

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.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of 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.: 19/02149/LP3 Local Authority (Reg 3)**Proposal:** **Demolition of NDRC centre. Construction of new NDRC centre to South of the site, and erection of 17 1&2 bedroom bungalows to the North including stopping up of public highway and association landscaping.****Location:** North East Disabilities Resource Centre Cork Street Sunderland SR1 2AN**Ward:** Hendon**Applicant:** Sunderland City Council**Date Valid:** 2 January 2020**Target Date:** 2 April 2020

PROPOSAL:

The proposal is for the demolition of the existing North East Disabilities Resource Centre at Cork Street and the construction of new NDRC centre to South of the site, and erection of 17 1&2 bedroom bungalows to the North including stopping up of public highway and association landscaping.

The development has been screened and is not considered to be Environmental Impact Assessment development.

The site contains a vacant grassed area to the south and the North East Disabilities Resource Centre (NDRC) to the north and is accessed off Cork Street. It is within Hendon ward, just outside of the City Centre in the Sunderland south sub-area. It is bound by Swan Lodge to the north, Cork Street and residential properties to the east, Spring Gardens Close and residential properties to the south and the A1018 ring road and tree-belt to the west. It is proposed to demolish the existing NDRC and replace it with a new facility to the south of the site and to erect 17 bungalows on the northern part of the site, with associated landscaping and stopping up of the highway.

NDRC is a dedicated day care centre in Sunderland for people with a range of disabilities. NDRC also provide Domiciliary Home Care Support. The land and estate is to be owned by the Council and the facility and bungalows managed by NDRC

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management

Environmental Health
Tyne And Wear Archaeology Officer
Flood and Coastal Group Engineer
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **12.02.2020**

REPRESENTATIONS:

Neighbour Representation

No letters of representation have been received from neighbouring properties.

Statutory and Non Statutory Response

Network Management:-

It is acknowledged that the development would remain privately managed, whereby the Highway Authority would not be responsible for the maintenance of the access road, footway and street lighting.

Alterations to the existing highway are required for the new access and to re-instate a redundant access to footway. These works would be carried out under a Section 278 Agreement.

Twenty one parking spaces are proposed for the development of residential units and a new day care centre.

This is considered acceptable as it is anticipated that the residents of the bungalows would not drive, the parking would therefore be for staff at the day centre and visitors to the residents.

One bay should be allocated for disabled parking, and one bay as an electric vehicle bay.

There are two mini bus drop off and pick up bays to the front of the centre.

Applicant to clarify staff numbers for the day care centre.

The application includes proposals to remove a section of Lambard Street, a footpath connecting High Street East and Coronation Close, and ancillary highway. This is supported by the Local Highway Authority.

Turning heads within the development should accommodate the turning movements of a large refuse vehicle (11.2m). Any in-curtilage / visitor parking bays should be moved back to accommodate this.

Applicant to clarify servicing and delivery arrangements.

Detains of bin store area are required, with consideration given to access requirements for residents.

The development should include measures to encourage sustainable transport initiatives and make suitable provision for electric vehicle charging points.

The provision of a covered secure cycle storage shelter is recommended to promote sustainable travel options for staff.

STOPPING UP TOWN & COUNTRY PLANNING ACT

The proposed development will affect areas of highway (carriageway, footways and footpaths), which will therefore need to be stopped up (and diverted) under Section 247/257 of the Town and Country Planning Act 1990. A stopping up application would usually be made following the grant of planning permission for the development. Recent changes in legislation do however allow for Stopping Up applications to be made consecutively with the planning application, although this should be discussed in detail with the Council as Highway Authority prior to doing so.

Applications could be undertaken by the Council should you so wish or you may wish to engage your own legal representative to complete application under S 247 (S.257 would be undertaken by the Council). A stopping up application will normally take 6 to 9 months to complete and the costs will be met by the Developer whether or not the application is successful. Costs may be in the region of £2,500 to £3,000. However, should the stopping up application be opposed a Public Inquiry may be required, this could increase the development programme by at least 18 months. Should the Developer wish the Council to facilitate the application, confirmation is required in writing that agrees to: - • proceed with the stopping up; and • meet the Council's reasonable costs. • The legal procedure can be initiated prior to or following planning approval of the development.

For the avoidance of doubt, please note that any other costs and arrangements which may be necessary to implement the proposals, such as service diversions or land acquisition, would still remain the responsibility of the Developer.

For further information please contact Caroline Gair, Asset & Network (0191) 561 8490.

SECTION 278 WORKS

The proposed development will entail alterations to existing highways, which will require the Developer to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. Alterations to the street lighting layout may also be required and any possible costs will be available in due course. The Developer should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met. For further information please contact Graeme Hurst, Highway Adoption Engineer (0191) 561 1566.

Environmental Health

Thank you for your recent consultation regarding the above application. It is understood that the applicant seeks consent for Demolition of NDRC centre. Construction of new NDRC centre to South of the site, and erection of 17 1&2-bedroom bungalows to the North including stopping up of public highway and association landscaping.

Environmental health has considered the submitted documentation and considers that;

The development is acceptable.

Subject to the inclusion of the following conditions on any granted consent, in particular;

Land Contamination

Land contamination does not appear to pose a significant constraint to the development. The Phase I assessment is broadly suitable to support and application for planning consent, though the comments included in the table below should be reflected in the final version of this document. Notwithstanding this, Environmental Health is in agreement with the conclusion of the report and requirement for intrusive investigation at the site, though would be agreeable to submission of this, and any necessary remediation and verification works by condition.

Noise

A condition requiring a noise assessment which characterises the noise climate of the site and the need for any necessary mitigation (having regard to appropriate national standards) should be attached to any consent granted.

Construction Environmental Management Plan

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated

The information in the table below should be provided to the Applicant;

Land Contamination:

Recommendations:

Environmental Health is in agreement with the requirement for intrusive investigation at the Site.

The ground investigation must conform to the requirements of BS10175:2011+A2:2017 for a residential end-use. The following items should be included with this Preliminary report in support of support of planning:

Consultation should be undertaken with the Environment Agency and Sunderland City Council Departments including Planning, Building Control and Environmental Health to gain publicly available information regarding the site.

The contaminants of concern at the Site are detailed in Section 5.5. The presence of a printing works at the north of the Site, the fly tipping and evidence of burning indicates a potential risk from Total Petroleum Hydrocarbons (TPH) . TPH should be included in the contaminant of concern. In addition, the use of a Photo Ionisation Detector (PID) should be used during the field works for headspace screening for volatile contaminants.

A tabulated conceptual site model in accordance with the Environment Agency document Land contamination: risk management together with a risk assessment for the potential

pollutant linkages.

Prior to the ground investigation commencing the information gained above should be reviewed and the following confirmed:

The risk from Unexploded Ordnance (UXO) is not detailed in the Desk Study. The UXO risk should be confirmed prior to ground investigation works commencing and appropriate precautions adopted.

An assessment of Invasive weeds is not included in the Desk Study to date, the presence of invasive weeds should be confirmed prior to ground investigation works commencing.

In addition, should the site be proposed to be reprofiled and / or reduced in topographic level, the chemical testing of the site soils should be suitable to characterise the existing site and the site soils following reprofiling.

Report Review:

The report provides a Site history which states that the Site comprised of residential properties on the dates of the first maps, which by 1940s was redeveloped to a number of buildings and a Convent Garden in the south and a Clinic and unnamed buildings in the north. By the 1950s the Clinic had changed use to a Day Nursey and a Printing Works is denoted. The Site remained in this layout until early 2000s when the south has been cleared.

The geology is anticipated to comprise a layer of Made Ground underlain by Glacial Till in the north and Glaciofluvial Deposits in the south. The solid geology is anticipated to be the Roker Formation underlain by Coal Measures. The Site is in a Coal Mining reporting area and a Coal Mining Report has been obtained. The Coal Mining report states the Maudlin Seam was worked at a depth of 488m below ground level (bgl) pre 1947 there are no mine entries within 20m of the Site.

Limited sources of ground gas are expected to exist at the Site. However, the report states that this will be reviewed during the ground investigation.

The nearest surface water course to the Site is the River Wear 185m to the north, with the Roker Formation classified as a Principal Aquifer.

Consultation has not been undertaken with the Environment Agency or relevant department of Sunderland City Council.

The report explains a preliminary conceptual model, but a tabulated conceptual site model is not included. A tabulated preliminary conceptual site model would benefit the report and help to focus the ground investigation planning, and enable the potential pollutant linkages to be identified and suitably targeted. A preliminary risk assessment is also not included in the preliminary conceptual site model.

Noise:

A noise survey should be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards. The results of the assessment shall be submitted to and agreed with the local planning authority including details of any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises. Reference should also be made to the World Health Organisation Guideline Values for Community Noise, BS 8233:2014 Guidance on sound

insulation and noise reduction for buildings and BS 4142: 2014 Methods for rating and assessing industrial and commercial sound as appropriate

Construction Management

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated

In respect of the noise assessment Environmental Health consider the report acceptable subject to a condition being imposed in respect of noise attenuation measures.

Prior to occupation of the proposed development, a specification shall be provided and agreed with the LPA for each plot detailing appropriate noise mitigation measures including façade treatment. Reference should be made to the noise insulation specification in Table 1 and Figure 1 of the Noise Assessment (ref 7987.1A).

Noise Barriers as described in Fig 1 of the Noise Assessment (ref 798701A) shall be installed and maintained for the lifetime of the development.

Conservation Team: no comments offered on the proposed scheme

Tyne And Wear Archaeology Officer

Two consultations have taken place with the County Archaeologist

I am writing in regards to application 19/02149/LP3 associated with the development of a site near Cork Street, Sunderland.

The consultation period expires for this application on the 23rd January 2020. I am aware that an archaeological evaluation has been conducted on the site. The results of this evaluation will inform me whether further archaeological work is required, or not. If further work is required this may be secured by condition.

Before I can provide comments relating to this application, I require a copy of the evaluation report to review. In this case, would it be possible for me to have an extended period of time to provide comments? and for the report to be sent to me as soon as it is received by the planning office?

Thank you for your email regarding the recent evaluation at Cork Street as part of planning application 19/02149/LP3 and for providing the evaluation report.

The report demonstrates that the site has been extensively impacted by 20th century disturbance. No further archaeological work is recommended in relation to the development of this site

Flood and Coastal Group Engineer

With regard to 19/02149/LP3 and in relation to flood risk and drainage I have the following comment summarised in the attached drainage response spreadsheet.

It is recommended that the application could be approvable and that a condition is placed on the approval which reads;

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with the core strategy.

Ecology Team

The ecology team has no objections to the proposed development, but has the following comments are based on Bat Risk Assessment Survey of: North East Disabilities Resource Centre, Final 19.12.19 by Dendra Consulting Limited.

Please condition the Recommendation section of the report covering roosting bats and nesting birds.

Hendon - Ward Councillor Consultation – no comments have been received from the local ward councillors

POLICIES:

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

Relevant UDP Policies include EN10, H1, H4, B1, B4, B14, T14 and T22.

Relevant CSDP Policies include SP8, H1, H2, HS1, BH1, BH7, BH9, ST2 and ST3.

COMMENTS:

1. Principle of Development
2. Scale, design, layout and landscaping
3. Potential Impact on Archaeological/Conservation Area
4. Highway Consideration
5. Ecological Impact
6. Tree Impact

7. Land Contamination
8. Noise
9. Drainage implications
- 10 Conclusion

1. Principle of Development

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 development plan and saved Unitary 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) in February 2019, which is a material consideration for the purposes of Section 38(6), 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 can be given to the development plan.

Policy EN10 of the Unitary Development Plan states that in the absence of proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and as such, the proposal reflects the existing pattern of land use and is acceptable in principle.

Housing Delivery

Core Strategy Development Plan Policy SP8 seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites. The proposed site includes a smaller site included in the Strategic Housing Land Availability Assessment as site 169 which covers the grassed over vacant area to the south. The smaller site is considered to be able to accommodate 8 dwellings. The proposed site would deliver 17 dwellings towards the Council's annual housing requirement.

UDP Policy H1 supports the development of new housing, including the reuse vacant and derelict land and development which assist in the regeneration of residential areas. The proposal would reuse previously developed land which will help regenerate the area.

UDP Policy H4 supports housing development which reflects the density and character of the locality; and increased density when close to public transport corridors. The density of the development is considered appropriate and the location is sustainable as it is close to the City Centre and public transport links.

Core Strategy Development Plan Policy H1 sets out the desired housing mix relating to type, tenure, density and size, with a focus on larger detached dwellings, bungalows and extra care housing. The proposed development would align with the types of housing prioritised in this policy.

The development is accompanied by a Affordable Housing statement, The development is to be carried out by the City Council, the proposed bungalows are considered specialist housing to meet the City's needs.

Affordable housing is defined as either social/affordable rented or intermediate housing which is provided and made available to eligible households (i.e. those who lack their own housing or live in unsuitable housing) who cannot afford to meet their needs through the market. In line with Sunderland's Housing Strategy we are looking to improve accommodation for residents with disabilities.

1. The Site The application site is located on Cork Street, Hendon, Sunderland, SR1 2AN. Situated within walking distance of the city centre and public transport links.

2. The Development The planning application proposes the development of 17 bungalows and 1 x day centre to meet the needs of clients with physical disabilities.

3. Policy Context The council's current requirement for affordable housing is for 10% to be provided on all residential developments of 15 units or more. Through policies within the emerging Core Strategy and Development Plan, the council will seek to ensure that the maximum level of affordable housing achievable is secured. In terms of new housing built in the city it is important that "lifetime homes" is considered in the design of new properties so that people who do have physical disabilities can be appropriately accommodated and those who may develop a physical disability can remain in their property where possible.

Affordable Housing Contribution The development comprises of 100% affordable housing for rent and as such no section 106 contribution or legal agreement is required due to it being the Council's own development.

Community Facilities

CSDP Policy VC5 sets out the Council's approach to the protection and delivery of community facilities. The Council supports the development of new and extended community facilities, particularly those in accessible neighbourhood and centre locations.

Conclusion on the Principal of Development

The proposal would reuse previously developed land in a sustainable location to deliver the identified housing types needed for the plan-area. The proposed development is considered acceptable, provided it is considered to comply with local and national planning policies.

2. Scale, Layout, appearance and landscaping

Form of development proposed (design, scale, massing, layout and appearance, including landscaping).

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Whilst paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

Section 10C of the Residential Design Guide SPD recommends a minimum distance of 21m be provided between main facing windows and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in the above standard may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above minimum requirements and it not considered that any property would be afforded an unsatisfactory level of amenity

Existing Site context

The existing site boundary treatments to the northern edges of the site is predominantly brick wall and metal railings atop a steeply sloped A-road verge. The boundary to the southern edge of the site is unbounded open with the exception of the NDRC which is securely enclosed by palisade fencing to the rear with metal railings and retaining wall to the front. Surrounding Area & Housing Surrounding development is primarily residential, with some commercial properties being located over the A1018. The residential areas surrounding the site consist of predominantly traditional semi-detached cul-de-sac properties and traditional council house style terraces.

Connectivity The site is a connected via High St East and leads onto town centre with a bus stop at the bottom of Cork St and a main bus route into the town. Within walking distance are all the local convinces you would expect in a city centre. Church, school, restaurants major transport hubs etc.

Existing Landscape Character The site is a grassy field with no discernible landscape quality or features, with the vegetation adjacent to the A1018 presenting the only character. The NDRC existing building is of post war style architecture nearing the end of its serviceable life.

Proposed redevelopment of the site

The proposed bungalows are arranged with mainly east west aspects to provide a good overall balance of sunlight to dwellings. In the main NDRC centre the habitable spaces are orientated to overlook the development with big events space on East and west facades for programmatic flexibility. The rear of the NDRC centre faces south with most non habitable spaces to reduce overheating and solar glare problematic with larger commercial buildings. Properties are set back from the noisy road and acoustic fencing is proposed to mitigate noise levels. Additional planting is proposed to provide a visual privacy screen improve outlook and break up some of the noise. As the site steps up steeply additional retention needs to be introduced at the bottom of the slope to level the site for accessibility.

Bungalows

There are 1 and 2 bedroom dwelling types proposed for the site to meet a variety of tenure needs and all types have been elevated with a consistent style to create a cohesive development.

The style of the dwelling exterior is proposed to create a contemporary twist on the traditional scale and form of dwellings within the area. Typical features such as hips at entrances, canopies over entrance doors, head and sill details, render, and contrasting gable treatments have been incorporated into all house types to create logical street elevation which allows varying house types to be intermixed. This is set against the NDRC building which is at a slightly larger scale but proportionally broken up to tie in with the bungalow elevations.

Materials, the dwellings incorporate the following proposed palette of materials:

- Walls - Warm red brick with render.

The same for the centre but with fibre cement cladding details to accentuate the main entrance, scale and nature of the building

- Windows - uPVC
- Window Heads/Sills- Brick soldier course to complement walls
- Doors -

It is recommended that if members are minded to grant consent that a condition be imposed that's material shall be submitted and agreed at the appropriate stage to ensure a satisfactory form of development is achieved and to comply with policy BH1 an BH2 of the Core Strategy and Development Plan.

NDRC centre

Urban Massing

The urban edge of the site is relatively dense with little soft landscaping. To retain a sense of openness to the immediate amenity of the neighbours we have situated the lower rise building (bungalows) near the denser urban context and vice versa. The NDRC centre although at the top of the slope is set into the slope and reduced down in scale to 1 1/2 storeys. By placing this at the top of the site where the urban grain is weaker it defines the overall boundaries of the development by providing a visible destination at the top of the slope slightly overseeing the rest of the scheme.

Overall site context

The public realm for the site consists of vehicle highways and footpaths, plus an area of amenity landscape between bungalows forming a courtyard. Whilst adoptable highways around the outside of the site will need to be constructed to local authority standards consisting mainly of black top tarmac with some raised shared areas, interest will be added by way of a variety of block paving and finishes to private elements.

Boundary treatments for the site are predominantly informed by the need to increase security, whilst also retaining a sense of aesthetics. Rear garden boundaries which form the interface between public and private realm areas will generally be 2m high, generally formed in close boarded timber fence but also with the use of decorative brick walls and piers at key locations within the streetscape. All boundaries to public realm will be carefully detailed to ensure that they do not facilitate climbing on the public side. Boundaries between rear gardens will generally be 1.8m high close boarded timber fence, reducing to 1.5m high at every other fence to allow for resident interaction without compromise to security. Where rear garden boundaries fall against existing rear garden boundaries of the surrounding dwellings, these will be reinforced with a new min. 1.8m close boarded fence backing onto the old to ensure a consistent level of security.

Front gardens are proposed to be treated with a hedging and shrubs to define the extent of the garden to each property, and to discourage pedestrian shortcutting. The area around the NDRC will be paladin fencing to increase sense of openness and increase visibility for visitors to the areas

The proposed scale, massing and layout is considered acceptable and as such complies with both National and Local planning policies.

3. Potential Impact on Archaeological/Conservation Area

Paragraph 189 of the National Planning Policy Framework states

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation “

Policy BH9 Archaeology and recording of heritage assets

1. Development which adversely affects the archaeological interest or setting of a Scheduled Ancient Monument (or nondesignated heritage asset of equivalent significance) will be refused planning permission unless exceptional circumstances exist that satisfy the requirements of the NPPF.

2. The council will support the preservation, protection and where possible the enhancement of the city’s archaeological heritage by requiring that:

i. applications that may affect buried archaeological remains must be supported by an archaeological desk based assessment and evaluation reports where appropriate; where development affects heritage assets of archaeological interest, preference will be given to preservation in situ. However, where loss of the asset is justified in accordance with national

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

iii. where demolition or part demolition of a designated built heritage asset or non-designated building of significance has been justified, or substantive changes are to be made to the asset, works must not commence until archaeological building recording of the asset has been carried out and the results deposited with the Historic Environment Record and Tyne and Wear Archives.

The application site is just outside of the boundary of both Old Sunderland Riverside Conservation Area and Sunnyside Conservation area as designated by UDP Policy B4. UDP Policy B4 requires development to preserve and enhance the character and appearance of Conservation Areas. Emerging Policy BH7 seeks the conservation and enhancement of the historic environment. The proposed development is not considered to have any adverse implication on the impact of the Conservation Area, the development has been advertised accordingly by way of site and press notice and no adverse comments have been received.

Other Material Planning Considerations

Policy HS1 sets requirements for quality of life and amenity for new developments. Development must not result in unacceptable adverse impacts from sources including (but not limited to) air quality, noise, odour and traffic. Policy BH1 set out a series of general design guidelines through which development should achieve high quality design. Policy BH2 sets out guidelines for sustainable design and construction. Policies ST2 and ST3 set out guidance for new development in respect of access improvements, traffic impact and parking standards which the proposal should acknowledge and be in accordance with. The Site is in an area of potential archaeological importance. Policy BH9 set out the requirement for an appropriate archaeological assessment/evaluation to be provided in support of a full application.

The archaeological report submitted as part of the planning application has demonstrates that the site has been extensively impacted by 20th century disturbance. The County Archaeologist has confirmed no further archaeological work is recommended in relation to the development of this site

The County Archaeologist has confirmed no further work is required and as such the proposed development is considered to comply with policy BH9 of the Core Strategy and Development Plan.

4.Highway Consideration

Paragraph 109 of the National Planning Policy Framework states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy ST1 Urban Core accessibility and movement

Accessibility to and movement through the Urban Core will be enhanced by:

1. discouraging the use of streets by through vehicular traffic;
2. increasing priority for pedestrians and cyclists in the Primary Shopping Area;
3. improving the cycle network;
4. improving 'legibility' and signage for pedestrians;
5. providing for operational access for businesses;
6. improving the provision of car parks around the ring road;
7. reducing the 'barrier' effect of the ring road in relation to adjacent areas;
8. improving the attractiveness of Park Lane Interchange; and
9. working with rail industry partners to:
 - i. improve the connectivity of Sunderland to other major centres; and
 - ii. supporting redevelopment and improvement of Sunderland Station

Policy ST2 Local road network

1. The Local Road Network will be protected for safe and efficient movement in accordance with the following road hierarchy:

- i. Distributor Roads;
- ii. Category 1 Roads;
- iii. Category 2A Roads; and
- iv. Category 3 Roads.

2. To ensure that development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- i. where a new vehicular access is accepted in principle, the number of access points will be kept to a minimum and new access points will be designed and constructed in accordance with the current highway design standards;
- ii. they have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal;
- iii. where an existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;
- iv. they are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- v. they have safe and convenient access for sustainable transport modes relevant to its location; and
- vi. they will not create a severe impact on the safe operation of the highway network; resulting in potential risk to all highway users with specific consideration given to vulnerable road users.

Policy ST3 Development and transport

Development should:

1. provide safe and convenient access for all road users, in a way which would not:
 - i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or
 - ii. exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users;

2. incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network;
 3. submit an appropriate Transport Assessment/Transport Statement and a Travel Plan. This must demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway;
 4. include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards;
 5. provide an appropriate level of electric vehicle parking and charging infrastructure for commercial and non-residential development to suit site specific requirements, and make provision for the installation of home charging apparatus on major residential schemes; and
 6. safeguard the existing network of Definitive Public Rights of Way. If this cannot be accommodated, then a diversion and/or alternative route shall be provided.
- The scheme has been assessed by the Council Network Management Team and has been considered against both National and Local Planning policies.

The scheme that had been original submitted raised some areas of clarification for a network management perspective. The applicant reviewed the request as stated in the consultee section and the report and confirmed the following

- Section 278 works- our engineer is progressing with the S278 information and will issue shortly
- Parking – we have attached the revised site plan which indicates bays allocated for disabled parking and car charging point
- Staff – we have set out staff numbers for day centre below

NDRC have 20 staff with 10 of these member escorts. Escorts are brought with members by minibus and therefore do not drive to centre as they are picked up with member. Out of the other 10 staff that work at the centre currently 8 of them drive.

- Turning head – we would highlight that the internal road is intended to be private. However we have indicated a turning area outside day centre as attached plan.
- Bin storage – we have indicated areas of communal bin storage. We understand that given the user group that the collections will be a managed process to centralised bin collection points as indicated.
- Electric car charging point – see attached plan showing location outside day centre
- Cycle Shelter – we have indicated cycle storage in the covered way to the entrance of the centre

The revised plan and associated information have subsequently been reviewed and are considered acceptable to comply with policy ST1, ST2 and SY3 of the Core Strategy and Development Plan.

5. Ecological Impact

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 175 of the NPPF provides as follows:-

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the 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 (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) 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.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, 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.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are a number of designated sites within the vicinity of the proposal, these include both statutory and non-statutory sites. The statutory sites being the Northumbria Coast Special Protection Area, the Durham Coast Special Area of Conservation, Hylton Castle Cutting, Claxheugh Rock and Ford Limestone Quarry and Wear River Bank Sites of Special Scientific Interest. Whilst the non-statutory sites include Hylton Dene Local Nature Reserve (LNR) and Bunny Hill Local Wildlife Site (formerly Hylton Castle Grassland SSSI), and local wildlife corridors and buffer zones.

The Council's ecologist has confirmed in this instance a Habitat Regulation Assessment is not required.

The application however, is accompanied with a relevant Bat and Tree survey which are considered appropriate to this application.

The Bat Survey

A comprehensive bat survey has been submitted and reviewed by the Council's ecologist. An external/internal inspection survey of the site was conducted on 3rd December 2019 by Dendra.

During the risk assessment survey no evidence of use by bats was found, however potential bat access points were noted in the wooden cladding on the main building. This building has therefore been assessed as having a low potential risk to support roosting bats.

A detailed working method statement has been provided in Appendix 1 of the report which includes a toolbox talk and supervision of the soft strip of the wooden cladding. If members are minded to grant consent it is recommended that a condition be imposed to ensure the correct method is used to ensure a satisfactory method of demolition is used. The supervised strip and subsequent demolition works will be scheduled to avoid the bat hibernation period of November to March (inclusive).

The survey concludes the remaining structures within the site boundary have all been assessed as holding a negligible potential risk of supporting roosting bats and no further survey work is necessary on these buildings.

During the risk assessment survey no evidence of use by bats was found in the trees within the site boundary, however two trees in the grounds of the main building have been assessed as having a low potential risk to support roosting bats. It is recommended that the contractor employed to fell these trees has received bat awareness training for arboriculture. This can be added as an informative should members be minded to grant consent

The mature trees and shrubs present within the site boundary provide potential nesting opportunities for common garden bird species. In addition the flat roofs of the apartment blocks provide potential nesting opportunities for Herring gull.

The report recommends that the demolition and vegetation clearance works should be undertaken outside of the bird nesting season of mid-March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season, the site will require an inspection by a suitably qualified ecologist immediately prior to commencement.

The report has provided emergency procedures have been provided in the unlikely event of roosting bats or evidence of bats is discovered during the remainder of the works as the should members grant consent, it would be valid for three years and in this period of time thing could change and the applicant would need to check for the presence of bats.

Having considered the bat survey as a whole the report has the following recommendations

Under current industry guidelines the main building has been assessed as having a low potential risk of supporting roosting bats. It is therefore recommended that prior to the demolition works, all of the wooden cladding is removed slowly and carefully by hand, under the supervision of a licensed bat ecologist. A detailed working method statement has been provided as Appendix 1, and includes a condition on the timing of the works to avoid the bat hibernation period of November to March (inclusive). This level of supervision is deemed appropriate to the assigned potential risk assessment level of the building.

The metal storage container, greenhouse and brick storage shed have been assessed as having a negligible potential risk to support roosting bats and therefore no further survey work is currently recommended on these buildings. No restrictions on the timing of the works are deemed necessary with regards to bats on these buildings.

Two mature trees in close proximity to the main building have been assessed as having a low potential risk of supporting roosting bats. It is recommended that the contractor employed to conduct the tree felling works is suitably qualified and has received bat awareness training for arboriculture. The remaining trees on site are classified as having a negligible risk of supporting roosting bats but could provide low value foraging potential.

As a measure of good working practice, the following information should be supplied to contractors undertaking the demolition works and tree felling works: In the highly unlikely event that bats are found all works will stop and the consultant will be contacted immediately

Summary Conclusion on Ecology.

The proposed development is considered acceptable in principle and no objections have been offered from an ecological perspective. It is recommended that if members are minded to grant consent that the bat survey recommendations are conditioned and informative in respect of good working practise are imposed on any grant of consent. The proposed development is considered to comply with both National and Local Plan policies.

6.Tree Impact

The application is supported by an Arboricultural Impact Assessment (AIA).The site survey was undertaken on 3rd December 2019. The report has identified 19 individual trees and 5 groups were surveyed, comprising of low and moderate value features. The proposals require the removal of 7 individual trees and all 5 groups.

The proposals require the removal of which are set out in the tree report T1, T2, T3, T4, T5, T6, T8, G1, G2, G3, G4 and G5. This comprises of both low and moderate value features.

The removal of the trees to accommodate the new development is predicted to have a minor negative impact at a street level, for the remaining trees it is recommended that root protection be included to ensure the trees are protected during the redevelopment of the site.

As the proposed redevelopment of site is changing the context of the area it is recommended that a condition be imposed to agree the overall landscaping scheme for the site as the submitted landscape plan merely indicates areas where landscaping could be provided. The landscape plan need to take into account the retained trees.

Summary conclusion on trees

The removal of the trees in this instance is considered acceptable as there is a minor negative impact on the streetscene, however, it is recommended that if members are minded to grant consent that a condition be imposed in respect of a comprehensive landscape scheme be submitted to ensure that new development

7.Land Contamination

Paragraph 178 of the National Planning Policy Framework states planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any

proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

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

Paragraph 179 of the National Planning Policy Framework states, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy HS1 Quality of life and amenity

1.Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and

3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

A report has been submitted by Dunelm a Preliminary Geoenvironmental Appraisal Report (Ref D9838) dated November 2019. Reference should be made to this report for details of the site's history and environmental setting.

The objectives of this exploratory phase of investigation were as follows:

- To determine the ground conditions beneath the site.
- To assess risks from ground contamination.
- To provide recommendations for foundations.

This report may be regarded as providing a Generic Quantitative Risk Assessment in accordance with the Environment Agency's guidance document Model Procedures for the Management of Land Contamination (Contaminated Land Report 11, 2004).

Conditions of offer and notes on limitations relevant to all Dunelm geoenvironmental investigations are described in Appendix F of the report and should be read in conjunction with this report.

A preliminary conceptual site model, including an assessment of potential pollutant linkages, has been determined based on the desk study information presented in Dunelm's report D9838. The site has been occupied previously and it is possible contamination is present associated with the site's previous and current uses. The main receptors include future site residents and the underlying principal aquifer.

The summary of the investigation demonstrated the exploratory holes listed below were advanced during November 2019. Records for each of the exploratory holes noted are included in Appendix B and the locations are shown on Drawing Number D9838 in Appendix A.

- Trial pits TP1 to TP7.
- Mini percussion boreholes WS01 to 04.

Due to the presence of underground services and buildings it was not possible to carry out exploratory holes in the north of the site. The sections below therefore, are relating to the ground conditions in the central and southern parts of the site.

The Council's Environmental Health section have reviewed the submitted reported and offered the following conclusion on the submitted information. Environmental Health is in agreement with the requirement for intrusive investigation at the Site.

The ground investigation must conform to the requirements of BS10175:2011+A2:2017 for a residential end-use. The following items should be included with this Preliminary report in support of support of planning:

Consultation should be undertaken with the Environment Agency and Sunderland City Council Departments including Planning, Building Control and Environmental Health to gain publicly available information regarding the site.

The contaminants of concern at the Site are detailed in Section 5.5. The presence of a printing works at the north of the Site, the fly tipping and evidence of burning indicates a potential risk from Total Petroleum Hydrocarbons (TPH) . TPH should be included in the contaminant of concern. In addition, the use of a Photo Ionisation Detector (PID) should be used during the field works for headspace screening for volatile contaminants.

A tabulated conceptual site model in accordance with the Environment Agency document Land contamination: risk management together with a risk assessment for the potential pollutant linkages.

Prior to the ground investigation commencing the information gained above should be reviewed and the following confirmed:

The risk from Unexploded Ordnance (UXO) is not detailed in the Desk Study. The UXO risk should be confirmed prior to ground investigation works commencing and appropriate precautions adopted.

An assessment of Invasive weeds is not included in the Desk Study to date, the presence of invasive weeds should be confirmed prior to ground investigation works commencing.

In addition, should the site be proposed to be reprofiled and / or reduced in topographic level,

the chemical testing of the site soils should be suitable to characterise the existing site and the site soils following reprofiling.

The report provides a Site history which states that the Site comprised of residential properties on the dates of the first maps, which by 1940s was redeveloped to a number of buildings and a Convent Garden in the south and a Clinic and unnamed buildings in the north. By the 1950s the Clinic had changed use to a Day Nursey and a Printing Works is denoted. The Site remained in this layout until early 2000s when the south has been cleared.

The geology is anticipated to comprise a layer of Made Ground underlain by Glacial Till in the north and Glaciofluvial Deposits in the south. The solid geology is anticipated to be the Roker Formation underlain by Coal Measures. The Site is in a Coal Mining reporting area and a Coal Mining Report has been obtained. The Coal Mining report states the Maudlin Seam was worked at a depth of 488m below ground level (bgl) pre 1947 there are no mine entries within 20m of the Site.

Limited sources of ground gas are expected to exist at the Site. However, the report states that this will be reviewed during the ground investigation.

The nearest surface water course to the Site is the River Wear 185m to the north, with the Roker Formation classified as a Principal Aquifer.

Consultation has not been undertaken with the Environment Agency or relevant department of Sunderland City Council.

The report explains a preliminary conceptual model, but a tabulated conceptual site model is not included. A tabulated preliminary conceptual site model would benefit the report and help to focus the ground investigation planning, and enable the potential pollutant linkages to be identified and suitably targeted. A preliminary risk assessment is also not included in the preliminary conceptual site model.

Summary Conclusion on Land Contamination

Land contamination does not appear to pose a significant constraint to the development. The Phase I assessment is broadly suitable to support and application for planning consent, though the comments included in the table below should be reflected in the final version of this document. Notwithstanding this, Environmental Health is in agreement with the conclusion of the report and requirement for intrusive investigation at the site, though would be agreeable to submission of this, and any necessary remediation and verification works by condition.

Members are therefore recommended that if members are minded to Grant Consent that the appropriate conditions are imposed to ensure a satisfactory form of development to ensure the development complies with both National and Local planning policies as set above.

8.Noise

Paragraph 180 of the National Planning Policy Framework states Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy HS1 Quality of life and amenity

1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and

3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

A noise assessment has been provided by Apex Acoustics in support of the application (ref 7987.1A). Noise levels affecting the proposed residential properties have been measured during the day and night and the facade noise impact calculated.

Minimum levels of noise mitigation are recommended to achieve acceptable internal noise levels. Options are provided within Table 1 of the report and vary according to the façade affected. In order to safeguard the acoustic environment of future occupants of the site the final façade specification must be approved by the LPA, once design and cost have been taken into consideration.

2m noise barriers are proposed to the site boundary as shown in Figure 1 of the submitted report, the noise levels in the external amenity space around the north and west of the site are calculated to exceed the BS 8233 guideline upper noise limit of 55 dB LAeq, 16 hr.

However, residents will have access to communal external amenity space in the centre of the site, where noise levels are calculated to be below the BS 8233 “desirable” level of 50 dB LAeq, 16 hr identified as the lowest observed adverse effect level. The assessment has concluded that external amenity noise levels are mitigated as far as reasonably practicable, in line with the aims of the NPPF and NPSE.

Summary Conclusion on Noise

If members are minded to Grant Consent, it is recommended that a condition be imposed to ensure a satisfactory form of development is achieved and to comply with the relevant section of policy HS1 of the Core Strategy and Development Plan and paragraph 180 of the National Planning Policy Framework. The condition wording is proposed below.

Prior to occupation of the proposed development, a specification shall be provided and agreed with the LPA for each plot detailing appropriate noise mitigation measures including façade treatment. Reference should be made to the noise insulation specification in Table 1 and Figure 1 of the Noise Assessment (ref 7987.1A). Noise Barriers as described in Fig 1 of the Noise Assessment (ref 798701A) shall be installed and maintained for the lifetime of the development.

9.Drainage implications

Policy WWE3 Water management states “

Development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact. Development must: 1. be accompanied by a Flood Risk Assessment (where appropriate), to demonstrate that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere and where possible will reduce flood risk overall;

2. demonstrate that they pass the Sequential Test and if necessary the Exceptions Test in Flood Zones 2 and 3;

3. discharge at greenfield run-off rates for the 1 in 1 and 1 in 100 flood events plus the relevant climate change allowance for greenfield and brownfield sites in accordance with the latest Local Flood Risk Management Strategy;

4. incorporate a Sustainable Drainage System (SuDS) to manage surface water drainage. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance;

5. separate, minimise and control surface water run-off by discharging in the following order:

- i. to an infiltration or soak away system;
- ii. to a watercourse (open or closed);
- iii. to a surface water sewer.

However, if sites are within 250m of a tidal estuary or the sea, surface water can be discharged directly);

6. ensure adequate protection where sites may be susceptible to over land flood flows (as shown in the Strategic Flood Risk Assessment) or lie within a Surface Water Risk Area (as shown on the Environment Agency flood maps);

7. incorporate allowance for climate change in accordance with the latest Environment Agency Guidance;

8. make developer contributions, where needed, to ensure that the drainage infrastructure can cope with the capacity needed to support proposed new development;

9. demonstrate control of the quality of surface water run-off during construction and for the lifetime of the development. For all developments the management of water should be an intrinsic part of the overall development

A Phase 2 Intrusive Ground Investigation Report was carried out by Dunelm Geotechnical & Environmental on December 2019. A total of 4 boreholes and 7 trial pits were undertaken to the southern area with nothing undertaken to the northern area. The southern area ground condition is a granular made ground comprising of concrete, brick, sandstone and mudstone with cobbles and boulders of concrete and brick this was noted to extend generally between 0.70m and 1.50m. A layer of cohesive made ground was encountered below the granular material in TP01 only in the west of the site to a depth of 1.90m bgl. Asbestos and lead was found in two boreholes due to this there will need to be a clean cover layer incorporated into the subbase of the site.

A Phase 2 intrusive ground investigation will have to be carried out to the northern area. Further testing will have to be carried out to the southern area to determine the deeper ground conditions. Infiltration testing and the extent of contaminants investigated for the whole site, will have to be carried out before works commence on site.

Environment Agency flood maps have been acquired to assist with the assessment. The flood maps indicate the site to be located within a Flood Zone 1 with a less than 1:1000 annual probability of flooding from rivers or sea. As such, the risk of flooding to the site due to these sources can be deemed as **Low**.

The Environment Agency surface water flood maps shows that there are no areas of surface water flooding are shown across the site. Flooding due to overland run-off can be deemed as **Low** risk.

Flooding due to groundwater occurs when the levels of water below the ground rise and emanate above finished ground level. This occurs more frequently when the site is underlain by a permeable stratum. 4 boreholes and 7 trial pits were excavated in the southern area to depths of up to 5.45m as part of the Phase 2 intrusive ground investigation. Groundwater was encountered as a slight seepage in WS1 within the granular made ground, and at 4.00m in WS02 within the granular deposits. Groundwater levels post site works range from 0.67 to 3.20m bgl. Further intrusive testing to the northern area will need to be undertaken prior to commencement on site, the risk of flooding due to groundwater can be deemed as **low**.

The risk of flooding from existing sewers can therefore be deemed as **Low**. The proposed sewers will be designed to achieve a self-cleansing velocity to prevent blockages which present the main risk of flooding to the systems. The risk of flooding as a result of failure to the drainage system can be deemed as **Low**.

The closest Watercourse is the River Wear which lies approximately 340 metres south of the site. Therefore, for this reason this option has been discounted as a method of surface water disposal. In accordance with Northumbrian Water Limited's Pre-Planning Enquiry Response dated 26th November 2019, it is proposed to make 3 new connection to the existing Manhole 2103, 2101 & 1206 which is situated on a 225mm diameter combined sewer in Cork Street.

Source Control SUDS.

Permeable Paving – Private drives that are not situated over the top of the NWL sewers will be

constructed as permeable structures. These will be linked to gravity system and act as a slowing down mechanism and provide an additional element of pollution control.

These structures have not been modelled into the hydraulic calculations so that the system will function as intended if the permeable paving does not function properly at some point in the lifetime of the development. Due to contaminants found in the ground the paving's subbase will be wrapped in an impermeable layer to prevent seepage into the sewer network.

Attenuation basin, green roofs and rainwater harvesting have been discounted due to site constraints, proposed construction of roofs and high maintenance costs. Maintenance of the permeable paving & attenuation crates will be the responsibility of the land owner or a maintenance company employed by them.

In accordance with PPS25 and the NPPF a percentage increase in rainfall has been included in the drainage design.

Summary Conclusion on drainage.

The proposed site has been fully assessment by the Local Lead Flood Authority and the information submitted is considered acceptable to recommend the scheme to be approved as it is considered to comply with both National and Local Planning policy. If members are minded to grant consent it is recommended that a condition be imposed to ensure a satisfactory form of development is achieved. Condition proposed:-

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with the core strategy.

10. Conclusion

The proposal would reuse previously developed land in a sustainable location to deliver the identified housing types needed for the plan-area. The proposed development is considered acceptable, as it is considered to comply with local and national planning policies as set out above in sections 1 to 9 of the report above.

RECOMMENDATION:

Members are recommended to Grant Consent under Regulation 3 of the Town and Country General Regulations Order 1992 (as amended) subject to the draft conditions set out below:

- 1 The development to which this permission relates must be begun not later than three years

beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- 3784-JDDK-A-1001-Rev 1 Site location plan
- 3784-JDDK-A-10100-Rev 1 Existing Site Plan
- 3784-JDDK-XX-XX-DR-A-10101-Rev3-Proposed Site Plan
- 3784-JDDK-A-2001 Centre Plans Sections Elevations
- 3784-JDDK-A-20101 1 Beds Bungalow Type
- 3784-JDDK-A-20102 1 Beds Bungalow Type 2
- 3784-JDDK-A-20103 2 Bed Corner Bungalow Type 3
- 3784-JDDK-A-20104 2 Beds Bungalow Type 4
- 3784-JDDK-A-20105 2 Beds Bungalow Type 5
- 3784-JDDK-A-20106 2 Beds Bungalow Type 6
- 3784-JDDK-A-30100 Site Sections
- 3784-JDDK-A-40101 Site Elevations

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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 granted permission shall be carried out in full accordance with mitigation measure contained with the Bat Survey Report by Dendra dated the 19th December 2019.

Reason:

To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan.

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policy WWE3 of the Core Strategy and Development Plan

5 Prior to occupation of the proposed development, a specification shall be provided and agreed with the Local Planning Authority for each plot detailing appropriate noise mitigation

measures including facade treatment. Reference should be made to the noise insulation specification in Table 1 and Figure 1 of the Noise Assessment (ref 7987.1A).

Noise Barriers as described in Fig 1 of the Noise Assessment (ref 798701A) shall be installed and maintained for the lifetime of the development. In order to comply with policy HS1 of the Core Strategy and Development Plan and paragraph 180 of the National Planning Policy Framework.

- 6 No development shall commence until a Phase II: Site Investigation report which ascertains whether the land is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report shall be based upon the findings of the approved Phase I report and any additional comments provided by the Local Planning Authority, shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - a. human health
 - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
 - c. adjoining land
 - d. groundwaters and surface waters
 - e. ecological systems
 - f. archaeological sites and ancient monuments
- iii) a site-specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

Reason:

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

- 7 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no development shall commence until a detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land.

Reason:

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

- 8 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, the use shall not commence until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

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

- 9 If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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 and in accordance with policies HS1 and HS3 of the Core Strategy and Development Plan.

- 10 No above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.
- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.
- 12 No construction work shall take place on a building beyond damp course level until a schedule and / or samples of materials, colours and finishes to be used on all external surfaces of that building (including walls, roofs, doors and windows) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. Reason: In the interest of visual amenity, in accordance with the NPPF and Policy BH1 of Core Strategy and Development Plan.
- 13 Prior to the commencement of the erection of any permanent means of enclosure, details of the enclosure shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter, the means of enclosure shall be erected in accordance with the approved details prior to the first occupation of the building within the plot to which the means of enclosure relates.

Reason: In the interests of the visual amenities of the locality, in accordance with the NPPF and Policy BH1 of the Core Strategy and Development Plan.

14 No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- I. Traffic management, traffic routes of plant and heavy goods vehicles
- II. Parking of vehicles of site operatives and visitors
- III. Loading and unloading of plant and materials
- IV. Storage of plant and materials used in constructing the development
- V. Erection and maintenance of security hoarding
- VI. Measures to ensure public highway remains sufficiently clean of dirt
- VII. Measures to control the emission of dust, dirt and other airborne pollutants
- VIII. Scheme for recycling/ disposing of waste resulting from demolition and construction works
- IX. Measures to control noise and vibration
- X. Communication plan for liaising with the public
- Xi. Demolition Method and Implementation Strategy for the NDRC building

Reason:

In order to protect the amenity of the area and to comply with policy HS1, TS1 and TS2 of the Core Strategy and Development Plan.

Reference No.: 20/00191/VA3 Variation of Condition (Reg 3)

Proposal: **Variation of Condition 2 (plans) attached to planning application 17/02426/LP3 (as amended by app. ref. 19/01386/VA3), to reflect as-built changes to car park layout and access points for ambulance vehicles to the pitches.**

Location: Ford Quarry Recreation Area Keelmans Lane Sunderland

Ward: Pallion

Applicant: Sunderland City Council

Date Valid: 5 February 2020

Target Date: 6 May 2020

PROPOSAL:

The proposal relates to the variation of condition 2 attached to planning approval 18/01664/VA3 (as amended by planning permission ref. 19/01386/VA3), to reflect as-built changes to car park layout and access points for ambulance vehicles to the pitches at Ford Quarry Recreation Area, Keelmans Lane, Sunderland.

The proposals affect the Ford Quarry Recreation Area, which occupies land to the north of St. Luke's Road in the Ford area of the city. The Recreation Area afforded a series of grass playing pitches (primarily used for football) as well as a small car park and changing room building.

The Recreation Area is situated within a wedge of generally open land identified as a 'settlement break' by the Council's Unitary Development Plan, which separates Ford estate from South Hylton and drops steeply northward to the River Wear. The Recreation Area is bounded by St. Luke's Road to the south and dwellings on its south side face northward across the site. The Tyne and Wear Metro line lies to the north and Keelman's Lane is to the west, which provides the vehicular access into the site's car park. To the east and north-east, the site is bordered by the Ford Quarry and Claxheugh Rock Sites of Special Scientific Interest (SSSIs), designated on account of the rare Magnesian Limestone geology and grassland habitats they exhibit.

Members may recall that the Ford Quarry Recreation Area was recently subject to a planning application (ref. 17/02426/LP3) for its development as part of the 'Parklife' programme, a collaborative enterprise between the Football Association, Sport England and Sunderland Council to create a sustainable model for improved football facilities, delivery and participation based around the provision of new Artificial Grass Pitches (AGPs) at three 'hub' sites. In addition to Ford Quarry, hub sites have been developed at the Northern Area Playing Fields (Washington) and the Community North Sports Complex (Downhill).

The application for the development at Ford Quarry, which was approved at the Council's Planning and Highways Committee meeting held on 18th April 2018, involved the following works:

- Development of 3 no. artificial grass pitches (one of which with stadia) and associated fencing and floodlighting;

- Ancillary buildings; including toilet block and coffee kiosk;
- An extension and refurbishment of existing changing facilities, to include club room and bar, kitchenette and education space;
- 255 no. car parking spaces (including 12 disabled) - an increase of 174;
- 4 no. coach parking spaces;
- Standage for 25 no. cycles;
- Signage and associated landscaping

A subsequent application proposing amendments to the drainage scheme approved as part of app. ref. 17/02426/LP3 was approved by Members at the Council's Development Control (South) Area Sub-Committee meeting held on 17th December 2018 (application ref. 18/01664/VA3). A second application proposing, amongst other alterations, amendments to the layout of the pitches and the landscaping at the site (app. ref. 19/01386/VA3) was then approved at the Sub-Committee meeting held on 30th September 2019. This now represents the extant planning permission for the development which, at the time of the officer site visit, was nearing completion.

The current application has been made under s73 of the Town and Country Planning Act 1990 (as amended) and it proposes to vary condition 2 of planning permission ref. 19/01386/VA3, which sets out the list of plans the approved development must accord with. The application proposes to vary the list of approved plans to secure permission for a series of minor amendments to the approved scheme.

The proposed amendments entail:

- car parking layout changes to provide total of 256 no. spaces, with 8 no. spaces turned through 90 degrees. This maintains the approved number of car spaces in spite of a number being lost in response to minor changes to landscaping proposals. The changes to the landscaping have essentially been made to widen the buffer between the car park and the boundary of the Ford Quarry SSSI, thus decreasing the surface area of the car park;
- the revisions to the car parking layout do also mean that space originally intended for coach parking is now proposed to be used for car parking;
- omission of 'grasscrete'-surfaced emergency vehicle access route to south-east of pitch no. 2;
- ambulance access gates to pitches 2 and 3 moved next to soft planting on north side of overflow car park;
- double gates added to ambulance access route from car park adjacent to pitch 1;
- double gates adjacent to building amended to open inwards.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Pallion - Ward Councillor Consultation
Network Management
Network Rail
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **11.03.2020**

REPRESENTATIONS:

Public consultation - no representations received.

Network Rail - no further comments to make and no objection to the variation of condition.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - no comments to make.

Council's Ecology team - no objections given the limited scope of the revisions. The amended proposals will have little material impact on the ecological implications of the development, provided adherence to the previously-agreed Landscape Mitigation Proposals Plan is maintained.

Council's Highways team - proposals still being considered; it is expected that a consultation response will be received prior to the Committee meeting.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
L_7_Protection of recreational and amenity land

COMMENTS:

CONSIDERATION OF APPLICATION

The principle of the proposed development of the site to create a playing pitch hub has already been established through the approval of planning application refs. 17/02426/LP3, 18/01664/VA3 and 19/01386/VA3. In determining the initial planning application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of land use and open space/playing pitch policies, its impact on residential amenity, visual amenity, highway and pedestrian safety, ecology and its implications in relation to land contamination and drainage.

The proposed variation of condition 2 of the extant planning permission seeks permission for some minor amendments to the approved scheme and it only gives rise to fresh implications in respect of a small number of the considerations listed above. Rather than fully revisit all matters previously addressed in the determination of the initial planning application, it is considered appropriate that this report focuses on the matters requiring fresh consideration in light of the proposed revisions to the approved development. For a consideration of the full range of matters listed above, please refer to the Committee reports produced in respect of the previous applications.

In considering the revised proposals, regard must be given to the National Planning Policy Framework (NPPF), which provides the Government's current planning policy guidance. Development plans must be produced, and planning applications determined, with reference to the NPPF and its over-arching aim of delivering sustainable development.

In terms of local policy, the Council has now adopted its Core Strategy and Development Plan (CSDP) and the policies therein can now be given full weight. In this case, policies SP7, HS1, HS2, HS3, VC6, BH1, NE1, NE2, NE3, NE4, ST2, ST3, WWE2, WWE3 and WWE5 of the CSDP are considered to be pertinent.

For continuity purposes, a small number of policies from the Council's Unitary Development Plan (1998) have been retained; one such policy is EN10, whilst the designations relevant to policy L7 have also been retained and remain relevant to the consideration of this application.

Land use considerations/principle of development

In terms of land use considerations, whilst the Council's Unitary Development Plan designated the application site as being within a settlement break, this designation was not carried through to the Core Strategy and so the policies relevant to settlement breaks no longer apply to the site. The UDP also identified the site as forming public open space/playing pitches, a designation which remains applicable given the retention of UDP policy L7. This policy, CSDP policies NE1 and NE4 and paragraph 97 of the NPPF all seek to protect open space and playing pitches from inappropriate development.

In considering the initial planning application, it was concluded that the proposed development would not conflict with the open space/playing pitch policies referenced above given that the scheme was designed to deliver improved and expanded facilities at the site. Moreover, it is considered that the proposed minor revisions to the approved development will still address and support the objectives of the 'Parklife' programme and the wider sport, open space and playing pitch policies in the NPPF, the Council's UDP, CSDP and Playing Pitch Strategy in that the scheme will deliver new artificial playing pitches at an established, sustainable location.

Given the above, it is considered that the proposed revisions to the approved scheme do not give rise to any conflict with the land use policies relevant to the application site and will still serve to support the 'Parklife' programme.

Amenity considerations

In terms of visual amenity, section 12 of the NPPF and policy BH1 of the CSDP support development which delivers a high standard of design and which is respectful to its surroundings. With regard to this matter, it is considered that the proposed revisions to the scheme will not have a substantially different impact on the visual amenity of the locality than the approved development, with the alterations having only a very minor effect on the already-consented layout.

In terms of residential amenity, policy BH1 of the CSDP requires new development to maintain acceptable standards of amenity to existing properties, whilst paragraph 180 of the NPPF and CSDP policies HS1 and HS2 require consideration to be given to ensuring that amenity isn't unacceptably harmed by pollution from sources such as noise and intrusive lighting.

The proposed revisions to the scheme are not considered to materially alter the relationship between the development and the nearest dwellings, which front St. Luke's Road to the south of the site and the proposals are not considered to raise any fresh residential amenity concerns. Nor do the changes give rise to any additional concerns relative to noise and other forms of pollution.

With regard to the above comments, it would appear that the revisions to the scheme will not have any appreciably greater impact on visual or residential amenity than relative to the approved development. The proposals would therefore accord with the requirements of the NPPF and policies BH1, HS1 and HS2 of the CSDP.

Other considerations

The proposed revisions to the approved scheme are not considered to give rise to any fresh concerns relative to ecology (as confirmed by the Council's Ecologist), land contamination/ground conditions and the sustainable drainage of the site (as has been confirmed by the Lead Local Flood Authority). Additionally, there are no objections to the revisions from Network Rail in respect of the development's relationship with rail infrastructure (i.e. the adjacent Metro line).

In terms of highway and pedestrian safety and parking arrangements, as set out previously, the revisions seek to increase the buffer between the car park and the boundary of the SSSI whilst maintaining the approved number of parking spaces for the development (256 no.). The revisions do not, therefore, give rise to any concerns relative to car parking capacity. It is noted, however, that in order to maintain car parking space numbers, the coach parking for the development would be lost to accommodate additional car spaces. Information supplied by the applicant advises that the operators of the Hub (Pulse & Leisure United) have experienced limited demand for coach parking at other similar sites in their management and that coaches can easily be accommodated by designating mixed-used parking bays, which are segregated by cones and marshalled by staff when required for coach parking.

The proposed arrangements for coach parking appear to be reasonable, however confirmation that the proposals are acceptable is awaited from the Council's Highways team. It is anticipated that the Highways team's comments will be received ahead of the Committee meeting and Members will be provided with an update prior to the meeting taking place.

CONCLUSION

For the reasons set out above, it is considered that the proposed revisions to the approved sports hub development at Ford Quarry Recreation Area do not give rise to any concerns in relation to land use policies and will enable the implementation of the 'Parklife' strategy and associated playing pitch/sports participation objectives. Additionally, subject to the recommended conditions, it is considered that the proposals do not raise any fresh concerns in respect of visual and residential amenity, ecology, sustainable drainage and ground conditions/land contamination. The proposals are therefore considered to comply with the relevant objectives of the NPPF, the Council's Core Strategy and Development Plan and the relevant retained policies of the Council's UDP in respect of these matters.

In addition to the above, it would appear that the revisions to the parking layout will not give rise to any significant highway safety or parking capacity concerns, however confirmation of this is awaited from the Council's Highways team. An update on this matter will be provided to Members ahead of the Committee meeting.

Subject to there being no objections to the proposals from the Council's Highways officers, it is anticipated that Members will be recommended to Grant Consent for the revisions to the approved development, subject to the conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: MINDED TO GRANT CONSENT, under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to no objections being received from the Council's Highways team and subject to the conditions below.

Conditions:

1 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the approved plans and documentation, including recommendations therein:-

NF037-002 Rev A - Location Plan dated 21.03.2018
928.001.2A (10)01- Rev A03 - Existing Site Location Plan
928.001.2A (10)02 - Existing Plans
928.001.2A (10)03 - Existing Elevations
(F) 2101 Rev. B - Ford Quarry Proposed Site Plan
928.001.2A (10)05 - Proposed Site Plan (Detail)
928.001.2A (10)06 - Proposed Ground Floor Plan
928.001.2A (10)07 - Proposed Roof Plan
928.001.2A (10)08 - Proposed Elevations
928.001.3 (10)08 - Bin Store
928.001.2A (10)09 - Proposed Sections
928.001.2A (10)11 - Proposed Stadia Terrace Stand
928.001.2A (10)12 - Proposed Stadia Seating Stand
928.001.2A (10)13 - Proposed Spectator Toilet Block
928.001.2A (10)14 - Proposed Turnstile Building
928.001.2A (10)15 - Proposed Coffee Kiosk
LS000064/030 Rev P2 - Soft Landscaping Plan
LS000064/034 Rev P01 - Landscape Mitigation Proposal
SSL2287 Lighting Assessment dated 12.12.2017
SSL2287_1 - Floodlighting Performance Results Document dated 16.10.2017
LSNV/17/2188/29461/02 Rev D - Fencing Layout
LSNV/17/2188/29461/12 - Proposed Floodlighting
LSNV/17/2188/29461/11 - Overspill Comparison
LSNV/17/2188/29461/14 - New Floodlighting Overspill
SS2287-09 Rev 01 - Proposed External Lighting Locations
(F) 2104 Rev. A - Ford Quarry Proposed Contour Plan
928.001.2_(10)00 - Design and Access Statement
Planning Statement
Flood Risk Assessment and Drainage Strategy, Version 2-dated March 2018, together with
Micro Drainage Summary, Drainage Layout sheets (drawing nos. 125896/2301 Rev. F and
125896/2303 Rev. D), manhole schedule (drawing no. 125896/2303 Rev. F), Design Table for
Storm and Cascade Micro Drainage submitted with planning application ref. 19/01386/VA3
Transport Statement dated October 2017
Playing Pitch Assessment Report, by Knight, Kavanagh and Page - dated November 2017
Playing Pitch Plan by Knight, Kavanagh and Page - dated January 2018
Extended Phase 1 Survey, version 4 by Durham Wildlife Services - dated February 2018
Arboricultural Impact Assessment JKK9870 by RPS - dated December 2017
Visual Impact Assessment by LK2
Noise Impact Assessment 6956/AW by Acoustic Consultants Ltd - dated December 2017
Ventilation and Extraction technical data M3-1

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

2 The development hereby permitted shall not be occupied until a final detailed scheme for the disposal of surface water from the development (based upon the principles set out in the

Ford Quarry Flood Risk Assessment and Drainage Strategy, Version2, March 2018) have been submitted to and approved in writing by the Local Planning Authority in the interest of public safety and in order to prevent the increased risk of flooding from any sources in accordance with the NPPF and policy EN12 of the UDP.

3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land and details for their protection during the course of development. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

The approved landscaping scheme shall then be carried out in accordance with the timings set out by condition 6 of this decision notice, in the interests of visual amenity and the ecological and biodiversity value of the site and to comply with policies B2 and CN22 of the UDP.

4 All planting, seeding or turfing comprised in the details of landscaping approved pursuant to condition 5 of this decision notice shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 and CN22 of the UDP.

5 Prior to the commencement of the use of the new facility, final details of the recommendations and measures set out in the Extended Phase 1 Survey dated February 2018 by Durham Wildlife Services should be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details should include on and off site

improvements to existing woodland, hedgerows, trees and geological features; wetland, grassland and scrub creation; bat and bird roost and nest units in buildings, and a long-term maintenance schedule to sustain habitats and features in a favourable condition. Once agreed, these measures should be implemented and managed in accordance with these details thereafter, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN18 of the Unitary Development Plan.

6 The development hereby approved shall be undertaken in complete accordance with the recommendations / protective measures / conclusions of the submitted Arboricultural Impact Assessment Report dated December 2017, by RPS Group in order to ensure a satisfactory form of development is achieved and in order to accord with Policies CN17 and CN18 of the Unitary Development Plan.

7 No development, including demolition, shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Prevention & Regulatory Services;
- Risk assessment in relation to the railway.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Construction Traffic Management
- Hours of construction, including deliveries;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

The development shall then be carried out in full accordance with approved Construction Environmental Management Plan, in order to ensure a satisfactory form of development and to comply with policies EN1, B2 and T14 of saved Unitary Development Plan.

8 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.

- ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

9 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, in order to ensure a satisfactory form of development and to comply with policy EN1 of the Unitary Development Plan.

10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

- Unsuspected contamination may exist at the site which may pose a risk to controlled waters. The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use (i.e. landfill). The environmental setting of the site is sensitive as it lies on the Ford Formation, part of the Magnesian Limestone, a principal aquifer. Conditions 10-12 will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.
- To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.
- To prevent cause deterioration of a drinking water protected area (groundwater body - the Wear Magnesian Limestone, which the Ford Formation forms part of).

11 Prior to the use of the AGPs hereby approved commencing, a Noise Management Plan shall be submitted to the Local Planning Authority for their written approval. The Noise Management Plan, which should detail measures designed to prevent disturbance to local

residents resulting from the approved development, shall include undertakings and procedures for:

- An on-site supervisor responsible for the behaviour of patrons of the sports facility and for liaison with local residents;
- The control and use of outside areas;
- The recording of complaints and response to those complaints;
- The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan.

The approved Noise Management Plan shall be followed and/or implemented at all times for the lifetime of the development, in order to minimise the risk of noise leading to harm to amenity and to comply with the requirements of paragraph 123 of the NPPF and policy EN5 of the UDP.

12 Amplified music shall not be played within the interior of the pavilion building unless a Noise Management Plan has first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the management plan will be expected to contain details of the procedures and mitigation measures to be put into place as required to minimise harm to the amenity of the nearest noise-sensitive properties. At all times thereafter the Noise Management Plan shall be implemented in accordance with the approved details in the interests of limiting noise pollution and to comply with paragraph 123 of the NPPF and policy EN5 of the Unitary Development Plan.

13 Within 3 months of the use of the AGPs hereby approved commencing, a validating noise monitoring and assessment exercise shall be undertaken and submitted to the City Council, as Local Planning Authority, for its written approval. The assessment shall validate the predicted levels of noise in respect of the use of the AGPs and car park activity. In the event the noise levels predicted by the Noise Assessments (prepared by Acoustic Consultants Ltd, December 2017) submitted with the application are exceeded, the assessment shall include details of suggested additional means of attenuation/ mitigation for the consideration and written approval of the City Council. The approved attenuation/ mitigation measures must be in place within one month of obtaining written approval and shall be maintained thereafter for the lifetime of the approved use, in the interests of minimising noise from operations at the site and to comply with the requirements of policy EN5 of the adopted UDP and paragraph 123 of the NPPF.

14 The use of the extended pavilion building hereby approved shall not be carried out outside the hours of 09:00 - 22:45 Monday to Sunday, inclusive of Bank Holidays, in order to safeguard the amenity of nearby occupiers and to accord with the core principles of the NPPF and UDP policies B2 and EN5.

15 The floodlighting to the AGPs hereby approved shall not remain operational outside the hours of 09:00 - 22:10, in the interests of minimising intrusion from artificial lighting at the site and to comply with the requirements of the core principles of the NPPF and policies EN1 and B2 of the UDP.

16 The development hereby permitted shall not be occupied until a final detailed scheme for the disposal of foul drainage from the development (based upon the principles set out in the

Ford Quarry Flood Risk Assessment and Drainage Strategy, Version 2, March 2018) have been submitted to and approved in writing by the Local Planning Authority.