means that whilst a development proposal must seek to achieve net gains in biodiversity, the 10% uplift required by the Environment Act is not yet mandatory.

As set out by the Council's Ecology officer, the initial ecological report submitted with the planning application was preliminary only. It did not include reports of survey work identified as being required (particularly in relation to bats) and so did not provide the Council with a robust understanding of potential ecological issues at the site. Additionally, whilst the submitted biodiversity net gain information identified a significant net loss of biodiversity, the submission did not demonstrate how this loss would be addressed by the development.

The applicant subsequently prepared and submitted an Ecological Impact Assessment (EclA) and completed Biodiversity Net Gain (BNG) metric calculation. The EclA identifies the following potential ecological impacts arising from the site's development (if no mitigation is provided):

- loss of habitats of no more than local value (and primarily of low value), comprising areas of hardstanding, poor semi-improved grassland, amenity grassland, semi-natural broadleaved woodland and ruderal/ephemeral vegetation
- spread of invasive non-native plant species
- potential destruction of active bird nests if works are undertaken during the bird nesting period (March to August)
- loss, harm or disturbance of roosts of up to parish importance used by small numbers of common pipistrelle bats, including a small maternity roost and potential day or small hibernation roosts
- harm or disturbance of roosting bats, potentially including hibernating bats should works commence during the winter period

- loss or disturbance of habitat used by foraging and commuting bats as the result of increased lighting on site during and following the completion of works
- low risk of species such as badger and hedgehog being harmed by construction works and the loss of habitat of low value to such species

A series of mitigation measures are recommended, including:

- obtaining a European Protected Species Mitigation Licence from Natural England prior to the commencement of any works which may affect bats or their roosts
- site clearance works to take place outside of bird nesting season
- appropriate lighting scheme during construction and operational phases of the development
- building demolition works to take place outside of bat hibernation and maternity periods
- areas of the police station most likely used by bats to be 'soft stripped' under supervision the project ecologist
- 2 no. bat boxes to be installed on trees at the site and any bats identified or captured during works to be transferred to these by an ecologist
- sensitive lighting to ensure adjacent areas remain suitable for use by nocturnal species
- installation of bird boxes
- controlled removal of invasive species from the site
- works to proceed in accordance with a method statement to minimise risk of species such as badger and hedgehog being adversely affected
- refuelling and plant equipment kept in a designated, hard surfaced area to reduce risks
- updating of surveys if works on site do not commence within 12 or 24 months of most recent survey
- priority given to native/ecologically beneficial species in new planting scheme
- sightings of protected species to be recorded and ecologist informed
- enhancements of adjacent land to ensure delivery of net gains in biodiversity

Natural England's standing advice ('Protected species and development: advice for local planning authorities') advises that where a development proposal is likely to affect protected species, the planning application should be accompanied by enough information to allow the LPA to fully consider effects on species and their habitats. As far as possible, the developer should plan to avoid harm or disturbance to protected species and their habitats with the location, layout, design and timing of the development.

The Council's Ecology officer notes that the EclA now contains bat survey information and indicates the presence of a maternity roost in the southern part of the existing police station building. Loss of the roost, in the absence of mitigation, represents significant ecological harm. As noted above, Natural England's standing advice states that harm or disturbance should be avoided by, for example, modifying the proposed development, but in this case, bats are present in the dilapidated police station building, which is to be demolished to enable the development of the site. Seeking to retain and adapt the police station building as part of these commercial development proposals would not be feasible. The Council's Ecology officer has advised, however, that it is feasible to mitigate the impacts of the destruction of the roost by undertaking works in accordance with mitigation measures included in a licence issued by Natural England. The need for such a licence should be drawn to the applicant's attention via an informative note on any decision notice.

Natural England's standing advice also sets out that whilst it is not necessary for the LPA to fully replicate the application of the 'tests' Natural England considers before deciding whether to grant a licence, the LPA should at least be satisfied that Natural England is likely to grant a licence

before it approves a planning application. The standing advice suggests that the LPA considers whether:

- the activity is for a certain purpose, for example its in the public interest to build a new development
- there's no satisfactory alternative that will cause less harm to the species
- the development does not harm the long-term conservation status of the species

Having regard to the above, it is considered that there are public benefits to be derived from the development of the site, including the removal of the dilapidated police station building and the creation of a commercial development which will afford additional consumer choice and secure employment creation. As noted earlier, the retention of the police station building is not considered feasible given its condition and the nature of the proposed development, which requires purpose-built commercial units. In addition, the Council's Ecologist notes that development would affect only a small number of a common species of bats and so does not give rise to any long-term conservation issues. On this basis, the Council's Ecologist is of the view that a Natural England licence is likely to be granted.

Further mitigation can be secured in terms of ensuring site works are undertaken at times which do not conflict with the bat hibernation, bat maternity and bird nesting seasons, introducing bat and bird boxes to the site and adopting a lighting strategy which is sensitive to foraging bats. Reference to the mitigation measures should also be embedded in the Construction Environmental Management Plan (CEMP) for the development. The CEMP should also include measures to avoid the accidental entrapment of badger and hedgehog and direct impacts to nesting birds in structures or vegetation. Additionally, a condition requiring the submission and approval of a lighting strategy for the site, which should be designed to be compatible with the continued use of the site by foraging bats, is required.

In respect of biodiversity net gain, the submitted calculation shows a loss of 1.87 area habitat units, equating to a 44.71% loss. Whilst there will be a gain of 2.20 hedgerow units, these cannot be used to address the loss of area units. As such, the Council's Ecology officer advised that it will be necessary to compensate for on-site impacts through the delivery of off-site enhancement measures.

Following discussions with the applicant, it was suggested that the nearby Silksworth Lakeside park (owned by the Council) be considered as a potential location for off-site measures. The applicant's ecology consultant subsequently identified an area of grassland and an area of woodland within Lakeside where improvement measures can be implemented, with scrub habitat created on the grassland and enhancement and improved management measures introduced to the woodland. A Biodiversity Management and Monitoring Plan has been prepared by the applicant's consultant, which sets out the measures required to improve the biodiversity value of the two areas of land and a programme for subsequent management and monitoring to ensure net gain objectives are realised. The calculations accompanying the Plan demonstrate that the proposed measures would achieve a net gain of 0.86%.

The Council's Ecology consultant considers the recommended measures to be acceptable and to deliver a tangible net gain in biodiversity. Whilst the level of net gain being achieved is modest, as noted previously there is currently no mandatory level of net gain required by legislation or policy and so the level of net gain to be delivered is considered acceptable. The most appropriate means by which to secure the net gains is for the Council to take responsibility for the implementation, management and monitoring measures set out in the ecology consultant's plan, with the developer required to meet the Council's costs for this burden. Following discussions with the Council's Landscaping team, it has been established that a financial contribution of £44,000

would cover the Council's costs over the 30-year management and monitoring period. This contribution would be secured via an agreement under s106 of the Town and Country Planning Act.

To summarise, the Council's Ecology officer confirms that on-site ecology impacts can be acceptably mitigated, provided that the recommended conditions are imposed and that all works are undertaken in accordance with a Natural England European Protected Species licence in respect of works which will affect the bats found at the site. Off-site enhancement and management measures within Lakeside Park will ensure a net gain in biodiversity is achieved, with the delivery and management of this to be the responsibility of the Council but funded by the applicant.

Overall, it is considered that subject to the adoption of mitigation measures, the proposals would not cause significant harm to biodiversity, in accordance with the objectives of the NPPF and policy NE2 of the CSDP. Both the NPPF and policy NE2 of the CSDP support the delivery of net gains in biodiversity through the planning application process; in this case, it is considered that marginal net gains in biodiversity can be achieved by the implementation of on- and off-site mitigation and enhancement measures. Although the gains able to be delivered through the development proposals are slight, this is considered acceptable in the context of current local and national policy requirements, which do not yet set a mandatory target for net gains achieved through a planning application. The matter also needs to be considered in the context of the wider benefits of the development proposed by the planning application.

9. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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

As set out in the 'Representations' section of this report, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority (LLFA), initially advised that the Flood Risk Assessment and Sustainable Drainage Strategy submitted with the application was deficient and could not be recommended for approval.

The updated FRA and SuDS strategy submitted to address the LLFA's concerns notes that the application site is within Flood Zone 1, as per the Environment Agency's flood mapping. The land is therefore at the lowest probability of flooding and so the development of the site for commercial purposes is acceptable in relation to paragraph 159 of the NPPF. The site is also at low probability of flooding from all other potential sources (i.e. fluvial and pluvial). The Drainage Strategy explains that ground conditions are generally not suitable for the widespread use of infiltration techniques,

such as soakaways or permeable paving, and the nearest watercourse and water body available for direct discharge are remote from the site and across an extensive area of third-party land, so discharge to these would represent a significant technical challenge. As a result, it is considered most appropriate to direct discharge to the combined public sewer in Primate Road, as has been accepted by Northumbrian Water.

To ensure that discharge rates from the development meet 'greenfield' rates and that water quality is to an acceptable standard, the following sustainable drainage methods have been incorporated into the scheme:

- use of permeable paving to a design that allows flows to be percolated through the open graded sub-base of the paved areas
- surface water run off during construction phase managed by the use of a cut off drain and bund design, with discharge into pre-prepared ponds
- surface water flows collected via a traditional collection system and directed to 2 no. detention basins with complex controls, to be located on the open space to the north of the main development site.

As noted above, surface water flows will then be directed to the combined public sewer, which will also receive foul water flows. The Strategy also sets out measures for the management and maintenance of the drainage infrastructure within the site.

The LLFA have reviewed the revised FRA and drainage strategy and advise that it is now acceptable, demonstrating that the site itself is not at unacceptable risks from flooding and that it can be developed without increasing the risk of flooding elsewhere. Adoption of the proposed strategy will ensure discharge rates do not exceed those of a greenfield site. A condition requiring verification that the agreed strategy has been successfully implemented on site is recommended in the event the application is approved.

In addition to the above, it is noted that there are no objections to the proposed development from Northumbrian Water, subject to a condition requiring delivery of the drainage strategy (essentially duplicating that recommended by the LLFA).

Given the comments of the LLFA and Northumbrian Water, it is considered that the proposed development addresses the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP, in that the development is appropriate at the site in terms of existing flood risk and incorporates a sustainable drainage strategy which ensures the development will not materially increase the risk of flooding elsewhere.

10. Implications of development in respect of land contamination/ground conditions

Paragraph 183 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Phase I and Phase II site investigation reports have been considered by the Council's Land Contamination consultant. Broadly speaking, the reports conclude that the site does not appear to have been subject to any previous activity which has resulted in a level of contamination which represents a constraint to its development, with risks to end users, construction workers,

controlled waters, and the proposed built development all low. The Council's consultant largely agrees with the overall conclusions of the submitted reports, however a series of recommendations are made for further investigative work at the site and the production of a strategy to remediate the site, as follows:

- additional inspections, sampling and analysis of the section of the site that was inaccessible at the time of the initial investigation (i.e. the footprint of the police station building)
- additional testing to provide information on the chemical composition of soils undertaken following the demolition of the buildings, to demonstrate that the building did not contain potential sources of contamination (e.g. asbestos, heating oil etc.). This information could be provided as an addendum to the Ground Investigation Report or as part of a Remediation Strategy
- production of a remediation strategy, with a focus on soil re-use/import, soil handling and storage, disposal and verification
- the production of a verification report following the completion of construction works
- the remediation strategy and verification report should be produced in accordance with relevant published guidance and British Standards

In summary, the Council's consultant has no objection to the planning application being approved and considers that the additional investigations and preparation of a remediation strategy and verification report can be secured via appropriately worded conditions. A further condition which deals with encountering unexpected contamination is also recommended.

Subject to such conditions, it is considered that risks relating to land contamination at the site will have been acceptably addressed, in accordance with the objectives of the NPPF and policy HS3 of the CSDP.

CONCLUSION

As set out earlier in this report, s38(6) of the 2004 Act makes it clear that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. Case law has established that decisions must be made in accordance with the development plan as a whole - in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In the context of the above, regard must be given to all relevant material considerations and all the relevant policies of the Council's development plan before it can be determined whether the proposed development accords with the development plan or not. Where conflict with development plan policies is identified, it is then incumbent upon the decision-maker, i.e. Members of the Committee, to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

With regard to the analysis of the relevant planning policies and material considerations set out in preceding sections of this report, it is considered that in relation to retail policy, the proposed development has successfully passed a sequential test, whilst the submitted retail impact assessment demonstrates that the proposed development will not result in a significant adverse impact on the vitality and viability of established retail centres in the area. This conclusion is

informed by the advice provided in the report for the Council prepared by HollissVincent planning consultancy.

In addition, following amendments to the scheme and updates/improvements to the submitted technical reports and documents where required, and with regard to comments from consultees, the proposed development is considered acceptable in relation to the amenity of surrounding properties, flood risk and drainage, archaeology, highway and pedestrian safety and land contamination. The implications of the scheme relative to ecology and biodiversity are also considered to be acceptable, subject to the recommended conditions and the completion of a legal agreement which secures a financial contribution of £44,000 towards the delivery of off-site biodiversity net gain measures. To confirm, this obligation is considered necessary to ensure the proposed development addresses a national and local policy requirement and so meets the 'tests' set out at regulation 122(2) of the CiL Regulations and paragraph 57 of the NPPF.

The proposed development does, however, give rise to some areas of policy conflict. As set out earlier in this report, whilst the site is, in part, subject to a UDP allocation for commercial development, this does not cover the uses proposed by the development. This conflict is, however, considered minor given the age of the policy allocation and as the development has passed a sequential assessment and retail impact assessment.

The site also includes open space, which will be lost to the development. The applicant has agreed to make a financial contribution of £7,026.26 towards improvements to existing open space in the area to mitigate this loss (again, this obligation is considered to meet the relevant 'tests' in the CiL Regulations and NPPF), in line with the requirements of CSDP policy NE4. Nevertheless, it is considered that the loss of open space does give rise to visual amenity concerns and some further negative impact on local visual amenity will occur due to the loss of trees and the construction of the B&M unit. This negative effect on visual amenity is, however, somewhat offset by the demolition of the police station building, which is in a dilapidated condition and is currently a visual blight on the local area. Overall, the negative impact on the visual amenity of the locality is considered minor.

As noted above, these negative aspects of the scheme and resulting policy conflicts need to be considered in the context of the benefits to be derived from the proposed development. To this end, as well as securing the demolition of the police station building (which, as well as being a visual blight, is a magnet for anti-social behaviour) and the redevelopment of this brownfield part of the site, the proposed development brings benefits in terms of improving local facilities and increasing consumer choice for residents in the area. The development will also support the creation of over 100 full time equivalent jobs, as well as supporting additional employment during the construction phase. Appropriate weight should be given to these positive aspects of the proposed development.

To assist Members, the following table summarises the residual positive, neutral or negligible and negative impacts arising from the development in the context of the three strands to sustainable development identified by the NPPF (the CSDP policies relevant to each impact are in brackets):

	Positive	Neutral/negligible	Negative
Economic	Permanent job creation from operation of the development (SP1, SP5) Additional temporary employment during	Some conflict with UDP policy which allocates part of the site for commercial development, but this is not considered to be determinative given age of the policy and compliance	

	<p>construction phase (SP1, SP5)</p> <p>Increased commercial activity because of development (SP1, SP5)</p> <p>Sequential assessment has been passed and development will not adversely affect existing centres (VC1, VC2)</p>	with other relevant retail policies (SA6.1)	
Environmental	<p>Redevelopment of a brownfield site currently featuring a building which is an eyesore at a prominent location (SP1, BH1)</p> <p>Site has very good links to sustainable modes of transport and is readily accessible on foot and by bicycle (SP1, ST3, SP7)</p> <p>Development will deliver net gains in biodiversity (NE2)</p>	<p>Loss of open space mitigated by financial contribution to off-site improvements (NE4)</p> <p>No significant effects on amenity of nearby properties, including in relation to noise and air quality (BH1, HS1, HS2)</p> <p>Impacts on protected species and ecology can be satisfactorily mitigated, as confirmed by Council's Ecology officer (NE2)</p> <p>Foul and surface water drainage arrangements are acceptable, as confirmed by Northumbrian Water and LLFA (WWE2, WWE3, WWE5)</p> <p>No significant impacts on local highway network, parking and access arrangements are acceptable, as confirmed by National Highways and Council's Highways team (ST1, ST2, ST3)</p> <p>Land and groundwater contamination risks can be satisfactorily mitigated, and site remediation secured as appropriate (HS3, WWE4)</p> <p>Design and construction of new development follows sustainable development principles (BH2)</p> <p>No concerns relating to archaeology (BH9)</p> <p>Negligible impact on existing key views (NE11)</p>	<p>Minor harm to local visual amenity through loss of open space, loss of trees and new built development, however this (NE3, NE4, BH1)</p>

Social	<p>Scheme will improve facilities in the area and increase consumer choice (SP1, SP5).</p> <p>Scheme will secure redevelopment of a site which experiences significant anti-social behaviour issues (SP1)</p>	No loss of valuable community facilities given long-term vacancy of police station building and no demand for alternative use (VC5)	

At this point, it is also considered appropriate to consider the scheme in the context of the Strategic Priorities set out in the CSDP:

Strategic Priority 1: to deliver sustainable economic growth and meet objectively assessed employment and housing needs

The development will deliver new commercial activity and bring economic benefits through permanent and temporary job creation

Strategic Priority 2: to identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;

The development makes use of a brownfield site which is accessible and well-served by public transport

Strategic Priority 3: to promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;

The development delivers new local facilities which are readily accessible on foot and by bicycle

Strategic Priority 4: to provide a range of choice of accommodation, house types and tenures;

N/A given commercial nature of the development

Strategic Priority 5: to provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;

Development does not affect an employment site but will result in significant job creation

Strategic Priority 6: to support and improve the vitality and economic performance of the Urban Core and designated centres;

Development has passed a sequential test and retail impact assessment demonstrates there will be no adverse impact on existing centres

Strategic Priority 7: to protect, sustain and enhance the quality of our built and historic environment;

No heritage assets are affected by the development

Strategic Priority 8: to protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;

The scheme will deliver net gains in biodiversity and will not adversely impact ecological and geological sites in the City.

Strategic Priority 9: to adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;

Development is designed with sustainability principles in mind, with carbon emissions to be lower than required by Building Regulations. The development is not at significant risk of flooding and sustainable drainage measures will ensure flood risk is not increased elsewhere

Strategic Priority 10: to manage waste as a resource and minimising the amount produced and sent to landfill;

Sustainability statement indicates that site-won materials are intended to be re-used within the site where possible

Strategic Priority 11: to promote sustainable and active travel and improve transport infrastructure; The site is adjacent to bus stops and is well-connected to pedestrian and cycle links

Strategic Priority 12: to manage the City's mineral resources;
No impacts on mineral resources

Strategic Priority 13: to ensure the City has the infrastructure to support its growth and prosperity; Infrastructure impacts are being acceptably mitigated by planning obligations as necessary

As set out above, the proposals largely address local and national policy objectives, resulting in mainly neutral or negligible impacts in respect of environmental matters. There is, however, considered to be a residual minor negative impact on visual amenity resulting from the development. This negative aspect of the scheme must, however, be weighed against the positive aspects of the scheme and as set out in the table above, there are several significant benefits arising from the proposed development which must be given positive weight in the determination of the application.

Given the NPPF's focus on economic growth, it is considered that significant positive weight should be given to the contribution the development will make to job creation, with the scheme anticipated to support over 100 full-time equivalent roles and generate further temporary employment during the construction phase. The proposed development will also generate new commercial activity and increase facilities and consumer choice for residents in the local area and further afield. This is achieved at a sequentially acceptable site and in a manner which does not significantly impact the vitality and viability of existing centres. In terms of environmental considerations, the development will also, in part, secure the redevelopment of a brownfield site at a sustainable location which can be readily accessed via public transport and other sustainable modes of transport. Additionally, the development will secure the demolition of a building which is a significant visual blight on the local area and is giving rise to significant anti-social behaviour issues.

The scheme will also deliver net gains in biodiversity, although these will be modest in scale.

Many of these benefits directly align with the Council's Strategic Priorities as summarised above, as well as employment creation and business support objectives of the City Plan.

In conclusion, it is considered that in this case, the significant benefits of the proposed development, especially in terms of job creation, improving local facilities and consumer choice, the development of a brownfield site and the demolition of a building which is a local eyesore and attracts significant levels of anti-social behaviour, should be seen to outweigh the minor negative impact on visual amenity.

It is ultimately considered that the proposed development does not give rise to fundamental conflict with the Council's development plan when taken as a whole, particularly as the development supports strategic objectives of the plan in terms of employment creation and economic growth (policies SP1 and SP5 of the CSDP). The development is considered to represent the 'sustainable development' sought by the NPPF and the conflict with policies BH1, NE3 and NE4 in terms of visual amenity, trees and open space is not considered to be determinative given that these issues are considered to be outweighed by the significant positive benefits to be delivered by the scheme.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members Grant Consent for the proposed development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of the agreement under s106 of the Town and Country Planning Act which secures financial contributions to the delivery of biodiversity net gain and off-site open space improvements and subject to the imposition of the draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- 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: MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to completion of s106 agreement and draft conditions below:

Conditions:

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

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

Site location plan (as amended), drawing no. 7573-SMR-00-ZZ-DR-A-2001-A3 Rev C3
Existing site plan (as amended), drawing no. 7573-SMR-00-ZZ-DR-A-2002-A3 Rev C2
Proposed site plan (as amended), drawing no. 7573-SMR-00-ZZ-DR-A-2003-A3 Rev C3
Site sections plan (as amended), drawing no. 7573-SMR-00-ZZ-DR-A-2004-A3 Rev C2
B&M unit elevations (as amended), drawing no. 7573-SMR-01-ZZ-DR-A-2103-A3 Rev C3
B&M unit roof plan (as amended), drawing no. 7573-SMR-01-ZZ-DR-A-2102-A3 Rev C2
B&M unit ground floor plan (as amended), drawing no. 7573-SMR-01-ZZ-DR-A-2101-A3 Rev C2
Costa unit ground floor plan, drawing no. 7573-SMR-00-ZZ-DR-A-2601-A3 Rev C1
Costa unit elevations, drawing no. 7573-SMR-00-ZZ-DR-A-2603-A3 Rev C1
Costa unit roof plan, drawing no. 7573-SMR-00-ZZ-DR-A-2602-A3 Rev C1
Retail terrace roof plan, drawing no. 7573-SMR-01-ZZ-DR-A-2202-A3 Rev C1
Retail terrace floor plan, drawing no. 7573-SMR-01-ZZ-DR-A-2201-A3 Rev C1
Retail terrace elevations, drawing no. 7573-SMR-00-ZZ-DR-A-2203-A3 Rev C1
Landscape Plan, Bed Planting Plan and Design Description (drawing nos. 825/LA1 and 825/)
Tree Protection Plan (section 7.8 of Arboricultural Impact Assessment, Andrew Burden, 4th March 2022)

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

3 No development (including demolition, groundworks and vegetation clearance) shall commence until a Demolition and Construction Environmental Management Plan (DCEMP) for

the development has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall, for the avoidance of doubt, include the following:

- Executive Summary;
- Project Background
- Outline of Project
- Framework of this DCEMP
- Legal Compliance
- Summary of the Requirements of Condition 3
- Site Information and Consented Development
- Site and Surrounding Area
- Scheme Description
- Sensitive Receptors
- Control of the Construction Process
- Roles and Responsibilities
- Training and Raising Awareness
- Reporting
- Monitoring, Continual Improvement and Review
- Environmental Complaints and Incidents
- Public Relations and Community Relations
- Demolition Methodology and Management
- Construction Management
- Description of Construction Works
- Phasing of Construction Works
- Demolition and construction Equipment
- Hours of Working (Hours of Site Operation)
- Demolition and Construction Traffic Management Plan
- Storage of Plant and Materials
- Handling of Plant and Materials
- Health and Safety Management
- Security On-Site
- Considerate Constructors
- Phase-specific Construction Method Statements (CMS)
- Environmental Control Measures
- Public Access and Traffic Management
- Waste and Materials Management and Storage
- Noise and Vibration
- Dust Suppression & Air Quality measures (to be informed by Air Quality Assessment submitted with planning application)
- Contaminated Land Procedures
- Hydrology & Water Quality
- Visual Impacts
- Artificial Lighting
- Emergency Procedures
- Conclusions

Appendices

Appendix A - Sensitive Receptor Locations

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

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The preparation of the DCEMP should be designed to complement the CEMP (Biodiversity) required pursuant to condition 18 of this decision notice.

The development shall then be undertaken in accordance with the approved DCEMP.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, HS1, NE2 and ST3 of the CSDP.

4 Prior to any development (other than demolition and clearance works) commencing on site, details of the proposed timing(s) of the submission of a verification report(s) and the extent of the SuDS features to be covered in the report(s) required pursuant to condition 5 of this decision notice, shall be submitted to and agreed in writing with the LPA. The verification report(s) required pursuant to condition 5 shall then be submitted in accordance with the agreed timing(s).

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

5 A SuDS verification report(s) (to be carried out by a suitably qualified person) must be submitted to and approved by the Local Planning Authority in accordance with the timing(s) agreed pursuant to condition 4. The verification report(s) shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

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

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

6 All car parking for the development shall be laid out in accordance with the approved plans and all electric vehicle charging points shall be provided in full accordance with the submitted details prior to the opening of the site to members of the public.

Reason: in order to ensure appropriate car parking and sustainable transport provision is available for customers, in accordance with the objectives of policies ST2 and ST3 of the CSDP.

7 No development other than demolition and site clearance works shall commence until full details of the cycle parking provision for the development has been submitted to and approved in writing by the LPA. The approved provision shall then be installed in accordance with the agreed details prior to any of the units within the development being brought into operation.

Reason: in order to ensure sustainable transport provision is available for customers and staff, in accordance with the objectives of policies ST2 and ST3 of the CSDP

8 All car use reduction, monitoring and action plan measures and initiatives set out in sections 5 to 9 of the submitted Framework Travel Plan (Andrew Moseley Associates, March 2022) must be adopted in full and in accordance with the timescales set out in the action plan (table 9-1 of the FTP).

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

9 No development, other than any demolition works and any site investigations required in relation to this condition, shall commence until a report which satisfactorily addresses the comments made by the Council's Land Contamination consultant (dated 10th May 2022) in respect of the land within the footprint of the existing police station building has been submitted for the written approval of the Council as Local Planning Authority. The comments can be addressed via an addendum to the Ground Investigation Report or as part of the Remediation Strategy submitted pursuant to condition 10.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP. 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.

10 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. For the avoidance of doubt, the remediation scheme shall include the following:

1. A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the

site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP. 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.

11 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

13 The total gross internal area (GIA) of the development at the application site shall not exceed 3,800 sq. metres gross.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and policies VC1 and VC2 of the CSDP.

14 The maximum total net retail sales area devoted to use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (which is 'for the display or retail sale of goods, other than hot food, principally to visiting members of the public') within the development hereby approved shall not exceed 3,000 sq. metres (including an allowance of 600 sq. metres for the garden centre component to the B&M unit).

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and policies VC1 and VC2 of the CSDP.

15 The maximum gross internal area (GIA) for the drive-thru unit shall not exceed 170 sq. metres.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and policies VC1 and VC2 of the CSDP.

16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in the interests of visual amenity and to comply with policy BH1 of the CSDP.

17 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed without the prior consent of the Council as Local Planning Authority.

Reason: in the interests of visual amenity and to comply with policies BH1 and NE3 of the CSDP.

18 All works shall be undertaken in complete accordance with the Arboricultural Method Statement (AMS) within the submitted Arboricultural Impact Assessment (Andrew Burden, March 2022). The recommended protective fencing to retained trees must be erected at the locations shown on the accompanying Tree Protection Plan (drawing 7.8 of the AIA) prior to any works (including demolition) commencing on site and must remain in place until the construction works at the site are complete.

Reason: in the interests of ensuring retained trees at the site are not unacceptably damaged or harmed by the development and to comply with the objectives of policy NE3 of the CSDP.

19 No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (Biodiversity) has been submitted to and approved in writing by the LPA. For the avoidance of doubt, the CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging demolition and construction activities
- b) identification of biodiversity protection zones
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including avoiding accidental entrapment of badger and hedgehog and measures to avoid direct impacts on nesting birds in structures of vegetation
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) use of protective fences, exclusion barriers and warning signs

The CEMP (Biodiversity) should be informed by the recommended mitigation measures set out in section 7.1 of the submitted Ecological Impact Assessment (EcoNorth, July 2022) and the measures included in any mitigation licence issued by Natural England (the requirements of which should take precedent). The CEMP (Biodiversity) should also be designed to complement the DCETMP required pursuant to condition 3.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the demolition and construction period strictly in accordance with the approved details, unless otherwise agreed in writing with the LPA.

Reason: in the interests of ensuring demolition and construction works are undertaken in a manner which minimises risks to ecology and biodiversity at the site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

20 Prior to the operation of the development commencing, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the LPA. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, including any new provision installed.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the LPA.

Reason: in the interests of ensuring lighting at the site does not adversely affect bats and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

21 No development other than demolition and site clearance works shall commence until a plan has been submitted to and approved in writing by the Council as Local Planning Authority

which confirms the location and specification of bat and bird boxes to be installed within the site. The approved details shall be implemented before the development is occupied.

Reason: in the interests of delivering biodiversity mitigation and enhancements at the site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

Reference No.: 23/00646/LP3 Local Authority (Reg 3)

Proposal: **Change of use of residential dwelling (Use Class C3) to children's home (Use Class C2).**

Location: 1 Nookside, Sunderland SR4 8PH

Ward: St Annes

Applicant: Together For Children Sunderland Ltd

Date Valid: 5 May 2023

Target Date: 30 June 2023

PROPOSAL:

APPLICATION SITE

The application site is an inter-war two-storey detached dwellinghouse situated within the mature residential suburb of Nookside, Sunderland. It sits within a roughly quadrant shaped plot on the corner of Nookside and The Greenway, with landscaped gardens and a generous driveway and hardstanding. The main part of the property is double fronted with an entrance porch and feature dormer windows at first floor level, whilst a subordinate wing to the north houses an integral garage with bedroom above. To the rear sits a brick built flat roofed conservatory. The property also provides a lounge, dining room, kitchen, and utility facilities at ground floor level, with four bedrooms and two bathrooms at first floor level.

The proposal relates to the change of use of the dwellinghouse (use class C3) to a children's home (use class C2). The proposal is initially to accommodate one child, with the potential to cater for two children aged between 8 and 17 at a later date. The property will function as a typical home with a domestic layout save for one bedroom to be used as a staff office. Staff will operate on a shift basis providing care and support for the child(ren) and a bedroom and one of the bathrooms will be reserved for staff use. No external alterations are proposed.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Susan Watson
Cllr Greg Peacock
Cllr Catherine Hunter
Planning And Highways
Network Management
Northumbria Police
Environmental Health

1 Birchberry Close Sunderland SR4 8AW

Laverneo Nookside Sunderland SR4 8PG
16 Pennywell Road Sunderland SR4 9HZ
4 The Greenway Sunderland SR4 8PF
28 Pennywell Road Sunderland SR4 9HZ
26 Pennywell Road Sunderland SR4 9HZ
18 Pennywell Road Sunderland SR4 9HZ
24 Pennywell Road Sunderland SR4 9HZ
5 Nookside Sunderland SR4 8PH
3 Nookside Sunderland SR4 8PH
2 The Greenway Sunderland SR4 8PF
22 Pennywell Road Sunderland SR4 9HZ
20 Pennywell Road Sunderland SR4 9HZ
14 Pennywell Road Sunderland SR4 9HZ

Final Date for Receipt of Representations: **13.06.2023**

REPRESENTATIONS:

Public Consultation

One letter of objection has been received. The objector is concerned about potential changes to the property and that the proposed use of the site will lead to anti-social behaviour.

Consultees

Northumbria Police - no objections

Transportation Development - no objections

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

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 amenities of the area,

Principle of Development

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

In this regard, given that the surrounding area is predominantly residential in nature, the proposed development, which is also a form of residential use, accords with the objectives of this policy.

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.

The proposal anticipates that at least 2 members of staff will be present at any one time. There is incurtilage parking for at least two cars and garage space for potential cycle storage. The Transportation Development team have confirmed that there are no highway safety concerns and the proposal will comply with policy ST3 in this respect.

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; and retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

There are no external alterations proposed to the premises therefore the visual amenities of the area will be unaffected. The proposed use of the premises as a form of residential use is akin to a family home of an average size, with up to 2 children. In terms of comings and goings, there would be little difference from a large family occupying the premises, to influence its character. There is no reason to believe that the occupants would be any more likely to indulge in anti-social behaviour than any other member of the community.

The comings and goings associated with the use will not be materially different from that which could arise from a regular household occupying a large four bedroomed family house, which could typically have two parents with their own cars and possibly one or two adult children with their own cars, with friends and family, and possibly childminders, dog walkers etc visiting the premises throughout the day. The residential amenities of the neighbouring properties and the character of the area are therefore unlikely to be adversely affected.

CONCLUSION

In conclusion, it is considered that the nature of the proposed use is not likely to be significantly different to that of a dwellinghouse, and that the use is unlikely to give rise to any greater level of disturbance or amenity effects that could be generated by a C3 use. The proposal is therefore considered to be acceptable and in accordance with saved policy EN10 of the Unitary Development Plan and policies BH1 and ST3 of the Core Strategy and Development Plan.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

The deadline for the receipt of representations does not expire until 13 June 2023, after the preparation of this report but before the meeting. Should any further representations be received

before the expiry date, these will be reported to the meeting. Otherwise, for the reasons given above, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members be minded to GRANT CONSENT for the proposal subject to the conditions listed below.

Conditions:

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

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

location plan received 17/3/23;
existing site plan received 17/3/23;
proposed site plan received 17/3/23;
existing site layout received 14/3/23;
existing floor plans and elevations received 14/3/23;
proposed floor plans received 14/3/23;

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

Reference No. 23/00707/FUL Full Application

Proposal: **Erection of single storey side and rear extensions, Including relocation of waiting area, creation of x-ray room, store room, surgery, disabled WC, decon room, kitchen and staff room.(Amended plans received 16.05.23)(Corrected site plan showing position of proposed ramp 26.05.23)**

Location: Mr K Mccarthy & Associates6 Eden Villas ColumbiaWashington NE38 7EJ

Ward: Washington Central

Applicant: Mr Kashif Mohammed Ahmad

Date Valid: 22 March 2023

Target Date: 17 May 2023

PROPOSAL:

The proposed development affects a two-storey semi-detached property fronting Oxclose Road which is in use as a dental practice. The area around the property is, however, largely residential in nature.

The host property benefits from a parking area to the front with ramped access to the entrance, an attached garage to the side and part single/two storey extension to the rear.

Permission was granted on the 31st May 2023 for a new porch and ramp to the front of the property, the removal of the garage to the side and the provision of a single storey side extension. The side extension allowed the provision of an additional surgery, X-ray room, decontamination room, waiting area, staff area and disabled toilet.

The current planning application seeks permission for a new porch and ramp to the front of the property and the provision of a single storey side extension as well as an extension to the rear of the property.

The extension to the side and rear will provide an additional surgery, X-ray room, decontamination room, reception/waiting area, disabled toilet, office/meeting room and staff/kitchen.

During the course of the application concern was expressed by the occupiers of 5 Eden Villas in terms of the proximity of the proposed rear extension to the common boundary of the two properties; the applicant provided subsequently submitted amended plans setting the extension in from this boundary.

An application of this nature would normally be determined by officers under delegated powers, however, it has been referred to the Sub-Committee at the request of Ward Councillors Linda Willaims and Dianne Snowdon.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Cllr Beth Jones
Cllr Dianne Snowden
Cllr Linda Williams
Environmental Health
Cllr Beth Jones
Cllr Dianne Snowden
Cllr Linda Williams
Network Management
Cllr Beth Jones
Cllr Dianne Snowden
Cllr Linda Williams
Environmental Health

11 Reynolds Avenue Columbia Washington NE38 7EQ
13 Reynolds Avenue Columbia Washington NE38 7EQ
9 Reynolds Avenue Columbia Washington NE38 7EQ
5 Eden Villas Columbia Washington NE38 7EJ
7 Eden Villas Columbia Washington NE38 7EJ

REPRESENTATIONS:

Network Management - No objections however, dropped kerb would be required to the front of the property. This requirement can be drawn to the attention of the applicant via an informative note.

Environmental Health - No objections to the proposal.

Public consultation -

Following the initial public consultation exercise, 2 no. letters of objection were received from the occupiers of nos. 5 and 7 Eden Villas. Councillors Linda Williams and Dianne Snowden also submitted objections to the scheme and requested that it be considered by the Planning and Highways Committee.

The following issues were raised:

- Loss of onsite parking due to position of ramp, putting additional pressure on
- off street parking.
- Increased traffic flow and vehicle numbers including parking issues for
- residents
- Additional noise and disturbance due to extra surgery and equipment such as
- compressors
- Additional clinical waste and appropriate storage
- Driveways currently being blocked by patients and delivery drivers

- Scale and massing of the structure is out of keeping with the surrounding properties
- Position of rear extension adjacent to no5's existing conservatory will be overbearing and lead to loss of light
- The rear extension would prevent access to the side of the conservatory at no.5
- The door and window to the rear of the proposed extension will be an unacceptable intrusion on privacy and allow patients and staff to access the garden to the rear.
- the rear extension will create further disturbance with regard to noise
- 5% increase in patient numbers is disputed given the increase in the number of surgeries.
- concern that the staff room will actually be utilised as a waiting area.

Following the submission of amended plans 1 no. further representation was received from the occupiers of no. 7, setting out the following:

Points that we had raised in our letter of objection in relation to privacy, noise from the compressors and traffic were covered during our discussion with the owner. There has been agreement that the boundary fence will be replaced to a maximum of two metres to the area of the garden that we frequently use. We were informed that when positioning the compressors, he will provide a purpose built and heavily sound boarded cupboard/room to limit noise to both neighbours. With regards to the parking, he will train staff to check where patients have parked (if travelling by car) to ensure they are not causing an obstruction as well as looking at providing signage. However, we would request that the Council look to painting 'H' white lines on the road to the properties immediately affected by the development to deter parking over driveways.

I would also like to ask that the following conditions are included on this application:

- No further development on the property
- No swapping of the room layout to the attached plan
- No extension of current opening hours

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

POLICY

National planning guidance is provided by the National Planning Policy Framework, which requires the planning system to contribute to the achievement of sustainable development.

Paragraph 126 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 93, meanwhile, requires Local Planning Authorities to plan positively for the provision and use of community facilities and local facilities and ensure that established shops, facilities and services are able to develop and modernise to meet the needs of the community.

As of the 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The main issues to be considered in the determination of this application are the principle of development, impact on residential and visual amenity, and highway safety.

PRINCIPLE OF DEVELOPMENT

The application site is not allocated for any specific purpose by the Council's CSDP and, as such, is subject to saved UDP policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, although the surroundings are predominantly residential the property is a commercial dental practice that received planning permission in 1983 (application ref: 83/0413) to be converted from a residential property.

The proposed development would support the operation of the existing, longstanding business at the premises and so is not considered to conflict with the broad land use objectives of saved UDP policy EN10.

In addition, and in line with the objectives of paragraph 93 of the NPPF, it is noted that policy VC5 of the CSDP is largely supportive of development proposals which retain and enhance community facilities, a term which the Glossary to the CSDP confirms includes facilities in which health care is provided. The proposed development is designed to improve and expand the range of services on offer at the existing dental practice and so is, in principle, supported by policy VC5.

Notwithstanding the above, before a conclusion on the acceptability of the proposal can be reached, consideration must be given to all other relevant factors, as set out below.

VISUAL AMENITY

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.

With regard to the design of the side extension it is a small-scale addition that would replace the existing garage to the side and the hipped roof would correspond with the existing roof design of the property.

Similarly, the porch is small in scale and the repositioning of the ramped access would not be considered to introduce a visually intrusive element within the streetscene.

With regard to the rear extension it is noted that large rear extensions have been constructed within the neighbouring properties to either side and given its size and scale, it is not considered to constitute an overdevelopment of the site.

The materials to be used would largely match the host dwelling, although it is noted that the application form refers to the use of render on the proposed extension and other elevations of the property.

The current property consists of brickwork that has been painted white and given this and the fact that a number of the neighbouring dwellings have utilised render, it would not be considered that this would appear incongruous in relation to the host property or wider area.

RESIDENTIAL AMENITY

Policy BH1 is also applicable here, in that it requires development to respect residential amenity,

Also relevant is policy HS1 of the CSDP, which 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;

With regard to residential amenity, the porch would be set in some distance from the boundaries to the side and would not be considered to appear overbearing or increase overshadowing in relation to any neighbouring dwelling.

The side/rear extension would be positioned adjacent to the existing extension to the rear of no. 7 and would not project beyond this. Given that its impact on no. 7 would relate to an extension rather than original main windows of the property, it is considered that the proposal would not appear overbearing or increase overshadowing in relation to this property to a degree that would warrant a refusal of planning permission.

It is acknowledged that the originally-proposed rear extension would have had an impact on the conservatory extension to the rear of no. 5, however given that the impact would have been on an extension, this would not have been considered to impact the amenity of no.5 to a degree that would have warranted a refusal of permission.

Nevertheless, in light of the representation from no. 5, the applicant submitted an amended plan which shows the extension moved away from the boundary with no. 5.

The amended proposal is not be considered to appear overbearing or increase overshadowing in relation to no. 5 to a degree that would warrant a refusal of permission and again, this takes into account that the extension primarily affects no. 5's own conservatory extension, rather than the original parts of the house.

With regard to privacy the windows to the rear extension would have an aspect into the host property's rear garden area and given the distance to the rear boundary, would not be considered to materially increase overlooking in relation to any neighbouring dwelling.

During the consideration of the previous application at the property, comments were received from neighbouring residents in relation to concerns around additional noise and disturbance due

to the addition of the extra surgery, the potential for noise from additional equipment such as compressors and the storage of clinical waste to the front of the property.

With regard to the current application, the applicant's agent has confirmed that the proposed rear extension would only be providing additional space for staff and that the answers to the previous queries would remain the same:

- o There are currently two air compressors in the building. There will be no increase in such equipment and no increase in noise. Our compressors were recently upgraded to noise reducing modern versions.

- o We would estimate an additional 5% in patient numbers, the goal for us is not to increase patient numbers but to provide a better service and level of care to our current patients.

- o Hazardous waste is never stored outside, it would be kept inside in storage cupboards and collected by specialist waste services (currently FCC Environmental) from inside and carried out. We may keep a recycling bin or household waste bin to the front of the property, but we don't currently have either of those as all is collected by the specialist waste collectors.

The Council's Environmental Health Team were consulted on the current planning application, and they confirmed that they would have no objection to the proposal and raise no concerns in relation to noise, pollution or any other amenity issues.

No new noise generating equipment is proposed and with regard to comings and goings from site, a 5% increase in patient numbers would not be considered to increase activity to a degree that would warrant a refusal of permission.

With regard to the concerns relating to the use of the rooms to the rear and the potential impact with regard to noise, a condition is recommended which would restrict any changes to the use of the new rooms from those detailed on the proposed plans and elevations plan (drawing number 21091/02 G, received 16.05.23). Any changes to the use of the rooms would require the submission of a planning application to the Council, which would allow for the potential effect of any change on activity levels at the property to be considered in the context of the circumstances at that time.

This will also ensure that the staff areas indicated on the amended plan remain to the rear, limiting noise generation, and any change to the internal layout of the extensions can be controlled.

With regard to bin storage, it had been confirmed that specialist waste is stored in-curtilage prior to collection and should a household waste bin be situated to the front of the property, this would be a situation mirrored by other properties within the street and would not be considered to be an unacceptable arrangement. Again, it is noted that the Council's Highways and Environmental Health teams raise no concerns in relation to waste storage arrangements.

On this basis it is considered that the proposal would not lead to any unacceptable impacts on the residential or visual amenity of the area, and it would therefore accord with the objectives of the NPPF and CSDP policies BH1 and HS1 of the CSDP.

HIGHWAY ISSUES

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.

Concern was raised during the course of the application with regard to the potential for increased traffic on site and a reduction in existing parking due to the repositioning of the ramp.

The Council's Highway Engineers confirmed that parking is available within the vicinity of the site for staff and customers and 2 no. spaces would still be available to the front of the property following the relocation of the ramp.

They confirmed that they had no objections to the proposal on highway grounds.

They did note that the applicant will need to apply to the Council for works to install a vehicular crossing for the second car parking space on the forecourt and an informative note relating to this matter can be included on the decision notice.

The request within the neighbour representations for 'H' markings was noted however, the Council's Highway Officer has confirmed that parking arrangements are acceptable and the consultation comments do not suggest that such markings are required.

As such the Highways team have no objections to the proposal and it is not considered that the works will result in conditions prejudicial to highway safety, in accordance with the NPPF and policy ST3 of the CSDP.

CONCLUSION

The amended proposal is acceptable in principle and accords with the NPPF and CSDP policies BH1 and ST3. It is considered to be an acceptable form of development which would not cause unacceptable harm to the amenities of the occupiers of the adjoining properties, the street scene or highway safety. The development will also support and expand facilities available at a community facility (i.e. a local dental practice), in line with the objectives of policy VC5 of the CSDP.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION:

It is recommended that Members approve the application, subject to the draft conditions below.

Conditions:

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

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

Location plan, received 22.03.23

Site plans, drawing number 21091/03 D, received 26.05.23

Existing plans and elevations plan, drawing number 21091/01 A, received 30.03.23

Proposed plans and elevations plan, drawing number 21091/02 G, received 16.05.23

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

3 Notwithstanding any indication of materials which may have been given in the application; the materials to be used, shall be in accordance with those stated within the application form received on the 22.03.23 and the proposed plans and elevations plan, drawing number 21091/02 G, received 16.05.23. Unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the CSDP.

4 The uses of the rooms within the extension hereby approved, as described by the proposed plans and elevations plan (drawing number 21091/02 G, received 16.05.23), shall not be changed unless the Local Planning Authority first agrees any variation in writing; in the interests of residential amenity and to comply with policies BH1 and HS1 of the CSDP.