

PLANNING AND HIGHWAYS COMMITTEE

AGENDA

**Meeting to be held in the COUNCIL CHAMBER, CITY HALL on
Monday 8th January 2024 at 5.30 p.m.**

Membership

Cllrs Dixon, Foster (Vice-Chair), Haswell, Herron, Morrissey, Peacock, Scott, Thornton (Chair) and Warne.

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Elaine Waugh,
Assistant Director of Law and Governance,
City Hall
SUNDERLAND

28th December, 2023

For further information and assistance, please contact Paul Wood at paul.wood@sunderland.gov.uk

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 27 NOVEMBER 2023 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Dixon, Foster, Haswell, Morrissey, Peacock and Scott.

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Herron and Warne.

Minutes of the last meeting of the Planning and Highways Committee held on 30th October 2023

1. RESOLVED that the minutes of the last meeting of the Planning and Highways Committee held on 30th October 2023 be confirmed and signed as a correct record.

**Planning Application 22/00294/FU4 – Erection of 190no. dwellings with associated access, landscaping and boundary treatment
Former Usworth Sixth Form Centre, Stephenson Road, Stephenson, Washington, NE37 2NH**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chair thanked the Officer for their report and opened up the meeting for Members to ask any questions of Officers.

Councillor Haswell questioned the use of the terms 'social rent' and 'affordable rent' within different pages of the report and asked which would be delivered on the site. The Representative of the Executive Director of City Development advised that in planning terms they were interchangeable terms for the same thing.

Councillor Dixon referred to the objection from Sport England and asked whether it was usual for them to continue to object to proposals such as this. The Representative of the Executive Director of City Development advised that the continued objection had been based on the loss of playing fields and Sport England considering that they had not been sufficiently consulted as part of the development of the mitigation strategy; Sport England looked solely at sport provision while the planning regime looked at the application as a whole against all of the relevant considerations; it was considered that the proposed development would not cause any significant adverse impacts.

Councillor Foster commented that these pitches had not been used for a long time and also questioned whether Sport England had been involved in the development of the sports hubs which had been created to mitigate against the loss of pitches such as these; the representative of the Executive Director of City Development confirmed that this was the case.

There being no further questions or comments from Members the Chairman put the Officer's recommendation to the Committee and with all Members being in agreement it was:-

2. RESOLVED that Members be Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the recommended schedule of draft conditions, the completion of a section 106 legal agreement, and referring the application to the Secretary of State for Levelling Up, Housing and Communities.

**Planning Application 23/01341/FUL – Extension to existing vehicle manufacturing plant comprising 2 no. linked modular warehouse buildings for storage purposes, reconfiguration of existing car park, installation of fence and associated work.
Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of key issues to consider in determining the application. The Planning Officer advised that no objections had been raised between the publication of the report and the end of the consultation

period and as such the recommendation was now to grant planning permission subject to the draft conditions set out in the report.

The Chair thanked the Officer for their report and opened up the meeting for Members to ask any questions of Officers.

Councillor Scott commented that it was good to see Nissan renewing their commitment to Sunderland.

There being no further questions or comments, the Officer's recommendation was put to the Committee and with all Members being in agreement it was:-

3. RESOLVED that Planning permission be granted subject to the draft conditions set out in the report.

Planning Application 23/01547/FUL – Removal of existing tent structure, erection of new tent structure for storage purposes and fencing, and associated works.

Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application. The Planning Officer advised that no objections had been raised between the publication of the report and the end of the consultation period and as such the recommendation was now to grant planning permission subject to the draft conditions set out in the report.

There being no questions or comments, it was:-

4. RESOLVED that Planning Permission be granted subject to the draft conditions set out in the report.

Planning Application 23/02202/LP3 – Development of a 196 space car park with associated access, servicing and landscape works, to include the erection of a mobility hub, PV canopies and retaining wall.
Land South of Holmeside, Sunderland

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter and a Supplemental Report.

(for copy report – see original minutes)

The Chair gave the Committee time to read the Supplemental Report.

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

Councillor Peacock queried whether the change from a multi storey car park to this surface car park would rule out the possibility of a multi storey car park being developed on this site in the future. He queried the rationale for the change as it had been his understanding that the multi storey car park had been proposed following the conducting of traffic surveys. The Representative of the Executive Director of City Development advised that the principle of the use of the site had been established by the previous application and that the current application for a surface level car park was the matter under consideration today and it was to be considered on its own merits; it was not known what plans could be brought forward for the site in the future.

Councillor Dixon welcomed the development which would help attract people into the Holmeside area and asked whether there had been consideration given to possible parking issues on the new housing development at the Civic Centre site in the consideration of this application. The Highways Engineer advised that this car park was intended to be ancillary to the railway station and that the Civic Centre site had been assessed as having sufficient parking to be self sufficient in parking terms.

The Chairman then introduced Mr Lee Fulcher who was in attendance to speak in support of the application on behalf of the applicant. Mr Fulcher advised that in October 2022 planning permission had been secured for a multi storey car park at the site however the plans had now been revised due to a number of factors. This development would not prevent any future development of the site. The proposal would provide additional car parking for the area and would help to improve the vitality of the city centre while providing mitigation against the loss of the former Civic Centre car park. There would be landscaping and biodiversity net gains and the car park would support the low carbon agenda by providing PV canopies and EV charging facilities.

The Chairman asked how many cycles would be able to be accommodated within the cycle storage and the Representative of the Executive Director of City Development advised that the design of the cycle storage was still being finalised.

Councillor Peacock expressed his concerns over the value for money in constructing this surface level car park which could then need to be removed to allow for a multi storey car park to be constructed on the site in the future.

There being no further questions or comments, the Chairman put the Officer recommendation, as set out in the supplementary report, to the Committee and it was:-

5. RESOLVED that Members Grant Consent for the development in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the draft conditions set out in the report and the revisions to conditions 2 and 5 set out in the supplementary report.

Items for information

Members gave consideration to the items for information contained within the matrix.

The Chairman referred to application 23/00747/FUL – Land to the South of Colliery Lane, Hetton Le Hole and advised that a site visit was to be arranged for this application.

Councillor Haswell asked that a site visit be arranged for the development of the film studio at the Groves Cranes site in due course. The representative of the Executive Director of City Development advised that there was no date set for this application to be considered and that there would be a site visit arranged once a date for consideration of the application had been set.

6. RESOLVED that the items for information as set out in the matrix be received and noted and the requested site visit be arranged.

The Chair then closed the meeting having thanked everyone for their attendance and contributions.

(Signed) M. THORNTON
(Chair)

Item 4



Development Control Planning and Highways Committee

8th January 2024

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development determination. Further relevant information on some of these applications may be received and, in these circumstances, either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 23/00270/MAW
Tradebe Solvent Recycling Limited Hendon Dock Barrack Street
Sunderland SR1 2BU
2. 23/01576/FUL
Nissan Motor Manufacturing (UK) Limited Washington Road
Usworth Sunderland SR5 3NS
3. 23/01577/FUL
Nissan Motor Manufacturing (UK) Limited Washington Road
Usworth Sunderland SR5 3NS
4. 23/01899/LP3
The Sheiling Fatfield Road Washington NE38 7DT
5. 23/02281/LB3
Museum And Art Gallery Mowbray Gardens Burdon Road
Sunderland SR1 1PP
6. Sunderland Validation List 2024

COMMITTEE ROLE

The Planning and Highways Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Planning and Highways Committee Chairperson or the Development Control Manager via email dc@sunderland.gov.uk .

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.: 23/00270/MAW Minerals- Waste (County Matters)

Proposal: Installation of a distillation column and 5no. storage tanks

Location: Tradebe Solvent Recycling Limited, Hendon Dock, Barrack Street, Sunderland, SR1 2BU

Ward: Hendon
Applicant: Tradebe Solvent Recycling Ltd
Date Valid: 27 February 2023
Target Date: 3 June 2023

PROPOSAL:

Full planning permission is sought for the demolition of an existing storage tank, the erection of a distillation column and 5no new storage tanks at Hendon Dock Solvent Purifying Facility, Port of Sunderland.

The site in question is located towards the southern end of the Port of Sunderland and is operated by Tradebe Solvent Recycling Ltd. The subject plant covers a site of over 2ha and has been in operation since the 1970's. The southern boundary of the site bounds an access road beyond which lies the Dock Sea wall, whilst the land to the east comprises an open undeveloped area. To the north there are open dock areas, leading to a series of land uses including some minerals and waste uses. To the west is Hendon Dock and the associated Dock building.

Tradebe's operations involve the receipt of used solvents and the subsequent purification of those solvents for re-use. The purification process can return solvents back to their merchant sale specification or to an agreed specification with a customer. The accompanying planning statement qualifies that Tradebe have experienced significantly increased demand for its service of purifying solvents, understood in part to have resulted from increasing difficulties in obtaining solvents from the EU post Brexit, but mainly due to Tradebe's customers adopting more environmentally sustainable operating practices, opting for recycling rather than disposal.

Within the context of the above, the Planning Statement continues that;

"The annual throughput of solvent purified/recycled at the plant is currently around 40,000 tonnes per annum. Given the level of interest being expressed, Tradebe has forecast that they could increase throughput by up to 25% giving a throughput of 50,000 tonnes per annum. The additional distillation column would provide the additional processing capacity and the proposed tanks the additional storage capabilities to allow Tradebe to service this increased demand."

The new distillation column would be 19m high, appearing of a functional industrial design and very similar to the existing distillation columns on-site, the third of which was added to the site in the 2000's. The submission confirms that the works would include associated infrastructure required for personnel to access the column and the pipework involved with the operation of the new column.

Some additional infrastructure (new pipework/tanks) are required to connect the new distillation column into the plant, officers are however satisfied that these facilitating works would fall to be

considered as permitted development as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at Part 7 Class I 'developments relating to an industrial process'.

The 5 new storage tanks are required to facilitate the additional processing capacity at the site. Tanks 30, 31 and 32 are to measure 8.5 metres in height, with the two tallest tanks (36 and 37) measuring 10.5 metres in height, including the pipework at the top of the tanks. The tanks would be cylindrical in shape and have a diameter of 5.5metres. The location of the tanks are illustrated on Drawing S-LY159 Rev C.

The submission has been accompanied by a Planning Statement, a Flood Risk and Drainage Assessment, a Phase 1 Preliminary Risk Assessment and a Phase 2 Ground Investigation, a Preliminary Ecological Appraisal, and a Habitat Regulation Screening Assessment (HRA).

The application comes before members of the planning committee as it comprises development to be carried out within a Minerals and Waste site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Land Contamination
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Network Management
Environmental Health
Land Contamination
Flood And Coastal Group Engineer
Planning Implementation
Tyne And Wear Archaeology Officer
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Network Management
Environmental Health
Land Contamination
Flood And Coastal Group Engineer
Environment Agency
Land Contamination
Environment Agency
Environment Agency
Natural England
Natural Heritage
Environment Agency
Natural Heritage
Land Contamination

Land Contamination

SRM Limited Ocean Terminal Barrack Street Sunderland SR1 2ES

Port Authority East Side Hendon Dock Warehouse Barrack Street Sunderland SR1 2BU

Port Authority East Hendon Dock West Oil Storage Hendon Dock Barrack Street Sunderland SR1 2BU

Final Date for Receipt of Representations: **20.10.2023**

REPRESENTATIONS:

The application has been publicised by way of site notice, press notice and neighbour consultation letters. No representations have been received.

External consultees

The County Archaeologist - The site has been checked against the Historic Environment Record and historic maps. The application site was undeveloped foreshore until the 20th century when it was reclaimed. A significant depth (c. 8.5m) of made ground covers the 19th century foreshore. During the 20th century, the site has been subject to modern industrial development. I consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

Natural England - No objection

Environment Agency - Initial response raised an objection and required revisions to be made to the Flood Risk Assessment (FRA). Further to revisions made, the EA have removed their objection to the proposal citing; The information provided shows that there will be no increased flood risk on or offsite. The proposed works should be undertaken in accordance with the Flood Risk Assessment (FRA). The applicant has provided further information regarding their expectations for the lifetime (25 -30 years) of the plant and considered climate change accordingly up to 2050. Planning Practice Guidance (PPG) states that the lifetime of an industrial development should be considered as 75 years. However, having reviewed the information provided, we consider our final advice would stay the same if further detail was provided and as such, we are able to remove our objection.

Health and Safety Executive (HSE) - The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Internal Consultees

Council's Transportation Engineer - No objections or observations offered.

Council's Environmental Health team - No objections are offered in relation to the proposed development.

In terms of noise, the proposal is to duplicate existing plant and facilities on site. Given the nature of the proposal, the character of the immediate area, and separation distances from sensitive receptors, noise is not anticipated to pose a significant issue. The application identifies an increase in vehicle deliveries of 2 vehicles per day taking numbers to 9.

Any potential odorous emissions are associated with process operations and subject to abatement and regulation under permit conditions.

In terms of air quality, the application indicates that the same environmental controls will be applied to the proposed plant as exist for current site operations. Those controls are specified as part of the environmental permitting process and regulated by the EA. The application confirms that all storage tanks are vented to abatement equipment and no emissions occur direct to the environment. Proposed changes to operations will be subject to EA consideration and may require permit variations.

Council's Lead Local Flood Officer - The above application does not have great significance from a flooding/SUDS perspective. The site is located within Flood Zone 3, however there is no increase in impermeable area and flood storage on site will be increased, therefore as long as this doesn't change the LLFA are happy to approve this application.

Ground contamination - Further to the consideration of the Phase 1 Preliminary Risk Assessment, the Ground Investigation Report and the addendum letter received 12 December 2023 (RSK Geosciences). No objection is offered to the development on the basis of ground contamination. It is however advised that a condition to deal with unexpected contamination be placed on an consent given.

Ecology - Further to consideration of the Preliminary Ecological Appraisal Screening and an Habitat Regulations Screening, no objections are offered.

Conservation Officer - Whilst the proposed development is substantial in size, the new storage tanks will be contained within the existing Tradebe site that already contains numerous similar tanks. It is also reasonably typical of the type of large structures that have served Port activity and established the industrial character of the Port throughout its evolution since the 19th Century. It is not unusual for listed structures in the Port to be experienced with such large industrial structures in their immediate and wider surroundings over the last two centuries as part of the operational Port.

It is considered therefore that the proposed development will have no additional impact on the setting and significance of the listed Swing Bridge and Machinery Pit and is not incongruous within the established wider functional industrial setting of the other listed buildings/structures within the Port. The significance of these heritage assets would therefore be conserved in accordance with NPPF Paragraph 205 and CSDP Policies BH7 and BH8.

COMMENTS:

Issues to consider

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

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

NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

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

- Build a strong, competitive economy (section 6);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meeting the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15)
- Conserving and enhancing the historic environment (section 16).

These core principles of the NPPF feed into the local policies contained within the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, SP5, SS5, HS1, HS2, HS3, HS4, BH1, BH8, EG2, NE2, WWE2, WWE3, WWE6 and ST3.

In addition to the above, regard must also be given to the National Planning Policy for Waste (NPPW), which sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management through detailed waste planning policies. It is read in conjunction with the NPPF, the Waste Management Plan for England and the National Policy Statements for Waste Water and Hazardous Waste (as applicable).

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

1. Land use considerations;

2. The implications of the development in respect of the amenity;
3. The impact of the development on the heritage of the area;
4. The impact of the development in respect of highway and pedestrian safety;
5. The implications of the development on biodiversity;
6. The impact of the development of flood risk and drainage;
7. The impact of the development in respect of ground conditions;
8. The Implications of development relative to hazardous installations.

1. Land use considerations

The Proposals Map of the CSDP identifies the Port as a key transport hub for the movement of bulky goods. Policy SS5 states that the Port will be reinvigorated through:

1. the provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. preventing waterside developments that would negatively impact on operations;
3. supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. enabling development of Port-related uses within use classes B1, B2 and B8, including offshore renewables and automotive supply chains;
5. requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary;

Policy SS5 of the CSDP builds on the broader objectives of policy SP5, which states that South Sunderland will continue to grow and become a spatial priority for housing and economic development by, amongst other measures, focusing economic growth in identified employment areas and at the Port of Sunderland.

On a national level, section 6 of the NPPF requires the planning system to support the building of a strong, competitive economy, with paragraph 85 advising that in making planning decisions, significant weight should be placed on the need to support economic growth and productivity, and paragraph 87 stating that planning decisions should recognise and address the specific locational requirements of different sectors. Section 11, meanwhile, requires the planning system to make effective use of land, including placing an emphasis on the use of brownfield (i.e., previously developed) land and ensuring that policies and decisions recognise and reflect changes in the demand for land.

With regard to the above, the proposal would evidently bring forward an industrial process-based development that is required to enhance and expand the solvent recycling facilities that are operating on site. This form of development would sit relatively comfortably within desired Port related uses as set out by Policy SS5 of the CSDP and would also serve to support economic growth and productivity in accordance with national and local policy.

It is noted that Policy SS5 of the CSDP also requires that consideration be given to matters relating to flood risk and this will be addressed later in this report.

In considering the principle of the proposed development, regard must also be given to local and national planning policies relating to the management of waste. To this end, Policy WWE6 of the CSDP states that development that encourages and supports the minimisation of waste production and the re-use and recovery of waste materials will normally be supported. Proposals for waste management facilities to deal with waste arisings will be encouraged based upon the following principles:

1. managing waste through the waste hierarchy;
2. promoting opportunities for on-site management of waste;

3. ensuring that sufficient capacity is located within the City to accommodate forecast waste arisings of all types;
4. supporting delivery of the South Tyne and Wear Joint Municipal Waste Management Strategy;
5. facilitating the development of recycling facilities across the City;
6. facilitating the development of a network of small-scale local waste management facilities in accessible locations;
7. ensuring new waste developments are located and designed to avoid unacceptable adverse impacts on landscape, wildlife, heritage assets and amenity;
8. working collaboratively with neighbouring local authorities on waste management;
9. addressing to an acceptable standard the potential cumulative impacts of any waste development and the way it relates to existing developments;

On a national level, the NPPW emphasises the role planning can play in providing a more sustainable and efficient approach to resource use and management. The NPPW states that Waste Planning Authorities (WPAs) should prepare Local Plans and policies which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams, taking into account the 'proximity principle' of waste being managed as close to its source as possible. WPAs should also, through Local Plans, seek to drive waste management up the waste hierarchy.

When determining planning applications, the NPPW advises that waste planning authorities should:

- Only expect applicants to demonstrate a need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan;
- Recognise that proposals for waste management facilities such as incinerators can conflict with Local Plan visions and aspirations, causing justifiable local frustration, and should require applicants to demonstrate that the Local Plan's objectives will not be undermined;
- Consider likely impacts on the local environment and on amenity against set criteria. WPAs should avoid carrying out their own epidemiological and other health studies;
- Ensure facilities are well-designed so they contribute positively to the character and quality of the area;
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. WPAs should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- Ensure that land raising or landfill sites can be restored as soon as possible;

Both local and national planning policies make reference to managing waste through the 'waste hierarchy' and for information, the hierarchy is as follows (from least to most effective solution):

1. Disposal of waste;
2. Other recovery - by replacing other materials that would otherwise have been used (e.g. deriving energy from waste);
3. Recycling - reprocessing waste into products, materials or substances;
4. Preparing for re-use - cleaning, checking and repairing so waste products can be re-used;
5. Prevention - reduce the generation of waste, including the re-use of products;

With regard to the above, the current site activities and the proposed increased capacity, represents the second tier on the hierarchy - 'Preparing for re-use'. The processes undertaken at the site essentially prepare the solvents for re-use, in many cases these materials are returned to customers for their reuse. As such they are considered to represent the highest tier of

management for waste that are produced. In this regard, it is considered that the proposal is supported by the aims and objectives of CSDP Policy WWE6 and the NPPW.

All local and national policies relative to waste management do, however, require consideration to be given to the potential environmental and amenity impacts of new facilities (in the context of the NPPW's advice that WPAs should not concern themselves with the control of processes which are subject of the controls and regimes of other regulatory authorities, such as the permitting regime of the Environment Agency). Whilst acknowledging that the site operational aspects of the site are longstanding, the impacts of the additional plant on such matters is undertaken in the following sections of this report.

Overall, the principle of the development is considered to be acceptable from a land use perspective and in accordance with CSDP Plan Policies SS5 and WWE6.

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

Policy BH1 of the Council's adopted 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.

Paragraph 135 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, delivers a high standard of amenity for existing and future users.

Also relevant is policy HS1 of the CSDP, which states that new development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including air quality, noise, dust, vibration, odours, emissions, land contamination and instability, illumination, run-off to protected waters and traffic. Potential cumulative impacts should be considered to ensure there will be no unacceptably adverse impacts on the local community.

Policy HS2 meanwhile, states that development which is sensitive to noise or which would result in noise impacts (including vibration) will be controlled by directing noise-sensitive development to the most appropriate locations, by requiring proposals for noise-sensitive development to be accompanied by an appropriate survey and by requiring proposals for development which may give rise to noise impacts to be accompanied by a noise assessment and, if necessary, proposed mitigation measures to ensure the amenity of sensitive receptors is not unacceptably affected.

Aesthetically, the functional appearance of the new development would sit comfortably within the setting of its industrial surroundings, and it is noted to be located a substantial distance away from any nearby residential properties. Further to consultation, it is evident that no objection or requests for planning conditions have been made by the City Council's Environmental Health Section.

Against this backdrop the Environmental Health Officer has however highlighted the fact that the plant is classed as an upper tier COMAH site (Control of Major Accident Hazards) which is regulated by the joint Environment Agency/HSE COMAH Authority. Within this context, the site operations are controlled under the Environmental Permitting Regulations 2016, with conditions of the permitting regime addressing a range of emission controls and potential impacts upon the environment, notably those in relation to emissions to air, to the water environment and to site ground considerations. In this regard it is understood that the applicant has applied to the EA to vary their existing permit.

On the basis of the above, Officers are satisfied that the proposed development would not have an adverse impact on the residential or visual amenity of the area in accordance with CSDP Policies BH1, HS1 and HS2.

3. The impact of the development on the heritage of the area

Paragraph 195 of the NPPF states that heritage assets (such as Listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 201 and 203 require Local Planning Authorities to consider the significance of any heritage asset affected by a development proposal, with paragraph 212 then stating that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals that preserve those elements of the setting which make a positive contribution to the asset should be treated favourably.

Paragraphs 207 and 208 set out that where harm to designated heritage assets (including to their settings) will occur, the scale of the harm needs to be weighed against the public benefits of the development proposal. Where harm is not outweighed by public benefits, planning permission should be refused. In relation to non-designated heritage assets, paragraph 209 states that when weighing applications that directly or indirectly affect such assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

With specific regard to archaeology, paragraph 211 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 Council's adopted CSDP, policy BH8 states that development affecting the setting of heritage assets should recognise and respond to their significance and demonstrate how they conserve and enhance their significance and character of the asset(s), including any contribution made by its setting where appropriate. 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 application has been accompanied by Planning Statement which considers the heritage implications of the development. The statement qualifies that the nearest heritage assets to the development site are two grade II listed buildings located to the north of the site. This includes the Gladstone Swing Bridge which is positioned over 350m away from the development site and the Machinery Pit which is around 360m away. The Statement also considers the significance and setting of the buildings and goes on to consider whether the proposed development would give rise to any harm to these assets, both in terms of physical impacts and in respect of their settings.

As has been set out within the consultation section of the report, the impact of the development upon these buildings and other listed structures which lie further afield still, have been assessed by the Council's Principal Conservation Officer who has concluded that the proposed development will have no additional impact on the setting and significance of the listed Swing Bridge and Machinery Pit and is not incongruous within the established wider functional industrial setting of the other listed buildings/structures within the Port.

The archaeological implications have also been considered by the County Archaeologist who has confirmed that the proposals will not have a significant impact on any known archaeological heritage assets, and that no archaeological work is required.

On this basis, Officers are satisfied that the significance of the aforementioned heritage assets would be conserved in accordance with NPPF Paragraph 199 and CSDP Policies BH7, BH8 and BH9.

4. Impact of the development on highway and pedestrian safety

Policy ST3 of the CSDP advises that development should not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other road users and include a level of vehicle parking in accordance with the Council's parking standards.

The Planning Statement confirms that the proposal provides for a proportionally significant increase in the volume of material processed at the Tradebe site, representing an increase of up to 25%. However, within this context the statement goes on to confirm that the pre-existing volume of traffic generated by onsite operations is currently modest and that the increased processing capacity will similarly lead to a modest increase in traffic levels. This is understood to manifest in an additional 2 HGV visits daily. The Council's Highway Engineers have been consulted on the scheme and have offered no objection or observations on this basis.

In this regard it is considered that the proposal will have no adverse impact on the operational aspects of the Port or the local road network. The proposed development therefore accords with Policy ST3.

5. The implications of the development on biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 186 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 188 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and

overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Firstly, a screening exercise is undertaken to determine if the proposed development is likely to adversely affect the designated sites. Where adverse effects are identified, an Appropriate Assessment is undertaken to consider alternative solutions and mitigation and the modification of the proposed plan or project to avoid any adverse effects if necessary. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

As has been highlighted earlier, the submission has been accompanied by a Preliminary Ecological Appraisal (PEA) and an HRA screening.

In terms of assessing direct impact of the development on the site itself, the PEA confirms that habitats on site comprise entirely of developed land including buildings and impermeable sealed surfaces which have no botanical value. Similarly, the report also sets out that the new development will not result in the loss of any significant breeding, roosting or foraging habitat for birds. On this basis the report concludes that there are no opportunities to provide enhancement as there will be no net loss of any habitat of intrinsic value. These conclusions have been accepted by the Council's Ecologist and no objection has been offered by Natural England.

In addition to the above, the findings of the HRA screening assessment (at Section 3.5.1) demonstrates that the enabling and construction works required for the proposed scheme will not have any likely significant effect on the qualifying habitats and species associated with the Northumbria Coast SPA and Ramsar site or the Durham Coast SAC and SSSI sites and with regard to cumulative effects in combination with any other projects, reporting at Section 3.6.1, that the site will not have an adverse effect on the national site network sites or their conservation objectives. Overall, the conclusions brought forward by the HRA screening have been supported by the Council's Ecologist, with no objection offered by Natural England.

On this basis, Officers find that the development is not in conflict with the Paragraphs 186 and 188 of the NPPF, or CSDP Policy NE2.

6. The impact of the development of flood risk and drainage;

In relation to flooding, paragraph 15 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraphs 168 to 171 of the NPPF set out that in areas at risk of flooding, a sequential test should be applied to development proposals, the aim of which is to steer new development to areas with the lowest risk of flooding (paragraph 168). Development should not be permitted if there are reasonably available sites appropriate for proposed development in areas at a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied (paragraph 169). For the exception test to be passed, paragraph 164 states that it should be demonstrated that the development would:

- (a) provide wider sustainability benefits to the community that outweigh the flood risk and;

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be permitted (paragraph 171). Paragraph 172 of the NPPF makes it clear, however, that a sequential test does not need to be applied again for individual developments on sites which have been allocated in development plans following the undertaking of a sequential test.

Also relevant is paragraph 173, which advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

Paragraph 175, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Policy WWE2 of the Council's CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE4 also requires regard to be given to potential impacts of development on water quality, in line with the objectives of paragraph 180 of the NPPF.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which observes that the application site lies within Flood Zone 3a (high risk of tidal flooding). Within this context and in applying the sequential test, it is evident that the host site is a longstanding operational plant with the new infrastructure proposed to sit alongside the existing. The LPA are therefore satisfied that there are no other realistic locations outside of Flood Zone 3a that Tradebe could seek to exploit given that the new works are intrinsically linked to the existing on-site operations.

With regard to the exception test, it has been brought out through the FRA that the proposals will not increase flood risk on or offsite and this has been accepted by both the EA and the Council's LLFA. Further, in addressing the sustainability benefits to be derived from the proposals, the FRA qualifies that the scheme will help to secure the future of the Tradebe plant at the Port of Sunderland and the employment that provides, whilst as discussed previously, the processes involved represent the highest tier of management within the 'waste hierarchy'.

The works constitute a minor extension to an existing facility which already encompasses flood risk mitigation including combination of physical barriers (Bunds, drainage etc) and automatic controls and given the above, Officers are satisfied that the exception test has been past.

Given the above, it is considered that the implications of the proposed development relative to flood risk and drainage are acceptable and that the proposals satisfy the national and local planning policies detailed above which seek to ensure new development is not at unacceptable risk of flooding and will not increase the risk of flooding elsewhere.

7. The impact of the development in respect of ground conditions

Paragraph 184 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.

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

As has been set out earlier in the report, the application has been accompanied by a Phase 1 Risk Assessment and a Phase 2 Ground Investigation. Further to the consideration of these reports, the Council's Ground Contamination Officer sought some further clarification on whether the risk of vapour ingress had been considered in the detailed design along with any necessary mitigations. In addition, qualification was also sought on the need to decommission boreholes at the site. A response to these queries was received which suitably answered and allayed these outstanding concerns. On this basis, the Council's Ground Contamination Officer has recommended that a single condition to deal with unexpected contamination be attached to any consent granted.

On the basis of the above, officers are satisfied that the requirements of CSDP Policy HS3 has been met.

8. Implications of development relative to hazardous installations

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

Nationally, paragraph 45 of the NPPF states that Local Planning Authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

As set out in the 'Representations' section of this report, consultation has been undertaken with the Health and Safety Executive in respect of this planning application and no objection has been offered. It is therefore considered that the implications of the proposed development relative to hazardous installations are acceptable.

Given the above, it is considered that the proposals address the objectives of policy HS4 of the CSDP and paragraph 45 of the NPPF.

Conclusion

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given the proposal's compatibility with the aims and objectives of policy SS5 of the CSDP, which guides the development of the Port. Furthermore, it is considered that the proposed development is acceptable in relation to local and national planning policies relating to waste management, insofar as the new infrastructure will operate in line with the prevailing on-site activities which fall within the second tier on the waste hierarchy pyramid 'Preparing for re-use' and the highest tier of management for waste that is produced.

In addition to the above, it is evident that following review of the proposals by the relevant internal and external consultees, the proposals raise no significant concerns relative to visual and residential amenity, the setting of the Listed buildings close to the application site, archaeology, ecology and biodiversity (including the nearby European-protected sites), highway and pedestrian safety and flood risk and drainage.

The proposals have also been subject to discussions with the Health and Safety Executive who, for the reasons set out above, do not 'advise against' the development proceeding.

The proposed development is therefore considered to be acceptable, and it is accordingly recommended that Members approve the application subject to the conditions listed below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION:

It is recommended that planning permission be **APPROVED** subject to the recommended schedule of draft conditions.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The proposed layout and elevations of the distillation column received 27.02.2023 (Plan ref's LO_SUN4_01 REV A, SV_SUN4_01 REV A,
 - SV_SUN4_02 REV A, SV_SUN4_03 REV A and SV_SUN4_04 REV A;
 - The proposed Tank Farm Planning Layout received 03.02.2023 (Plan ref: S-LY158 REV A);
 - The proposed Tank Farm Layout received 03.02.2023 (Plan ref: S-LY159 REV C);
 - The location plan (Figure 1) received 20.02.2023;
 - The existing site plan (Figure 2) received 20.02.2023;
 - The proposed site plan (Figure 3) received 20.02.2023;

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 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 the Environment Agency's "Land Contamination: Risk Management" 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 and prior to the occupation of any building, 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 180f and 189.

Reference No.: 23/01576/FUL Full Application

Proposal: **Erection of building to the south elevation of the On-Site Warehouse (OSW).**

Location: Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS

Ward: Washington North

Applicant: Nissan Motor Manufacturing UK Limited

Date Valid: 9 November 2023

Target Date: 8 February 2024

PROPOSAL:

The application site is situated within the Nissan automotive plant in Washington. The long-established vehicle manufacturing plant extends over a large area, and comprises a series of manufacturing buildings, plant and machinery installations, internal access roads and open vehicle storage areas.

The site subject to the new development comprises a tarmacked area which is principally used for the receiving and parking of HGV delivery trucks connected to the large On-Site Warehouse (OSW)

The application has been accompanied by a Design and Access Statement (DAS) which, amongst other matters provides commentary on the scheme and the rationale for the development. Within this context the DAS outlines that Nissan is committed to maintaining a modern and efficient manufacturing operation, by responding to market demand and customer vehicle requirements. In this respect, Nissan has identified a pressing requirement for alternate space for the receiving and unloading of component delivery vehicles and with regard to this proposal, the existing goods receiving area has been identified as a location that can be repurposed to accommodate the new model process equipment.

The proposal comprises the installation of single temporary modular warehouse type structure which is to sit on a supporting concrete foundation slab. The structure would present dimensions of 53.547m x 30.476m, with a 7.5m ground to eave height with the concrete foundation slab measuring 54.247m x 30.476m.

In terms of materials, the walls and roof shall be of a colour to match existing buildings within the facility. Twelve (12 no.) roller shutter type door are proposed to be installed to the new structure to allow for forklift truck access, with other doors installed to provide pedestrian access.

The application has been supported by a Design and Access Statement, a Flood Risk and Drainage Assessment, a Phase 1 Geo-environmental appraisal, a Sustainability Statement and a Preliminary Ecological Statement and Biodiversity Metric.

TYPE OF PUBLICITY:

Press Notice Advertised

CONSULTEES:

Natural Heritage
NE Ambulance Service NHS Trust
Chief Fire Officer
Cllr Jill Fletcher
Cllr Michael Walker
Cllr Peter Walker
Planning And Highways
Flood And Coastal Group Engineer
Land Contamination
Network Management
Environmental Health
Northumbria Police
Northern Gas Networks
Northern Powergrid
Northumbrian Water

Final Date for Receipt of Representations: **21.12.2023**

REPRESENTATIONS:

The application has been advertised by way of site notice and press notice. No representations have been received.

Consultee responses

External

Northern Powergrid - No observations

Northern Gas Networks - Initially object due to the perceived presence of underground apparatus within the Nissan site. Further to clarification on the actual location of the building, this objection has been removed and no observations have been offered.

Tyne and Wear Fire Rescue - No objections subject to compliance with listed building regulations

Internal

Transportation Development (the Local Highway Authority) - No observations offered.

Environmental Health - The proposal is similar to two earlier proposals to install prefabricated storage facilities in other areas of the Nissan site. The stated intention is to use this building to receive and store car parts necessary for the vehicle manufacturing process. The applicant, in the design and access statement, states the location is to be south of the existing On-Site Warehouse separated from Washington Road (to the north) by existing landscaping and well away from the A19 boundary to the east. In effect the development site is approximately 260m from the A19 and 355m from the nearest housing on Ferryboat Lane. Based on the intended use no objections are offered to the proposal.

Contaminated Land Officer - The report shows that the site was previously occupied by a farm up until the construction of the existing Nissan plant, whereafter it was hard surfaced and used as a loading and storage area. Some made ground is though possible associated with the previously development, however this is thought to be of low to negligible risk to future users and other sensitive receptors. The site is considered suitable for the proposed use and no further investigation or assessment is considered necessary. It is however recommended that a condition to deal with unexpected contamination is attached to the decision notice if approval is to be given.

Natural Heritage - No comments received.

Lead Local Flood Officer - No objections subject to the inclusion of a condition which requires the submission of a verification report to demonstrate that the sustainable drainage system has been constructed as per the agreed scheme.

COMMENTS:

Planning policy and legislative context

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

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032. The National Planning Policy Framework (NPPF) (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

Assessment of the proposed development

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

1. Principle of development;
2. Design and visual impacts;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety / sustainable travel;
5. Impact on ecology;
6. Impact on flooding and drainage;
7. Impact in relation to land contamination;

1. Principle of Development

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partners and key stakeholders will seek to create at least 7,200 new jobs; and develop at least 95ha of employment land. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to be a driver of economic growth for Sunderland. To achieve this, economic growth will be focused in identified Employment Areas including those designated under Policy EG1.

Policy EG1 'Primary employment areas' of the adopted CSDP allocates areas as Primary Employment Areas (PEA) (as designated on the Policies Map) to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. One of these areas is 'viii Nissan (PEA8)'.

The application site is part of a wider site allocated under Policy EG1 'Primary employment areas' (viii. Nissan - PEA8) of the adopted CSDP as a Primary Employment Area (PEA). PEAs are those existing employment areas which are considered essential to the long-term success of Sunderland. They are located in the strongest demand areas and should be protected from non-employment uses which could impact upon their viability as employment locations. This allocation therefore seeks to safeguard primary employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area, and at a sustainable location close to public transport links. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), which is a nationally significant centre for automobile production and an important regional employer. Therefore, the proposed development would accord with strategic Policy SP1, strategic Policy SP3, and economic growth Policy EG1 of the adopted CSDP and so it would be acceptable in principle.

2. Design and on visual amenity impacts

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and assist in designing out crime.

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

The proposed development would be positioned well within the confines of the existing site and adjacent to Nissan's main manufacturing buildings. In this regard, it would be largely screened from the public domain and would assimilate appropriately into the backdrop of the existing commercial development on site. The proposed external building materials would largely complement those found on the existing adjacent manufacturing building and are acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the external building materials as specified within application details.

In terms of the design of the scheme and site security no response has been received from Northumbria Police. However, the proposed development would be positioned within the secure Nissan site.

The planning application has been accompanied by a Sustainability Statement. This states that the existing car park asphalt would be re-used elsewhere on-site, some materials would be sourced locally, and that the proposed buildings would seek to maximise energy efficiency. It is therefore considered that sustainable design and construction would be integral to the proposed development.

Given the above, it is considered that the proposed development would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

3. Impact on residential amenity

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

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors.

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

The Council's Environmental Health Officer (EHO) has raised no objections to the proposed development, noting that the building will be used for the purposes of receiving and storing car parts necessary for the vehicle manufacturing process. The EHO further notes that there is a substantial distance between the new development and the nearest residential occupiers. One point of observation has been offered by the EHO in advising that the proposed lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels. It has been advised that the applicant should be made aware of this and therefore accordingly an informative will be attached to any planning permission granted.

It is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of nearest residential properties to the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety / sustainable travel

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that they have safe and adequate means of access, egress and turning arrangements; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

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

The proposed building would be used for storage purposes only with no additional vehicle parking or cycle provision required within the Nissan site. In this respect and when taking into consideration the self-contained nature of the development, the Council's Highway Engineers have offered no objections to the proposed development.

It is therefore considered that the development would have no unacceptable impacts on the strategic and local highway networks in terms of capacity or safety and would be acceptable in relation to highway and pedestrian safety / sustainable travel. The proposal is considered to accord with Policies ST2 and ST3 of the adopted CSDP.

5. Ecology

Paragraph 180 of the NPPF sets out that local planning authorities should aim to conserve and enhance biodiversity by permitting development where the primary objective is to conserve or enhance biodiversity.

Policy NE2 of the CSDP further advises that biodiversity will be protected, created, enhanced and managed by requiring development to demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA) and a BNG Assessment. The assessment qualifies that the survey area is dominated by developed land / sealed surface; a tarmacked surface used by HGVs for the transport, loading and unloading of materials, whilst noting the presence of woodland and scrub outside the boundary some 50m to the east and adjacent to the A19.

The key recommendations of the PEA are;

- Mitigation measures to prevent harming Great Crested Newts;
- Works starting outside the bird nesting season or preceded by a nesting bird check;
- Any trenches left open overnight will be fitted with a mammal escape board which is a roughened wooden plank of wood at no more than 45-degree angle to allow mammals to escape on their own accord.
- Pollution prevention measures implemented during construction.
- A Biodiversity Metrics calculation.

The above measures are expanded upon in Section 5.4 of the PEA and a planning condition is advised to be attached to ensure that adherence to these recommendations is given.

In terms of BNG, the site comprises wholly of sealed hard surfacing and therefore has no biodiversity value. On this basis and given that the proposed development would have no unacceptable impacts in relation to biodiversity, it would not be reasonable to require the proposed development to provide biodiversity net gains on this occasion.

It is considered that the proposed development would accord with Policy NE2 of the adopted CSDP.

6. Impact on flooding and drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or

protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

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

The submitted Flood Risk Assessment (FRA) concludes that the proposed development would be in Flood Zone 1 and is classified as being at very low risk of surface water flooding.

The proposal has considered the hierarchy for surface water disposal, qualifying that;

1. In terms of infiltration, online maps indicate that the site is located within an area classified as having "slowly permeable, seasonally wet clayey soils". It is considered that underlying clayey soils would not provide infiltration rates sufficient to allow soakaways as a method of surface water disposal.
2. In terms of watercourse, a direct connection to the River Wear, approximately 1.7km south of the site, is not considered a practical point of discharge.
3. On the basis of the above, the FRA qualifies that the most appropriate method of surface water disposal is to discharge to the existing surface water drainage network within Nissans operation site land which ultimately discharges to the River Wear. The downpipes from the storage tank will connect into a geocellular attenuation tank located below the proposed concrete slab prior to discharging into the existing 1050mm diameter surface water drain which runs through the proposed development area.

Northumbrian Water have not provided a response. The Council's Lead Local Flood Authority (LLFA) have raised no objections to the proposed development in relation to flooding and surface water drainage and concur with the developer's hierarchical assessment set out above. The LLFA has however recommended that a condition be attached to any planning consent granted to ensure that a verification report to demonstrate that all sustainable drainage systems (including an attenuation tank) have been constructed as per the agreed surface water drainage scheme.

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

7. Impact in relation to land contamination

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

The application has been accompanied by a Phase 1 Desk Top Study to assess ground conditions with regard to contamination. As set out above, the report has been subject to consideration by the Council's Land Contamination Officer who is in agreement with the findings. In this respect, subject to imposition of a condition to deal with any unexpected contamination that may be encountered during the build-out phase, the impact of the development with regard ground contamination is acceptable and in accordance with Policy HS3.

Conclusion

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), and so it is considered that the proposed development would be acceptable in principle.

The proposed development would also be acceptable in relation to design and visual impacts, impact on residential amenity and in relation to other technical matters including highway and pedestrian safety / sustainable travel, ecology, flooding / drainage and land contamination.

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;
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- 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 planning permission be **APPROVED** subject to the recommended schedule of draft conditions.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. NMUK-OSW-Tent-001 'Location Plan' received 01.11.2023.
 - Drawing No. NMUK-OWS-Tent-002 'Proposed Site Plan' received 01.11.2023.
 - Drawing No. NMUK-Sketch-GA-001 'Proposed Trim OWS Tent Extension General Arrangement Plan' received 01.11.2023.
 - Drawing No. NMUK-E&EC-133-GA-001 'OSW Slab Detail' received 01.11.2023.
 - Drawing No. 38669-2 'OSW Building Floor/roof plan' sheet 1 received 01.11.2023.
 - Drawing No. 38669-2 'OSW Building Elevations' sheets 2 and 3 received 01.11.2023.
 - Drawing No. 38669-2 'OSW Building Section' sheet 4 received 01.11.2023.
 - Drawing No. 01 Rev P1 'Proposed Drainage Layout' received 01.11.2023

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

- 3 The development hereby permitted shall be constructed in accordance with the external building materials as specified in the materials section of the planning application form received 11.07.2023, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development hereby approved shall be carried out in complete accordance with Section 5.4 (Recommendations), of the Preliminary Ecological Appraisal (DWS Ecology, September 2023).

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

5 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."

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 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 the Environment Agency's "Land Contamination: Risk Management" 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 and prior to the occupation of any building, 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 180f and 189.

Reference No.: 23/01577/FUL Full Application

Proposal: **Erection of building to the south elevation of Trim & Chassis (GD1A).**

Location: Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland, SR5 3NS

Ward: Washington North

Applicant: Nissan Motor Manufacturing UK Limited

Date Valid: 9 November 2023

Target Date: 8 February 2024

PROPOSAL:

The application site is situated within the Nissan automotive plant in Washington. The long-established vehicle manufacturing plant extends over a large area, and comprises a series of manufacturing buildings, plant and machinery installations, internal access roads and open vehicle storage areas.

The site subject to the new development comprises a tarmacked area which is principally used for the receiving and parking of HGV delivery trucks connected to the large 'Trim and Chassis Shop'.

The application has been accompanied by a Design and Access Statement (DAS) which, amongst other matters provides commentary on the scheme and the rationale for the development. Within this context the DAS outlines that Nissan is committed to maintaining a modern and efficient manufacturing operation, by responding to market demand and customer vehicle requirements. In this respect, Nissan has identified a pressing requirement for alternate space for the receiving and unloading of component delivery vehicles and with regard to this proposal, the existing goods receiving area has been identified as a location that can be repurposed to accommodate the new model process equipment.

The proposal comprises the installation of single temporary modular warehouse type structure which is to sit on a supporting concrete foundation slab. The structure would present dimensions of 32.400 x 30.247m, with a 7.0m ground to eave height and a concrete foundation slab measuring 32.476m x 30.247m.

In terms of materials, the walls and roof shall be of a colour to match existing buildings within the facility. Six (6 no.) roller shutter type door are proposed to be installed to the new structure to allow for forklift truck access, with other doors installed to provide pedestrian access.

The application has been supported by a Design and Access Statement, a Flood Risk and Drainage Assessment, a Phase 1 Geo-environmental appraisal, a Sustainability Statement and a Preliminary Ecological Statement and Biodiversity Metric.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

CONSULTEES:

Natural Heritage
NE Ambulance Service NHS Trust
Chief Fire Officer
Cllr Jill Fletcher
Cllr Michael Walker
Cllr Peter Walker
Planning And Highways
Network Management
Flood And Coastal Group Engineer
Land Contamination
Environmental Health
Northumbria Police
Northern Gas Networks
Northern Powergrid
Northumbrian Water

Final Date for Receipt of Representations: **21.12.2023**

REPRESENTATIONS:

Representations

The application has been advertised by way of site notice and press notice. No representations have been received.

Consultee responses

External

Northern Powergrid - No observations

Northern Gas Networks - Initially object due to the perceived presence of underground apparatus within the Nissan site. Further to clarification on the actual location of the building, this objection has been removed and no observations have been offered.

Tyne and Wear Fire Rescue - No objections subject to compliance with listed building regulations
Northumbria Police - No objections

Internal

Transportation Development (the Local Highway Authority) - No observations offered.

Environmental Health - This proposal is similar to earlier proposals to install prefabricated storage facilities in other areas of the Nissan site. The stated intention is to use this building to receive and store car parts necessary for the vehicle manufacturing process. The applicant, in the design and access statement, states the location is to be south of the existing Trim and Chassis area separated from the A19 by other parts of the site south of the Axle Plant (location of another storage unit) and well away from the A19 boundary. The development site is

approximately 280m from the nearest housing on Ferryboat Lane. Based on the intended use no objections are offered to the proposal.

Contaminated Land Officer - The report shows that the site was previously occupied by a farm up until the construction of the existing Nissan plant, whereafter it was hard surfaced and used as a loading and storage area. Some made ground is though possible associated with the previously development, however this is thought to be of low to negligible risk to future users and other sensitive receptors. The site is considered suitable for the proposed use and no further investigation or assessment is considered necessary. It is however recommended that a condition to deal with unexpected contamination is attached to the decision notice if approval is to be given.

Natural Heritage - No comments received.

Lead Local Flood Officer - No objections subject to the inclusion of a condition which requires the submission of a verification report to demonstrate that the sustainable drainage system has been constructed as per the agreed scheme.

COMMENTS:

Planning policy and legislative context

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

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032. The National Planning Policy Framework (NPPF) (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

Assessment of the proposed development

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

1. Principle of development;
2. Design and visual impacts;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety / sustainable travel;
5. Impact on ecology;
6. Impact on flooding and drainage;
7. Impact in relation to land contamination;

1. Principle of Development

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partners and key stakeholders will seek to create at least 7,200 new jobs; and develop at least 95ha of employment land. It states that the spatial strategy seeks

to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to be a driver of economic growth for Sunderland. To achieve this, economic growth will be focused in identified Employment Areas including those designated under Policy EG1.

Policy EG1 'Primary employment areas' of the adopted CSDP allocates areas as Primary Employment Areas (PEA) (as designated on the Policies Map) to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. One of these areas is 'viii Nissan (PEA8)'.

The application site is part of a wider site allocated under Policy EG1 'Primary employment areas' (viii. Nissan - PEA8) of the adopted CSDP as a Primary Employment Area (PEA). PEAs are those existing employment areas which are considered essential to the long-term success of Sunderland. They are located in the strongest demand areas and should be protected from non-employment uses which could impact upon their viability as employment locations. This allocation therefore seeks to safeguard primary employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area, and at a sustainable location close to public transport links. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), which is a nationally significant centre for automobile production and an important regional employer. Therefore, the proposed development would accord with strategic Policy SP1, strategic Policy SP3, and economic growth Policy EG1 of the adopted CSDP and so it would be acceptable in principle.

2. Design and on visual amenity impacts

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and assist in designing out crime.

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

The proposed development would be positioned well within the confines of the existing site and adjacent to Nissan's main manufacturing buildings. In this regard, it would be largely screened from the public domain and would assimilate appropriately into the backdrop of the existing commercial development on site. The proposed external building materials would largely complement those found on the existing adjacent manufacturing building and are acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the external building materials as specified within application details.

In terms of the design of the scheme and site security no response has been received from Northumbria Police. However, the proposed development would be positioned within the secure Nissan site.

The planning application has been accompanied by a Sustainability Statement. This states that the existing car park asphalt would be re-used elsewhere on-site, some materials would be sourced locally, and that the proposed buildings would seek to maximise energy efficiency. It is therefore considered that sustainable design and construction would be integral to the proposed development.

Given the above, it is considered that the proposed development would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

3. Impact on residential amenity

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

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors.

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

The Council's Environmental Health Officer (EHO) has raised no objections to the proposed development, noting that the building will be used for the purposes of receiving and storing car parts necessary for the vehicle manufacturing process. The EHO further notes that there is a substantial distance between the new development and the nearest residential occupiers. One point of observation has been offered by the EHO in advising that the proposed lightweight structure may not be appropriate for any manufacturing operation that results in significant noise levels. It has been advised that the applicant should be made aware of this and therefore accordingly an informative will be attached to any planning permission granted.

It is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of nearest residential properties to the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety / sustainable travel

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that they have safe and adequate means of access, egress and turning arrangements; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the

free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

The proposed building would be used for storage purposes only with no additional vehicle parking or cycle provision required within the Nissan site. In this respect and when taking into consideration the self-contained nature of the development, the Council's Highway Engineers have offered no objections to the proposed development.

It is therefore considered that the development would have no unacceptable impacts on the strategic and local highway networks in terms of capacity or safety and would be acceptable in relation to highway and pedestrian safety / sustainable travel. The proposal is considered to accord with Policies ST2 and ST3 of the adopted CSDP.

5. Ecology

Paragraph 180 of the NPPF sets out that local planning authorities should aim to conserve and enhance biodiversity by permitting development where the primary objective is to conserve or enhance biodiversity.

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The key recommendations of the PEA are;

- Mitigation measures to prevent harming Great Crested Newts;
- Works starting outside the bird nesting season or preceded by a nesting bird check;
- Any trenches left open overnight will be fitted with a mammal escape board which is a roughened wooden plank of wood at no more than 45-degree angle to allow mammals to escape on their own accord.
- Pollution prevention measures implemented during construction.
- A Biodiversity Metrics calculation.

The above measures are expanded upon in Section 5.4 of the PEA and a planning condition is advised to be attached to ensure that adherence to these recommendations is given.

In terms of BNG, the site comprises wholly of sealed hard surfacing and therefore has no biodiversity value. On this basis and given that the proposed development would have no unacceptable impacts in relation to biodiversity, it would not be reasonable to require the proposed development to provide biodiversity net gains on this occasion.

It is considered that the proposed development would accord with Policy NE2 of the adopted CSDP.

6. Impact on flooding and drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

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

The submitted Flood Risk Assessment (FRA) concludes that the proposed development would be in Flood Zone 1 and is classified as being at very low risk of surface water flooding.

The proposal has considered the hierarchy for surface water disposal, qualifying that;

1. In terms of infiltration, online maps indicate that the site is located within an area classified as having "slowly permeable, seasonally wet clayey soils". It is considered that underlying clayey soils would not provide infiltration rates sufficient to allow soakaways as a method of surface water disposal.
2. In terms of watercourse, a direct connection to the River Wear, approximately 1.7km south of the site, is not considered a practical point of discharge.
3. On the basis of the above, the FRA qualifies that the most appropriate method of surface water disposal is to discharge to the existing surface water drainage network within Nissans operation site land which ultimately discharges to the River Wear. The downpipes from the storage tent will connect into a geocellular attenuation tank located below the proposed concrete slab prior to discharging into the existing 1050mm diameter surface water drain which runs through the proposed development area.

Northumbrian Water have not provided a response. The Council's Lead Local Flood Authority (LLFA) have raised no objections to the proposed development in relation to flooding and surface water drainage and concur with the developer's hierarchical assessment set out above. The LLFA has however recommended that a condition be attached to any planning consent granted to ensure that a verification report to demonstrate that all sustainable drainage systems (including an attenuation tank) have been constructed as per the agreed surface water drainage scheme.

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

7. Impact in relation to land contamination

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

The application has been accompanied by a Phase 1 Desk Top Study to assess ground conditions with regard to contamination. As set out above, the report has been subject to consideration by the Council's Land Contamination Officer who is in agreement with the findings. In this respect, subject to imposition of a condition to deal with any unexpected contamination that

may be encountered during the build-out phase, the impact of the development with regard ground contamination is acceptable and in accordance with Policy HS3.

Conclusion

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area. It would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), and so it is considered that the proposed development would be acceptable in principle.

The proposed development would also be acceptable in relation to design and visual impacts, impact on residential amenity and in relation to other technical matters including highway and pedestrian safety / sustainable travel, ecology, flooding / drainage and land contamination.

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

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

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

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

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

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

RECOMMENDATION:

It is recommended that planning permission be **APPROVED** subject to the recommended schedule of draft conditions.

Conditions:

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 - Drawing No. 38669-3 'Trim Building Floor/roof plan' sheet 1 received 01.11.2023.
 - Drawing No. 38669-3 'Trim Building Elevations' sheets 2 and 3 received 01.11.2023.
 - Drawing No. NMUK-E&EC-133-GA-005, 006 and 008 'General Arrangement Elevations East, South and West' received 07.11.2023.
 - Drawing No. 38669-3 'Trim Building Section' sheet 4 received 01.11.2023.
 - Drawing No. 01 Rev P1 'Proposed Drainage Layout' received 01.11.2023

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

- 3 The development hereby permitted shall be constructed in accordance with the external building materials as specified in the materials section of the planning application form received 11.07.2023, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development hereby approved shall be carried out in complete accordance with Section 5.4 (Recommendations), of the Preliminary Ecological Appraisal (DWS Ecology, September 2023).

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

- 5 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."

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 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 the Environment Agency's "Land Contamination: Risk Management" 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 and prior to the occupation of any building, 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 180f and 189.

Reference No.: 23/01899/LP3 Local Authority (Reg 3)

Proposal: Internal arrangements to provide supported accommodation for up to 5no individuals

Location: The Sheiling, Fatfield Road, Washington, NE38 7DT

Ward: Washington Central

Applicant: Sunderland City Council

Date Valid: 6 September 2023

Target Date: 1 November 2023

UPDATE TO MEMBERS:

As Members will recall, this planning application was previously considered by the Planning and Highways Committee at a meeting held on 30th October 2023. At the meeting, it was resolved that a decision on the planning application would be deferred to enable a visit to the application site to be carried out. The site visit was carried out on Friday 24th November and so the application is now being returned to the Committee for the consideration of Members.

Since the publication of the previous Planning Committee Report, which is reproduced below as Appendix 1, further representations were received. These were reported to Members at the Planning and Highways Committee on 30th October 2023 via a Report for Circulation which stated:

"This report is to make Members aware that, following the publication of the Committee Report, some additional representations have been received (including from the Chair of Governors at Biddick Primary School) objecting to the planning application. Concerns relate to:

- *Proximity of the application site to schools including Biddick Primary School;*
- *Risks associated with antisocial behaviour and risks to pupils, including safeguarding issues and risk to pupils round the area of the bus stop adjacent to the site;*
- *Queries in relation to the accuracy of the 24/7 care element of the development;*
- *Unsuitability of the property for such a facility; and*
- *Residents not being notified of the planning application.*

The proposed development would be managed and staffed 24/7 and would always operate with members of staff being at the site. It is considered that the above concerns are similar to those raised in other representations, and that they are addressed within the assessment section of the Committee Report."

Since the previous meeting of the Planning and Highways Committee on 30th October 2023, the applicant has provided a first floor layout plan of The Sheiling (titled 'Bedroom 4 Compliance Plans'), which seeks to demonstrate the floor space of bedroom 4. The National Planning Policy Framework (NPPF) has also been updated (current version dated December 2023), however updates are not relevant to the determination of this planning application.

It should be noted that there have been no relevant changes in site circumstances or in respect of other material planning considerations since the Planning and Highways Committee on 30th October 2023 and the publication of the last Planning Committee Report at Appendix 1. No further representations have been received. Officers have inspected the property internally.

Whilst it is acknowledged that one of the bedrooms in the attic space is smaller than others, the applicant has advised that it is adequate to meet the needs of this care facility. They have sought to demonstrate this via their submitted drawing titled 'Bedroom 4 Compliance Plans'.

The proposal is considered to be an acceptable form of development. In light of the comments above, the recommendation remains the same as set out in the Committee Report at Appendix 1.

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, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), Members **GRANT CONSENT** for the proposal, subject to the following conditions.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. S4196-BDN-XX-XX-DR-A-0000 (Location Plan), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0001 (Existing Floor Plans), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0002 (Existing and Proposed Elevations), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0003 (Existing Site Plan), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0004 (Proposed Floor Plans), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0005 (Proposed Site Plan), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0006 (Bedroom 4 Compliance Plans), received 20/11/2023

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

- 3 The number of residents to be accommodated at the development hereby permitted shall not exceed 5 at any one time.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.
- 4 The number of staff at the application site associated with the care element of the development hereby permitted shall not exceed 6 at times of shift changeover, and 3 at all other times, on any given day.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity and highway safety, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

APPENDIX 1 - REPRODUCTION OF REPORT PRESENTED TO PLANNING AND HIGHWAYS COMMITTEE MEETING ON 30TH OCTOBER 2023

INTRODUCTION

The application seeks planning permission for a change of use from a dwellinghouse (Use Class C3) to supported residential accommodation (Use Class C2 (Residential Institution)). Amendments to the existing internal arrangements are required to facilitate provision of the supported accommodation which would be for up to 5 no. individuals.

Support and staffing would be provided by Sunderland City Council's experienced, specialised partner Changing Lives.

DESCRIPTION OF SITE AND SURROUNDINGS

The application property is located within a residential area of Biddick, at the junction of Biddick Villas and Fatfield Road in Washington. The site, as existing, comprises a two-storey semi-detached dwelling which is set within a triangular plot which, to the principal (northwest facing) elevation, fronts Fatfield Road. The side (northeast facing) elevation adjoins No. 46 Biddick Villas. The rear (southeast facing) elevation backs onto garden ground. The south site boundary bounds the curtilages of residential dwellings; specifically, Nos. 1 and 2 Ashley Close. The southwest and west portion of the site comprises an area of hardstanding which wholly covers the area forward of the principal elevation of the application property.

The application site, as noted, is situated within a residential area of similarly styled properties. While the application site is positioned within a residential setting, it is noted that Biddick Academy is situated to the south (with Ashley Close intervening).

THE PROPOSED DEVELOPMENT

The proposed development for supported residential accommodation would utilise the existing footprint of the building. No external alterations are proposed and so the appearance of the property would remain as existing. Only internal alterations would be required - to the first-floor landing, as well as to enable provision of a further 2 no. bathrooms.

The proposed supported residential accommodation would provide housing for up to 5 no. single females (aged 18-25) who find themselves homeless. They would come from a range of backgrounds. For example, some may move from unsuitable accommodation; some people may be leaving care or hospital; and others may be street homeless or sleeping rough. The project would support occupants to live safely and develop skills that would enable them to move on to living independently. As noted from the submitted Design and Access Statement, the scheme is likely to mean that occupants, in turn, would live at the application property for approximately 3-6 months.

The proposed development would be managed whereby a curfew would be in operation for residents between the hours of 23:00 hours and 07:30 hours. Residents would not be permitted to receive any visitors, unless by prior arrangement with support staff, and only during office hours.

The staffing arrangements for the proposed development would normally comprise 2no. on-site staff members (on occasion, 3no.) with a maximum of 6no. on site at any one time (noting the transient period for staff handover at the times of 8am and 8pm)). The staff would provide on-site support on a 24/7 basis, with shifts lasting up to 12 no. hours each between the times specified previous.

The proposed development would utilise the existing access off Fatfield Road, and application details state that the application site is capable of accommodating 5 no. vehicles.

PLANNING HISTORY

There is no planning history of relevance to the determination of this planning application. However, previous planning history at the application site is as follows:

Reference Number: 88/01913/10
Description: Conversion of dwelling to rest home
Status: Refused

Reference Number: 89/00478/10
Description: Change of use to guest house.
Status: Refused

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Beth Jones
Cllr Dianne Snowdon
Cllr Linda Williams
Network Management
Environmental Health
Housing - People Services
Northumbria Police

Fellside 45 Biddick Villas Columbia Washington NE38 7DT
Clovelly 46 Biddick Villas Columbia Washington NE38 7DT
2 Ashley Close Biddick Washington NE38 7TP
North Biddick Lodge Biddick Lane Fatfield Washington NE38 8AB
1 Ashley Close Biddick Washington NE38 7TP

Final Date for Receipt of Representations: **13.10.2023**

REPRESENTATIONS:

Publicity

The occupiers of 5 no. properties in the vicinity of the application site (including those adjoining the curtilage of the subject dwelling) were sent neighbour notification letters. A site notice was also posted in the vicinity of the application site.

Application details state that the applicant has, at pre-application stage, engaged with the local community as part of the proposals.

Site notice expiry date: 04/10/2023

Neighbour notifications expiry date: 13/10/2023

Consultation expiry dates: 27/09/2023 and 11/10/2023

Neighbour Representations - Objections

More than 200 representations have been received objecting to the planning application (with 2 objectors requesting to speak), as well as petitions. These are summarised as follows:

Residential Amenity

- Concern in respect of the proposal being overbearing
- Scope for overlooking
- Lack of distance of separation from application site
- Increased noise (smoke alarms, emergency vehicles, loud music, arguments between residents and carers)
- Increased comings and goings (traffic generation)
- Concern in regard to potential loss of privacy
- Concern regarding potential for encroachment

Highway Safety

- Increased comings and goings (traffic generation)
- Access arrangements insufficient
- Concern that the proposal compromises highway safety
- Concern that the parking arrangements are inadequate (risk of overspill to already saturated roads during term time)

Siting/Amenity

- Unsuitable location
- Inappropriate use
- Concern that the proposal would utilise a non-purpose built facility
- Other properties deemed more conducive to supporting the scheme
- Concern in respect of impact to residential character and community cohesion

Fear of Crime / Antisocial Behaviour

- Concern in respect of security being compromised

- Fear of introducing crime (drugs, alcoholism, prostitution, theft, violence (from supposed abusive ex partners)) and antisocial behaviour into locality
- Proximity of Biddick Academy, St. Robert's, and Biddick Primary School to application site
- Compromising safeguarding standards in view of nearby schools
- Vulnerability of school children to occupiers of the scheme
- Adequacy of support to fully ensure 24/7 care
- Relations and acquaintances of occupiers visiting
- Risk of exposing children to drug and alcohol problems and crime, particularly while waiting at the bus stop located adjacent to the site entrance
- Lack of available policing

Other Matters

- Effect on elderly population
- Ill health and impact to mental health
- Concern in respect of increased litter
- Loss of heritage
- Lack of clarity surrounding curfew arrangements (i.e., must residents be in room by 11pm or just on the premises?)
- Loss of value to property
- Objection to handling of the application
- Biddick Academy not notified
- Neighbour notification process not carried out adequately
- Access to healthcare (prospective occupiers and existing residents)
- Offender status unclear in proposals
- Citation of paragraph 2.39 of the adopted Core Strategy and Development Plan ('CSDP') which refers to the number of empty properties within Sunderland (noting a small number of long-term empty properties (over 6 months) which account for approximately 2% of the city's housing stock).
- Query in respect of how "challenging behaviour" be managed.
- Reference to previous applications at the site being refused

Neighbour Representations - Support

6 no. representations have been received supporting the planning application. These are summarised as follows:

Other Matters

- Drug and alcohol abuse is ever-present across society at all locations so proposals to ameliorate instances and support those who have struggled with drug and alcohol abuse should be supported
- Assurance of 24/7 staffing should satisfy concerns and ensure proposal is to the betterment of community as a whole
- There should be a presumption in favour of proposals to support reintegrating individuals into society and look after the community, rather than isolating individuals
- Staffing is sufficient and risk assessments will be carried out by suitably competent, professionals
- Residential area is most appropriate location for development of this nature in reducing sense of isolation occupants may otherwise feel

- Prospective occupants will have negligible effect on emergency service capacity; respondent cites that the new residential schemes within the locality will affect emergency services more so such points raised in respect of this proposal are misplaced

Consultees

Ward Councillors

No responses received.

Network Management

No objection.

Environmental Health

No objection, subject to informatives.

Housing - People Services

No comments received.

Northumbria Police

No objections.

Comments made as follows:

- Noted that a significant number of objections have been raised making particular reference to the application property housing occupants with drug and alcohol issues.
- Acknowledge that Northumbria Police have interest whereby proposals for care facilities would likely impact upon public amenity.
- It would be remiss to assume that there would be no impact at all but the principal means by which to assess the application is through appraising whether potential impact can be suitably addressed through appropriate management at the facility. The proposed level of on-site management including a curfew and restricting visitors is noted. Overall (in terms of the proposed management arrangements), Northumbria Police considers the proposal acceptable in terms of mitigation measures and notes that a link with the local policing team will be established.
- Given the level of on-site management and nature of the care provision, it is unlikely that drug detritus will originate from the property or be a problem in the locality because of the proposal.
- Representations express concern about the safety of pupils of the nearby comprehensive school. However, it is not clear that residents of the proposal would pose any risk to young people. In any case matters of placement would be agreed with the local authority and care provider, taking into account third party risk.

Conclusion:

- Northumbria Police acknowledge the views expressed by residents, however experience has shown that the sort of negative behaviours identified are neither exclusive to, or certain to occur, if a premises is well managed.
- Northumbria Police accept that there is a need for the premises and that such facilities should be provided where possible. Such facilities have a better chance of success if they are not in more challenged localities.
- Subject to the adoption of appropriate management, good communication and well-structured care, supported accommodation at this location poses very little risk.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998, the 'saved' and policies within the UDP Alteration No. 2 (Central Sunderland) adopted in 2007.

The National Planning Policy Framework ('NPPF') (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;
5. Fear of crime / antisocial behaviour

1. Principle of Development

Strategic and Land Designation Policies

Policy SP1 'Development Strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to meet people's needs, the Council, working with local communities, its partners, and key stakeholders will ensure that sufficient social infrastructure is delivered to meet identified needs. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the existing urban area, in sustainable locations, close to transport hubs.

The overall aim of Policy SP3 'Washington' as set out in the adopted CSDP relates to enabling, in conjunction with other CSDP policies, sustainable mixed communities to thrive and drive economic growth for Sunderland.

Saved Policy EN10 of the adopted Unitary Development Plan (UDP) dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

The proposed development would be within the Existing Urban Area, in a sustainable location, close to public transport links, and make provision for social infrastructure wherein a need has been identified. On this basis, it would accord with Policy SP1 and Policy SP3 of the adopted CSDP.

The application site is not designated for any specific purpose within the Council's development plan. The site is therefore subject to saved Policy EN10 of the adopted UDP, which, as noted above, dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

Concerns raised in representations are noted in relating to the siting of the proposed development. However, the surrounding land uses are predominantly residential and the proposed development for a supported residential accommodation would broadly coalesce with the prevailing residential land uses in the locality. The character of this residential area would not be compromised as a result of this proposal for an alternative form of residential accommodation. It is considered that the proposed development, as a form of residential accommodation, would be compatible with existing patterns of land use. That said, to control the nature of the proposed development and any intensification, it is recommended that a condition be attached to any planning permission to ensure that the number of residents does not exceed 5 at any given time.

It is considered that the proposed change of use of the dwellinghouse (Use Class C3) to residential accommodation with support (Use Class C2) would accord with saved Policy EN10 of the adopted UDP.

Housing

Policy H1 'Housing mix' of the adopted CSDP stipulates that development, where appropriate and justified, should seek to ensure there is a choice of suitable accommodation for those with special needs housing.

Policy H5 'Existing homes and loss of homes' of the adopted CSDP contains criteria which broadly seeks to prevent the loss of residential housing stock. Criterion 2 of Policy H5 of the adopted CSDP states that development which would result in the loss of residential housing stock, particularly family housing, through change of use or redevelopment will not be permitted unless it is demonstrated that:

- i. the dwelling(s) no longer provide accommodation of a satisfactory standard;
- ii. it is financially unviable to improve or adapt the existing dwelling(s); and
- iii. the locality and character of the surroundings are no longer appropriate for residential use.

As noted, Policy H1 'Housing mix' of the adopted CSDP stipulates that development, where appropriate and justified, should seek to ensure there is a choice of suitable accommodation for those with special needs housing. In this instance, it is considered that the proposed development would provide a form of accommodation which would seek to address a specific continuous short-term need (supported living accommodation) over the lifetime of the development. On this basis it is considered that the proposed development would accord with Policy H1.

Whilst the proposed development would result in the loss of a family dwelling, it would still operate as a form of residential accommodation, albeit whereby the residents need support. It would also result in no material alterations to the property externally. Therefore, if, in the future, the proposed

use ceased, the building could easily be converted back to a dwellinghouse. Although the proposed development would not strictly operate as a dwellinghouse in Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), given that it would result in a form of residential accommodation being retained, it is considered that it would not conflict with the objectives of Policy H5.

Summary

In summary, the proposed development would be within the Existing Urban Area, in a sustainable location, and provide a specialist form of residential accommodation. On this basis, it is considered that it would accord with policies SP1, SP3 and H1 of the adopted CSDP, and saved Policy EN10 of the UDP. It would also not conflict with the objectives of Policy H5 of the adopted CSDP. It is therefore considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity

Policy BH1 'Design Quality' of the adopted CSDP stipulates that development should be of scale, massing, layout, appearance, and setting which respects and enhances the positive qualities of the locality.

The proposed development would not be in a sensitive location. No external works are proposed that would alter the appearance of the existing property. In these terms, it is considered that the proposed development would accord with Policy BH1 of the adopted CSDP.

3. Impact on residential amenity

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

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

Concerns raised in representations are noted in relation to privacy / overlooking, the proposal being overbearing, and a lack of separation / encroachment. However, no external alterations are proposed to the existing application property. Moreover, no alterations are proposed to the existing scale (and, thus, no change to existing distance of separation), massing, and or mutual intervisibility (i.e., no new openings formed). By virtue of retaining the existing arrangement, the proposed development would have no unacceptable impacts on the amenities of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

Concerns raised in representations are noted in relation to increased noise / disturbance from comings and goings of residents and visitors. However, the Council's Environmental Health Officer has raised no objections to the proposed development in relation to such impacts. The proposed development would be a managed facility with a maximum of 5 no. residents and whereby 2no. (on occasion, 3no.) members of staff would be at the premises 24/7. Visitors to the property would be during office hours only and managed by staff, residents would be subject to a curfew, and any use of the outdoor space would be managed by staff. Therefore, the appropriate provisions have been made, to ensure that the proposed development would not generate any unacceptable noise / disturbances. The character of this residential area would not be compromised as a result of this proposal for an alternative form of residential accommodation. As previously stated, to control the nature of the proposed development and to ensure that the

Local Planning Authority retains control over any intensification of the use, it is recommended that a condition be attached to any planning permission to ensure that the number of residents does not exceed 5 at any given time.

There would normally be only 2no. members of staff at the premises. On occasion there could be up to 3no. members of staff based at the premises, and so a maximum of 6no. members of staff for short periods of time during shift changeovers. However, any noise and disturbances associated with comings and goings of staff would not be materially greater than those that could be generated by a large household (with several vehicles). However, it is recommended that a condition be attached to any planning permission, to control that the number of staff at the application site associated with the care element of the development does not exceed 6 at times of shift changeover, and 3 at all other times, on any given day.

It is recommended that an informative be attached to any planning permission to remind the applicant to liaise with the Council's Environmental Health Officer in relation to any licensing requirements.

Overall, there is no evidence to suggest that a proposal of this nature would cause any adverse impacts in relation to noise from residents living at the premises, noise and disturbances associated with comings and goings of residents, visitors and staff, or in relation to any other impacts in relation to residential amenity. It is considered that the proposed development would therefore accord with Policy HS1 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals should have safe and adequate means of access, egress and internal circulation / turning arrangements; they should be assessed and determined against current standards for the category of road; they should have safe and convenient access for sustainable transport modes; and they should not create a severe impact on the safe operation of the highway network.

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

Concerns raised in representations are noted in relation to the comings and goings of residents / staff generating traffic, problems associated with access arrangements, parking congestion being to the detriment of highway safety, and highway safety issues in general. However, the proposed development would utilise the existing in-curtilage parking provision (5no. spaces) to allow parking spaces for staff and prior agreed visitors. Application details state that residents would not utilise personal vehicles and instead would rely upon public transport, notably, the bus. The application site benefits from a bus stop on Biddick Lane, positioned immediately adjacent to the application site. On this basis the Council's Transportation Development (the Local Highway Authority) have raised no objections to the proposed development in relation to its impact on highway safety, including the in-curtilage capacity of the application site to accommodate vehicles for the proposed development.

As stated, it is recommended that a condition be attached to any planning permission, to control that the number of staff at the application site associated with the care element of the development does not exceed 6 at times of shift changeover, and 3 at all other times, on any given day. This

is to ensure that there would be satisfactory parking at the site and in the interests of highway safety.

Given the comments from the Council's Local Highway Authority, it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. It is therefore considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Fear of Crime / Antisocial Behaviour

Policy SP7 of the CSDP, in broad terms, seeks to improve health and wellbeing in Sunderland including by ensuring that new developments would be safe.

Paragraph 130 (f) of the NPPF requires (amongst other provisions) that planning policies and decisions should ensure that developments create places that are safe; achieve a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Concerns raised in representations relate to the proposed development having an adverse impact in relation to crime and anti-social behaviour, in relation to the service capacity of Northumbria Police, and how the management of the facility can be guaranteed over the lifetime of the development. Concerns are further heightened by the fact there are schools in reasonably close proximity to the application site.

Northumbria Police have considered the proposed development as well as representations raising concerns in relation to crime and anti-social behaviour. However, they have raised no objections. Whilst comments are based on genuine concerns, experience has shown that the sort of negative behaviours identified in representations is neither exclusive to, or certain to occur, if a premises is well managed. In this case, the proposed development would be managed 24/7 by professional members of staff, and so there is no evidence to suggest that a proposal of this nature would give rise to undue, unacceptable risk to safety to the immediate and surrounding locale (and, by extension, the safety, health and wellbeing of its residents and members of the public of whom frequent the area).

Northumbria Police have raised no objections to the proposed development in respect of impact on their service capacity and fulfilling any requisite requirements pertaining to provision. It should instead be noted that Northumbria Police have stated that strong links with the local policing team will be established with the applicant.

The applicant has confirmed that there will be a minimum of 2no. members of staff on site at all times in what would be a fully managed facility. Furthermore, the applicant has, subject to there being appetite for such a proposal, offered to provide a single point of contact for the scheme through which the public can report concerns to. CCTV would be in operation (covering the public highway surrounding the application property) and a suite of parties (including, but not limited to Northumbria Police, Probation, Change Grow Live, Adult Social Care, and the Council's Anti Social Behaviour Team) shall continue to be involved in the management of occupiers.

The applicant has confirmed that all staff would be able to proactively deal at source with any issues that arise with risk assessments undertaken by the support staff and rigorous training in how to deal with difficult situations if they occurred. During the hours of 23:00 hours and 07.30 hours, the applicant has confirmed that the occupiers would be required to be on the premises, and the management of the facility would ensure that any use of the outdoor space would have no adverse impacts on residential amenity.

There is no evidence to suggest that a proposed development of this nature, managed 24/7, would have any unacceptable impacts on schools in the nearby vicinity.

Given the managed nature of the proposed development (a care facility providing supporting living), there is no evidence to suggest that a proposed development of this nature would have any unacceptable impacts in relation to crime and anti-social behaviour. Crime and antisocial behaviour is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management. On this basis, and given that Northumbria Police have raised no objections, it is considered that the proposed development would comply with Policy SP7 of the adopted CSDP in relation to safety, and guidance within Paragraph 130 (f) of the NPPF.

6. Other Matters

Other matters raised in representations not considered above are addressed as follows:

- The Local Planning Authority can only assess the merits of the proposed development subject of the application. Whether or not any other sites have been considered by the applicant is not of relevance to the determination of this planning application.
- The number of alternative empty premises within the City of Sunderland is not of relevance to the determination of this planning application, which simply relates to the acceptability of the proposed development at the application site.
- Loss of property values is not a material planning consideration.
- Concern raised that the application site does not constitute a formal purpose-built facility are noted. However, the proposed internal alterations would suitably serve to ensure that the premises are, upon completion of associated works, acceptable for the proposed end use.
- No external alterations are proposed to the building. The proposed development would therefore have no impacts on any historic assets.
- The planning application has been publicised in accordance with statutory requirements (letters were sent to nearest residential properties and a site notice was posted). There was no requirement to notify Biddick Academy. However, it is understood that the applicant liaised with the school prior to the submission of the planning application.
- The planning application has been available to publicly view online throughout the whole assessment process. Any 'pre' application consultation undertaken by an applicant, in this case the Council, is completely independent to the statutory publicity / consultation that the Local Planning Authority (LPA) must adhere to.
- There is no evidence to suggest that a proposed development of this nature would have any adverse impacts on the elderly or mental health of nearby residents.
- There is no evidence to suggest that a proposed development of this nature would have any impacts on access to healthcare provision in the vicinity.
- Previous planning history at the application site (summarised elsewhere in this report) is not of direct relevance to the determination of this planning application).
- The nature of the proposed occupants has been summarised in the description of the proposed development above. The assertion that there will be 'offenders' at the premises is not correct.

Conclusions

The proposed development would be within the Existing Urban Area, in a sustainable location, and provide a specialist form of residential accommodation. It would result in the loss of a

dwelling, but retain a form of residential accommodation at the application site. It is therefore considered that the proposed development would be acceptable in principle at this location.

It is appreciated that local residents have genuine concerns about the potential for an increase in crime and anti-social behaviour. However, Northumbria Police have raised no objections to the proposed development. It is therefore considered that there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities, would be attributed to residents of the facility. Crime and anti-social behaviour is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management. In this case, the proposed development is for supported living and would be appropriately managed 24/7.

The Council's Environmental Health Officer has raised no objections in relation to noise and general disturbances. Whilst concerns raised in representations are noted in relation to noise and general disturbances, given that the proposed development would be appropriately managed 24/7, it is considered that it would have no unacceptable impacts in relation to residential amenity.

No external alterations are proposed and so the proposed development would have no unacceptable impacts on visual amenity, and the Council's Transportation Department (the Local Highway Authority) has raised no objections to the proposed development in relation to parking provision and highway safety.

To control the nature of the proposed development and to prevent the intensification of use at the premises, conditions are recommended to control the maximum number of residents and staff that can be at the premises at any given time.

It is considered that the proposed change of use of the dwelling to residential accommodation with support would have no unacceptable impacts. The proposed development would cater to a specific housing need in which there is demand for within the Local Authority area. For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and the National Planning Policy Framework (September 2023). It is therefore considered to be an acceptable form of development, subject to the compliance with the recommended conditions.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), members grant planning permission 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:
 - Drawing No. S4196-BDN-XX-XX-DR-A-0000 (Location Plan), received 31/08/2023
 - Drawing No. S4196-BDN-XX-XX-DR-A-0001 (Existing Floor Plans), received 31/08/2023

- Drawing No. S4196-BDN-XX-XX-DR-A-0002 (Existing and Proposed Elevations), received 31/08/2023
- Drawing No. S4196-BDN-XX-XX-DR-A-0003 (Existing Site Plan), received 31/08/2023
- Drawing No. S4196-BDN-XX-XX-DR-A-0004 (Proposed Floor Plans), received 31/08/2023
- Drawing No. S4196-BDN-XX-XX-DR-A-0005 (Proposed Site Plan), received 31/08/2023
- Drawing No. S4196_BDN-XX-XX-DR-A-0006 (Bedroom 4 Compliance Plans) received 20/11/2023

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

- 3 The number of residents to be accommodated at the development hereby permitted shall not exceed 5 at any one time.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 4 The number of staff at the application site associated with the care element of the development hereby permitted shall not exceed 6 at times of shift changeover, and 3 at all other times, on any given day.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity and highway safety, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

Reference No.: 23/02281/LB3 Listed Building Consent (Reg3)

Proposal: Proposed internal works (including installation of mechanical extract to ceiling of laboratory; and removal of damaged plaster and stud wall linings) and external works and alterations to roof (including new lead cover flashings and lead hips; replacement of flat roof of central tower; removal of flagpole, access equipment to roof, and 2no. rooflights (westernmost rooflight to be replaced with slate roofing to match existing and easternmost rooflight to incorporate slate mushroom vent)); guttering (replace existing lead guttering with stainless steel equivalent); pipework (removal of defected, redundant pipes); and external door to central tower (to be replaced with louvred door)

Location: Museum And Art Gallery, Mowbray Gardens, Burdon Road, Sunderland, SR1 1PP

Ward: Hendon

Applicant: Sunderland City Council

Date Valid: 30 October 2023

Target Date: 25 December 2023

INTRODUCTION

The application seeks listed building consent to carry out internal and external works (detailed in full below) at Sunderland Museum and Winter Gardens. The Council has been successful in gaining funding from the Art Council, MEMD fund, to undertake such works to repair the building fabric.

DESCRIPTION OF SITE AND SURROUNDINGS

The application relates to Sunderland Museum and Winter Gardens, a Grade II listed municipal museum building, which is a prominent landmark situated in Sunnyside Conservation Area and adjacent to Mowbray Park on Burden Road in the centre of Sunderland.

The development site extends to incorporate the later additions to the Museum which include the Winter Gardens (adjoining the east facing elevation of the Grade II listed building); the westernmost side elevation of the Museum (which serves as the reception/retail space); and the southernmost rear elevation (a 1960's modernist extension, formerly the textile gallery, though which now serves as a learning zone comprising classrooms and exhibition space).

The original museum building that the proposed scope of works principally relates to is constructed of sandstone ashlar with a slate roof and it is built (constructed between 1877-1879) to a design of the Tillman Brothers in a Chateau style. Sited in the City Centre, the Museum stands as one of the more recognisable buildings within the city centre and occupies a

prominent position at the junction of Borough Road and Burdon Road, with Toward Road to the east. The building is located to the northern boundary of Mowbray Park.

THE PROPOSED WORKS

The works proposed principally relate to the need to repair, and address the effects of water ingress, at the 1879 building which has and continues to create damage to the existing integrity, and historic interest and fabric of the building. To that end, remedial, restorative works proposed exhaustively comprise:

- New lead cover flashings to roof edges;
- Renewal of the lead hips to the central tower and 4no. corner turrets;
- Removal of the flagpole and replacement of the flat lead roof at the top of the central tower;
- Installation of new stainless-steel gutters to replace failed existing lead gutters;
- Removal of 2no. redundant rooflights to be replaced with slate roofing to match existing and a slate mushroom vent;
- Removal of redundant and defected pipework and access equipment to the roof;
- Replacement of the external door to the central tower attic space with a new louvred door;
- Removal of damaged internal plaster and stud wall linings to areas affected by water ingress; and
- Installation of mechanical extract to ceiling of laboratory
- The submitted design and access statement (which incorporates the heritage impact assessment) provides detailed commentary pertaining to the underpinning reasoning for each abovementioned intervention.

PLANNING HISTORY

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

TYPE OF PUBLICITY:

Press Notice Advertised
Neighbour Notifications

CONSULTEES:

Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Planning And Highways
Planning Implementation
Tyne And Wear Archaeology Officer
The Garden Trust
Network Management
Planning Policy
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey

Planning And Highways
Planning Implementation
Tyne And Wear Archaeology Officer
The Garden Trust
Network Management
Planning Policy

Final Date for Receipt of Representations: **02.01.2024**

REPRESENTATIONS:

Publicity

Site notices were also posted in the vicinity of the application site on two occasions (following the amendments to the scheme). As also statutorily obliged, the application has been advertised in the Sunderland Echo.

Site notice expiry date(s): 24/11/2023 and 21/12/2023
Press Notice expiry date(s): 05/12/2023 and 02/01/2024
Neighbour notifications expiry date: 21/12/2023
Consultation expiry date(s): 24/11/2023 and 21/12/2023

Neighbour Representations

Owing to the application site's proximity to Mowbray Park, which, is included on English Heritage's register of Historic Parks and Gardens, the Gardens Trust was served notice of the proposal. No comments were made in respect of the proposal.

No neighbour representations have been received

Consultees

Ward Councillors

No responses received

Conservation

No objection.

Comments made, as follows:

The application is supported by a Heritage Statement which has in accordance with the requirements of CSDP Policy BH8 and NPPF Paragraph 194 described the significance of all heritage assets directly affected by the proposals (in this case the grade II listed Museum) and includes a Heritage Impact Assessment (HIA) that has assessed the impact of the proposals on its significance.

The detailed drawings and supporting heritage, design and access statement on the whole demonstrate a well-informed yet practical conservation approach to the repair and improvements works that will ensure that the architectural and historic integrity and significance of the listed building will be conserved and its use as a Museum will be sustained.

The majority of the works being undertaken comprise like-for-like repairs to the roof finishes and leadwork to make the building wind and watertight, along with internal repair and adaptations to rectify damage from water ingress. Where modifications with new details are proposed the HIA explains the practical reasons for such interventions and justifies these on the basis of the longer-term benefits of enabling the building to function more effectively, for example by modifying existing design weaknesses and improving the physical integrity of building elements vulnerable to water penetration, enabling the building to be more easily maintained and better conserved into the future.

The conclusion of the Heritage Statement that the proposals will in the main have a positive impact on the significance of the listed Museum, but with some of the modifications resulting in a low level of harm is largely agreed, though it is considered that any harm will be minimal. Those modifications where some harm will be caused comprise the removal of the flagpole (albeit the pole to be kept in storage) to resolve a point of vulnerability to water ingress and the construction of an upstand for a wider aluminium gutter to the high-level stone parapets of the central tower to address the issues with the current gutters not being large enough to adequately discharge rainwater. These existing design flaws are resulting in water penetration that is causing damage to the external masonry and internal ceilings and walls and clearly need to be remedied with alternative design details.

Whilst the amount of harm from the modified design interventions to the overall significance of the listed building is considered to be minimal, this still falls within the category of less than substantial harm making NPPF Paragraph applicable to the proposals. In respect of the requirements of Paragraph 202 it is agreed that the longer-term benefits of the modifications for maintaining and conserving the historic fabric and features of the listed building, and in turn sustaining its optimal viable use as a Museum and overall significance into the future, outweighs the minimal amount of harm.

Recommendation and Conditions

The proposals are supported as they will repair, improve and secure the long-term conservation of an important landmark listed building in a largely sensitive manner and ensure its continued operational use as Sunderland's principal Museum. All-in-all the proposals satisfy the requirements of NPPF Paragraphs 199 and 202 and CSDP Policies BH7 and BH8 in that overall great weight has been given to the conservation of the listed building and where minimal amount of harm is caused this is justified by the wider longer-term benefits of the repair and improvement works.

Case Officer Comments: The NPPF has been updated since the above comments were provided. However, this related to updated paragraph numbers only in relation to heritage.

Tyne and Wear Archaeology Service

No objection, subject to condition, as recommended.

Comments made, as follows:

I have reviewed the submitted documentation and I welcome these proposals to ensure the longevity of this building. However, I note the following from the Heritage Statement: Internally, the building's layout and many historical features, including doors and windows, survive in good condition and others may be hidden beneath modern finishes.

Sunderland Museum and Winter Gardens, are listed Grade II, [and] merit historic building recording of the internal rooms (Historic England Level 2, Understanding Historic Buildings: A Guide to Good Recording Practice (2016)), prior to their development taking place (NPPF para 211). In addition, a basic photographic survey should also be undertaken to provide context to the building recording and further recording of internal historic fabric following the removal of damaged internal plaster and stud wall linings prior to their replacement. Existing architects' drawings may be used as a basis for the survey, for which I can provide a specification. The work must be carried out by a suitably qualified archaeologist or historic buildings expert.

Specialist advice should be sought on the potential impact of the proposals on the significance of these heritage assets (NPPF para 209)

This work can be conditioned:

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Network Management

No objection.

Planning Policy

No comments.

LEGISLATIVE CONTEXT AND PLANNING POLICY

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

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

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration for the purposes of Section 66 of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

It is considered that the following policies from the adopted CSDP are pertinent in the assessment of the application.

Policies BH7 and BH8 cumulatively requires (amongst other provisions) new development affecting the setting and or appearance of listed buildings and or new development within conservation areas to preserve and enhance the character and appearance of the subject area, having regard to scale, height, materials, colour, detailed design and use.

Policy BH7 states that there will be presumption in favour of proposals that satisfactorily make a positive contribution to the character and townscape quality of the historic environment where initiatives would identify, maintain, conserve and sustain or return to beneficial usage designated and or non-designated heritage assets. Criterion 5 of policy BH7 also stipulates that proposals that would demonstrably secure the conservation of heritage assets at risk will be considered in favourable terms.

Policy BH8 seeks to preserve and or enhance the character and appearance of the subject conservation area. Further provisions relate to the need to protect the character, integrity and setting of listed buildings, whereby development proposals, i.e., alterations/extensions to listed buildings or new development within their curtilage, to be of the highest quality and to respect the original structure in terms of setting, scale, materials and design.

The aim of Policy BH9 is to protect archaeological sites from development that would have an adverse impact on the site's integrity and setting. Policy BH9, in broad terms, therefore, sets out criteria to ensure heritage assets are appropriately safeguarded.

The National Planning Policy Framework ('NPPF') firmly supports deliverance of high quality design through new development. For example, paragraph 135 states that planning decisions should ensure development functions well and adds to the overall quality of the subject area; is visually attractive as a result of good architecture; and is sympathetic to local character and history, including the immediate and surrounding built environment.

Further requirement outlined in the NPPF is that new development should endeavour to conserve and manage heritage assets, commensurate to their importance. Detailed guidance is set out at section 16 of the NPPF, paragraph 201 of which stipulates that it is incumbent upon Local Planning Authorities to afford due consideration to the significance of the affected heritage asset. Paragraph 203 then proceeds to state that in determining planning applications, Local Planning Authorities should make provision for the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses in-keeping with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205, meanwhile, affords great weight on the conservation of heritage assets whereby the weight afforded to an asset should be appropriate to and proportional to its importance.

Paragraph 208 stipulates that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 212 states that Local Planning Authorities should adopt a presumption in favour of proposals which would celebrate and better reveal the importance of a heritage asset.

The proceeding section below shall read the proposal against the abovementioned CSDP policies.

COMMENTS:

ASSESSMENT OF THE PROPOSED WORKS

It is considered that the main issue relevant to the determination of this application is 'Impact on Heritage Assets'

1. Impact on Heritage Assets

Policy BH7 'Historic environment' of the adopted CSDP

Policy BH8 'Historic environment' of the adopted CSDP

Policy BH9 'Archaeology and recording of heritage assets' of the adopted CSDP

As noted, the application site is located within the Sunnyside Conservation Area and is a pertinent landmark that makes a positive contribution to the conservation area and the city centre as a whole.

The Council's Conservation Team fundamentally support the proposed works (see their comments above). It can be noted that the application benefits from a Heritage Impact Assessment that provides a level of commentary and detail commensurate to the assets' importance, as required at paragraph 200 of the National Planning Policy Framework ('NPPF').

The proposal has identified and proposes sympathetic restorative interventions, to the overall satisfaction of the Conservation Officer, that comply with the aims set out at criterion 5 of policy BH7 and criteria 1 and 2 of policy BH8.

Interior Works

Proposed internal alterations and additions have been carefully considered and designed so as to minimise impact to the historic structure. Proposed internal works include the following:

- Removal of damaged internal plaster and stud wall linings to areas affected by water ingress; and
- Installation of mechanical extract to ceiling of laboratory

The Conservation Officer has commented that the proposed adaptive internal works to address water ingress broadly represent pragmatic interventions and considers that the submitted HIA provides suitable commentary pertaining to the underpinning rationale for each respective intervention, as proposed. Moreover, the practical reasons for the proposed internal works are concisely justified in identifying how they aid in securing long-term conservation and enabling the building to function more effectively. For example, the HIA, in the view of the Conservation Officer, details how the proposed internal modifications (as outlined above) have been identified to sensitively modify existing design weakness and retain and enhance the physical integrity of building elements susceptible to water ingress and, thus, enable the building to be more effectively maintained and conserved into the future.

The Tyne and Wear Archaeology Service too supports the proposed works. Notwithstanding the acceptability of the proposed internal works, the Tyne and Wear Archaeology Service has sought to safeguard known and potentially, as yet, unknown internal surviving historic fabric (owing to modern material finishes (internal plaster and stud wall linings) which may be obscuring/screening further historic fabric). To that end, safeguarding is to be secured via means of recommended condition which requires completion of archaeological building recording to be undertaken prior to the commencement of works by a suitably qualified archaeological contractor.

In all, in the context of the proposed internal works, noting the sensitive approach to be employed in repairing, restoring and installing modified intervention by which to conserve the surviving historic features, the proposed internal works are acceptable in the terms of policies BH7 and BH8. The proposal is also in compliance of policy BH9 subject to condition as mentioned.

External Works

The proposal involves restorative works to the exterior façades and roof of the building and exhaustively include:

- New lead cover flashings to roof edges;
- Renewal of the lead hips to the central tower and 4no. corner turrets;
- Removal of the flagpole and replacement of the flat lead roof at the top of the central tower;
- Installation of new stainless-steel gutters to replace failed existing lead gutters;
- Removal of 2no. redundant rooflights to be replaced with slate roofing to match existing and a slate mushroom vent;
- Removal of redundant and defected pipework and access equipment to the roof; and
- Replacement of the external door to the central tower attic space with a new louvred door;

The rationale and justification for the above external works, in the view of the Conservation Officer, principally outweighs any modest harm to the significance of the asset that may arise. For the avoidance of doubt, the Conservation Officer considers the removal of the flagpole and construction of a somewhat aesthetically inferior upstand to facilitate a wider aluminium gutter to the high-level stone parapets of the central tower as being works that would result a degree of harm to the listed building. Notwithstanding this, the overriding need to address conserving the physical integrity of the building renders these proposed works acceptable and, indeed, more so when reading the modified design interventions against paragraph 208 of the NPPF wherein the proposals would amount to less than substantial harm. Moreover, in reference to the provisions of paragraph 208 of the NPPF, the proposed works referred to previous (relating to the flagpole and upstand) would give rise to longer-term benefits for maintaining and conserving the historic fabric and features of the listed building which, in turn, would sustain and preserve its optimal viable use (in this case, as a Museum) and overall significance into the future, thus, outweighing the minimal, acceptable amount of harm.

The restoration and repair works proposed are, therefore, subject to being carried out in accordance with submitted details not considered to be detrimental to the character or special historic interest, character, appearance and or distinctiveness of the listed building and would instead rejuvenate the affected areas of the asset.

To that end, reading the proposed external works holistically, following response from the Conservation Officer, the works will not unacceptably affect the character, setting, appearance, nor integrity of the listed building, and, subject to conditions as recommended, would coalesce with the according terms of policies BH7, BH8, and BH9 of the adopted CSDP.

Conclusions

Cumulatively, the proposed works are considered to acceptably constitute sensitive and sympathetic interventions which will conserve, enhance and aid future conservation of the listed asset which, by extension, will enable continued optimum viable use.

Broadly, where harm is anticipated to the listed asset and identified in the submitted HIA, such harm is, as confirmed by the Conservation Officer, considered to be minimal and indeed far from sufficient to preclude the granting of listed building consent. Moreover, the proposed works (where harm may occur), would fundamentally outweigh modest harm by virtue of the overarching fact that the works would retain this prominent listed landmark (which provides public benefit).

Cumulatively, therefore, it is considered that the proposed works would be acceptable in relation to impact on the listed building and would (subject to satisfying the suite of recommended conditions) conserve an historic built environment resource whose future could otherwise have been placed in doubt and jeopardised by the effects of continued and sustained water ingress and therefore, maintenance. The remedial works removes this doubt and is thus sufficient complying with the relevant provisions of policy BH7, policy BH8, and policy BH9 of the adopted CSDP and the abovementioned paragraphs of the NPPF.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

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

Conditions:

- 1 The works to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The works hereby granted listed building consent shall be carried out in full accordance with the following approved plans:
 - Location Plan, received 30/10/2023
 - Drawing No. SMWG-PUR-00-XX-DR-A-1020 (Block Plan), received 30/10/2023
 - Drawing No. SMWG-PUR-00-ZZ-DR-A-2023 (1879 Building, Elevation Repairs), received 30/10/2023
 - Drawing No. SMWG-PUR-00-XX-DR-A-5001 (1879 Building, Repair Details), received 23/11/2023
 - Drawing No. SMWG-PUR-00-RF-DR-A-2035 (1879 Building Roof Plan Proposed Repairs), received 23/11/2023
 - Drawing No. SMWG-PUR-00-ZZ-DR-A-2028 (1879 Building - Internal Areas), received 23/11/2023

In order to ensure that the completed works accord with the scheme approved and to comply with Policy BH7 and Policy BH8 of the adopted Core Strategy and Development Plan.

- 3 No works hereby permitted shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall then be submitted to and approved in writing by the Local Planning Authority prior to any works taking place.

To provide an archive record of the historic building and to accord with Policy BH9 of the adopted Core Strategy and Development Plan.

REVISED GUIDANCE ON THE VALIDATION OF PLANNING APPLICATIONS

REPORT OF THE CITY DEVELOPMENT DIRECTORATE

PURPOSE OF THE REPORT

1.1 As part of the drive to provide a quicker, more predictable and efficient planning service, the Government introduced new information requirements for the validation of planning applications by Local Planning Authorities in 2007.

1.2 The first Tyne & Wear Validation List was adopted in 2008. In March 2010 The Government produced “guidance on information requirements and validation” and in response to this the Tyne & Wear Authorities worked together to update their requirements lists and the second version of the Tyne & Wear List was adopted in 2011 and third version in 2013. Sunderland opted for its own listed from July 2016 to ensure all our requirements could be met.

1.3 Local lists can be a very useful guide, helping applicants establish the information the local authority will require to validate a planning application. An up to date local list can give applicants certainty about what information is necessary at an early stage in the design process, reducing delays at the validation stage.

1.4 Paragraph 44 of the National Planning Policy Framework makes it clear that local planning authorities should only request supporting information that is relevant, necessary and material to the application. The government has made clear that they want this principle to apply to every piece of information requested by the authority.

2.0 BACKGROUND

Changes between the 2016 and the 2024 versions

2.1 This new version does change the list of national validation requirements (items 1 to 9) by adding fire safety requirements for certain development. The local validation information requirements (items 9 to 32) were included in the 2016 version. Local validation information requirements (items 10 to 33 2024 version) were included in the 2016 version are largely unchanged. Additional requirements relating to Health Impact Assessments, Accessible homes, Social Value considerations have been added as items (34 -40 2024 Version).

2.2 It does, however, include updates to reflect changes to planning policy, either nationally due to the publication of the National Planning Policy Framework, or locally where there have been advances in each council’s local development plan. Also, there have been some general revisions to the text to improve its clarity.

2.3 A consultation period was undertaken on the draft validation list during September and October 2023.

3 responses were received.

2.4 The responses were analysed and where appropriate the Local List of validation

requirements was amended. The validation list as amended is appended to this report.

3.0 SUMMARY

There have been improvements to the layout, format and type faces used in the document to make it easier to use

4.0 RECOMMENDATION

The Planning and Highways Committee is recommended to note and endorse the contents of this report and to note that the new Sunderland Validation List will be brought into use immediately from 8th January 2024.

Validation of Planning Applications 2024

Version 2 (Adopted January 2024)

Contents

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3. Consultation
4. Variances
5. Pre-application Advice and Discretion
6. Review
7. Using the Checklist
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Checklist 3: Listed Building & Conservation Area Consent

Checklist 4: Advertisement Consent

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1. Background to the Tyne & Wear Validation List

- 1.1 As part of the drive to provide a quicker, more predictable and efficient planning service, the Government introduced new information requirements for the validation of planning applications by Local Planning Authorities in 2007.
- 1.2 The first Tyne & Wear Validation List was adopted in 2008. In March 2010 The Government produced “guidance on information requirements and validation” and in response to this the Tyne & Wear Authorities worked together to update their requirements lists and the second version of the Tyne & Wear List was adopted in 2011 and third version in 2013. Sunderland has now opted for its own listed from July 2016, the list has need updated to reflect the adoption of the Core Strategy Development Plan January 2020.
- 1.3 Local lists can be a very useful guide, helping applicants establish the information the local authority will require to validate a planning application. An up to date local list can give applicants certainty about what information is necessary at an early stage in the design process, reducing delays at the validation stage.
- 1.4 Paragraph 43 The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible
- 1.5 Paragraph 44 of the National Planning Policy Framework makes it Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
- 1.6 Sunderland City Council is mindful of reviewing the validation list and in terms of its actual usage. Government is also introducing provisions to ensure that Councils review local lists at least every two years.

2. Changes between the 2016 and the 2024 versions

- 2.1 This new version does not change the list of national validation (items 1 to 8) however has updated the local validation information requirements (items 9 to 40).
- 2.2 It does, however, include updates to reflect changes to planning policy, either nationally due to the publication of the National Planning Policy Framework, or

locally where there have been advances in each council's local development plan. Also, there have been some general revisions to the text to improve its clarity.

3. Consultation

- 3.1 Sunderland Local Planning Authority has now reviewed the local and now has an independent list from the other Tyneside authorities.
- 3.2 The Local Planning Authority has consulted regular service users (agents) and statutory consultees. Emails were sent out to inform them of the consultation period, which was open for comments between 14th September 2023 and 14th October 2023. As well as various internal services have been asked to comment on the lists for their area of expertise.

4. Variances

- 4.1 Sunderland Local list is now independent from the other Tyneside Local Planning Authorities.

5. Discretion

- 5.1 It is extremely difficult to create a “one size fits all” list for all development types and as such the wording of the document allows discretion for Sunderland to seek, or not to seek, an information requirement depending on the nature of the development and the site. Information requests by the Councils in terms of information requested in order to validate applications will be reasonable, having regard to the nature and scale of the proposed development and information requests will relate to matters that it is reasonable to think will be a material consideration in the determination of the application.
- 5.2 We would strongly encourage pre-application discussions where you are in any doubt and for complex and major schemes it is recommended you seek pre-application advice in any case.

6. Review

- 6.1 Despite best intentions there may be anomalies in the list, areas where it does not work as well as intended and also the potential for a variance in interpretation from those using the list.
- 6.2 Please note that the Sunderland City Council may need to update and make changes to this publication to comply with legislative changes. Should this occur we will seek to update it on our websites as soon as practicable. Please be aware of this limitation should you choose to print a copy of this publication.

7. Using the Checklists

- 7.1 In relation to the local list, criteria are included, wherever possible, to indicate when local list requirements will be triggered. Much however is dependent on the location of development, its size, scale and nature/character and/or its impact on local amenities and the environment and the requirements are not prescriptive in every case. Links to other sources of information and guidance are provided to assist in determining when additional information is required.
- 7.2 Clearly there are some circumstances where applicants will need to discuss the local list requirements with the LPA before submitting an application. Applicants are strongly encouraged to do this because **if an application lacks the information specified by the Government and in the LPA's published lists, the LPA will in general be entitled to invalidate the application and so decline to determine it.**
- 7.3 Where the application is not accompanied by the information required by the LPA, the applicant should provide written justification as to why it is not appropriate in the particular circumstances.
- 7.4 Where an application is considered to be invalid, the LPA will write to explain what information is required, why any missing information is required and indicate a time period within which this must be provided.
- 7.5 Where an application is initially considered to be valid but it is later discovered to be invalid, it will be put on hold until such time as the required information is submitted. On receipt of the information the determination period for the application will be restarted.
- 7.6 The Government recognises that the recommended list which it has drawn up will not cater for all the wide and varied specific local requirements of every LPA and applicants may still be asked to provide additional information by any LPA after an application has been validated. The government has introduced provisions within the appeals system for an appeal to be made on grounds of non determination where there is an outstanding disagreement between an applicant and a Council over the level of information required in order to validate an application. It is hoped however that such provisions would only be required as a matter of last resort.

8. Pre-application Advice

- 8.1 In all but the most straightforward cases, the planning application process will be more efficient if applicants have sought advice about a proposed development and the information that will be expected to be submitted with an application, before making any application.

- 8.2 Pre-application discussions are therefore an important stage in ensuring that applications are complete in terms of their information requirements. The Government recommends that LPA and applicants should take a positive attitude towards pre-application discussions so that formal applications can be dealt with in a more certain and speedy manner and the quality of decisions can be better assured. In addition to addressing the information requirements of formal applications, pre-application discussions can bring about a better mutual understanding of the planning history, policies, objectives and constraints that apply to the particular site and assist in proposals being adapted to better reflect community aspirations. They can also assist applicants by clarifying and narrowing down the information required to support a planning application. This will have the advantage of avoiding unnecessary work and expenditure and minimising delay in the handling of your application.
- 8.3 Please call visit the planning pages of the Council's website to find out more about the range of pre-application services available, including any charges that may apply for using them.

9. Local Planning Authority Contact

Council	Phone	Email / Website
Sunderland City Council	(0191) 520 5555	dc@sunderland.gov.uk www.sunderland.gov.uk

Appendix 1

National and Local Validation Requirement Notes to accompany checklists

National Validation Requirements

1. Completed Application Form

All of the relevant questions should be responded to, or the words “Not Applicable” or N/A should be inserted for clarity. See: “4. Ownership Certificates” below with regard to certificates on the form.

The Government wishes to encourage the submission of applications electronically wherever possible, as this provides opportunities for streamlining procedures and reducing costs. Electronic applications may be made via the Planning Portal www.planningportal.co.uk

Where applicants wish to make application in paper form, the original of the completed application form, plus two additional copies must be submitted. The same applies to all other plans and information that accompanies an application submitted in paper form i.e. a total of three sets are required for the application to be valid.

2. Location Plan

All applications must include copies of a location plan based on an up-to-date map. This should be at an identified standard metric scale (1:1250 or 1:2500). The location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A blue line should be drawn around any other land owned or controlled by the applicant, close to or adjoining the application site.

Ordnance Survey plans can be provided by any of the LPAs. There is a charge for this service. Applicants should note that the copying of Ordnance Survey plans by unauthorised persons is an infringement of copyright.

3. Site Plan (Existing and Proposed)

All applications should normally include existing and proposed site plans at a standard metric scale (typically 1:100 or 1:200).

The site plan(s) should be numbered.

An existing site plan should accurately show:

- The direction of north;
- The footprint of all existing buildings on site with written dimensions and distances to the site boundaries.

The following information should also be shown, **unless these would not influence or be affected by the proposed development:**

- All the buildings, roads and footpaths on land adjoining the site including access arrangements;
- All public rights of way crossing or adjoining the site;
- The position of all existing trees on the site, and those on adjacent land;
- The extent and type of any hard surfacing;
- Boundary treatment including the type and height of walls or fencing.

A proposed site plan should accurately show:

- The direction of north;
- The footprint of the proposed development (where applicable) and all buildings to be retained with written dimensions and distances to the site boundaries.

The following information should also be shown, **unless these would not influence or be affected by the proposed development:**

- All the buildings, roads and footpaths on land adjoining the site including access arrangements;
- All public rights of way crossing or adjoining the site;
- The position of all proposed trees and those to be retained on the site, and those on adjacent land;
- The extent and type of any hard surfacing;
- Boundary treatment including the type and height of walls or fencing.

4. Ownership Certificates (A, B, C or D as applicable)

The relevant certificates concerning the ownership of the application site must accompany all forms of applications.

For this purpose an 'owner' is anyone with a freehold interest or a leasehold interest if the unexpired term of which is not less than 7 years.

- Certificate A must be completed when the applicant is the sole owner of the site.
- Certificate B must be completed when the applicant is not sole owner of the site but all of the owner(s) of the site are known. The applicant needs to serve written notice on the person(s) who, on the day 21 days before the date the application is submitted was an owner of any part of the land to which the application relates. A copy of this notice must be sent to the LPA (included in the planning application).
- If Certificate B has been completed, the applicant needs to serve written notice on the person(s) who on the day 21 days before the date the application is submitted was an owner of any part of site (apart from the applicant). A copy of this notice must be included with the planning application.
- Certificate C must be completed when some of the owners of the site are known but not all.

If Certificate C has been completed, written notice must be served on the known owners of the site in question in the same way as the procedure under Certificate B and a copy sent to the LPA with the planning application.

There is also a requirement for the applicant to advertise the proposal in a local newspaper and this must not take place earlier than 21 days before the date of the application.

- Certificate D must be completed when none of the owners of the site are known.

If Certificate D has been completed, the applicant is required to give notice of the proposal in a local newspaper. This must not take place earlier than 21 days before the date of the application and a copy of the notice must be included with the planning application

The relevant notice templates are available from the Planning Portal website.

For householder applications use:

https://ecab.planningportal.co.uk/uploads/1app/notices/householder_notice.pdf

For other applications use:

<https://ecab.planningportal.co.uk/uploads/1app/notices/notice1.pdf>

<https://ecab.planningportal.co.uk/uploads/1app/notices/notice2.pdf>

5. Agricultural Land Declaration

All agricultural tenants on a site must be notified prior to the submission of a planning application. Applicants must certify that they have notified any agricultural tenants about their application, or that there are no agricultural tenants on the site. The certificate is required whether or not the site includes an agricultural holding. It is incorporated into the standard application form, and must be signed in order for the application to be valid.

No agricultural land declaration is required if the applicant is making an application for the approval of reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, conservation area consent for demolition, listed building consent, a lawful development certificate, prior notification of proposed agricultural or forestry development, a non-material amendment to an existing planning permission, or express consent to display an advertisement.

6. The correct fee

Most applications incur a fee and they cannot be validated without the correct fee being paid.

The Planning Portal includes a fee calculator and a fee schedule for applicants, although each Local Planning Authority is able to advise applicants on specific cases and payment methods. These can be found at:

[How much does a planning application cost? - Planning Portal](#)

Note: For the purposes of fee calculation floor space is taken to be the gross amount (all storeys, including basements and garaging) to be created by the development. This is an external measurement including thickness of external and internal walls..

7. Summary of application documents (if required)

When is this required?

For major planning applications, which are defined as below where the supporting information would exceed 100 pages.

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- the provision of dwellinghouses where
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

If an application is not classified as a major but is accompanied by more than 100 pages of supporting documents, a summary document would be useful but is not essential.

What information is required?

This summary should not exceed 20 pages and should include an overview of the proposal, a clear description of its impacts and any mitigation measures proposed. The aim of this document is to introduce the scheme to parties who are not familiar with the details of the proposed development.

If the development is subject to Environmental Impact Assessment (EIA), there is no need to summarise the findings of the Environmental Statement non-technical summary.

8. Design and Access Statement (if required)

When is this required?

- The provision of dwellinghouses where -
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within (i);
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- Development carried out on a site having an area of 1 hectare or more (excluding minerals, mining or waste development applications)
- In World Heritage Sites or in a conservation areas;
 - i. the provision of one or more dwellinghouse
 - ii. the provision of a building (or extension) where the proposed floor space is more than 100 square metres;

- Applications for listed building consent

What information is required?

A Design and Access Statement sets out the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.

For Planning Applications they must:

- Explain the design principles and concepts that have been applied to the development;
- Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- Explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- Explain how any specific issues which might affect access to the development have been addressed.
- A description of any heritage asset affected, including any contribution made by their setting and the contribution made by the development to local character and distinctiveness

For Listed Building Consent applications they must:

- Explain how the design principles and concepts that have been applied to the works take account of:
 - The special architectural or historic importance of the building;
 - The particular physical features of the building that justify its designation as a listed building;
 - The building's setting.

Where appropriate a Design and Access Statement may also include a Heritage Statement (see requirement 16).

Outline Planning Applications

An outline planning application is a means of establishing the principle of a proposed development without having to supply all of the details. The grant of outline planning permission will then be conditional upon the subsequent approval of details of 'reserved matters' – as defined below.

The government has set down the minimum level of information that must be submitted with outline applications, as follows:-

- **Use** – the use or uses proposed for the development and any distinct development zones within the application site.
- **Amount of development** – the amount of development for each use.
- **Indicative access points** – an area or areas in which access point or points to the site will be situated.

An outline application may also contain details and seek approval of one or more of the reserved matters, but at least one must be reserved for later approval. It should be noted that for an outline application it is necessary to indicate access points on the submitted plans even if access will be a reserved matter.

Reserved Matters Applications

Reserved matters are defined by the government as follows:-

- **Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- **Scale** – the height, width and length of each building proposed in relation to its surroundings.
- **Appearance** – the aspects of a building or place which determine the visual impression it makes. This includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **Access** – the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation and how these fit into the surrounding network.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the amenities of the site through hard and soft measures. This may include, for example, planting of trees or hedges, screening by fences or walls, the formation of banks or terraces, or the layout of gardens, courts or squares.

(N.B. For applications for approval of reserved matters pursuant to outline permissions where the outline application was submitted prior to 10 August 2006, the relevant reserved matters are sitting, design, external appearance, means of access and the landscaping of the site.)

9. Fire Safety Statements

What type of buildings are “relevant buildings” under planning gateway one?

[Fire safety and high-rise residential buildings \(from 1 August 2021\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021)

Relevant buildings

- **contain two or more dwellings or educational accommodation and**
- **meet the height condition of 18m or more in height, or 7 or more storeys**

“Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A(9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

It may be necessary to amend the provisions in future to align with arrangements to be made under the Building Safety Bill.

Paragraph: 003 Reference ID: 71-003-20210624

How is building height measured, and how are storeys counted for planning gateway one?

Relevant buildings at planning gateway one

- contain two or more dwellings or educational accommodation and
- meet the height condition: 18m or more in height, or 7 or more storeys

In this context:

- the top storey of the building being 18 metres or more in height should be determined ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms, and should be measured from the ground level on the lowest side of a building to the top storey upper floor surface
- the building containing 7 or more storeys should be determined ignoring any storey which is below ground level (a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building) and counted from the ground level on the lowest side of the building

- a mezzanine counts as a separate storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

Measuring height of building for planning gateway one:

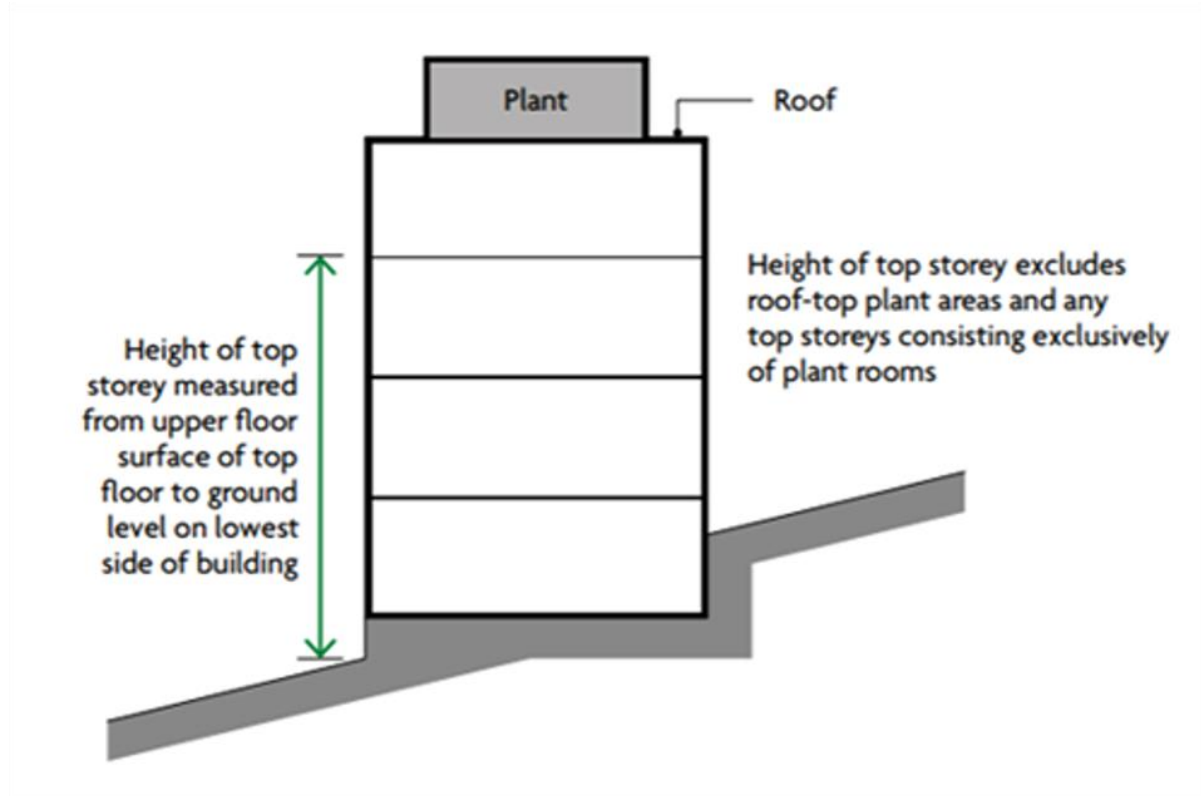


Diagram measuring height of building for planning gateway one shows that the height should be measured from the upper floor surface of the top floor to ground level on the lowest side of the building. Excluding roof top plant areas and any top storeys consisting exclusively of plant rooms.

Counting storeys- a building of three storeys:

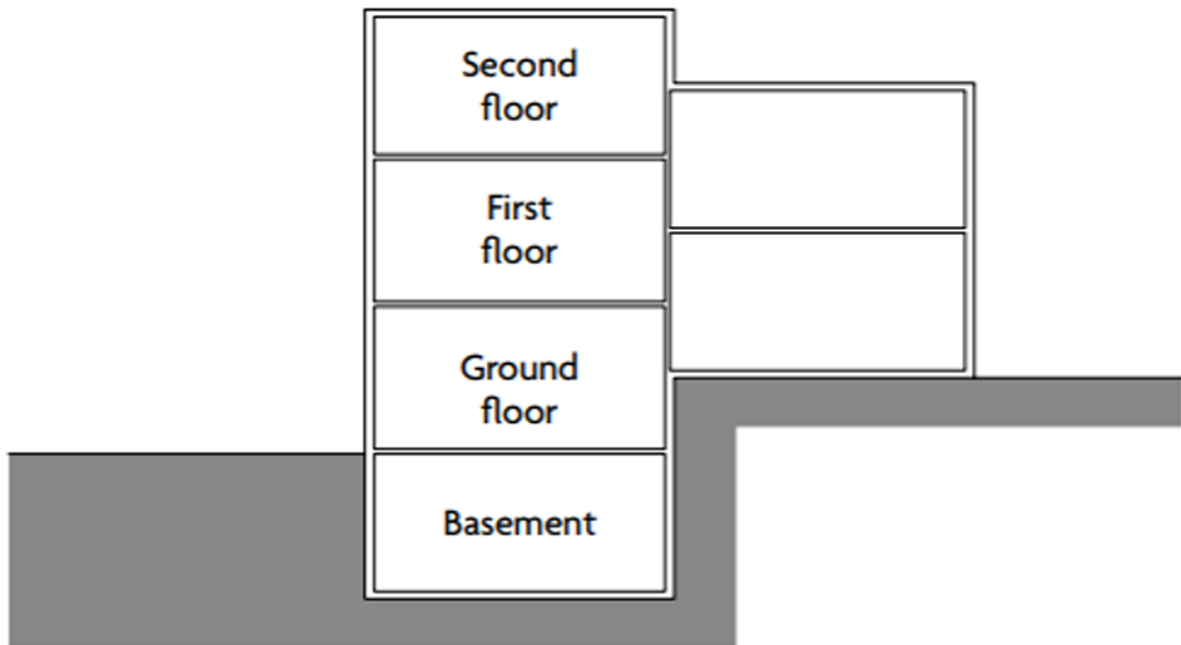


Diagram showing that basement storeys should not be counted when counting storeys, and where the number of storeys varies from ground level they should be counted from the lowest external ground level.

Applications and planning gateway one

In what circumstances must a fire statement be submitted with an application?

An application for planning permission for development which involves:

- the provision of one or more relevant buildings, or
- development of an existing relevant building
- or development within the curtilage of a relevant building

must be accompanied by a fire statement unless an exemption applies.

What are the exemptions to the requirement to submit a fire statement with an application for permission?

Applications for planning permission will be exempt from the requirement to submit a fire statement where:

- the application is for a material change in use of a relevant building and the material change of use would result in the building no longer being a relevant building

- the application is for a material change in use of land or buildings within the curtilage of a relevant building and the material change of use would not result in the provision of one or more relevant buildings
- the application is for outline planning permission
- the application is for permission to develop land without compliance with conditions under section 73 of the Town and Country Planning Act 1990

Applications for outline planning permission will be exempt from the requirement to submit a fire statement because matters such as layout and scale can be reserved.

Is a fire statement required for a change of use application?

Applications for permission for a material change of use of land or buildings will require a fire statement unless the application is for:

- a material change in use of a relevant building and the material change of use would result in the building no longer being a relevant building
- a material change in use of land or buildings within the curtilage of a relevant building unless the material change of use would result in the provision of one or more relevant buildings

Local Validation Requirements

10. Application Plans

When is this required?

- Elevation plans should be submitted for all applications where external alterations are proposed;
- Floor plans, Site Sections and Site Levels should be submitted for applications where this would be expected to add to the understanding of the proposal;
- Roof Plans should be submitted where there is an alteration to an existing roof or otherwise where this is expected to add to the understanding of the proposal.

What information is required?

All plans should be numbered.

(a) Existing and Proposed Elevations

The drawings of the elevations should be at a scale of 1:50 or 1:100 and all external sides of the proposal must be shown, along with the proposed building materials and

the style, materials and finish of windows and doors where possible. Where a proposed elevation adjoins another building/structure or is in close proximity the drawing should clearly show the relationship between the two buildings/structures and detail the positions of any openings on each property. Proposed blank elevations must also be included, if only to show that this is in fact the case.

(b) Existing and Proposed Floor Plans

The submitted drawings should be at a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished, these should be clearly shown. The proposed development should be shown in context with the site boundary and any existing adjacent buildings including property numbers/names where appropriate.

(c) Existing and Proposed Site Sections and Site Levels

Section drawings should be drawn at a scale of 1:50 or 1:100 showing how the proposed development relates to existing site levels and adjacent land (with levels related to a fixed datum point off site).

(d) Roof Plan

A roof plan is used to show the shape of the roof, its location, and specifying the roofing material to be used, and should be drawn to a scale of 1:50 or 1:100.

For applications for advertisement consent only:

The following should be submitted:

- A proposed site plan to a scale of either 1:100 or 1:200 showing the direction of north, all buildings on site, and the position of the advert(s) with written dimensions and distances to the site boundaries as a minimum;
- Plans of the advert(s) to a scale of 1:50 or 1:100 showing their size, position on buildings or land, height above ground level, extent of projection, sections, materials, colours and method of fixing;
- Details of means of illumination where applicable.

Advertisement consent applications may also include existing and proposed photomontages to supplement scaled plans.

Masterplans/Development Frameworks

- To be submitted for residential schemes of 250 dwellings or more or non-residential development where the site area exceeds 5 hectares

11. Affordable Housing Statement

When is this required?

All applications for housing development of 10 units or more.

What information is required?

This statement should clearly identify the following points:

- Is affordable housing to be provided? If not then what is the justification? (ie financial viability)
- Will it be provided a) on site, b) off site or c) by way of financial contribution? If b) or c) why will it be provided in this way?
- What type of units will be affordable (e.g. houses, apartments) and how many bedrooms will they have?
- What type of affordable housing is being provided? (eg social rented or intermediate - see Planning Policy Statement 3 for definitions)
- How will the affordable housing be affordable to those on lower incomes or in receipt of housing benefit? (see Housing market Information note: CLG May 2007).

For full or reserved matter applications, there should be clarification **on the plans** as to the location of the affordable units. This should also indicate the type of affordable housing for each plot.

A Draft Heads of Terms for a Section 106 Agreement should also confirm the provision of affordable housing, its delivery and its retention in perpetuity.

Please seek pre-application advice from the Local Planning Authority for further details on what provisions would be required.

Policy Background

Government policy or guidance:

- National Planning Policy Framework 2019 -Section 5 Delivering a sufficient supply of homes

- <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>
- <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>
- <https://www.gov.uk/guidance/housing-needs-of-different-groups>
- <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>
- <https://www.gov.uk/guidance/housing-optional-technical-standards>
- <https://www.gov.uk/guidance/housing-supply-and-delivery>

Core Strategy and Development Plan 2015-2033

H1 - Housing Mix

H2 - Affordable homes

ID2 – Planning Obligations

12. Air Quality Assessment

When is this required?

The following criteria are provided to help establish when an air quality assessment is likely to be considered necessary;

- 10 or more residential units or a site area of more than 0.5ha
- more than 1,000 m² of floor space for all other uses or a site area greater than 1ha
- Coupled with any of the following:
- the development has more than 10 parking spaces
- the development will have a centralised energy facility or other centralised combustion process

Additionally, an air quality impact assessment will be required where the proposal will;

Indicative criteria to progress to an air Quality Assessment:	
Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors. (LDV = cars and small vans <3.5t gross vehicle weight)	A change of LDV flows of: <ul style="list-style-type: none"> • more than 100 AADT within or adjacent to an AQMA • more than 500 AADT elsewhere
Cause a significant change in Heavy Duty Vehicle (HDV) flows on local roads with relevant receptors. (HDV =	A change of HDV flows of <ul style="list-style-type: none"> • more than 25 AADT within or adjacent to an AQMA

goods vehicles + buses >3.5t gross vehicle weight)	<ul style="list-style-type: none"> more than 100 AADT elsewhere
Realign roads, i.e. changing the proximity of receptors to traffic lanes	Where the change is 5m or more and the road is within an AQMA
Introduce a new junction or remove an existing junction near to relevant receptors.	Applies to junctions that cause traffic to significantly change vehicle accelerate/decelerate, e.g. traffic lights, or roundabouts
Introduce or change a bus station	<p>Where bus flows will change by:</p> <ul style="list-style-type: none"> more than 25 AADT within or adjacent to an AQMA more than 100 AADT elsewhere
Have an underground car park with extraction system	<p>The ventilation extract for the car park will be within 20 m of a relevant receptor</p> <p>Coupled with the car park having more than 100 movements per day (total in and out)</p>
Have one or more substantial combustion processes	<p>Where the combustion unit is:</p> <ul style="list-style-type: none"> any centralised plant using bio fuel any combustion plant with single or combined thermal input >300kW a standby emergency generator associated with a centralised energy centre (if likely to be tested/used >18 hours a year)
Have a combustion process of any size	Where the pollutants are exhausted from a vent or stack in a location and at a height that may give rise to impacts at receptors through insufficient dispersion. This criterion is intended to address those situations where a new development may be close to other buildings that could be residential and/or which could adversely affect the plume's dispersion by way of their size and/or height

Introduce a sensitive receptor to an area with existing source of pollution e.g., a busy road.	A decision on whether an AQ Assessment will be needed will be made on a case by case basis.
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Applications that involve the installation of a Biomass boiler in the range of 50kW to 20MW thermal input should provide a Biomass Screening Assessment

Guidance and a copy of the Screening tool can be found at <https://laqm.defra.gov.uk/air-quality/air-quality-assessment/biomass-emissions-screening/>

If further details or clarification are required on whether an air quality assessment is required please contact the Local Planning Authority.

What information is required?

The purpose of an air quality assessment is to demonstrate the likely changes in air quality or exposure to air pollutants, as a result of a proposed development. There are three basic steps in an assessment:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);
- Predict the future air quality with the development in place (with development).

The report should also contain (but not be limited to) the following information:

- a. Relevant details of the proposed development
- b. The policy context for the assessment.
- c. Description of the relevant air quality standards and objectives
- d. The basis for determining significance of effects arising
- e. Details of the assessment methods.
- f. Model verification.
- g. Identification of sensitive locations.
- h. Description of baseline conditions.
- i. Assessment of impacts. Results of modelling the 'with
- j. Description of construction phase impacts.
- k. Cumulative impacts and effects.
- l. Mitigation measures.
- m. Summary of the assessment results.

Policy Background Government Policy or Guidance

- National Planning Policy Framework (NPPF)
- <https://www.gov.uk/guidance/air-quality--3>
- NPPF Technical Guidance – flood risk and mineral policy
- <https://www.gov.uk/government/publications/national-planning-policy-frameworktechnical-guidance>

- Land-Use Planning & Development Control: Planning For Air Quality, Guidance from Environmental Protection UK and the Institute of Air Quality Management for the consideration of air quality within the land-use planning and development control processes, January 2017
- <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Core Strategy and Development Plan 2015-2033

HS1 – Quality of life and amenity

13. Archaeological Assessments

When is this required?

Archaeological desk based assessment

- Proposals on or near Scheduled Ancient Monuments;
- Proposals affecting sites identified on the Tyne & Wear Historic Environment Record <http://www.twsitelines.info/>
- Greenfield sites of 1ha or more in size.

Exceptions: Householder extensions and also any development with no ground intrusion.

Archaeological Evaluation Report (fieldwalking, earthwork survey, geophysical survey and/or trial trenching)

All applications involving new builds where one of the following would apply:

- Proposals affecting Scheduled Ancient Monuments;
- Proposals affecting sites identified on the Tyne & Wear Historic Environment Record;
- Greenfield sites of 1 hectare or more in size.

Archaeological Building Assessment and Recording

- Proposals on or adjacent to sites identified on the Tyne & Wear Historic Environment Record;
- Applications for the demolition, substantial repair or alteration of historic buildings (19th century or earlier), and other listed buildings, locally listed buildings and unlisted buildings within a Conservation Area. The types of building which warrant assessment include churches, farms, houses, industrial buildings, public houses and schools;

- Proposals affecting buildings or structures identified on the Tyne & Wear Historic Environment Record.

What information is required?

Archaeological desk based assessment

The County Archaeologist will provide a specification for the desk based assessment for the applicant which sets out what is required.

The assessment must be produced by an experienced professional archaeologist. The archaeological desk based assessment is an assessment of the known or potential archaeological resource within and around the development site. It consists of a collation of existing written, graphic, photographic and electronic information in order to identify the likely character, extent, quality and worth of the known or potential archaeological resource within the development site. The Local Planning Authority will use the assessment to appraise the likelihood that archaeological features survive within the site and to determine if further archaeological fieldwork is required.

Archaeological Evaluation Report (fieldwalking, earthwork survey, geophysical survey and/or trial trenching)

The County Archaeologist will provide a specification for the evaluation for the applicant which sets out what is required.

The evaluation must be undertaken by an experienced professional archaeologist. Archaeological field evaluation is a limited programme of fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within the development site. It can take the form of fieldwalking, geophysical survey and trial trenching.

Where remains are present the field evaluation defines their character, extent, quality and preservation and enables an assessment of their worth.

Archaeological Building Assessment and Recording

Standing buildings, structures and complexes form part of the archaeological resource and should be treated in an equivalent manner to other parts of the resource.

The County Archaeologist will provide a specification for the building assessment and recording for the applicant which sets out what is required.

The assessment and recording must be undertaken by an experienced professional archaeologist or buildings historian. This is a programme of work to establish the character, history, dating, form and archaeological development of a specified building, structure or complex and its setting.

The purpose of the recording is not only to provide an archive record of the building as it is, but also to advise the proposed scheme by identifying those parts of the building which are most significant and should be retained in the conversion process. It will be used to formulate a strategy for the conservation, alteration, demolition, repair or management of a building and to seek a better understanding, compile a lasting record, analyze the findings and then disseminate the results.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 16 – Conserving and Enhancing the Historic Environment
- National Planning Practice Guidance – Conserving and enhancing the historic environment section.
- Historic England Good Practice in Planning Notes 1,2 and 3;
- <https://historicengland.org.uk/images-books/publications/pps-practice-guide/>

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BH7, BH8 and BH9

Unitary Development Plan:

B12, B13, and B14 (designations only).

Area specific requirements and further information:

- Sophie Laidler, Tyne and Wear Archaeology Officer tel. (0191) 277 7102 or email sophie.laidler@newcastle.gov.uk
- <https://historicengland.org.uk/listing/selection-criteria/listing-selection/>

14. Coal Mining Risk Assessment / Mineral Safeguarding

When is this required?

This is normally only required for development in Coal Mining Development High Risk Areas with the exception of householder extensions or alterations, changes of use and shop front alterations. A link is attached below to the map showing these areas.

What information is required?

There is a legacy of past coal mining activity in the region. In order to ensure coal mining related land stability issues are assessed in planning applications, a Coal Mining Risk Assessment is required. The Coal Mining Risk Assessment should be prepared by a competent person and should address the following issues:

- 1 Site specific coal mining information
Including past/present/future underground mining, shallow coal workings (recorded or probable), mine entries (shafts and adits), mine gas, current licensed areas for coal extraction, any geological features, any recorded surface hazards, past/present surface mining sites (past sites may have used the old style opencast extraction methods);
- 2 Identify what risks these coal mining features including cumulative effects pose to the new development
- 3 Identify how coal mining issues have influenced the proposed development scheme eg layout and what mitigation measures will be required to manage those issues and or whether any changes have been incorporated into the development proposals
- 4 Confirm whether the prior written permission of the coal authority will be required for the site investigation and or mitigation works and indicate when this permission will be sought

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraphs 209 210 and 211
- National Planning Practice Guidance – Land Stability section
<https://www.gov.uk/guidance/land-stability>

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- M3

Area specific requirements and further information:

- Coal Authority planning service
<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

- Maps of Coal Mining Development High Risk Areas.

<https://www.gov.uk/government/collections/coalfield-plans-for-local-planning-authority-areas>

15. Biodiversity Net Gain Information, Protected Species Survey and Report, Ecological Impact Assessment & Habitats Regulations Assessment

Biodiversity Net Gain Information

When could these be required?

All applications (excluding householder applications) will be required to meet requirements for measurable biodiversity net gain as set out in the NPPF and local policy.

Biodiversity Net Gain information will be required for all applications except where following consultation (e.g. at the pre-application stage), it is confirmed in writing by the Council that this is not required.

Further Information/Guidance

Biodiversity Net Gain Information includes the following.

- Baseline habitat plan, using the UK Hab classification.
- Proposed habitat plan, using the UK Hab classification.
- Completed metric calculation tool including the baseline and proposed habitats, including date of publication.
- Biodiversity net gain assessment report, including condition assessment sheets.

Where it is suspected the baseline value of a site has been affected negatively prior to assessment the LPA may require an assessment of the site based on its condition before such an occurrence. This may need to be based on aerial photos and/or historic information held by the Council and if there is any doubt regarding the Distinctiveness or Condition of habitats/features it will be assumed that the highest likely value will apply.

If biodiversity net gains cannot be delivered on site following demonstrable application of the mitigation hierarchy, then pre-application discussions with the LPA are recommended regarding options for the delivery of off-site compensation.

Baseline Habitat Plan

Baseline habitat plans should be produced using the latest version of the UK Habitat Classification system and depict the habitat existing on the date of application (or an earlier agreed date). Plans using the Phase 1 habitat classification are not acceptable. The plan must be drawn to an identified scale and show the direction of North. Each habitat parcel must be numbered or referenced in a unique way to allow cross reference with the metric calculation tool. Habitat parcels are continuous area of habitat of the same type in the same ecological condition.

GIS files in shapefile format, or AutoCAD files in DXF format may be requested.

Proposed Habitat Plan

Proposed habitat plans should be produced using the latest version of the UK Habitat Classification system and depict the habitat existing on the date of application (or an earlier agreed date). Landscape plans or plans using the Phase 1 habitat classification are not acceptable. The plan must be drawn to an identified scale and show the direction of North. Each habitat parcel must be numbered or referenced in a unique way to allow cross reference with the metric calculation tool. Habitat parcels are continuous area of habitat of the same type in the same ecological condition.

GIS files in shapefile format, or AutoCAD files in DXF format may be requested.

Completed Metric Calculation Tool

The latest available version of the Defra metric calculation tool must be used and submitted in Excel format with all security and formulae intact. The calculation tool must be undertaken and prepared by a professional ecologist with suitable qualifications and experience. The start page information must include the name of the person completing the calculation tool and the date when this was completed as a minimum. The start page should be completed as fully as possible.

To enable cross reference with the baseline and proposed habitat plans, habitat parcel numbers or references must be included in the user comments or habitat reference number column.

Biodiversity Net Gain Assessment Report

A biodiversity net gain report must be undertaken and prepared by a professional ecologist with suitable qualifications and experience and be in accordance with the British Standard BS8683 'Process for designing and implementing biodiversity net gain – specification'. Biodiversity net gain must always follow the principles outlined in 'Biodiversity Net Gain – Good Practice Principles for Development' and be in accordance with 'Biodiversity Net Gain Report and Audit Templates' published by CIEEM.

The biodiversity net gain report must include completed baseline habitat condition assessment sheets, along with information on how the remaining metric input values have been derived or decided.

The report should also provide information on the strategy for addressing any deficit in onsite biodiversity value required to achieve a biodiversity net gain.

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the European Habitats Directive 92/43/EEC, the Wildlife and Countryside Act 1981 (amended), the Conservation (Natural Habitats, etc) Regulations 1994 (amended), the Badger Act 1992 and Hedgerow Regulations 1997 as well as to safeguard designated sites and priority habitats including those habitats and species identified as priorities under 'Priority species and habitats as defined under the Natural Environment and Rural Communities Act 2006 and in the Local Biodiversity Action Plan.

Policy Background

[Draft biodiversity net gain planning practice guidance - GOV.UK \(www.gov.uk\)](#)

Policy NE4 of the CSDP

Planning Obligations SPD - [Layout 1 \(sunderland.gov.uk\)](#)

Guidance

[Meet biodiversity net gain requirements: steps for developers - GOV.UK \(www.gov.uk\)](#)

[What you can count towards a development's biodiversity net gain \(BNG\) - GOV.UK \(www.gov.uk\)](#)

[The Biodiversity Metric Supporting Documents - JP039 \(naturalengland.org.uk\)](#)

Protected Species Survey and Report

When could these be required?

All applications (including householders) which include conversion, demolition, removal, or modification of existing buildings or removal or pruning of trees as follows:

Where protected species are known or considered likely to be present (confirmed by a data search or local knowledge).

Bat Surveys

- Permanent agricultural buildings;
- Buildings with weather boarding, wooden cladding and/or hanging tiles within 200 metres of woodland or water;
- Pre-1960 buildings within 200 metres of woodland or water and pre-1919 buildings within 400 metres of woodland or water; buildings/structures of any age within or immediately adjacent to woodland and/or water;
- Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;
- Bridges, aqueducts and viaducts;
- Proposals that involve significant new lighting / floodlighting within 50 metres of woodland, water, hedgerows / lines of trees or a known roost;
- Proposals for wind turbines.

In the case of householder applications, a bat survey will not be required to validate the application if:

- The proposal is for extensions or modifications at ground floor level only of a building of two or more storeys; and
- There will not be any disturbance to the roof structure (including the eaves) of the dwelling and/or any domestic outbuildings (e.g. garages).

Barn Owl Survey (structures)

- Agricultural buildings including barns and outbuildings.

Bat and Barn Owl Survey (Trees)

- A risk assessment will be required for works to fell or lop veteran trees or trees that exhibit potential to support bats and/or barn owl such as obvious cracks, holes and cavities, or trees with a diameter greater than a metre at chest height.

Great Crested Newts

- Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats such as wetlands;
- Minor proposals within 100 metres of a pond or adjacent to rivers, streams, canals, lakes or other aquatic habitats such as wetlands.

Further Information/Guidance

A Protected Species Survey Report must contain the following information:

- Up-to-date information of habitats on site and links to habitats off site;
- Species present or likely to be present;
- Records search from the [Environmental Records Information Centre North East](#);
- Likely impacts, mitigation, and opportunities for enhancement.

The survey must be undertaken and prepared by a professional ecologist with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines / methods where available.

Further information on appropriate survey methods can be found in 'Guidance on Survey Methodology' published by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Guidance for bat surveys can be found within the 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' – Bat Conservation Trust.

Where initial reports recommend further survey, these must be completed and submitted with any application.

Failure to provide information on protected species at the outset can significantly delay the processing of your planning application whilst a survey is carried out and could result in a need for design and layout changes that should have been taken into account in the original proposal.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 15 conserving and enhancing the natural environment

- National Planning Practice Guidance – Natural Environment section
<https://www.gov.uk/guidance/natural-environment>

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NE1, NE2, NE3, NE8, NE9

Unitary Development Plan:

N/A

Area specific requirements and further information:

- Bat Conservation Trust
<http://www.bats.org.uk/>
- Natural England website
<https://www.gov.uk/government/organisations/natural-england>
- Durham Biodiversity Action Plan
<http://www.durhambiodiversity.org.uk/biodiversity-action-plan/>
- Chartered Institute of Ecology and Environmental Management
<http://www.cieem.net/>
- Association for Local Government Ecologists
<http://www.alge.org.uk/>
- PAS
<http://www.pas.gov.uk/documents/332612/0/EIA+HRA+Note/d630d26e-5aa6-4e47-82bd-db7947038968>

Ecological Impact Assessment (EclA)

When could these be required?

An EclA will be required for applications (excluding householder) which have the potential to impact semi-natural habitats both within and external to the development site.

An EclA report may be waived if:

- Following consultation, it is confirmed in writing by the Council that a survey /report is not required;
- A preliminary ecological assessment (PEA), undertaken by a suitably qualified ecologist, is submitted concluding that ecological issues will not be significant in determining the application and no further survey work is required.

Further Information/Guidance

The EclA must be undertaken and prepared by a professional ecologist with suitable qualifications and experience and be in accordance with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' published by CIEEM and the British Standard BS42020 'Biodiversity - Code of practice for planning and development'.

The habitats and species on the development site and within the zone of influence should be ascertained through appropriate survey work. The results of the ecological survey should inform the design, layout and construction of the development in accordance with the ecological mitigation hierarchy to avoid impacts where possible, minimise unavoidable impacts through mitigation measures and compensate for any residual direct and indirect, permanent and temporary impacts. The assessment must apply to any additional land to be affected as a result of the development, e.g. access routes, compounds and drainage connections.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 15 conserving and enhancing the natural environment
- National Planning Practice Guidance – Natural Environment section
<https://www.gov.uk/guidance/natural-environment>

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NE1, NE2, NE3, NE8, NE9

Unitary Development Plan:

N/A

Area specific requirements and further information:

- Bat Conservation Trust
<http://www.bats.org.uk/>
- Natural England website
<https://www.gov.uk/government/organisations/natural-england>
- Durham Biodiversity Action Plan
<http://www.durhambiodiversity.org.uk/biodiversity-action-plan/>
- Chartered Institute of Ecology and Environmental Management
<http://www.cieem.net/>

- Association for Local Government Ecologists
<http://www.alge.org.uk/>
- PAS
<http://www.pas.gov.uk/documents/332612/0/EIA+HRA+Note/d630d26e-5aa6-4e47-82bd-db7947038968>

Habitats Regulations Assessment

When could these be required?

Where a development could impact upon a designated or possible Special Area of Conservation (SAC) and/or classified or potential Special Protection Area (SPA) a shadow Habitat Regulation Assessment (HRA) will be required.

This is most likely for developments:

- within 500m of the coast;
- which are hydrologically connected to the coast;
- which bring new residential development within 7.2 km of the European Designations.

Applicants are advised to agree the level of information that will be required to support this process during pre-application discussions with the LPA.

Further Information/Guidance

Whilst it is the responsibility of the Council, as the competent authority, to undertake the HRA, those proposing or submitting planning applications will need to provide the Council with sufficient information and evidence to enable the assessment to be undertaken.

Within Sunderland, applications for new residential development within 7.2 km of the European Designations at the coast may be able to mitigate for increased recreational pressure by making a financial contribution to the strategic Sunderland Recreation Mitigation Strategy.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 15 conserving and enhancing the natural environment
- Conservation of Habitats and Species Regulations 2017 (as amended)

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NE2

Unitary Development Plan:

N/A

Area specific requirements and further information:

- Habitats regulations assessments: protecting a European site
[Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site)

16. Flood Risk Assessment and Drainage Assessment

Flood Risk Assessment

When is this required?

All planning applications for:

- Development within a local authority's own identified critical drainage area and Flood Zones 2 & 3;
- <http://www.environment-agency.gov.uk/research/planning/93498.aspx>
- Development on sites of 1ha or greater;
- Development or changes of use to a more vulnerable class that may be subject to other sources of flooding (see relevant section of National Planning Practice Guidance on Flood Risk and Coastal Change - <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>)
- Development on sites of 0.5 ha or more within a local authority's own identified critical drainage area.
- All major developments as defined in the Development Management Procedure 2015

What information is required?

For both residential extensions and non-residential extensions of less than 250 square metres in a local authority identified critical drainage area and Flood Risk Zones 2 and 3, a simple flood risk assessment is required using the link below:
<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#minor-extensions-standing-advice>

Otherwise, a Flood Risk Assessment should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account.

A Flood Risk Assessment should include the following information:

Zone 1

- Existing flood risk to the site from localised sources & impact of development upon run off rates;
- Design measures proposed to mitigate run off rates (SUDS).

Zone 2

- Existing flood risk to the site from all sources & potential impact of development upon flood risk only (High level assessment only);
- Design measures proposed to mitigate risk of flooding, and their impact (details should include floor levels, ground levels, evacuation routes, SUDS).

Zone 3

- Existing flood risk to the site from all sources (e.g. flood depth, flow routes, flood velocity, defence failure); Potential impact of development upon flood risk;
- Design measures proposed to mitigate risk of flooding, and their impact (details should include floor levels, ground levels, evacuation routes, SUDS).

Applications for new development in Flood Zones 2 and 3 should contain a sequential testing statement (except for householder extensions, non-residential extensions of less than 250sq. metres or renewable energy proposals) which should demonstrate to the local authority that there are no reasonably available alternative sites where the proposed development could be sited within an area of lower flood risk. It is recommended that applicants consider and apply the sequential approach prior to the submission of a full application to avoid unnecessary costs due to planning permission being refused.

The applicant needs to submit the following evidence to allow the local authority to consider the sequential test:

- A written statement explaining the area of search;
- A map identifying all other sites considered within lower areas of flood risk;
- A written statement explaining why the alternative sites listed within lower areas of flood risk are not reasonably available.

However, if the sequential test is passed there are still some vulnerable types of development that should not normally be allowed in Flood Zones 2 and 3 unless there are exceptional circumstances. These circumstances are established by using the Exception Test. More information on this can be found at the relevant section of National Planning Practice Guidance on Flood Risk and Coastal Change - <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

For the exception test to be passed it has to satisfy each of the following three tests:

- It must be demonstrated that the proposed development provides significant wider sustainability benefits to the community that outweighs flood risk;
- The development must be on previously developed land;
- A Flood Risk Assessment submitted with the application must demonstrate that the development will be safe without increasing flood risk elsewhere and where possible reduce flood risk overall.

Policy Background

Policy SS5 for the port specifically indicates that development in flood zones 2 and 3 would need to meet the sequential test and exceptions test where necessary

Government policy or guidance: National Planning Policy Framework – Section 14 Meeting the challenge of climate change, flooding and coastal change
National Planning Practice Guidance – Flood Risk and Coastal Change section
Environment Agency Standing Advice Development and Flood Risk
<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>
<http://www.environment-agency.gov.uk/research/planning/33098.aspx>

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WWE2, WWE3, WWE4 and WWE5

Development Plan:

N/A

Area specific requirements and further information:

- CIRIA: Sustainable Urban Drainage Systems - <http://www.ciria.org.uk/>
- Strategic Flood Risk Assessment (SFRA) - <http://www.sunderland.gov.uk/index.aspx?articleid=3256>
- Local Flood Risk Management Strategy
<http://www.sunderland.gov.uk/CHttpHandler.ashx?id=17760&p=0&fsize=16Mb&ftype=Local%20Flood%20Risk%20Management%20Strategy.PDF>

Drainage Assessment – Surface Water

When is this required?

All major development as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015

What information is required?

All design development should be in accordance with the following documents:
Non Statutory technical standards for sustainable drainage systems March 2015

LASOO Non Statutory technical standards for sustainable drainage systems Practice Guidance . Link: <http://www.lasoo.org.uk/non-statutory-technical-standards-for-sustainable-drainage>

Pre-app	Outline	Full	Reserved Matters	Discharge Condition	Document submitted
✓	✓	✓			Flood Risk Assessment/Statement (checklist)
✓	✓	✓			Drainage Strategy/Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle/ consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓			Maintenance program and on-going maintenance responsibilities
		✓	✓	✓	Detailed development layout
		✓	✓	✓	Detailed flood & drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailed landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Information needs to be submitted to evidence all surface water shall be managed for the development. The drainage hierarchy is:

1. Infiltration
2. Watercourse
3. Surface water sewer
4. Combined sewer

It requires infiltration systems to be investigated before controlled attenuation discharge to watercourse is considered. Only then if these forms of flood attenuation

are not possible should developments consider surface water and eventually combined sewer means of surface water drainage.

For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

For both greenfield and previously developed (or brownfield) developments will be required to discharge at greenfield run-off rates for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event but should never exceed the rate of discharge from the development prior to redevelopment for that event.

1. Infiltration

If the development discharges to an existing soakaway, evidence that it has sufficient capacity to cater for any additional flow must be submitted. Evidence which verifies the condition of the soakaway may also be requested.

Where new infiltration assets are proposed, percolation tests should be undertaken in accordance with the testing method set down in DG365 (2016).

The results of such tests should be included in the Drainage Assessment.

Infiltrations systems must be designed with sufficient capacity to accommodate a critical rainfall event of 1:100 year + 40% allowance for climate change. Supporting calculations should be included in the Drainage Assessment and form part of the planning application.

2. Discharge to watercourse

The existing greenfield run off rate for the site should be calculated. Attenuation systems should be designed to accommodate a critical rainfall event of 1:100 year + 40% allowance for climate change.

Written consent, in principal, must be obtained from either the EA or LLFA if the point of discharge is to an ordinary watercourse or main river. Supporting calculations should be included in the Drainage Assessment

3. Discharge to sewer

It should be noted that in most circumstances surface water is not permitted to be connected to the public combined or foul sewers. Only where there is no other feasible option will this be considered and where it can be proved that all other options have been explored. Evidence will need to be submitted which confirms the outcome of the other investigations undertaken and reasons why discharge the sewer is the only feasible option.

Written evidence from Northumbrian Water Ltd or the owner of the sewer will also be required that confirms that the proposed development can be connected to the water sewer network. Confirmation of the agreed discharge rate must be supplied.

For all approaches to drainage the following will be required:

- Drainage design statement – This should outline how the development will comply with the DEFRA non statutory technical standards , Planning Practice Guidance (ID: 7-051-20150323- ID: 7-086-20150323. and The SuDS Manual (C753).
- Detailed design drawings - layout of drainage network, details of drainage features including SUDS components (if applicable), inlets and outlets and flow controls.
- Detailed infiltration assessment of SUDS infiltration components (if applicable).
- Construction details and planning including phasing of development and Construction Management Plan (refer to CIRIA guidance – Construction Method Statements RP992/22 or update) and The SuDS Manual (C753).
- SUDS Management Plan should set out ownership and management of SUDS components and maintenance requirements over the lifetime of the development. This should include the maintenance plan setting minimum standards of maintenance over the lifetime, integrating with other green infrastructure and long term funding plan (including annual charges and replacement of SUDS) (refer to CIRIA guidance on maintenance plan RP992/21 or update) and The SuDS Manual (C753). Details of the proposed management and maintenance of the drainage system.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 14 Meeting the challenge of climate change, flooding and coastal change
- National Planning Practice Guidance – Flood Risk and Coastal Change section
- SUDS technical standards
<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

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WWE2, WWE3, WWE4 and WWE5

Development Plan:

N/A

Area specific requirements and further information:

- CIRIA: Sustainable Urban Drainage Systems - <http://www.ciria.org.uk>
 - Strategic Flood Risk Assessment (SFRA) -
 - <http://www.sunderland.gov.uk/index.aspx?articleid=3256>
- Local Flood Risk Management Strategy
<http://www.sunderland.gov.uk/CHttpHandler.ashx?id=17760&p=0&fsize=16Mb&ftype=Local%20Flood%20Risk%20Management%20Strategy.PDF>

16. Heritage Statement

When is this required?

A Heritage Statement is required for:

- Listed Building Consent applications;
- Conservation Area Consent applications;
- Major planning applications (this is defined in section 7 of the validation checklist) within or otherwise affecting conservation areas;
- Planning applications for developments within conservation areas (except changes of use) where the proposal would materially affects its appearance;
- Planning applications that have a material impact on the setting of a listed building or structure, a locally listed building or structure, or the setting of a conservation area / other heritage asset.

What information is required?

A Heritage Statement could form part of a more comprehensive Design and Access Statement (see also requirement 8), where this is also needed.

A Heritage Statement will describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise, where necessary.

Works to a Listed Building

Applications for Listed Building Consent may need to, as appropriate, include some or all of the following elements within the Heritage Statement:

- A schedule of works to the listed building, and an analysis of the impact of these works on the significance of the archaeology, history, architecture and character of the building/structure along with a statement explaining the justification for the proposed works and principles which inform the methodology proposed for their implementation;

- Contextual and detailed photographs of the buildings/structure as existing to illustrate any features which are proposed to be altered or removed;
- Where reinstatement of lost or damaged features is proposed historic evidence to support the detail of reinstatement should be provided where possible i.e. historic plans or photographs;
- For any alterations, replacement, or installation of features such as windows, doors and shopfronts, elevation plans and sectional drawings to a scale of 1:20 or less. Further details of features such as architrave, cills, horns, glazing bars, lintels, transom, mullions, panelling, mouldings, meeting rails etc may need to be at a scale of 1:5 or less;
- A detailed specification for all proposed materials including, where appropriate samples;
- Photomontages illustrating the proposed works in context.

Conservation Area Consents and Planning Applications within Conservation Areas

For Conservation Area Consent applications the statement should assess the contribution that the building in question makes to the character and appearance of the conservation area and provide justification for demolition.

For planning applications within Conservation Areas the statement should address how the proposal has been designed to have regard to the character and/or appearance of the conservation area and to explain how the proposal enhances or preserves the character or appearance of the conservation area. Appropriate photographs should accompany the appraisal.

Applications affecting the setting of heritage assets

For applications impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, locally listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

The scope and degree of detail necessary in the appraisal will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with a planning officer and/or a conservation officer before any application is made.

Policy Background

Government policy or guidance:

- <http://www.english-heritage.org.uk/publications/setting-heritage-assets/>

- National Planning Policy Framework – Section 16 Conserving the historic environment

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BH7, BH8, and BH9

Unitary Development Plan:

Policies B12, B13 and B14 (designations only)

Area specific requirements and further information:

18. Land Contamination Assessment

When is this required?

Subject to prior pre-application discussions, all new development with a sensitive end use (including dwellings, allotments, schools, nurseries, playgrounds, hospitals and care homes) require a minimum of a Phase 1 Land Contamination Assessment (often referred to as a Preliminary Risk Assessment) to be submitted. Also subject to pre-application discussions, new development on land that has been identified on the public register as being contaminated or land that is adjacent to, a Phase 1 Assessment will be required as a minimum.

What information is required?

The Phase 1 Land Contamination Assessment should include a desktop study, site walkover and a conceptual site model.

The purpose of a Phase 1 Land Contamination Assessment is to establish the previous uses of the land under consideration or land adjacent to, and to initially identify potential sources of contamination, receptors and pathways.

As part of the desktop study and site walkover it is important to identify all past uses of the site, and adjacent or nearby sites, since pollutants have the potential to travel away from the source, depending on the geology, groundwater and surface water of the area.

The desktop study and the site walkover should be the first stages of any site assessment and should enable a 'conceptual site model' of the site to be produced that provides a clear interpretation of all plausible pollutant linkages at the site.

The Phase 1 Land Contamination Assessment compiled following the completion of the conceptual model will determine whether a Phase 2 Intrusive Site Investigation is required.

Where significant contamination is known or is likely to be present, it may be necessary to carry out some site investigations before the submission of an application, as significant contamination may limit the allowable land uses.

Some sites which are potentially contaminated may also be of archeological interest and therefore co ordination is desirable to prevent site investigation in relation to the former adversely affecting the latter.

Please seek pre-application advice from the Local Planning Authority to address potential pollution matters early in the planning process.

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraphs 178- 183

Core Strategy and Development Plan 2015-2033

HS3 and HS4

Unitary Development Plan:

N/A

Area specific requirements and further information:

- Environment Agency website:
<http://www.environment-agency.gov.uk/research/planning/33742.aspx>
- BS 10175: Investigation of Potentially Contaminated Sites: Code of Practice

19. Landscaping Details

When is this required?

Planning applications (except those for the change of use or alteration to an existing building), where landscaping would be a significant consideration in the assessment of the application.

What information is required?

The submitted scheme shall, as applicable, include: existing trees, shrubs and other landscape features (indicating which are to be retained and which removed); planting plans, specifications and schedules; existing and proposed levels and contours; means of enclosure, walls, retaining walls and boundary treatment; paving and other surface treatment including car parking and circulation layouts; items of landscape furniture, equipment, storage, signage, and lighting; services and drainage; location of site cabins and compounds. The location of any watercourse and associated landscaping as existing and proposed should also be shown. These details should be cross-referenced with the Design and Access statement where submitted.

Existing trees and other vegetation of amenity value should, wherever possible, be retained in new developments and will need to be protected during the construction of the development.

Landscape and Visual Impact Assessment is required where development proposals are likely to have an impact on valued landscapes

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraph 153

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NE9

Unitary Development Plan:

N/A

Area specific requirements and further information:

- BS 4428:1989: Code of practice for general landscape operations (excluding hard surfaces);
- BS 7370-1 to BS 7370-5: Grounds maintenance.

20 Marketing Information

When is this required?

Planning applications for:

- Conversion to residential use in greenbelt or safeguarded land as allocated in the development plan;
- Change of use from retail to other uses in town centre Primary Shopping Frontages;
- Non B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) uses on land allocated for such purposes in the development plan;
- Demolition of listed and locally listed buildings.

With regard to the first three bullet points marketing information will not always be required and the need for such evidence should be clarified with the Local Planning

Authority at pre-application stage including the scope of the marketing exercise and timescales.

What information is required?

It should be demonstrated that the property/land has been advertised for sale or lease on the open market for uses appropriate to the use allocated in the development plan. Details of the marketing and all offers received, if applicable, should be submitted along with a written assessment.

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraph 91-95 and 195

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No Policy

21. Noise Assessment

When is this required?

Required where the new development is classed as a "noise sensitive land use", e.g. residential, hospitals, schools and care homes and is close to busy roads, railways, airfields or industrial sources of noise or the new development has the potential to introduce noise or vibration to an existing sensitive use either long term or during development

Examples include:

- general industrial
- waste management
- minerals extraction
- warehousing
- leisure centres
- where the proposal will include night working
- noisy plant or extraction systems
- commercial kitchens
- Air Source Heat Pumps (Note: this will be determined on a site-by-site basis)

- Permitted Development for dwellings

Guidance

All planning and reserved matter applications that raise issues of disturbance or are considered to be a noise-sensitive development will need to be supported by a Noise Impact Assessment. This must be undertaken by a suitably competent and qualified acoustician. It must include:

- baseline monitoring;
- predictions (supported by source data);
- full details and specification of mitigation; and
- an assessment of the potential impact on residential receptors in accordance with current standards.
- Where appropriate the assessment shall be carried out in accordance with current British Standards, for example BS4142:2014, BS8233:2014, and BS5228:1997.

The aim of an assessment is to identify measures which will eliminate or minimise potential noise impacts. This can be achieved by design, orientation, mitigation, hours of use or management controls rather than by recommending a reliance on planning conditions. Reference must be made to current national standards and planning guidance in order to achieve acceptable noise climates within living and amenity spaces.

Where noise is likely to be an issue, applicants are advised to contact the Council's Environmental Health team prior to the submission of a planning application.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – paragraphs 170, 180 and 204
- The Calculation of Road Traffic Noise (DEFRA, 1988)
- The Calculation of Railway Noise (Department of Transport, 1995)
- The Noise Policy Statement for England
- Noise Impact Assessments must have regard to the following guidance where applicable to the development:
 - BS8233 Sound insulation and noise reduction for buildings code of practice
 - BS5228-1:2009 Code of practice for noise and vibration control on construction and open sites
 - BS4142: Method for rating industrial noise affecting mixed residential and industrial areas
 - World Health Organisation Guidelines for Community Noise (1999);
 - World Health Organisation Night Noise Guidelines for Europe (2009).
 - World Health Organisation Guidelines for Community Noise 1999

- <https://www.gov.uk/guidance/noise--2>
-

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HS2

Area specific requirements and further information:

- BS4142:2014 Method for rating industrial and commercial sound
- BS 8233:2014 Guidance on sound insulation and noise reduction for buildings
- World Health Organisation Guidelines for Community Noise (1999);
- World Health Organisation Night Noise Guidelines for Europe (2009).
- World Health Organisation Guidelines for Community Noise 1999

22. Open Space Assessment

When is this required?

All planning applications for development on existing open space.

Open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, that can offer important opportunities for sport and recreation and can also act as a visual amenity.

What information is required?

Proposals should be accompanied by plans (to scale and also including area measurements), showing any areas of existing or proposed open space within or adjoining the application site.

Planning permission is not normally given for the development of existing open spaces that local communities need. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land and buildings are surplus to local requirements. Any such evidence should accompany the planning application.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – paragraphs 83,92, 96 to 101

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- BH3 , NE1,NE4 NE6,NE7 and NE8

Unitary Development Plan:

Designations have been saved from UDP policies

Area specific requirements and further information:

23. Planning Obligations – Draft Head of Terms

When is this required?

Applications for planning permission where the local authority have indicated at pre-application stage that a Section 106 agreement would be necessary. Please seek clarification from the Local Planning Authority.

What information is required?

Planning obligations (Section 106 agreements) are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land that seek to address various planning issues such as affordable housing, public open space provision, highway works or landscape and nature conservation mitigation.

To make the planning application process quicker, it is expected that a draft head of terms will be submitted along with the application and the ownership and contact details necessary for the planning obligation to be progressed.

Please seek pre-application advice from the Local Planning Authority for further details on what contributions would be required.

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraphs 54-57

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ID1 and ID2

Unitary Development Plan:

Area specific requirements and further information:

Planning Obligations SPD [Adopted - Sunderland City Council](#)

24. Planning Statement

When is this required?

All planning applications for 100 dwellings or more or where a minimum of 10,000 sq. metres of commercial/retail development would be created, or major planning applications that would constitute a departure from the development plan.

Waste Facilities

- Proposals for waste facilities should be supported by a statement which sets out the need for the facility.

What information is required?

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development relates to relevant national and local planning policies. It may also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission. This can be in the form of a Statement of Community Involvement (SCI; see Item 24).

The Planning Statement can also include information on employment creation as well as economic and regeneration benefits. Applicants can also submit an Economic Statement to highlight the economic benefits of a scheme if they so wish but this would not be required for validation purposes.

Policy Background

Government policy or guidance:

- National Planning Policy Framework

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- No Policy

Unitary Development Plan:

- No Policy

Area specific requirements and further information:

25. Statement of Community Involvement

When is this required?

A Statement of Community Involvement (SCI) would be required for some major development application as advised at pre-application stage by the Local Planning Authority.

What information is required?

A SCI will explain how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted Statement of Community Involvement and seek to demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

Policy Background

Government policy or guidance:

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- Statement of Community Involvement

Unitary Development Plan:

- No UDP policies require a planning statement

Area specific requirements and further information:

<http://www.sunderland.gov.uk/CHttpHandler.ashx?id=7127&p=0>

26. Structural Survey

When is this required?

All applications that involve:

- The change of use or conversion of rural buildings (e.g. barn conversions);
- The demolition, or proposals that may affect the structural integrity, of a building or structure that contributes to the character of a Conservation Area;
- Any listed building or structure, where works are proposed that involve demolition or would affect the structural integrity of the building or structure.

Please seek pre-application advice from the Local Planning Authority for further details on when this would be required.

What information is required?

A full structural engineers survey by a suitably qualified professional. This should include each of the following where appropriate:

- General description and age of building;
- Condition - structural integrity, foundations, damp proofing, walls, joinery, timbers, roof structure and roof covering;
- Assessment of repairs necessary to ensure retention of the building;
- Assessment of structural and other alterations necessary to implement the proposed conversion;
- Assessment of percentage of building that needs to be rebuilt - including walls and timbers;
- Opinion as to the suitability of building for proposed conversion;
- Photographs are often helpful but not essential;
- A schedule of works necessary to preserve the building;
- A schedule of works necessary to carry out the applicant's proposals (including those necessary to meet building regulation approval).

Policy Background

Government policy or guidance:

- National Planning Policy Framework

Core Strategy and Development Plan 2015-2033

- Statement of Community Involvement

Unitary Development Plan:

- No UDP Policy

Area specific requirements and further information:

27. Sustainability Statement

When is this required?

Most major full planning applications and major reserved matter applications.

What information is required?

The statement should demonstrate how sustainability has been addressed and/or how it will be addressed at future design stage. This can include topics such as water use, materials, surface water run-off, waste, pollution, health and wellbeing, management, ecology and transport.

The statement shall include estimated energy loads and consumption as well as predicted CO₂ (carbon dioxide) emissions.

The statement should include an outline strategy to reduce CO₂ emissions to include building design and materials, energy demand reduction, and renewable energy supply and generation.

Where zero or low carbon technologies are being incorporated, the statement should include prediction of the carbon target emission rating expressed as a percentage below Part L of the Building Regulations (2010) as amended.

The statement should indicate whether the Code for Sustainable Homes and/or BREEAM assessment methods and rating systems are being used or considered.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – paragraphs 32 and 92
- National Planning Policy for Waste 2014

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- BH2

28. Telecommunications Development

When is this required?

Planning applications for mast and antenna development by mobile phone network operators.

What information is required?

Telecommunications applications will need to be accompanied by:

- Area of search;
- Details of the proposed structure;
- Technical justification;
- Evidence of mast sharing;
- Details of any consultation undertaken;
- A signed declaration that the equipment and installation has been designed to comply with the requirements of the radio frequency (RF) public exposure guidance of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraph 20.
- Code of Best Practice on Mobile Network Development in England (Mobile Operators Association) (2013)

<http://www.mobilemastinfo.com/2013/new-code-of-best-practice-on-mobile-network-development-in-england-published.html>

Core Strategy and Development Plan 2015-2033

BH6

Unitary Development Plan:

- N/A

Area specific requirements and further information:

29. Town Centre Use Assessment

When is this required and what information should be supplied?

Paragraph 86 of NPPF states that local planning authorities should apply a sequential test to planning application for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.

Main Town Centre uses are:

- Retail development (including warehouse clubs and factory outlet centres);

- Leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinema, restaurants, drive through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls);
- Offices;
- Arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotel and conference facilities.

Paragraph 89 of NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development of over a proportionate locally set threshold (if there is no locally set threshold, the default threshold is 2,500 sq m

Site Location (as defined by NPPF	Large scale (floorspace above 2,500sq.m net)	Less than 2,500 sq.m net)	Mezzanine floorspace up to 200sq.m net
In Centre	No	No	Planning permission not required
Edge of Centre and Out of Centre	Yes**	Yes**	Planning permission not required

An Impact Assessment needs to assess the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment of the proposal and;

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where there full impact will not be realised in five years, the impact should also be assessed up to 10 years from the time the application is made.

** A sequential assessment will be required. An impact assessment will also be required if the local authority has set a threshold lower than 2,500 sq m floorspace set by NPPF. Check with the local authority. A sequential assessment and impact assessment are not required for planning applications that are in accordance with an up-to-date development plan.

The sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

Policy Background

Government policy or guidance:

- National Planning Policy Framework - paragraph 86 and 89

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- VC1 SP9, VC2, VC3, VC4 and VC6

30. Transport Assessments & Statements, Travel Plans, Parking & Highways

When is this required?

For new development, changes of use of buildings or land and alterations to existing buildings, the transportation and accessibility outcomes of development needs to be set out as part of your planning application. This information is used to assess the suitability of the development and to ensure it is in accordance with policy and other related guidance.

Where a new development is likely to have significant transportation implications, a Transport Assessment (TA) and Travel Plan (TP) should be prepared. In some instances a simplified report in the form of a Transport Statement (TS) may be sufficient, which can be incorporated into the Design & Access Statement where applicable. These documents are used to determine whether the impact of the development is acceptable.

The scale and type of development will normally determine the requirement for a TS, TA or TP, and the relevant thresholds can be found in the table below, although these thresholds are for guidance only.

Land Use	Description of development	Size	Case by Case Analysis. Pre-application advice recommended	TS required (TP also required for North & South Tyneside)	TA & TP required
A1 - Food retail	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	Gross Floor Area (GFA)	<250 sq.m	>250 sq.m <800 sq.m	>800 sq.m
A1 - Non-food retail	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	<800 sq.m	>800 sq.m <1500 sq.m	>1500 sq.m
A2 - Financial & Professional	Financial services – banks, building societies and	GFA	<1000 sq.m	>1000 sq.m <2500 sq.m	>2500 sq.m

Land Use	Description of development	Size	Case by Case Analysis. Pre-application advice recommended	TS required (TP also required for North & South Tyneside)	TA & TP required
Services	bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.				
A3 - Restaurants and Cafés	Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	GFA	<300 sq.m	>300 sq.m <2500 sq.m	>2500 sq.m
A4 - Drinking Establishments	Use as a public house, wine-bar or other drinking establishment.	GFA	<300 sq.m	>300 sq.m <600 sq.m	>600 sq.m
A5 - Hot food takeaway	Use for the sale of hot food for consumption on or off the premises.	GFA	<250 sq.m	>250 sq.m <500 sq.m	>500 sq.m
B1 - Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry.	GFA	<1500 sq.m	>1500 sq.m <2500 sq.m	>2500 sq.m
B2 - General industrial	General industry (other than classified as in B1). The former 'special industrial' use classes, B3 – B7, are now all encompassed in B2.	GFA	<2500 sq.m	>2500 sq.m <4000 sq.m	>4000 sq.m
B8 - Storage or Distribution	Storage or distribution centres – wholesale warehouses,	GFA	<3000 sq.m	>3000 sq.m <5000 sq.m	>5000 sq.m

Land Use	Description of development	Size	Case by Case Analysis. Pre-application advice recommended	TS required (TP also required for North & South Tyneside)	TA & TP required
	distribution centres and repositories.				
C1 - Hotels	Hotels, boarding houses and guest houses, development falls within this class if 'no significant element of care is provided'.	Bedrooms	<75 bedrooms	>75 <100 bedrooms	>100 bedrooms
C2 - Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds
C2 - Residential institutions – residential education	Boarding schools and training centres.	Students	<50 students	>50 <150 students	>150 students
C2 - Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Residents	<250 residents	>250 <400 residents	>400 residents
C3 - Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwellings	<50 units	>50 <80 units	>80 units
C4 - Houses in Multiple Occupation	Dwellings occupied by between 3-6 unrelated individuals who share basic amenities (such as student lets and small bedsits).	Refer to LPA	Refer to LPA	Refer to LPA	Refer to LPA

Land Use	Description of development	Size	Case by Case Analysis. Pre-application advice recommended	TS required (TP also required for North & South Tyneside)	TA & TP required
D1 - Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq.m	>500 sq.m <1000 sq.m	>1000 sq.m
D2 - Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. Other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq.m	>500 sq.m <1500 sq.m	>1500 sq.m
Others	For example: stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders yards, garden centres, POs. travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.	Refer to LPA	Refer to LPA	Refer to LPA	Refer to LPA

Other matters such as site access, existing parking pressures or the proposed number of parking spaces may need to be taken in account when deciding if a TS, TA, TP or other supporting information is required. The following list, which is by no means exhaustive, may necessitate a Travel Plan to be submitted if, in the opinion of the LPA, the development proposal would:

- not be in conformity with the adopted development plan;
- generate 30 or more two-way vehicle movements in any hour;
- generate 100 or more two-way vehicle movements per day;
- be likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people;
- generate significant freight or HGV movement per day, or significant abnormal loads per year;
- be proposed in a location where the local transport infrastructure is inadequate – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions;
- be in a location within or adjacent to an Air Quality Management Area (AQMA) as referred to in the Local Transport Plan.

Please seek pre-application advice from the Local Planning Authority for definitive advice on the scope of these documents in order to avoid abortive work.

What information is required?

A **Transport Statement** should cover matters such as trip generation resulting from the development, improvements to site accessibility, car parking provision and internal vehicular circulation, traffic impacts of servicing requirements and the net level of change over any current development within the site.

A **Transport Assessment** should quantify and assess the impact of the proposals on traffic movement and highway safety, quantify and assess how the development could be accessed by alternative transport modes and how such alternative modes would be promoted and provide details of any proposals for access or transport improvements.

A **Travel Plan** is a long term management strategy which aims to increase sustainable travel to a site through positive actions. It is set out in a document that is reviewed regularly. The starting point is a Transport Assessment which shows what the issues are. There are a number of types of travel plan:

- Full Travel Plan;
- Interim Travel Plan;
- Framework Travel Plan;
- Travel Plan Statement;

- Area Wide Travel Plan (for a defined geographic area).

Where applicable, the contents of these should include:

- Site location plan (strategic and local context);
- Site audit to include transport links, transport issues, barriers to non-car use and possible improvements to encourage sustainable modes;
- Travel surveys – include example of distributed survey, means of distribution, number distributed, number of responses, results and analysis etc;
- Clearly defined objective's, targets and indicators;
- Details of committed measures, timetable for implementing, marketing proposals and budget;
- Travel Plan Coordinator - definition of role, contact details etc;
- Monitoring plan and mitigation proposals if targets not reached.

Parking and Servicing requirements

Parking and servicing need to be considered as an important part of any scheme. Car parking provision needs to be at an appropriate level to cater for the development and visitors whilst taking into account the location, circumstances in the surrounding area, nature of the development, sustainability, impact on residential amenity and highway safety, and the availability of public transport. Servicing requirements need to be fully considered so they are not of danger or inconvenience. Information on parking and servicing can be combined within the Transport Assessment or Transport Statement where required or provided in a supporting document and/or annotated plans.

Information that may be sought includes:

- Setting out the rationale for the approach to parking provision (car, cycle, disabled and motorcycle provision);
- Car parking accumulation information;
- Car parking layout plan;
- Cycle parking layout plan;
- Servicing plan covering deliveries, refuse collection and taxi pick up and drop off (Auto tracks may be required in some instances);
- Parking and servicing management plan;
- Existing and proposed Traffic Regulation Orders Plan for a defined area;
- Details of Car Club and Electric Charging Point Facilities.

Applications for those changes of use to apartments and HMOs which claim they are for social housing requiring lower levels of parking provision, will need to be supported with suitable evidence.

Highways and Public Rights of Way

Some new development will necessitate the need for works and changes to the local highway network and/or to public rights of way. In order to understand the impact of the development the proposed changes will need to be set out on a plan and include any areas of Highway to be stopped up. The amount of information will be appropriate to the type and scale of development.

New Highways

A proposed new development may necessitate the creation of new highways that may or may not be identified for future adoption by the Highways Authority. In order to understand the impact of the proposed development any future highway to be adopted needs to be detailed on an appropriate plan. If the highways within the development do not fulfil the requirements for future adoption by the Highway Authority then a Management and Maintenance of Estate Streets plan will be required and may be secured in a S106 Agreement for the development highways to remain privately maintained.

Policy Background

Government policy or guidance:

- National Planning Policy Framework – Section 9 Promoting sustainable transport
- Department for Transport – Guidance on Transport Assessments
- Good Practice Guidelines, Delivering Travel Plans through the planning system

Core Strategy and Development Plan 2015-2033

- ST1, ST2 and ST3

Unitary Development Plan:

- Policies T21

Area specific requirements and further information:

- Tyne & Wear Local Transport Plan
- English partnership: Car Parking - What works where

31. Tree Survey and/or Statement of Arboricultural Implications of Development

When is this required?

Where a development site includes trees, where the canopies of trees on an adjacent site overhang the site boundary, or where there are street trees along the site frontage that would be affected by the development proposal.

What information is required?

All trees should be accurately shown on a scaled plan with the following information:

Species; height in metres; stem diameter in metres at 1.5 metres above adjacent ground level or immediately above the roof flare for multi-stemmed trees; branch spread in metres taken at north, south, east and west points; height in metres of the lowest part of the canopy above ground level.

However, the following details will also be required where a tree is protected by a TPO or the site is located in a Conservation Area:

Age class (young, middle aged, mature, over-mature, veteran); physiological condition (e.g. good, fair, poor, dead); structural condition (e.g. collapsing, the presence of any decay and physical defect); preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential for wildlife habitat; estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40); category grading (see BS5837: 2012 Trees in Relation to Construction – Recommendations).

For all development proposals, it should be clearly identified which trees are to be felled, together with the reasons for removing those trees. Where trees are shown as to be retained, the means of protecting those trees during construction works will need to be specified. A suitably qualified and experienced arboriculturalist should prepare this information in accordance with BS 5837: 2012. This should include a tree survey, Tree Constraint Plan (TCP), Arboricultural Implications Assessment (AIA) and where appropriate an Arboricultural Method Statement (AMS) with a Tree Protection Plan.

Policy Background

Government policy or guidance:

Core Strategy and Development Plan 2015-2033

- NE3

Area specific requirements and further information:

- Paragraph 4.1.3 of BS 5837: 2012 'Trees in relation to construction - Recommendations' offers advice on how to identify trees on adjacent land that could influence the development;
- Sections 4 to 6 of BS 5837: 2012 contain detailed guidance on survey information and plans that should be provided. Using the methodology set out

in the Standard should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided;

- Sections 7 to 12 of BS 5837: 2012 contain detailed guidance on protecting trees that are to be retained both within and outside the proposed site that could be affected by the development.

32. Ventilation / Extraction Details

When is this required?

Planning applications where ventilation or extraction equipment is to be installed, including those for the sale or preparation of cooked food, launderettes, and significant retail, business, industrial or leisure developments.

Where a hot food takeaway or restaurant is proposed where is an existing residential property directly adjoining, details of extraction facilities will normally be required for validation purposes

What information is required?

Details of the position and design of ventilation and extraction equipment. And also:

Elevation drawing showing location and size

External appearance

Technical specification

Predicted noise and odour levels

Background noise levels

Noise and odour mitigation measures

Policy Background

Government policy or guidance:

- National Planning Policy Framework
- Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (DEFRA)
<http://www.defra.gov.uk/publications/2011/03/25/odour-noise-kitchen-exhaustpb10527/>
- Local Exhaust Ventilation (LEV) workplace fume and dust extraction (Health and Safety Executive) <http://www.hse.gov.uk/lev/> BS 4142 2014

Core Strategy and Development Plan 2015-2033

- HS2

Area specific requirements and further information:

33 Sunlight/Daylight/Microclimate Assessment

When is this required?

- a) When a proposed development is in close proximity to the windows of habitable rooms of an existing residential development and is likely to significantly affect the sunlight and/or daylight levels to those windows;
- b) When a proposed residential development, because of its proximity to either existing buildings or other proposed buildings within the development, is likely to receive low levels of sunlight and/or daylight to habitable rooms;
- c) When the scale and form of a development is likely to result in significant shadowing impacts upon neighbouring properties or land;
- d) When the scale of the development proposed would result in micro-climatic conditions that could result in wind levels affecting pedestrian and vehicle movement outside of the building.

Please note that these requirements will normally only apply when developments propose buildings in close proximity to each other or where tall buildings are proposed. You should seek advice from your Local Planning Authority in advance, normally through the pre-application process, as to when these studies will be a validation requirement. These assessments may also form part of a Design and Access Statement (see section 8).

What information is required?

The assessment should be carried out in accordance with the British Research Establishment document Site Layout Planning for Daylight and Sunlight – A guide to Good Practice 2nd edition. Daylight, vertical sky component, sunlight availability, average daylight factor and shadow studies should be undertaken and assessed against the criteria set out in the BRE document.

Wind tunnel modelling will be required to assess the impact of new development will have on a local wind environment and any consequential effects on pedestrian comfort and safety.

Policy Background

Core Strategy and Development Plan 2015-2033

- BH2

Development Plan:

- N/A

Area specific requirements and further information

<http://www.brebookshop.com/samples/326792.pdf>

<http://www.right-of-light.co.uk/bre.htm>

34 Health Impact Assessment

- Residential Developments of 100 dwellings or more and student accommodation of 100 bedspaces or more.
- Any other form of development which has the potential to have a significant impact on health

Core Strategy and Development Plan 2015-2033

SP7

35 Accessible Homes (from 1 April 2021)

Submit statement demonstrating that at least 10% of dwellings will be built to M4(2) Building Regulation Standards.

Site layout plan to clearly distinguish which buildings are built to this standard.

Core Strategy and Development Plan 2015-2033

H1

36 Employment use (B use class) outside of designated employment areas

Where B use class development is proposed on a site not currently designated as a Primary or Key Employment Area, a sequential assessment will be required to demonstrate that the development could not be accommodated on designated employment land.

Core Strategy and Development Plan 2015-2033

EG4

37. Nationally Described Space Standards (from 1 April 2021)

Statement demonstrating how all the dwellings met the Nationally Described Space Standards

Core Strategy and Development Plan 2015-2033

BH1

38. Settlement Break/Open Countryside

Development will not normally be resisted within Settlement Breaks and Open Countryside. Where development is proposed in a Settlement Break or Open Countryside, a statement should be submitted which shows compliance with the policy criteria or justifies the development.

Policy links – NE7 and NE8

Agricultural Land Assessment

Major development proposals that would involve the loss of agricultural land may require an agricultural land assessment to be undertaken to assess the quality of the land to be lost.

Core Strategy and Development Plan 2015-2033

NE12

39 Social Values

In simple terms, social value refers to the benefits that an organisation can deliver to society through its activities and supply chain, and is defined within the Public Services (Social Value) Act 2012 which was introduced by the then Coalition Government

The Act requires public authorities to consider, “how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area”.

Sunderland City Council is currently working with the National Social Value Task Force chaired by the Local Government Association and supported by Cabinet Office and Crown Commercial Services to consider how social value can be embedded into the planning process to unlock more value for our communities.

All major development **should submit a statement demonstrating** the social values, this requires increasing consideration of how development can unlock social, economic and environmental benefits for different groups of society.

Link to Sunderland City Council's website

[Increasing social value through procurement and wider activity - Sunderland City Council](#)

40 Lighting Assessment

When is this required?

Required for any development that includes a detailed lighting scheme such as flood lighting, area lighting or security lighting for example in car parks, sports centres, schools and warehousing and where lighting could impact upon a sensitive area, such as residential areas.

What information is required?

The Lighting Impact Assessment should be undertaken by a suitably qualified and competent person/organisation and should include:

- The type of light fixing (e.g. wall mounted or free-standing columns, lantern wattage and manufacturer)
- The level of illumination and spread including light spill and sky glow ratios. Predicted luminance on neighbouring land must be clearly shown in relation to surrounding premises, especially where it affects residential living conditions.
- A site layout indicating the location of lighting units and a lux contour map
- Measures to reduce lateral or upwards pollution
- A statement of the proposed hours of usage.

Policy Background

National Planning Policy Framework

Paragraph 174 and 185

Core Strategy and Development Plan 2015-2033

- HS2

Area specific requirements and further information

<https://www.gov.uk/guidance/light-pollution>

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Appendix 2

The Validation Checklists

Checklist 1: Full Applications

**Checklist 2: Outline Applications & Reserved Matters
Submissions**

Checklist 3: Listed Building & Conservation Area Consent

Checklist 4: Advertisement Consent

Checklist 5: Householder Applications

Checklist 1: Full Applications

Validation Requirements	Applications for new building, extension or; engineering works; or change of use with external building / extension/ engineering works	Change of use with no external building / extension / engineering works	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Summary of Application documents, if information exceeds 100 pages	See Note 7	See Note 7	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 8	See Note 8	Yes	Yes / No
Fire Statement	See Note 9	See Note 9	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 10	See Note 10	Yes / No	Yes / No
Affordable Housing Statement	See Note 11	See Note 11	Yes / No	Yes / No
Air Quality Assessment	See Note 12	See Note 12	Yes / No	Yes / No
Archaeological Assessments	See Note 13	No	Yes / No	Yes / No
Coal Mining Risk Assessment	See Note 14	See Note 14	Yes / No	Yes / No
Biodiversity Net Gain (BNG)	See Note 15	See Note 15	Yes / No	Yes / No

Ecological Survey Assessment and Mitigation Report & Protected Species Survey				
Flood Risk Assessment	See Note 16	See Note 16	Yes / No	Yes / No
Heritage Statement	See Note 17	See Note 17	Yes / No	Yes / No
Land Contamination Assessment	See Note 18	No	Yes / No	Yes / No
Landscaping Details	See Note 19	No	Yes / No	Yes / No
Marketing Information	See Note 20	See Note 20	Yes / No	Yes / No
Noise Assessment	See Note 21	See Note 21	Yes / No	Yes / No
Open Space Assessment	See Note 22	No	Yes / No	Yes / No
Planning Obligations – Draft Head of Terms	See Note 23	See Note 23	Yes / No	Yes / No
Planning Statement	See Note 24	See Note 24	Yes / No	Yes / No
Statement of Community Involvement	See Note 25	See Note 25	Yes / No	Yes / No
Structural Survey	See Note 26	See Note 26	Yes / No	Yes / No
Sustainability Statement	See Note 27	See Note 27	Yes / No	Yes / No
Telecommunications Development	See Note 28	See Note 28	Yes / No	Yes / No
Town Centre Use Assessment	See Note 29	See Note 29	Yes / No	Yes / No
Transport Assessments & Statements, Travel Plans, Parking and Highways	See Note 30	See Note 30	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 31	See Note 31	Yes / No	Yes / No
Ventilation / Extraction Details	See Note 32	See Note 32	Yes / No	Yes / No
Daylight and Sunlight Assessment	See Note 33	See Note 33	Yes / No	Yes / No
Health Impact Assessment	See Note 34	See Note 34	Yes / No	Yes / No
Accessible Homes	See Note 35	See Note 35	Yes / No	Yes / No

Employment use outside of designated employment areas	See Note 36	See Note 36	Yes / No	Yes / No
Nationally Described Space Standards	See Note 37	See Note 37	Yes / No	Yes / No
Settlement Break/Open Countryside	See Note 38	See Note 38	Yes / No	Yes / No
Social Values	See Note 39	See Note 39	Yes / No	Yes / No
Lighting Assessment	See Note 40	See Note 40	Yes / No	Yes / No

Please note: The following documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.

On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.

Checklist 2: Outline Applications & Reserved Matters Submissions

Validation Requirements	Outline Application	Reserved Matters Application	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Summary of Application documents, if information exceeds 100 pages	See Note 7	See Note 7	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 8	See Note 8	Yes	Yes / No
Fire Statement	See Note 9	See Note 9	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 10	See Note 10	Yes / No	Yes / No
Affordable Housing Statement	See Note 11	See Note 10	Yes / No	Yes / No
Air Quality Assessment	See Note 12	See Note 12	Yes / No	Yes / No
Archaeological Assessments	See Note 13	See Note 13	Yes / No	Yes / No
Coal Mining Risk Assessment	See Note 14	See Note 14	Yes / No	Yes / No
Biodiversity Net Gain (BNG) Ecological Survey Assessment and Mitigation Report & Protected Species Survey	See Note 15	See Note 15	Yes / No	Yes / No
Flood Risk Assessment	See Note 16	See Note 16	Yes / No	Yes / No

Heritage Statement	See Note 17	See Note 17	Yes / No	Yes / No
Land Contamination Assessment	See Note 18	See Note 17	Yes / No	Yes / No
Landscaping Details	See Note 19	See Note 19	Yes / No	Yes / No
Marketing Information	See Note 20	See Note 20	Yes / No	Yes / No
Noise Assessment	See Note 21	See Note 21	Yes / No	Yes / No
Open Space Assessment	See Note 22	See Note 22	Yes / No	Yes / No
Planning Obligations – Draft Head of Terms	See Note 23	See Note 23	Yes / No	Yes / No
Planning Statement	See Note 24	See Note 24	Yes / No	Yes / No
Statement of Community Involvement	See Note 25	See Note 25	Yes / No	Yes / No
Structural Survey	See Note 26	See Note 26	Yes / No	Yes / No
Sustainability Statement	See Note 27	See Note 27	Yes / No	Yes / No
Telecommunications Development	See Note 28	See Note 28	Yes / No	Yes / No
Town Centre Use Assessment	See Note 29	See Note 29	Yes / No	Yes / No
Transport Assessments & Statements, Travel Plans, Parking and Highways	See Note 30	See Note 30	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 31	See Note 31	Yes / No	Yes / No
Ventilation / Extraction Details	See Note 32	See Note 32	Yes / No	Yes / No
Daylight and Sunlight Assessment	See Note 33	See Note 33	Yes / No	Yes / No
Health Impact Assessment	See Note 34	See Note 34	Yes / No	Yes / No
Accessible Homes	See Note 35	See Note 35	Yes / No	Yes / No
Employment use outside of designated employment areas	See Note 36	See Note 36	Yes / No	Yes / No
Nationally Described Space Standards	See Note 37	See Note 37	Yes / No	Yes / No

Settlement Break/Open Countryside	See Note 38	See Note 38	Yes / No	Yes / No
Social Values	See Note 39	See Note 39	Yes / No	Yes / No
Lighting Assessment	See Note 40	See Note 40	Yes / No	Yes / No

Please note: The following documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.

On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.

Footnotes

OUTLINE PLANNING APPLICATIONS

An outline planning application is a means of establishing the principle of a proposed development without having to supply all of the details. The grant of outline planning permission will then be conditional upon the subsequent approval of details of 'reserved matters' – as defined below.

The government has set down the minimum level of information that must be submitted with outline applications, as follows:-

- **Use** – the use or uses proposed for the development and any distinct development zones within the application site.
- **Amount of development** – the amount of development for each use.
- **Indicative access points** – an area or areas in which access point or points to the site will be situated.

An outline application may also contain details and seek approval of one or more of the reserved matters, but at least one must be reserved for later approval.

RESERVED MATTER APPLICATIONS

Reserved matters are defined by the government as follows:-

- **Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- **Scale** – the height, width and length of each building proposed in relation to its surroundings.
- **Appearance** – the aspects of a building or place which determine the visual impression it makes. This includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- **Access** – the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation and how these fit into the surrounding network.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the amenities of the site through hard and soft measures. This may include, for example, planting of trees or hedges, screening by fences or walls, the formation of banks or terraces, or the layout of gardens, courts or squares.

(N.B. For applications for approval of reserved matters pursuant to outline permissions where the outline application was submitted prior to 10 August 2006, the relevant reserved matters are sitting, design, external appearance, means of access and the landscaping of the site.)

Checklist 3: Listed Building & Conservation Area Consent

Validation Requirements	Listed Building Consent	Conservation Area Consent	Required	Submitted
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National Requirements				
Completed planning application form	See Note 1	See Note 1	Yes	Yes / No
Location plan	See Note 2	See Note 2	Yes	Yes / No
Site Plan	See Note 3	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	See Note 6	Yes / No	Yes / No
Summary of Application documents, if information exceeds 100 pages	See Note 7	See Note 7	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 8	See Note 8	Yes	Yes / No

Tyne and Wear Requirements				
Application Plans	See Note 10	See Note 10	Yes	Yes / No
Archaeological Assessments	See Note 13 May be required please ask before submission	See Note 13 May be required please ask before submission	Yes / No	Yes / No
Heritage Statement	See Note 17	See Note 17	Yes / No	Yes / No
Planning Statement	See Note 23	See Note 23 May be required please ask before submission	Yes / No	Yes / No
Structural Survey	See Note 26 May be required please ask before submission	See Note 26 May be required please ask before submission	Yes / No	Yes / No

Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 31	See Note 31	Yes / No	Yes / No
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Please note: The following documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.

On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.

Checklist 4: Advertisement Consent

Validation Requirements	Advertisement Consent	Required	Submitted
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National Requirements			
Completed planning application form	See Note 1	Yes	Yes / No
Location plan	See Note 2	Yes	Yes / No
Appropriate fee	See Note 6	Yes / No	Yes / No

Tyne and Wear Requirements			
Application Plans	See Note 10	Yes	Yes / No

Please note: The following documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.

On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.

Checklist 5: Householder Applications

Validation Requirements	Householder Applications	Required	Submitted
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National Requirements			
Completed planning application form	See Note 1	Yes	Yes / No
Location plan	See Note 2	Yes	Yes / No
Site Plan	See Note 3	Yes	Yes / No
Completed Ownership Certificate (A, B, C, D)	See Note 4	Yes	Yes / No
Completed Agricultural Holdings Certificate	See Note 5	Yes	Yes / No
Appropriate fee	See Note 6	Yes / No	Yes / No
Design and Access Statement (where required)	See Note 8	Yes	Yes / No

Tyne and Wear Requirements			
Application Plans	See Note 10	Yes	Yes / No
Archaeological Assessments	See Note 13	Yes / No	Yes / No
Ecological Survey Assessment and Mitigation Report & Protected Species Survey	See Note 15	Yes / No	Yes / No
Flood Risk Assessment	See Note 16	Yes / No	Yes / No
Noise Assessment	See Note 21	Yes / No	Yes / No
Tree Survey and/or Statement of Arboricultural Implications of Development	See Note 31	Yes / No	Yes / No

Please note: The following documents may be requested during pre-application discussions, or where no discussions have taken place following validation of the application.

On validation - If the requested detail is judged to be critical in determining whether permission should be granted or not, and the applicant / agent is unable to submit the information within a specified timescale the authority may be left with no option but to refuse the application due to lack of information.

Please be aware that the householder checklist does not apply to the temporary provisions introduced by the Government in relation to larger single-storey rear extensions, of between four and eight metres for detached houses and between three and six metres for all other houses, which are subject to simplified application to be made under the Neighbour Consultation Scheme. To find out more about this process and how to apply go to:

https://www.planningportal.co.uk/info/200130/common_projects/17/extensions#ncs

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA
WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE
PLANNING AND HIGHWAYS COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/00475/FUL	O'Briens	Siting of 95no. storage containers within carpark area and installation of lighting on site. (retrospective)	14/09/2023	14/12/2023
Castle	Tennon HouseFerryboat LaneSunderlandSR5 3JN			Time extension agreed 05/01/2024
23/01653/OUT	Vestbrown Limited	Outline Planning Permission for the construction of up to 215 no. residential dwellings (Use Class C3) and associated access arrangements (all other matters reserved).	22/08/2023	21/11/2023
Copt Hill	Land South Of The Philadelphia Complex PhiladelphiaHoughton-le-SpringDH4 4UG			Time extension agreed 26/01/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			Time extension agreed 30/06/2023
23/02164/LP3	Siglion LLP	Development of a new childrens play area to include a bridge, public walkways, landscaping, and several discrete play areas, along with the redevelopment of the existing play area to provide grassed open space.	19/10/2023	14/12/2023
Fulwell	Rear Of Dykelands Road Car ParkDykelands RoadSunderland			Time extension agreed 06/02/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper Mill Ocean Road Sunderland			Time extension agreed 30/06/2021
22/00931/FUL	Fielding Park Projects	Erection of 6 townhouses and 16 apartments with associated parking and landscaping.	11/08/2023	10/11/2023
Hendon	Land At Egerton Street Sunderland			Time extension agreed 08/03/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02368/MAW	Aggregate Industries UK Limited	Proposed siting and use of a site cabin	27/11/2023	29/02/2024
Hendon	Northumbria Roads Limited Hudson Dock North Side Barrack Street Sunderland			Time extension agreed
23/02369/MAV	Aggregate Industries UK Limited Trading As Northumbrian R...	Variation of condition 2 (plans) attached to planning application 11/03371/FUL (Storage of aggregate stockpiles with the addition of the treatment of waste to produce soil, soil substitutes and aggregates and retention of buildings on site.) to allow a revised Site Plan	11/12/2023	14/03/2024
Hendon	Northumbria Roads Limited Hudson Dock North Side Barrack Street Sunderland			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00970/FUL	Thirteen Housing Group Limited	Erection of 96 No. affordable residential dwellings (Class 3) with associated access, landscaping and infrastructure. (amended description and information received 13.10.23)	13/05/2022	12/08/2022
Hendon	Land At Harrogate Street And Amberley Street Sunderland			Time extension agreed 31/01/2024
21/00561/REM	Mr C Ford	Reserved matters approval for appearance, layout, design and landscaping in relation to planning application 12/01125/OUT (Proposed residential development comprising 40 no. residential dwellings with associated landscaping and access.) (amended layout with turning facility received).	19/03/2021	18/06/2021
Hetton	Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00603/FUL	Persimmon Homes (Durham)	Construction of 243 dwellings (use class C3) with associated access, landscaping and infrastructure.	22/04/2021	12/08/2021
Hetton	Land East Of North Road Hetton-le-Hole Houghton-le-Spring			Time extension agreed 29/02/2024
23/02503/VA3	Sunderland City Council	Variation of planning conditions 1 (Plans), to swap positions of miniature railway and overflow car park, 4 (Remediation), 5 (Verification), 7 (CEMP) ,11 (Arboricultural method statement), 15 (Lighting strategy), 20 (Materials) and 21 (Travel Plan); and removal of conditions 3 (Ground investigation) and 10 (E-CEMP), attached to planning permission 22/01673/HY3 (Change of use of Former Elmore Golf Course to a Heritage and Eco Park with associated infrastructure).	06/12/2023	06/03/2024
Hetton	Elmore Golf Club Elmore Golf Course Lorne Street Easington Lane Houghton-le-Spring DH5 0QT			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/00747/FUL	Aldi Stores Limited	Erection of discount food store (1,867 sq.m GEA / 1,786 sq.m GIA) (Use Class E) with associated access, car parking, hard and soft landscaping and associated works. (Amended dated 09.08.2023).	24/03/2023	23/06/2023
Hetton	Land To The South Of Colliery Lane Hetton Le HoleDH5 0HU			Time extension agreed 08/01/2024
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land AtLambton LaneHoughton-le-Spring			Time extension agreed 30/09/2021

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham Company Hawthorn House Blackthorn Way Sedgely Industrial Estate Houghton-le-			Time extension agreed 30/09/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
11/00917/OUT	Cowie Properties LLP And Landid Property (Sunderland) LIM	Outline planning application with all matters reserved to provide for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure; Class A1-A5 retail; and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations. (Amended plans received 29 May 2013 and 25 June 2013).	22/03/2011	21/06/2011
Millfield	Former Cornings SiteDeptford TerraceSunderlandSR 4 6DD			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/00393/FU4	Shah and Colman	Change of use to mixed use retail and student accommodation, to include demolition of existing rear extensions and erection of replacement five storey rear extension, 2no.dormer windows to front roof and new shop front.	30/06/2023	29/09/2023
Millfield	61 - 63 Fawcett Street City Centre Sunderland SR1 1SE			Time extension agreed 09/01/2024
23/02495/VA3	Sunderland City Council	Application for a minor-material amendment to vary condition 1 (approved plans) attached to planning permission 22/02157/VA3 - including removal of LED and digital screen (northern elevation), provision of new glazing / windows (north and western elevations) and installation of architectural screen (roof level)	01/12/2023	01/03/2024
Millfield	Land South Of High Street West High Street Sunderland SR1 3DZ			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01123/FU4	Jomast Developments Limited And Cowie Properties LLP	Erection of 6 no. general industrial (Use Class B2) or storage and distribution (Use Class B8) units; 7 no. trade warehouses with ancillary trade counters (Use Class B8) or light industrial (Use Class E (g) ii and iii) units; drive thru coffee shop (Use Class E); an EV charging station with retail kiosk (Sui Generis); and associated access, parking, servicing, landscaping and outfall structure and pipe.	15/06/2022	14/09/2022
Millfield	Land AtDeptford TerraceSunderland			Time extension agreed 09/02/2024
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes SiteWoodbine TerracePallionSunderland			Time extension agreed 31/08/2021

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02397/HY4	Sunderland City Council And Fulwell Cain Studios Limited	Hybrid planning application for the creation of a film and tv studios to include the following: Detailed planning approval for the erection of soundstages with attached office buildings, production workshops, a gateway building containing security checkpoint, hospitality and administrative facilities, a multi-storey car park, a substation, a waste recycling centre, ancillary structures including for the storage of bins and cycles, with associated earthworks, site accesses, drainage, landscaping and infrastructure provision. Outline planning approval (matters reserved: scale, layout, appearance and landscaping) for film and tv studio uses including sound stages, production offices and production workshops with ancillary hospitality and administrative facilities, ancillary buildings / structures including for sub-stations, waste and cycle storage; the	27/11/2023	18/03/2024
Pallion	Land East And West Of The Southern Side Of The Northern Spire Bridge And South Of Paul Watson Way, Sunderland			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
		conversion of the red brick building into a technical education academy associated with the tv and film industry; a vendors village to provide offices and warehousing for supporting businesses; multi storey car park; the demolition of all other buildings on site; with site accesses, earthworks, drainage, landscaping and infrastructure provision. Temporary planning approval for 'meanwhile uses' associated with backlots (external filming areas) including temporary structures and infrastructure.		
23/02306/LP3	Sunderland City Council	Erection of 2m high timber fence to front of property	04/12/2023	29/01/2024
St Michaels	9 Claremont Terrace Ashbrooke Sunderland SR2 7LB			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02023/FUL	Grandpa Dickies Shed	Change of use from restaurant to mixed use restaurant / cafe / drinking establishment (retrospective).	25/09/2023	20/11/2023
St Peters	Pier Point12 Marine WalkSunderland			Time extension agreed 12/02/2024
23/02018/FUL	Ailish Doran	Proposed demolition of existing detached garage, and single storey west (front) and north (side) extensions. Construction of 2 storey extension to west (front), 2 storey extensions to north and south (sides), 2 storey extension to east (rear) including an external balcony terrace at first floor level, and a further terrace at ground floor level to the east (rear). Replacement of existing materials with slate roof tiles, dark grey window frames, and white render to brickwork.	27/09/2023	22/11/2023
St Peters	7 Rock Lodge RoadSunderlandSR6 9NX			Time extension agreed 06/02/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02561/LP3	Sunderland City Council	Provision of a Changing Places modular toilet.	14/12/2023	08/02/2024
St Peters	Roker ParkRoker Park RoadSunderland			Time extension agreed
23/02498/LP3	Together For Children	Erection of new primary school with nursery provision, new car parking, outdoor play facilities and associated landscaping	15/12/2023	15/03/2024
Sandhill	Site Of Former Sunningdale Primary School Shaftoe RoadSunderlandSR3 4HA			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02006/FUL	SUEZ Recycling And Recovery UK Ltd.	Erection of a 2m high fence to the northern boundary	25/09/2023	20/11/2023
Shiney Row	SITA UKCatherine RoadNew Herrington Industrial EstateHoughton-le-SpringDH4 7BG			Time extension agreed 12/01/2024
23/01981/FUL	Newton Energi	Erection of battery energy storage facility.	18/09/2023	18/12/2023
Shiney Row	Land At Foxcover RoadSunderland			Time extension agreed 16/02/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/02556/LP3	Sunderland City Council	Provision of a Changing Places modular toilet.	14/12/2023	08/02/2024
Shiney Row	Land Adj Public Toilets/Visitors Car ParkHerrington Country ParkChester RoadShiney RowHoughton-le-			Time extension agreed
21/01001/FU4	Bernicia	Erection of 65 no. affordable homes with associated infrastructure and landscaping.	26/04/2021	26/07/2021
Silksworth	Land East OfPrimate RoadSunderland			Time extension agreed
23/02224/LP3	Mrs Andrea Baldwin	Creation of a Football Foundation 'PlayZone' suitable for football and basketball. To include new fencing and floodlighting.	20/10/2023	15/12/2023
Southwick	Adjacent 6Church StreetSouthwickSunderland			Time extension agreed 09/02/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/00950/FUL	JT Consultancy Limited	Conversion of existing offices on third and fourth floors of building to 16 no. apartments, construction of new fifth story to existing roof to provide 8 no. apartments, and external alterations to the whole building including window alterations and rendering.	08/08/2023	07/11/2023
Washington Central	Derwent House Washington Town Centre Washington			Time extension agreed 09/02/2024
22/02803/FU4	Boom Power Ltd	Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays together with substation, tower connection, transformer stations, switchroom, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	18/01/2023	19/04/2023
Washington West	Land At Usworth House Farm Peareth Hall Road Springwell Gateshead NE9 7NT			Time extension agreed 08/03/2024

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
23/01864/MAW	Thompsons Of Prudhoe Ltd	The construction of a 2.5m high bund to be constructed along the eastern perimeter of the Springwell Quarry Site.	12/09/2023	12/12/2023
Washington West	Thompsons Of PrudhoeSpringwell QuarrySpringwell RoadSpringwellGateshead			Time extension agreed 16/02/2024
23/02160/LP3	Sunderland City Council	Proposed construction of hard surface to facilitate a vehicle manoeuvring circle and provide on-site storage space, and associated works including a CCTV pole, lighting columns and a re-positioned security fence (additonal plans received)	19/10/2023	14/12/2023
Washington West	City Contracting ServicesParsons Depot13 Parsons RoadParsonsWashingt onNE37 1EQ			Time extension agreed 09/01/2024