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

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

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

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 Economy and Place

Reference No.: 25/00444/FUL Full Application

Proposal: **Conversion of social club to 16no. apartments; including construction of second floor extension, provision of new windows and render to external walls (as amended)**

Location: Ivy Leaf Club & Inst Ltd38A Suffolk Street Hendon, Sunderland SR2 8JZ

Ward: Hendon
Applicant: Mr Harvinder Singh
Date Valid: 5 March 2025
Target Date: 4 June 2025

PROPOSAL

The application seeks full planning permission for the conversion of social club to 16no. apartments; including construction of second floor extension, provision of new windows and render to external walls the Ivy Leaf Club, 38A Suffolk Street, Hendon, Sunderland, SR2 8JZ.

The initial point to draw to attention would be that a dormer extension has recently been added to the building (around summer 23). The Agent has submitted two versions of the existing plans, one showing the building as previously and the another showing the dormer extension. Given that the dormer window does not appear to benefit from planning permission, the application will be determined on the basis of the pre-existing plans (i.e. the existing plans before the construction of the dormer extension).

The application, as initially submitted, proposed 21 apartments; which did not appear to provide a good standard of amenity for prospective occupiers. These concerns were relayed to the Agent who subsequently submitted amended plans, reducing the number of apartments to 16. The report below will be based upon these amended plans.

Members may further recall that the application has been presented to an earlier meeting (2 February 26). The published minutes show that Members voted for a deferral so that the "developer could amend the design for all rooms to receive natural light". The Agent has now submitted amended plans, which show that each main room would receive natural light.

The previous committee will be repeated below, albeit the section covering amenity and the conclusion has been revised to reflect the amended plans. The condition for the approved plans and the deadline for completing a legal agreement has also been revised.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms

Network Management
Flood And Coastal Group Engineer
Environmental Health
Northumbria Police
NE Ambulance Service NHS Trust
Northumbria Police
Land Contamination
Director Of Childrens Services
Planning Implementation
Natural Heritage
Network Management
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Planning And Highways
Network Management
Flood And Coastal Group Engineer
Environmental Health
Nexus
Northern Powergrid
Northumbrian Water
Northern Gas Networks
Northumbria Police
NE Ambulance Service NHS Trust
Chief Fire Officer
Land Contamination
Planning Policy
Director Of Childrens Services
Planning Implementation
Natural Heritage

Neighbour Consultation

29 Hendon Burn Avenue Sunderland SR2 8LA
30 Athol Road Sunderland SR2 8LQ
32 Hendon Burn Avenue Sunderland SR2 8LA
33 - 34 Suffolk Street Hendon Sunderland SR2 8LT
34 Noble Street Sunderland SR2 8LU
39 Suffolk Street Hendon Sunderland SR2 8JZ
30 Hendon Burn Avenue Sunderland SR2 8LA
35B Suffolk Street Hendon Sunderland SR2 8LT
Ground Floor Rear Flat 35 Suffolk Street Hendon Sunderland SR2 8LT
Ground Floor Front Flat 35 Suffolk Street Hendon Sunderland SR2 8LT
27 Athol Road Sunderland SR2 8LQ
25A Athol Road Sunderland SR2 8LQ
42A Ridley Terrace Sunderland SR2 8ND
Gills Express Premier 38 Suffolk Street Hendon Sunderland SR2 8LT
Als Barber Shop Ground Floor 36A Suffolk Street Hendon Sunderland
First Floor 36 Suffolk Street Hendon Sunderland SR2 8LT
42 Ridley Terrace Sunderland SR2 8ND
Fletchers Fish And Chips 35 Noble Street Sunderland SR2 8LU
Lloyds Wholesale (Fancy Goods) Saint Ignatius Church Hall Suffolk Street Hendon Sunderland
Ivy Leaf Club & Inst Ltd Flat 38A Suffolk Street Hendon Sunderland

1 Ridley Terrace Sunderland SR2 8ND
25 Athol Road Sunderland SR2 8LQ
29 Athol Road Sunderland SR2 8LQ
28 Athol Road Sunderland SR2 8LQ
Basement Flat 26 Athol Road Sunderland SR2 8LQ
31 Hendon Burn Avenue Sunderland SR2 8LA
26 Athol Road Sunderland SR2 8LQ
35 Noble Street Sunderland SR2 8LU

Final Date for Receipt of Representations: **03.12.2025**

REPRESENTATIONS:

Ambulance Trust - No response received.

Conservation Officer - "no comments… there will be negligible impact on the setting and no impact on the significance of the listed terrace of Sunderland Cottages opposite (Ridley Terrace)"

Contaminated Land Officer - "no objection".

Ecology - Recommend an off-site financial contribution towards to mitigate the impact of increased recreational pressure upon the protected coastline.

Education - No response received.

Environmental Health - Recommend conditions / informatives for construction and noise insultation (initial consultation). No response to re-consultation.

Fire & Rescue Service - "no objections" (initial consultation).

Lead Local Flood Authority - "does not have great significance from a flooding/SUDS perspective" (initial consultation) and "no further comments to add (re-consultation).

Local Highway Authority - "no objections to the proposal on highway grounds".

Nexus - No comments received.

Natural England - "Further information required - recreational pressure impacts to European Sites (habitats sites)"

Northern Gas Networks - Do not object (initial consultation).

Northern PowerGrid - No objections (initial consultation).

Northumbria Police - "Though some of the security issues have been addressed it is our belief that the new design has created other issues which will need to be addressed before Northumbria Police can consider removing our objection to the development".

Northumbrian Water - No comments received.

COMMENTS:
The submitted Community Use Statement does not, however, provide the evidence sought by policy VC5, i.e. evidence of the site being marketed for at least 24 months including consultation with the local voluntary and community sector.

In terms of potential material considerations, there has been a previous grant of planning permission for a change of use to 13 apartments (ref: 20/01026/FUL). The planning permission has now expired, but does show that a change of use to residential has previously been supported within the lifespan of policy VC5. The site has also been added to the Council's published Brownfield Register (December 24) with a net dwellings of 12 to 13.

In terms of the proposed residential use, a summary of the relevant policies can be seen below.
SP1 (development strategy), seeks to deliver the "majority of development in the Existing Urban Area… emphasising the need to develop in sustainable locations in close proximity to transport hubs… encouraging higher density development around and in close proximity to transport hubs".
SP5 (South Sunderland), seeks for the area to be a "spatial priority for housing" where the Council will "work to secure the regeneration and renewal at Hendon…".
SP8 (housing supply and delivery) seeks to "exceed the minimum target of 745 net additional dwellings per year" including through "the conversion and change of use of properties.. the development of windfall sites… the development of small sites".

The bringing back into use of an existing building within the built up area of the city in a generally sustainable location can be given consideration as being in accordance with the above policies.

In summary, there are material considerations which outweigh the conflict with policy VC5 (i.e. the previous approval within the lifespan of policy VC5 and the entry of the site onto the Council's Brownfield Land Register). The bringing back into use of an existing building within the built up area of the city in a generally sustainable location would also accord with the relevant policies for residential development (policies SP1, SP5 and SP8). The principal of the proposed development can therefore be supported.

Affordable Housing
The Core Strategy, at policies H1 and H2, says that:
"Residential development should create mixed and sustainable communities… by contributing to meeting affordable housing needs…
…All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing".

In terms of material considerations, the National Planning Policy Framework says that (para 65 and footnote 30):

"Provision of affordable housing should not be sought for residential developments... where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount… Equivalent to the existing gross floorspace of the existing buildings".

Given that the floorspace of the existing building would be re-used to provide the proposed apartments, the proposed development does not need to make a contribution towards affordable housing.

Amenity
The proposed use of the building as apartments would be likely to create less potential noise and disturbance than the previous use as a social club.

The existing building has a height of around 5 - 7.5 metres and the proposal involves the construction of a flat roofed extension to create a building with a uniform height of around 7 metres. The proposal would therefore be unlikely to have a material impact upon the daylight for the occupiers of nearby properties.

The privacy impacts of the proposed windows can be seen below.

Side (northwards): around 16 metres from the existing properties opposite. Although less than the 21 metres sought by the Development Management Supplementary Planning Document (DM SPD), the distance can be supported within the context of a built-up urban area.

Front (eastwards): around 17.5 metres from the existing properties opposite. Although less than the 21 metres sought by the DM SPD, the distance can be supported within the context of a built-up urban area.

Side (southwards): around 14.25 metres from the building opposite. Although less than the 21 metres sought by the SPD, the windows would look onto a currently vacant building which has thin vertically proportioned windows; some of which have been boarded up.

Back (westwards): around 5.75 metres from the properties opposite (including main windows at first and second floor level). Although the distance would be less than the 14 metres sought by the DM SPD, the houses opposite do not have any windows on their side elevations and there would be a general improvement to amenity through bringing a currently vacant building back into use.

Officers therefore consider that there are site specific circumstances which warrant a departure from the separation standards found within the DM SPD.

The Core Strategy, at policy BH1 (design quality), says that "development should… meet national spaces standards as a minimum (for residential)", which seek for apartments to have a floorspace of at least 37 square metres. The amended plans include a table which shows the floorspace for each proposed apartment would be greater than the minimum sought by the space standards.

The Core Strategy, at policy BH1, also says that "development should… ensure a good standard of amenity for… future occupiers of land and buildings". The recently amended plans show that the main rooms in each apartment would have a window with a good outlook, albeit the windows for the bedrooms of the second apartment look into the back lane between Atholl Road and Hendon Burn Avenue.

The Environmental Health Officer has advised that conditions should be attached to cover matters during the construction phase and noise insulation within the proposed apartments.

The advice from Northumbria Police will be repeated below.
"As in our previous comments with regard to this development

1. From the new proposed plans for the 16 apartments a large number of the bedroom have no show window for natural light and ventilation which is a requirement under the Housing Act 2004 and the Right to light act 1959. Because of this we would question if these Bedrooms can be advertised as such, and if not would these apartments be able to be sold or rented as such. We request that the plans are looked at again to rectify this issue a in the current state.

2. From the Das it states that the refuse will be "Refuse will be collected from each apartment

and a refuse store for commercial bins will be created at the rear of the building in an internal protected store area via a keypad door and corridor" the provided plans do not show any refuse point within the building or outside, in comparison to the previous application which had an internal refuse point. and without a rear exit to the building will the residents of the 2nd floor be expected to carry there rubbish through the building the around to the rear or any other place outside the build to dispose of their refuse?

3. The parking study provided in the application is over 5 years old and there is likely to have been a change in the statistics in this time with regard to the available parking and we believe that a much more up to date study should be undertaken to ascertain the impact the development may have within the area"

Though some of the security issues have been addressed it is our belief that the new design has created other issues which will need to be addressed before Northumbria Police can consider removing our objection to the development."

In terms of point (1), the plans have been amended so that each main room has a window.
In terms of point (2), the amended plans do show a hatched area to the front of the building that says "bin area for LA collection"

In terms of point (3), the Agent has submitted an updated parking survey (June 25).

Design

The building on site appears to have been formed from a series of extensions, such as flat roof additions and dormer windows. The proposed development would involve the construction of an extension to create a more uniform building with a render finish, which would integrate successfully with variety of building within the surrounding area (such as two storey dwelling houses, a terrace of Sunderland cottages and various shopfronts). The proposed development would also involve the replacement of the recently constructed dormer extension. The proposal would therefore accord with policy BH1 (design quality) and there are not any material considerations that indicate a decision should be made otherwise.

Drainage

The Lead Local Flood Authority have advised that:
"The above application does not have great significance from a flooding/SUDS perspective. The site is located within Flood Zone 1, with minimal increase if any in impermeable area… Therefore, if this doesn't change the LLFA would have no further comment on the application".
In the absence of any material considerations to the contrary, the proposal accords with policies WWE3 and WWE5 of the Core Strategy.

Ecology

The submitted application form says that the Biodiversity Net Gain condition should not apply because the "development (conversion) is below de minimus threshold".

The Council's Ecologist has advised that:
"As the site is located with the 7.2 km buffer from the coastal European Sites, in accordance with the Sunderland Recreation Mitigation Strategy, the standard contribution of £557.14 per residential unit will be required as mitigation for increased recreational pressures on those sites."

If Members were minded to approve the application, then a recommendation could be made

subject to the completion of a legal agreement for the above off-site financial contribution; in accordance with policies NE2 (biodiversity and geodiversity), ID1 (delivering infrastructure) and ID2 (planning obligations).

Groundworks

The Council's Contaminated Land Officer has advised that they have "no objection". The proposal would therefore accord with policy HS3 (contaminated land) and there are not any material considerations that indicate a decision should be made otherwise.

Heritage

The terrace to the south east of the site has been listed at Grade II (3-19 Ridley Terrace). The Conservation Officer has advised that "there will be negligible impact on the setting and no impact on the significance of the listed terrace of Sunderland Cottages opposite (Ridley Terrace)". The proposal would therefore accord with policies BH7 (historic environment) and BH8 (heritage assets) and there are not any material considerations that indicate a decision should be made otherwise.

Highways

The proposed development does not include any in curtilage space for parking or turning. The Agent has recently submitted a traffic survey to "establish the current parking within the area around the site for residents...". The survey includes a table, which shows the occupancy of on-street street parking to be around 30%

The most recent comments from Local Highway Authority can be seen below:
"Further to the comments provided on 14th November 2025, it was advised that parking restrictions are in place on the highway adjacent to the proposal which are enforceable between 8am and 6pm. Given the reduction in the number of apartments from 21 to 16 and based on the results of the parking survey, it is considered that there will be sufficient on-street parking available and there will be no significant impact on the highway.

The location is also well served by public transport with bus stops located nearby.
Based on the above the previous concerns are now addressed, and there are no objections to the proposal on highway grounds."

The proposal would therefore accord with policies ST2 and ST3 and there are not any material considerations that indicate a decision should be made otherwise.

Open Space

The provisions of policy NE4 and the Planning Obligations Supplementary Planning Document say that major residential development should either provide on-site or make an off-site financial contribution towards allotments, equipped play space and open space. Given that the proposal would provide one and two bedroom apartments, Officers consider that there should be an off-site financial contribution towards open space.

Conclusion

In terms of the principle of the proposed development, there are material considerations which outweigh the conflict with the policy which seeks to protect existing community facilities (VC5) - namely, the entry of the site onto the Council's Brownfield Register and the previous approval

within the lifespan of policy VC5. The bringing back into use of an existing building within the built-up area of the city in a generally sustainable location would also accord with the relevant policies for residential development (policies SP1, SP5 and SP8). The principal of the proposed development can therefore be supported.

In terms of the detailed impacts, the proposed development would accord with the relevant policies within the development plan for amenity, drainage, ecology (subject to the completion of a legal agreement), groundworks, heritage and highways and there are not any material considerations which indicate a decision should be made otherwise.

There should also be consideration given, as a material consideration, to the City Plan which says that, as part of a "healthy smart city we will have... a clean and attractive city with people feeling safe in their homes and neighbourhoods". The proposed development would refurbish an existing building in a poor state of repair, which would improve the environment of the local area.

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

Either:

(1) APPROVE planning permission subject to:

*** the draft conditions shown below.**

*** the successful completion of a legal agreement to provide off-site financial contributions to mitigate the increased recreational pressure upon the protected coastline and open space.**

OR

(2) If the points within (1) have not been satisfactorily completed by 26 June 2026, then REFUSE planning permission for the reason below:

*** There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms - namely the provision of off-site financial contributions to mitigate the increased recreational pressure upon the protected coastline and open space.**

Conditions:

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

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

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

- Proposed Floor Plans Proposed Elevations Proposed Site Plan Location Plan (Drg. No. RBD/038SUFFOLK/PLANNING/OO3 Rev. G)
- Proposed Site Plan (Detail) (Drg. No. RBD/038SUFFOLK/PLANNING/004)

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

3 No development shall commence until a Construction Environmental Management Plan

(CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include an identification of all potential environmental impacts arising from any activities (such as any demolition, site clearance, preparation, and construction where they may adversely affect the local environment and nearby occupiers). The CEMP shall further specify the mitigation measures to prevent or minimise these details. The CEMP shall also for any proposed piling works provide a justification of the selected technique, an assessment of noise and vibration, and identification of mitigation measures. The construction phase shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To preserve amenity and highway safety during the construction phase, in accordance with policies HS1, ST2 and ST3 of the Core Strategy.

4 No development in relation to any proposed plant shall take place until details been submitted to and approved in writing by the Local Planning Authority. The details shall include scale plan and elevation drawings. The apartments shall thereafter not be occupied until the approved plant has been fully installed. The approved plant shall thereafter be retained for the lifespan of the development hereby approved.

Reason: To ensure a good standard of amenity for future occupiers, in accordance with policies HS1 and HS2 of the Core Strategy.

5 The apartments hereby approved shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the proposed apartments meet the internal noise standards set out in BS8233:2014 (including details of the doors and windows). The apartments shall thereafter only be occupied once the any approved mitigation has been fully provided. The approved mitigation shall thereafter be retained for the lifespan of the development hereby approved.

Reason: To ensure a good standard of amenity for future occupiers, in accordance with policies HS1 and HS2 of the Core Strategy.

6 The apartments hereby approved shall not be occupied until details of the proposed bin storage has been submitted to and approved in writing by the Local Planning Authority. The approved bin storage area shall thereafter be provided before the occupation of the apartments hereby approved and retained for the lifespan of the development hereby approved.

Reason: To ensure a good standard of amenity for future occupiers, in accordance with policies HS1 and HS2 of the Core Strategy.

7 The apartments hereby approved shall not be occupied until the cycle storage area, as shown on the submitted Proposed Site Plan (Detail) (Drg. No. RBD/038SUFFOLK/PLANNING/004), has been fully provided. The approved cycle storage area shall thereafter be retained and kept free of obstruction of the lifespan of the development hereby approved.

Reason: To ensure a good standard of amenity for future occupiers, in accordance with policy HS1 of the Core Strategy.

Reference No.: 25/01075/FUL Full Application

Proposal: **Proposed development of 49 dwellings with associated public open space, landscaping, highways and drainage infrastructure. (Amended plans and updated technical information received between 4 September and 25 November 2025).**

Location: Land West Of Tunstall Lodge Hotel Burdon Road Tunstall Sunderland

Ward: Doxford
Applicant: Homes By Esh
Date Valid: 17 June 2025
Target Date: 7 October 2025

Site description

The Council's adopted Core Strategy Development Plan allocates a growth area known as South Sunderland Growth Area (SSGA) which comprises 227ha of land in the Ryhope and Doxford Park wards. The SSGA is identified as a major new growth area which will create a new high quality vibrant and distinctive neighbourhood.

The SSGA is allocated for approximately 3000 new homes, meeting approximately 20% of the City's future housing need and, in particular, will provide a significant numbers of much needed larger family homes. It is considered that the delivery of the SSGA will contribute to achieving the strategic aims of the Council's City Plan and Sunderland Strategy (2008 - 2025) and assist in meeting the Council's 3,6,9 Vision.

The proposed development site measures approximately 2.78Ha and was originally used for agricultural purposes. It is situated adjacent to Burdon Road (B1286), to the south of Tunstall and is approximately 4.5km south-west of Sunderland City Centre.

The site is largely triangular rising gradually on a south to north-eastern axis. The site is bound along the northern and western extremities by existing trees, along the southern boundary by a small tree belt and along the western boundary by gapped hedging and open land.

Beyond the confines of the site, the land to the north, east and west is development land which forms part of the wider Burdon Lane Consortium Site, granted planning consent under application reference number 19/01497/HY4 for the construction of 532 residential dwellings (Use Class C3) with associated infrastructure and landscaping. The build out works associated with this land is currently progressing at the time of writing this report. Beyond the southern curtilage lies 'The Fold' residential development.

Proposal

The applicant (Esh Homes) is seeking approval to bring forward a development of 49 dwellinghouses with associated public open space, landscaping, highways and drainage infrastructure.

The new dwellings will include.

- 11.No three bed houses (Comprising house types - Beech Birch, Chestnut and Damson).
- 38.No four bed houses (Comprising house types - Cherry, Laurel, Magnolia, Palm and Willow).

Access into the site is proposed to the south of the site and via the creation a new four-arm mini-roundabout junction with The Fold, whilst pedestrian permeability through the site will be achieved through the provision of an interconnecting footpath link with the adjacent consortium land to the west.

The scheme will bring forward areas of Suitable Alternative Natural Greenspace (SANG) along the northern and western areas of the site, with additional pockets of Public Open Space (POS) provided throughout. A Sustainable Urban Drainage System (SuDs) will be located towards the southwest of the site.

In terms of parking, each property will have a private driveway, with properties benefitting from either integral garages or detached garages. Visitor parking will be dispersed at various points around the site. Electric vehicle charging infrastructure and roof mounted photovoltaic panels will also be provided to all properties.

The application has also been accompanied by a wide range of supporting information, appraisals and technical documents which include, but are not limited to, the Planning and Design and Access Statements, an Affordable Housing Statement, a Flood Risk and Drainage Assessment, an Archaeological Desk Based Assessment, a Geo-Environmental Report, A Preliminary Ecological Appraisal, Ecological Impact Assessment and Biodiversity Net Gain (BNG) Plan and Metric, an Air Quality Assessment, a Noise Impact Assessment, an Arboricultural Survey and Method Statement and a Transport Assessment.

The proposed development has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations"). A Screening and Scoping Opinion was issued by the Council, as the Local Planning Authority (the "LPA") on the 13 March 2025 and 5 June 2025 respectively. The Screening Opinion (ref. 25/00354/SCR) confirmed that the proposed development would, on review, and in combination with development across the Land North of Burdon Lane site and the wider South Sunderland Growth Area, have significant environmental impacts for it to require the carrying out of an Environmental Impact Assessment and the submission of an Environmental Statement (ES). The subsequent Scoping Opinion (ref. 25/00833/SCO), in consultation with key internal and external consultees, identified the following as key chapters to be included within the ES:

- Landscape Character and Visual Impact.
- Ecology, incorporating Wildlife, Wildlife Habitats and Biodiversity.
- Transport and Highway Network
- Cumulative Impacts

The ES assesses each potential environmental impact having regard to:

1. Baseline conditions: an understanding of the existing environmental conditions against which the predicted environmental impacts have been assessed, including an assessment of environmental receptors.
2. Identification of Likely Significant Effects.
3. Assessment of Likely Significant Effects.
4. Mitigation measures: recommendation for mitigation measures to avoid, offset or reduce

the identified adverse impacts of the project, or for the enhancement measure to maximise positive impacts.

5. Residual Effects.
6. Cumulative Effects.

Each technical chapter describes the methodology used in undertaking the assessment, with reference to relevant legislation and guidance, as appropriate. Criteria used to determine whether or not an effect is significant, and (where relevant) the level of effect, is also identified within each technical chapter.

Within the context of the EIA Regulations it is noted that the proposed development has been subject to some minor revisions during the course of the applications consideration, including the provision of a pedestrian access link to the west and footpaths through the Suitable Alternative Natural Greenspace (SANG). For the avoidance of doubt, the ecological chapter of the ES was updated an initial re-consultation was carried out with relevant consultees.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Nexus
Network Management
Tyne And Wear Archaeology Officer
Environmental Health
Natural Heritage
Land Contamination
Network Management
Flood And Coastal Group Engineer
Natural England
Historic England
National Highways
Environment Agency
Cllr Heather Fagan
Cllr Allen Curtis
Cllr Paul Gibson
Planning Implementation
Nexus
Network Management
National Highways
Cllr Heather Fagan
Cllr Allen Curtis
Cllr Paul Gibson
Planning And Highways
Network Management
Flood And Coastal Group Engineer
NE Ambulance Service NHS Trust
Chief Fire Officer
Northumbria Police

Northumbrian Water
Natural Heritage
Nexus
Environmental Health
Housing - People Services
Land Contamination
Northern Powergrid
Northern Gas Networks
Director Of Childrens Services
Planning Policy
Flood And Coastal Group Engineer
National Highways
Natural England
Environment Agency
Cllr Heather Fagan
Cllr Allen Curtis
Cllr Paul Gibson
Planning Obligations Officer

Neighbour Consultations

The Annex The Manor House 7A The Fold Sunderland SR3 2PW
The Manor House 7A The Fold Sunderland SR3 2PW
Tunstall Lodge Farm Bungalow Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
89 Gayhurst Crescent Sunderland SR3 2TB
16 Berryfield Close Sunderland SR3 2XU
6 The Fold Sunderland SR3 2PW
67 Gayhurst Crescent Sunderland SR3 2TB
3 Tunstall Lodge Park Sunderland SR3 2QB
5 Tunstall Lodge Park Sunderland SR3 2QB
95 Gayhurst Crescent Sunderland SR3 2TB
77 Gayhurst Crescent Sunderland SR3 2TB
Tunstall Lodge Farmhouse Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
The Stables Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
1 The Fold Sunderland SR3 2PW
87 Gayhurst Crescent Sunderland SR3 2TB
2 The Fold Sunderland SR3 2PW
79 Gayhurst Crescent Sunderland SR3 2TB
97 Gayhurst Crescent Sunderland SR3 2TB
73 Gayhurst Crescent Sunderland SR3 2TB
South Barn Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
6 Drybeck Square Sunderland SR3 2TE
75 Gayhurst Crescent Sunderland SR3 2TB
57 Gayhurst Crescent Sunderland SR3 2TB
North Barn Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
The Granary Tunstall Lodge Farm Burdon Road Tunstall Sunderland SR3 2QB
93 Gayhurst Crescent Sunderland SR3 2TB
3 The Fold Sunderland SR3 2PW
5 The Fold Sunderland SR3 2PW
8 The Fold Sunderland SR3 2PW
4 The Fold Sunderland SR3 2PW
7 The Fold Sunderland SR3 2PW
9 The Fold Sunderland SR3 2PW

10 The Fold Sunderland SR3 2PW
81 Gayhurst Crescent Sunderland SR3 2TB
71 Gayhurst Crescent Sunderland SR3 2TB
69 Gayhurst Crescent Sunderland SR3 2TB
65 Gayhurst Crescent Sunderland SR3 2TB
63 Gayhurst Crescent Sunderland SR3 2TB
61 Gayhurst Crescent Sunderland SR3 2TB
59 Gayhurst Crescent Sunderland SR3 2TB
91 Gayhurst Crescent Sunderland SR3 2TB
83 Gayhurst Crescent Sunderland SR3 2TB
85 Gayhurst Crescent Sunderland SR3 2TB
55 Gayhurst Crescent Sunderland SR3 2TB
15 Berryfield Close Sunderland SR3 2XU
14 Berryfield Close Sunderland SR3 2XU
7 Drybeck Square Sunderland SR3 2TE
5 Drybeck Square Sunderland SR3 2TE
8 Drybeck Square Sunderland SR3 2TE

Final Date for Receipt of Representations: **04.03.2026**

REPRESENTATIONS:

Consultation and publicity

The application was initially advertised by way of a press notice and by site notices positioned within the vicinity of the site. In addition, a total of 52 individual notification letters were sent to neighbouring properties in the immediate area.

On receipt of substantive new information, a second round of public consultation was undertaken on 26 November 2025.

As a result of the initial publicity, representations were received from the occupiers of 1, 2, 5, 8, 9 and 10 The Fold. The representations raised the following concerns;

Concerns over the access arrangements into the site

- The access road will be constructed directly outside my house (No.1 The Fold).
- It will impact on existing residents and fails to comply with design standards.
- The access road will generate a significant increase in traffic within close proximity to existing properties and increasing from the current arrangement of 17 dwellings to 66 dwellings.
- The current infrastructure does not allow for the volume of vehicles that will affect the current access of the Fold and the proposed new housing.
- Increased traffic will negatively impact road safety for drivers, cyclists, and pedestrians alike.
- The Traffic Survey was not conducted over a sufficient period of time to provide sufficient information on future traffic movements.
- The exist from The Fold leads onto Burdon Road and is in close proximity to the roundabout. Since the closure of Burdon Lane there has been a marked increase in traffic using this stretch of Burdon Road to the roundabout. Burdon Road is also used at times for diversions when incidents occur on the A1 & A19, which is quite regular, bringing the increased volume of traffic to a standstill and the egress from The Fold trapped.
- Existing essential infrastructure has not been considered in the design, such as fibre

internet infrastructure which is located where the new vehicle access road is planned.

- The Environmental Impact Study fails to mention that the new access point will require the removal of established trees and change the nature of the existing road.
- The access point should be direct from the B1286 to the north, thereby reducing the number of vehicle miles travelled by residents, reducing CO2 emissions, providing a shorter route to the north i.e. Sunderland city centre, schools, local shops, bus stops and cycle paths.
- In the five years that it may take to complete the development, there will be deliveries to the site Monday - Saturday causing noise, disturbance and access issues. It is anticipated 15-25 deliveries will take place each day. Due to the working hours, types of deliveries and wagons negotiating the access and egress to the site will add to the backlog of traffic within The Fold.

Layout and Design

- Concerns over the location of plots 1 and 2 as No.8 The Fold currently overlooks green fields from the family rooms. It is suggested these plots/houses be repositioned.
- It is unclear how the Suds basin will look, with many appearing as an eyesore and unkempt afterthoughts. It is proposed that serious thought is put into the landscaping in a way that makes it beautiful for people to walk around/benches etc.
- Please can the planners consider where desired pathways form. The plans show paths next to houses but don't indicate where paths could lead to the main road/around the Basin. Pedestrians will cut through the hedgerows to access the bus stops & other walking routes.
- We praise the inclusion of bird/bat boxes in the planning. As said earlier, we also have seen grouse/pheasants in the field. Please can consideration be made for bigger birds & wildlife that live here too.

Further to the second round of public consultation, additional representations have been received from the occupiers of No's 1 and 2 The Fold. These objections reiterate previous concerns over the access arrangements but raise further concerns over the veracity of the data presented within the Transport Assessment and the Transport Note submitted by the applicant.

Ward Councillor correspondence

Councillor Heather Fagan has formally objected to both rounds of consultation. The points raised by Councillor Fagan support the concerns raised by occupants of The Fold, highlighting the position of the new mini roundabout, the intensification in use of the access road leading to The Fold during both the construction and completion of the development and the associated noise, congestion and disruption that would occur. The comments also raise concerns over the veracity of the data presented within the Transport Assessment and the Transport Note.

External consultee responses

Natural England (Initial consultation) - Further information required - recreational pressure impacts to European Sites (habitats sites). This development site is within the zone of influence (ZoI) for recreational pressure impacts to one or more European Sites (habitats sites). Within this ZoI, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects. Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Natural England (Second consultation) - The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

National Highways - Referring to the consultation on the planning application received 19 June 2025 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we;

a) offer no objection

National Highways would note that the planning application seeks approval for the development of 49 dwellings on Land West of Tunstall Lodge Hotel, Burdon Road, Tunstall, Sunderland.

National Highways acknowledge that the Planning Statement has been prepared in accordance with National Planning Policy Framework [NPPF] (2024), SCC Local Plan and other relevant local and national planning documents. National Highways would deem the consideration of the policies to be appropriate, however, is disappointed that the DfT's Circular 01/2022 has not been considered. The SCC Core Strategy and Development Plan [Local Plan] was adopted in 2020.

National Highways would note that the proposed development is allocated under policy SS6: South Sunderland Growth Area, within the SCC Local Plan. Policy SS6 of the SCC Local Plan states that 1,000 of a total policy allocation of 3,000 dwellings are to be located on Land North of Burdon Lane. National Highways would suggest that the proposed development should be prepared in accordance with the relevant planning requirements detailed by policy SS6 in the SCC Local Plan.

Additionally, National Highways would encourage the Applicant to engage with SCC to establish how much of this development quantum has come forward through other planning applications.

National Highways would consider the proposed parking arrangements to be a matter for SCC to agree upon. National Highways would also note that neither a Transport Assessment nor Travel Plan have been submitted to accompany this planning application. To offer a proactive approach, National Highways has undertaken high-level analysis to determine the likely traffic impacts of the proposed development on the SRN. Considering the scale and location of the proposed development, National Highways would consider that the development proposals are not likely to generate a significant impact on the SRN and in this instance, no further information is required by

National Highways.

National Highways would comment that due to the scale and location of the proposed development, the requirement for a Construction Traffic Management Plan is a matter for the SCC to agree upon.

Based on the above, I enclose National Highways' formal NHPR 25-01 response recommending no objection (noting deficiencies in terms of a lack of transport evidence accompanying the application).

Environment Agency - No comment to make

Country Archaeologist (Initial consultation) - Based on the results of the geophysical survey and the archaeological remains identified in the neighbouring developments, further work in the form of archaeological excavation will be required to record and advance understanding of their significance (NPPF para 211). Conditions are therefore required in respect of Archaeological Excavation and Recording, the submission of an Archaeological Post Excavation Report and Archaeological Publication Report.

Northumbria Police (Designing out Crime Officer) Thank you for allowing Northumbria Police to comment on this application. Following review of the supplied plans for the application, it is noted that the development is of a small size and the only area of concern is the short terrace of plots 20 -22 but as the gardens are all inward facing this is lessened. It is nonetheless recommended that plots 19 and 20 have windows in the gable ends which face on to the cut to increase the natural surveillance for the area. In respect of the low inter garden boundaries of 1350mm we would recommend that they are raised to 1500mm and a 300mm trellises are attached this is to increase the person privacy of each rear garden as well as not decreasing the natural surveillance, but this also serves to make it more difficult to get from one garden to the next.

We would like to take this opportunity to promote the adoption of the Secured By Design standard for the development. Given the existing requirements of Approved Document Q, the extra step in achieving SBD accreditation is minimal and independent research proves that Secured By Design developments that include crime prevention techniques in the built environment and accredited products like doors and windows can reduce crimes like burglary by up to 75% in new-build homes and greatly improve the sustainability of products used leading to a better return on investment.

Nexus (Initial consultation) - Thank you for consulting Nexus on this application. In keeping with Nexus Planning Liaison Policy, Nexus recommends that the developer should meet the cost of two introductory travel cards as part of their welcome pack, Nexus recommends these travel cards be 2x Pop Pay as You Go Cards per dwelling with £50 of pre-loaded credit each. Nexus also would ask the developer to provide a travel plan and how it plans to address the lack of frequent bus provision within 400m of the site.

Nexus recognises that this application is not stand alone and forms part of a larger collection of applications sitting within the of Burdon Lane, and the wider South Sunderland Growth Area, including; 19/01497/HY4, 13/00799/FUL, 18/00640/FUL, 24/02557/FUL, 16/00388/HY4, 16/01524/HYB.

The Applicant must consult with Nexus and the Local Authority as to how the further 49 dwelling development in the Land West of Tunstall Lodge Hotel Burton Road, Tunstall Sunderland affects the wider development and what public transport and accessibility provision has been considered for this development site. We anticipate these changes will impact an updated travel plan for the

whole of the Land North of Burdon Lane development site.

Nexus Last responded to 19/01497/HY4 on the 18th January 2021, 28th July 2020 and 29th November 2019, and our comments can be summarised as such:

- Nexus requires more collaboration with the Local Authority and developers in the whole South Sunderland Growth Area to understand how developers and the LA are ensuring the development of the area positively enhances public transport provision.
- Nexus would like further clarification of the mechanisms that are proposed to ensure that appropriate levels of contributions are secured from the development consortium across the South Sunderland Housing Area.
- Nexus must be involved in the detailed specification and location of bus stops in partnership with the local authority and highways authority.
- As per the Nexus Planning Liaison Policy, all bus stops should be within 400 metres walk of development site for future residents. Although it is regrettable that some area of the land north of Burdon Lane may not be optimal for this, the developer and the local authority must ensure it is close to this threshold as possible, and that there are measures in place during each phase of the development that pedestrian access to public transport near and within the site are not hampered.

Nexus wishes to be proactive with the developers, LPA and other stakeholders to ensure the, Land West of Tunstall Lodge Hotel Burton Road, Tunstall, the Land North of Burdon Lane, and the wider South Sunderland Growth Area, are sustainable and accessible from a public transport perspective. We wish to know when an updated travel plan with a coordinator will be introduced. The Applicant will also have to deliver 2xPop Pay As you Go Cards per dwelling within this development, as set out within the Nexus Planning Liaison Policy.

Nexus (Second consultation further to submission of Transport Assessment, Interim Travel Plan and Transport Note) - No response received.
Northumbrian Water - No response received.
Northern Powergrid - No objection offered.

Northern Gas Networks - Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Fire Safety Officer - No objections offered.

Internal consultee responses

Highway Engineers - The Council's Highway Engineers have provided 3 separate consultation responses dated 14 July, 4 August and 11 December, during the course of the application's consideration. Comments have been offered on matters pertaining to site location, access, layout, phasing, construction traffic, servicing and trip generation and distribution on the local road network. These comments are discussed in detail within Section 6 of this report.

Lead Local Flood Officer (LLFA) - The proposal has been subject to ongoing dialogue between the Council's LLFA and the developer during the application process and a scheme has now been agreed. The LLFA have advised that an approval can be recommended for approval subject to the imposition of a planning condition.

Planning Implementation (Conservation Officer) - The submitted archaeological desk-based assessment confirms that: "There are no Scheduled Monuments within the proposed development area, with the nearest being Ryhope Pumping Engines (SM 1005916) c.1.5km to the east. The engine house, boiling house and chimney are also Grade II* listed (LBs 1207133 & 1218116). There are three listed buildings within 1km of the site; the nearest of these is Tunstall Lodge (LB 1354975), 95m to the south of the site, which is Grade II listed. The Silksworth Hall Conservation Area lies approximately 870m to the north-west of the proposed development area" Given the distance to any designated heritage assets we would raise no built heritage setting concerns related to this development.

Environmental Health - Thank you for your recent consultation regarding the above application. It is understood that the applicant seeks consent for Proposed development of 49 dwellings with associated public open space, landscaping, highways and drainage infrastructure.

Environmental Health has considered the submitted documentation. The principle of the development is considered acceptable. Further comments are provided below.

A noise assessment has been provided, ref. NJD24-0192-002R. The assessment has incorporated the results of a noise survey, utilised the computational noise model CadnaA and has assessed results against the requirements of BS8233:2014. This methodology is accepted.

An acoustic design statement is provided at section 8. The external noise environment across the site is considered to meet the requirements of BS823:2014 (no greater than 47dB(A) daytime). The discussion within sections 8 and 9 is accepted together with the glazing and ventilation provision set out in Table 6 which aims to provide a satisfactory internal noise environment to meet the requirements of BS8233, by achieving a noise reduction for glazing of 27dB (Rw+Ctr) and for ventilation of 34dB (Dnew+Ctr).

The final selection of an appropriate scheme should be the subject of a condition to be attached to any consent and will include the selection of an appropriate acoustically treated ventilation strategy (which must meet the requirements of Part F and O of the Building Regulations).

It is not apparent that the recommendations of the noise consultant have been incorporated into the site design/building specifications, and it is therefore recommended that a condition is attached to any consent accordingly.

The submitted air quality report ref. NJD24-0192-001R refers. The assessment methodology examined potential construction impacts, the suitability of the site in terms of the existing air quality and future potential operational impacts. This methodology is accepted.

Construction impacts were assessed in accordance with IAQM guidance. The conclusion is that impacts are not expected to be significant in air quality terms (for the pollutants of concern) on the basis of the application of typical mitigation measures. These are set out in Table A3.1 of Appendix 3 of the report and must be incorporated into the CEMP.

Section 3.2 deals with operational impacts and section 4 addresses the existing baseline. Essentially the conclusion is that the development will not impact significantly upon local air quality when considering the statutory air quality objectives and the site is considered suitable for residential development.

The air quality report is accepted.

The submitted CEMP is considered acceptable.

Ground contamination - Recommendation to impose a condition to deal with any unexpected contamination that may be encountered

Ecology (Initial response) - General comments offered, further information requested regarding the BNG Metric and the updating of the maps to reflect the areas to be managed for BNG. Evidence also requested that the offsite area is able to be secured for a period of 30 years either by a responsible body through a conservation covenant, or the local planning authority through a section 106 agreement, as the location of the offsite area is outside of the administrative area of Sunderland City Council.

The submitted Environmental Statement Chapter 6.0 Ecology (Ecosurv, no date) states that bat activity surveys, comprising transect surveys and remote monitoring, as well as breeding bird surveys, are to be completed at the site during 2025. This information is to be provided to the Local Planning Authority for review. List of recommended conditions provided.

(Second response) - Further to the submission of additional information, including a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and a Lighting Strategy, revisions to the wording of these conditions can be made. No substantial change to the comments offered in respect of the BNG Metric and Maps and offsite areas.

Additional survey work has been submitted for review. This survey work found low levels of foraging and commuting activity by bats, and some use of the site by breeding birds. It has been determined that likely significant effects are negligible with appropriate mitigation measures including an appropriate CEMP, species features such as hedgehog highways, bat boxes and bird nest
boxes, suitable soft landscaping, sensitive lighting strategy, sensitive vegetation clearance, and creation of high-quality habitat through biodiversity net gain principles.

(Third response) - Comments offered on the recently submitted Habitat Management and Monitoring Plan (HMMP). Comments also offered in respect of the evidence provided in respect of the proposed habitat bank to be used, as well as the updated metric tool. Further to the submission of an updated bat and bird box plan, specifications of the bat and bird boxes and the positions of the hedgehog gaps, this condition can be revised.

POLICIES:

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

SDP Policy SP1 - Development Strategy
CSDP Policy SS6 - South Sunderland Growth Area
CSDP Policy SP7 - Healthy and safe communities
CSDP Policy SP8 - Housing supply and delivery
CSDP Policy BH1 - Design quality
CSDP Policy BH2 - Sustainable design and construction
CSDP Policy BH9 - Archaeology and recording of heritage assets
CSDP Policy H1 - Housing mix
CSDP Policy H2 - Affordable housing
CSDP Policy HS1 - Quality of life and amenity
CSDP Policy HS2 - Noise sensitive development
CSDP Policy HS3 - Contaminated land

CSDP Policy NE2 - Biodiversity and geodiversity
CSDP Policy NE3 - Woodland's hedgerows and trees
CSDP Policy NE4 - Greenspace
CSDP Policy WWE2 - Flood risk and coastal management
CSDP Policy WWE3 - Water management
CSDP Policy WWE5 - Disposal of foul water
CSDP Policy ST2 - Local road network
CSDP Policy ST3 - Development and transport
CSDP Policy ID1 - Delivering infrastructure
CSDP Policy ID2 - Planning obligations

Saved Unitary Development Plan Policies

UDP Policy EN10 - Land use

COMMENTS:

Planning policy background

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. In undertaking this exercise, planning case law has established that the development plan must be considered as a whole, a point reinforced by the recent Cornwall Council v Corbett Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

To this end, where conflict with development plan policies is identified, it is incumbent upon the decision-maker to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict. This exercise is often referred to as the 'planning balance'.

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

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

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

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

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

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies relating to specific sites and non-strategic matters not addressed by the CSDP have, however, been saved and remain adopted local plan policies. All CSDP and UDP policies referred to below and within this report are considered consistent with the NPPF.

Core Strategy Development Plan

The following CSDP policies are material to the consideration of this application:

CSDP Policy SP1 - Development Strategy
CSDP Policy SS6 - South Sunderland Growth Area
CSDP Policy SP7 - Healthy and safe communities
CSDP Policy SP8 - Housing supply and delivery
CSDP Policy BH1 - Design quality
CSDP Policy BH2 - Sustainable design and construction
CSDP Policy BH9 - Archaeology and recording of heritage assets
CSDP Policy H1 - Housing mix
CSDP Policy H2 - Affordable housing
CSDP Policy HS1 - Quality of life and amenity
CSDP Policy HS2 - Noise sensitive development
CSDP Policy HS3 - Contaminated land
CSDP Policy NE2 - Biodiversity and geodiversity
CSDP Policy NE3 - Woodland's hedgerows and trees
CSDP Policy NE4 - Greenspace
CSDP Policy WWE2 - Flood risk and coastal management
CSDP Policy WWE3 - Water management
CSDP Policy WWE5 - Disposal of foul water
CSDP Policy ST2 - Local road network
CSDP Policy ST3 - Development and transport
CSDP Policy ID1 - Delivering infrastructure
CSDP Policy ID2 - Planning obligations

Saved Unitary Development Plan Policies

The following retained or partially retained UDP policies are material to the consideration of this application.

UDP Policy EN10 - Land use

Supplementary Planning Documents (SPD)

Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs) or saved UDP policies. SPDs are a material consideration in the assessment and determination of any planning application. The following SPDs are considered relevant to this application.

- The Development Management SPD (Sections 3 and 4)
- South Sunderland Growth Area SPD
- Planning Obligations SPD

Assessment of the proposed development

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

1. Principle of the development.
2. Housing policy considerations.
3. The impact of the development in respect of residential amenity.
4. The implications of the design, layout and visual amenity.
5. The implications for highway and pedestrian safety and sustainable travel.
6. The impact of the development in respect of ecology, biodiversity, landscaping trees and SANGS.
7. The impact of the development on flooding and drainage.
8. The impact of the development in respect of ground conditions.
9. The implications of the development relative to archaeology and heritage.
10. Summary of position in respect of planning obligations.

1. Principle of the development

Strategy / Land Use Policies Policy

SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure over the period of the plan. CSDP Policy SP8: Housing Supply and Delivery sets out how the Council will deliver its housing target of 745 homes per annum. This outlines acceptable sources of housing supply and includes (inter alia) the development of sites allocated in the plan.

The application site is located within the South Sunderland Growth Area (SSGA). The SSGA is a proposed sustainable neighbourhood within the Core Strategy and Development Plan which will bring forward a mix of housing sizes, types and tenures, including affordable housing, and is allocated for approximately 3,000 homes. As an allocated strategic site within the CSDP, any

development proposed within the SSGA must accord with the SSGA Supplementary Planning Document (SPD) and policy SS6 (strategic site policy).

The application site is allocated as a housing delivery site within the 'Land to the North of Burdon Lane' sub area which is allocated for approximately 1000 homes. In this respect and with regard to existing committed sites within this sub area, the quantum of development to be brought forward through this application would broadly adhere with the approximate allocation.

On this basis, it is considered that the proposed development would accord with strategic policy SP1 and strategic policy SS6 of the adopted CSDP. The application is considered acceptable in this respect.

2. Housing policy considerations

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum including the development of sites (Strategic and Housing Growth Areas) allocated in the

CSDP. Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location and that dwellings on developments of 10 or more should meet building regulations in relation to accessible and adaptable dwellings. It also encourages development (where appropriate and justified) to provide larger detached dwellings. In reviewing the quantum and mix of properties, officers are satisfied that the proposed development would provide an acceptable density of development and variety of housing types and sizes that would be appropriate for this location.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing. However specific to the SSGA, Policy SS6 requires only 10% of residential development be affordable, with the SPD seeking a tenure split of 75% social rented and 25% intermediate.

With regard to the affordable split referenced above and given the lower quantum of development proposed, the applicant has advised that they've been unable to secure a Registered Provider (RP) who would be willing to take on the 5no. affordable rented properties. This has been demonstrated in testimonies submitted by the agent from 5no prominent RP's within the region, all of whom have confirmed that there is no appetite to take on affordable rented properties on the site. Consequently, the affordable delivery being progressed by the developer is for all 5no. properties to be Discount Market Value (DMV). On the basis of the testimonies received and further to internal discussions with the Council's Planning Policy Officer and Planning Obligations Officer, this approach has been agreed on this occasion. For the avoidance of doubt, the Councils adopted Planning Obligations SPD (September 2025) confirms that where Discounted Market Value (DMV) units are proposed, local connection and eligibility criteria will apply, and the level of discount will be a set at a minimum of 30%. This will be brought forward within the legal agreement.

The applicant is in the process of entering into a Section 106 legal agreement with the Council which confirms that the proposed development would deliver the requisite 10% affordable provision on site through DMV homes and subject to the completion of a Section 106 legal agreement, it is considered that the proposed development would be acceptable relative to policies SP8, H1, H2 and SS6 of the adopted CSDP. The application is considered acceptable in this respect.

3. The implications of the development in respect of residential amenity

Policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve positive improvement by retaining acceptable levels of privacy and by ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

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

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

The NPPF continues that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

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 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 life (in accordance with the Noise Policy for England).

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development comprises a variety of reasonably well-proportioned dwellings which occupy appropriately sized plots whilst exhibiting front and rear gardens. In line with the requirements of Policy BH1, the developer has confirmed that all of the new dwellings meet the national space standards.

Within the development, physical spacing between new dwellings within the site typically exceed the recommendations set out in the Council's Development Management SPD (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations). Due in part to the gradients and finished levels within the site, there are some plots throughout the development where spacing will fall slightly below the recommended distances. These include spacing between plots 18 and 26, 19 and 20 and 25 and 43 and 48. However, such shortfalls are the exception are not excessive. Officers are therefore satisfied that the proposed layout will ensure that the dwellings are afforded acceptable levels of privacy, appropriate outlook and would not suffer from any undue overshadowing or loss of light from surrounding built development.

In reviewing amenity impacts beyond the curtilage of the site it is evident that the land to the east/southeast is consented for residential through planning approval ref: 19/01497/HY4, with a number of rear gardens abutting the site. Spacing at this juncture, with reference to plots 11 to 16, measures between 22m, 23 and 24m to the rear elevations of the committed properties, which, even in accounting for slight level discrepancies, is sufficient to ensure that there would be no close quarter overlooking of gardens or windows and that there would be prejudicial loss of light or overshadowing.

Along the southern boundary of the site the rear gardens of plots 3 to 10 abut the substantial garden land associated with North Barn and The Stables. Main windows are positioned in the northern elevation of these existing properties, however as spacing of around 28m would be achieved there would be adverse amenity impacts. It is further noted that high hedging also bounds the northern curtilage of North Barn and The Stables which would further minimise any visual impact.

In addressing the residential amenity impacts for occupiers of The Fold, it is noted that closest interaction would be between plot 1 and 8 The Fold. In this respect, the gable end of the dwelling within plot 1 would be positioned approximately 27m away from the main facing windows situated within the rear elevation of No.8. This is around 13m in excess of the minimum requirement of 14m. It is acknowledged that a representation from the occupier of No.8 has suggested that plots 1 and 2 should be repositioned to align with remainder of the plots (3 to 10) to allow for a more open aspect and to improve views from their property. Whilst noted, as set out above, spacing between No.8 and the northerly orientated plot 1 substantially exceeds the recommended spacing standard, ensuring that there would be no adverse privacy, overlooking, light or overshadowing impacts. The reference to a loss of view is acknowledged and whilst it is appreciated that the objector's views could be somewhat diminished, views across adjacent land are not a landowner's right and therefore cannot be protected through planning legislation. For context, the rationale for the horizontally positioned plots was to improve the visual amenity of the development by providing an inwardly facing form of development and presenting a greater sense of street scene activation on entry into the estate. Given that no harm to residential amenity has been identified, there are no planning grounds to require that plots 1 and 2 be repositioned.

In terms of noise, a noise assessment has been provided (Ref. NJD24-0192-002R). An acoustic design statement is provided at section 8, with the external noise environment across the site considered to meet the requirements of BS823:2014 (no greater than 47dB(A) daytime). The discussion within sections 8 and 9 has been accepted with the glazing and ventilation provision set out in Table 6 aiming to provide a satisfactory internal noise environment to meet the requirements of BS8233, by achieving a noise reduction for glazing of 27dB (Rw+Ctr) and for ventilation of 34dB (Dnew+Ctr). The Council's Environmental Health Officer (EHO) has confirmed that the final scheme should be the subject of a planning condition which will need to include the selection of an appropriate acoustically treated ventilation strategy.

An air quality report ref. NJD24-0192-001R has also been submitted and considered by the EHO. The assessment methodology has examined potential construction impacts, the suitability of the site in terms of the existing air quality and future potential operational impacts. This methodology has been accepted by the EHO.

A Construction Environmental Management Plan (CEMP) to deal with impacts arising from the construction process has been submitted and reviewed by the EHO. This considered to be acceptable and will be conditioned accordingly to allow for appropriate monitoring during the construction phase.

Overall and with regard to the above comments, it is considered that the development will not give rise to any harm to the amenity of existing dwellings or nearby occupiers within the vicinity of the application site, whilst within the site the development will typically afford future occupiers of the dwellings with a good standard of amenity.

In respect of the above, Officers are satisfied that it has been demonstrated that the development will provide appropriate amenity for prospective residents and that it can coexist satisfactorily with adjacent residential occupiers, in accordance with the requirements of policy BH1 and HS1 of the CSDP and the NPPF.

4. The implications of the design, layout and visual impact

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF goes on to state that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NPPF continues 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.

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

The Council's Development Management Supplementary Planning Document (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

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

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

On review, the layout of the new development is considered to respect the scale and massing of the existing and committed properties within the locality, with the scheme bringing forward a predominance of good-sized, detached family homes. These properties will largely consist of 2-storey dwellings with 5no. 3-storey properties interspersed throughout the site.

In terms of design, the house types will create a varied street scape through a variety of building heights, widths and density to ensure the creation of a strong character and interesting visual street scene. Key architectural features will include facing materials which will consist of a mixture of 'Marshall Cromwell pitched Rustic Weathered facing stone and Rustic Brown facing stone. Grey roof tiles, white windows and black external doors are also proposed to each property. This is considered to be an appropriate response, complimenting to some degree the appearance of selected properties within the adjacent Fold development. A condition would need be placed on any approval to secure these materials.

The site, with its open planned front gardens, areas of public open space (POS) and swathes of Suitable Alternative Natural Greenspace (SANG) and Sustainable Urban Drainage Basin, will provide an open and green aspect that will assimilate appropriately into the surrounding environment. With regard to the open planned nature of the front gardens, it is appropriate to remove, what would otherwise be a permitted right for occupiers to erect boundary treatment to the frontage of the properties. This will ensure that the open planned character and appearance of the estate is afforded some degree of protection going forward.

It is noted that a representation has sought clarification on the appearance of the SuDs basin and the provision of footpaths within the site. The SANG has been designed to provide a meandering pathway through a planted recreational route around the western and northern sections of the site and will border the north-eastern curtilage of the SuDs basin. This will amongst other uses, provide the recreational space to allow for the exercise of dogs freely and safely. One area of concern that was noted on receipt of the application and which was also raised in the representation, was a perceived lack of permeability through the site to allow the development, with particular reference to the SANG, to link/connect into the adjoining committed consortium development. In effect, the development appeared self-contained and divorced from adjoining land which restricted ease of access to surrounding facilities within the SSGA including nearby bus stops. Discussions have therefore taken place with the agent during the course of the application's consideration to ensure that a form of connectivity was worked into the layout. This has now been achieved through the introduction of a footpath link along the north-western boundary of the site which will link into the adjacent SANG network. A condition will be placed on any approval to ensure that this footpath link is provided prior to first occupation of the development.

In addition to the SANG, smaller parcels of public open space have been provided throughout the site. As per the SSGA SPD, the amount of open space is relative to the size of the development whilst also being cognisant of the size of the SANG that is also being brought forward. This includes a feature parcel adjacent to the entrance of the estate.

Whilst the loss of some existing vegetation, hedging and trees (including the removal of 2no protected trees adjacent to The Fold to serve the new access), is regrettable, the layout has been informed by a comprehensive landscape strategy which has accompanied the application. This sets out where the existing vegetation will be retained and where new planting will be located. The site will benefit from new native scrub planting, native and non-native tree planting, ornamental street tree planting, new native and ornamental hedge planting, ornamental shrub planting, meadow mix for the wetlands area around the SuDs, flowering lawn mix, amenity grass seed mix and amenity turf to the front lawns.

Due to the smaller size of the site in relation to the other SSGA developments, it has been agreed that a financial contribution towards offsite play and allotments can be progressed in this instance rather than them being accommodated on site.

As has been referenced in the consultee section of this report, the layout has been subject to review by Northumbria Polices' Designing Out Crime Officer (DOCO). Broadly speaking, the comments are supportive of the development noting its relatively smaller scale. A recommendation has been offered, advising that plots 19 and 20 insert windows in their gables to improve natural surveillance to the shared side access path. This was put to the developer who advised that it would be unfeasible in relation to approved document B (Building Regulations) in the sense that it would contravene the rules regarding fire spread between properties. Further to discussions with the Council's Building Control service, this position has been confirmed.

One further comment was offered in relation to the relatively low inter garden boundaries. The DOCO has recommended that inter garden boundaries be raised to 1500mm, with a further 300mm of trellis attached to increase privacy within the rear gardens and to make it more difficult to get from one garden to the next. The agent has however pushed back on this, citing the fact that a potential intruder would still need to scale the initial 1800mm perimeter wall/fence bounding the outer gardens. Furthermore, the agent considers that the introduction of trellis would encourage climbing plants that would effectively reduce intervisibility and natural surveillance between gardens. Whilst it is regrettable that the DOCO's recommendations are either unable to be, or are undesirable to be implemented by the developer, the matters raised by the DOCO are done so in an advisory capacity only and are not considered to be of sufficient materiality to warrant a refusal of permission in their own right.

Details of all proposed boundary treatment, which includes the provision of 1350mm butt boarded fencing between properties, 1800mm butt boarded fencing to all external garden boundaries, 2000mm high sections of walling with infill timber panels, 850mm high wrought iron estate railing, 450mm high birds mouth fencing and the entrance feature wall, have all been illustrated on the proposed boundary treatment plan. These are considered to provide an appropriate response to the respective locations at which they are to be installed.

With regard to sustainability, the scheme will deliver energy efficient construction and building services specifications capable of delivering reductions in CO2 emission and energy efficiency in excess of the Building Regulations requirements. Electric charging points and photovoltaic panels are to be provided on every new dwelling.

Overall, officers are satisfied that the development would accord with Policy BH1 and Policy BH2 of the adopted CSDP, and the guidance within the Council's Development Management SPD, the SSGA SPD and the NPPF (December 2024). The application is considered to be acceptable in this respect.

5. Highways

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

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;

- they will not create a severe impact on the safe operation of the highway network.

Policy ST3, meanwhile, states that new development should:

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

Paragraph 114 of the NPPF states that in considering applications, local planning authorities should ensure that:

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

Also relevant is paragraph 115, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 116 goes on to advise that within the context of paragraph 110, applications for development should:

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

The application has been supported by a Transport Assessment, an Interim Travel Plan, a Transport Note and an ES Chapter (Chapter 5) relating to the Transport and Highway Network.

In terms of considering the wider highway network implications arising from the proposed development, it is noted that National Highways have offered no objection to the development following the undertaking of high-level analysis to determine the likely traffic impacts of the scheme on the Strategic Road Network (SRN). Within their comments National Highways advised that the development would not be unlikely to generate significant impact on the SRN.

The application is accompanied by an Environmental Impact Statement which reviewed the cumulative impact of the proposed development along with other already committed housing developments being built as part of the SSGA. This considers both traffic generated during the construction phase and the addition of traffic on the road network once the development is

proposed to be completed. Traffic count surveys were undertaken by the developer over a seven-day period to understand baseline traffic conditions. Road traffic noise has also been considered as part of the environmental assessment work. The report confirms that there will be no significant impact on the surrounding residential locations included within the assessment with mitigation provided through Travel Plans and a Construction Environmental Management Plan.

The Transport Statement considers the traffic generated by the development alongside traffic growth from other nearby housing developments currently under construction. The main highway infrastructure requirements for the local area are being delivered by the 'Land to the North of Burdon Lane' development which includes delivery of a section of the Ryhope to Doxford Link Road (RDLR). As per the requirements of the SSGA SPD, a financial contribution will be required towards the delivery of the RDLR. In addition, the SSGA SPD qualifies that provision of new and improved public transport services and infrastructure will be required to support the wider development. A proportionate contribution towards public transport (pump priming of a bus link) will also be required.

An interim Travel Plan has been submitted to assist with promoting access to and from the site through walking, cycling and access to public transport. A planning condition will be required to ensure provision of a detailed Travel Plan. On receipt of the Full Travel Plan, Nexus will again be consulted in line with the comments received in their response to reassure that the site is sustainable and accessible from a public transport perspective. As set out within the design and layout section of this report, revisions have been made to the application which has resulted in the provision of an interconnecting footpath to the north-west of the site. This provides a more direct route to Burdon Road and improves access to the neighbouring area and bus stops. The footpath is to be built to adoptable standards and will require the provision of public lighting coverage. This has been supported by the Council's Highway Engineers and will greatly improve pedestrian accessibility to and from the development.

As of June 2022, it became a legal requirement for all new build homes in England to have electric car charging points in line with Part S of the Building Regulations and this scheme will bring forward electric vehicle charging infrastructure for each property.

With regard to vehicular access and egress, the development is proposed to be served by a new a four-arm mini-roundabout junction with The Fold to the south of the site. The northern arm will provide access to/from the site, with the eastern arm serving the 6 residential dwellings from the private drive. The southern arm will serve the 11 residential dwellings to the south, and the western arm will provide access to/from the junction with Burdon Road.

The provision of the new mini-roundabout junction has resulted in a number of objections being submitted from nearby residents within The Fold and from Ward Cllr Heather Fagan. The objections primarily relate to the position of the access within proximity to existing residential dwellings, the intensification in the use of the road, additional noise and disturbance that would occur and perceived technical inaccuracies in the highway data that has been submitted in support of the application.

The applicant has assessed different junction arrangements at this location from both a capacity and road safety perspective. With regard to road safety, a Stage 1 Audit has been undertaken, and the site access arrangements have been independently assessed. The audit confirms that the point of access to the site and proposed junction arrangements are suitable for a residential development of this scale, which also accounts for traffic from the nearby residential area and traffic on the local road network.

Furter to the objections received in relation to the veracity of the data included within the

Transport Statement and Transport Note, the developers Transport Consultant has stated the following;

The vehicle movements on The Fold predicted have been appropriately assessed and agreed with the Local Highway Authority. A vehicular trip rate is a transport planning metric that defines the average number of vehicle movements generated by a specific land use per unit of development. The vehicular trip rate for this development has been generated using agreed vehicle trip rates from the Transport Assessment that accompanied the wider consortium development planning application, to ensure consistency in terms of locality. This approach has been accepted and agreed with the Local Highway Authority. The vehicular trip rate includes for all journey types, i.e. commuter, school, shopping and leisure. The 77% referenced in the Travel Plan is based on Census data for commuter journeys only. These trips are incorporated within the overall predicted trips.

Parking space provision and vehicle trip generation are separate entities. Whilst the site will provide 142 parking spaces, not all vehicles will depart or arrive at the same time and why vehicle trip rates are generated. It is a common misconception that this should equate to 142 additional vehicle trips on the network.

The Council's Highway Engineers have confirmed that the proposed mini roundabout is considered to be appropriate to manage the flow of incoming and outgoing traffic for both the new site and the existing residential properties from The Fold and have offered no objection. A Section 38 Agreement will be required to ensure the new road layout and associated visitor parking is adopted as public highway.

In light of the reasoning provided above, no objection is offered on highway grounds, and the proposal is considered to satisfy the requirements of the NPPF and the aims and objectives of policies ST2 and ST3 of the CSDP.

6. The impact of the development in respect of ecology and biodiversity

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and that it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity.

Policy NE2 also requires development proposals to avoid or minimise adverse ecological effects in accordance with the mitigation hierarchy. The mitigation hierarchy is defined in NPPF paragraph 193 (a), which specifies that, where it is not possible to avoid or adequately mitigate harm, compensation is required in respect of that harm. The NPPF also states that planning permission should be refused where any residual ecological effects amount to significant harm to biodiversity.

Policy NE2 does not specify that the hierarchy applies to significant harm only, and instead refers to adverse effects in general. In a local context compensation is therefore required in respect of all adverse ecological effects. After the mitigation hierarchy is applied in respect of important ecological features and any residual effects comprise significant harm to biodiversity there is also a clear reason for refusal under NPPF.

In looking at the ecological implications of this development both the NPPF and local policy, through NE2, require development to provide ecological enhancements which include, but are not exclusive of a measurable biodiversity net gain (BNG).

The proposed development site comprises of an area of good condition modified grassland with

trees and hedgerows to the site boundaries. The site is in a semi-rural area on the southern periphery of Sunderland, with residential areas to the north and east. The site is considered to have site level ecological value only.

Part 1 of policy NE3 (woodlands/hedgerows and trees) outlines the following principles to guide the design of development that may have effects on ancient woodland and veteran or aged trees:

i. avoid harm;
ii provide unequivocal evidence of need and benefits of proposed development
iii; provide biodiversity net gain;
iv. establish likelihood and type of any impacts;
v. implement appropriate and adequate mitigation and compensation;
vi. provide adequate buffers; and
vi. provide adequate evidence to support proposals;

Part 4 of the same policy requires proposals to "ensure that where trees, woodlands and hedgerows are impacted negatively by proposed development, justification, mitigation, compensation and maintenance measures are provided in a detailed management plan".

The proposals are therefore required to demonstrate that impacts to these habitats have been avoided where feasible, and if this is not feasible any impacts are to be justified, and then demonstrably mitigated and compensated for. Within this context the Council's Ecologist has confirmed that they are satisfied that it has been sufficiently demonstrated through the provided biodiversity net gain information, that where possible, impacts to hedgerows and trees have been avoided, and where this has not been possible, adequately compensated for through creation of hedgerow and individual tree planting.

Adequate buffers to protect retained trees and hedgerows have been demonstrated within the Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement (Ecosurv, August 2024). These measures will be secured via condition.

The Council's Ecologist had requested that information on bat activity surveys, comprising transect surveys and remote monitoring, as well as breeding bird surveys described within the submitted Environmental Statement Chapter 6.0 Ecology was to be provided to the Local Authority. An
updated Ecological Impact Assessment (Ecosurv, September 2025) as well as an updated Environmental Statement Non-Technical Summary (V2) (Hedley Planning Services, November 2025) and ES Chapter 6.0 Ecology (Hedley Planning Services, November 2025) has been provided.

The additional survey work found low levels of foraging and commuting activity by bats, and some use of the site by breeding birds - by 6 BoCC red list species and 3 amber list species. It has been determined that likely significant effects are negligible with appropriate mitigation measures including an appropriate CEMP, species features such as hedgehog highways, bat boxes and bird nest boxes, suitable soft landscaping, sensitive lighting strategy, sensitive vegetation clearance, and creation of high-quality habitat through biodiversity net gain principles. The specifications and locations of the bat and bird nest boxes along with the location of the hedgehog highways have been provided and these will be conditioned accordingly.

The Council's Ecologist has noted the submission of a sensitive lighting scheme which was required to avoid significant impacts to nocturnal species and light sensitive habitats. The Lighting Strategy (DFL, September 2025) and Horizontal Illuminance (lux) Plan (DFL, September 2025) show suitable reduction in light spill near sensitive receptor areas.

A Construction Environmental Management Plan (Biodiversity) (Ecosurv, September 2025) has also been provided as part of the application, and this will be conditioned accordingly.

With regard to vegetation clearance, this will be expected to take place outside of the nesting bird season (March/August inclusive) otherwise a pre commencement nesting bird check is to be carried out directly prior to clearance. As birds are afforded statutory protection it will not be necessary to attach a condition, however, an informative will be attached to any planning permission to remind the applicant of the relevant legislation within the Wildlife and Countryside Act 1981 (as amended).

Biodiversity net gain (BNG) is now a mandatory requirement for most development in England, subject to a series of exemptions. Proposals are required to achieve at least a 10 % increase in biodiversity value compared with the baseline condition: the biodiversity gain objective. Further to review of the submitted BNG Metric Tool and Biodiversity Net Gain Statement, the Council's Ecologist is satisfied that appropriate demonstration has been provided that the biodiversity gain hierarchy will be met. Proposals include onsite habitats including Native Hedgerow with Trees, Mixed Scrub, Modified Grassland, Native Hedgerow, Other Neutral Grassland, Species Rich Native Hedgerow, Sustainable drainage system, vegetated garden, and Urban Trees. Offsite habitat creation is also to be provided to account for the losses that cannot be replaced onsite.

As set out within the SSGA SPD, all planning applications will have to satisfy the Habitats Directive in order to ensure that a development proposal will not have any adverse effects on the integrity of the Durham Coast SAC and the Northumbria Coast SPA/Ramsar. This would normally be achieved through the provision of appropriate mitigation measures such as a HRA contribution to be secured through a Unilateral Undertaking or S.106 Agreement. However, within the SSGA the aforementioned Habitats Directive is achieved through the provision of Suitable Alternative Natural Greenspaces (SANG's). These areas provide space for residents and the surrounding local community to walk dogs (on and off the lead) in order to prevent dogs affecting nesting birds during coastal walks. The proposed development will bring forward the vast majority of the required SANG on site with an HRA contribution of £4,244 to be made to the LPA to account for the small shortfall. This has been agreed with the Council's Ecologist and Natural England have confirmed that they will be satisfied where there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. The above approach would ensure that this would be the case.

Subject to the imposition of the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on ecology, in accordance with Policy NE2 of the adopted CSDP.

7. The impact of the development on flooding and drainage

In relation to flooding, paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 181 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

(a) within the site, the most vulnerable development is located in areas of lowest flood risk,

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

Paragraph 182, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
(a) take account of advice from the Lead Local Flood Authority (LLFA);
(b) have appropriate proposed minimum operational standards;
(c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
(d) where possible, provide multifunctional benefits.

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

The application has been accompanied by a Flood Risk Assessment which confirms that the site is located entirely in Flood Zone 1 (low risk/probability of flooding).

With regard to the drainage strategy, the preferred hierarchy for surface water disposal sets out that consideration should first be given to discharge to infiltration systems, watercourse, surface water sewer and combined sewer in that priority order. In this respect the accompanying drainage strategy confirms that;

- infiltration is not feasible for this site.
- There are no watercourses in the sites immediate vicinity.
- There are existing public sewers located in the sites immediate vicinity which present a viable outfall for both surface water and foul water flows.

In light of the above, the drainage approach to be progressed involves discharge to the existing public sewage network. This has been agreed by the Council's LLFA. Surface flows will be directed to a SuDS detention basin located on the sites western boundary and then discharged to the existing 225mm surface water public sewer network located at The Fold. All drives will have permeable paving. Foul flows for the site will be directed towards the existing foul sewer located at The Fold.

The strategy has been considered by the Council's Lead Local Flood Officer, and it is deemed to be acceptable subject to the imposition of a verification statement.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 170, 181 and 182 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

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

Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and risks arising from natural hazards or

former activities such as mining, and any proposals for mitigation including land remediation. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Geoenvironmental Appraisal (Sirius), and a Gas Risk Addendum letter dated 17 September 2025.

Further to review by the Council's Land Contamination Officer, has noted that the land has historically been used for agriculture and has not otherwise previously been developed. No potential sources of significant contamination were identified on site, however soil samples were found above the relevant assessment criteria for a proposed residential end use. Further to the submission of the Gas Risk Addendum during the course of the application's consideration, the Contamination Officer is satisfied that the risks posed by contamination and ground conditions is acceptable and has advised that at a condition to deal with risks arising from any unexpected contamination is imposed on the decision notice.

The objectives of Para 196 of the NPPF and Policy HS3 of the CSDP have therefore been met.

9. The implications of the development relative to archaeology and heritage

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

i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;

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

As noted within the consultee section of this report, the application has been accompanied by an archaeological desk-based assessment and a geophysical survey.

The County Archaeologist has confirmed that the site was previously subject to desk-based assessments from 2013 (event report: 2013/74) and 2017 (event report: 2017/54). These concluded that there was potential for archaeological remains associated with the series of enclosed prehistoric and Romano-British settlements (HER 17809) identified immediately adjacent to the site. These settlements are located within a wider prehistoric field system of possible stock enclosures. Three of the enclosures contain ring ditches which may represent the remains of round houses. The enclosures potentially date to the Iron Age and Romano-British periods. This was confirmed by geophysical survey (event report: 2017/55) and archaeological evaluation (event report: 2017/74) as part of the neighbouring housing development (19/01497/HY4). Recently completed excavation further confirmed the survival of these archaeological remains. The geophysical survey (event report: 2017/55) of the adjacent fields has established that there is a strong possibility of archaeological features continuing into the

proposed development site.

The applicant has provided an archaeological desk-based assessment for the site (event no: 5672, report no: 2025/34) carried out by Archaeological Services Durham University in 2025. The assessment concluded that there was significant potential for later prehistoric/Roman archaeological remains within the site based on the previous archaeological fieldwork immediately to the east of the site. The assessment recommended geophysical survey and archaeological evaluation of the site. The geophysical survey was undertaken in 2025 (event no: 5673, report no: 2025/35) and archaeological evaluation trenching is currently underway. Based on the results of the geophysical survey and the archaeological remains identified in the neighbouring developments, the County Archaeologist has confirmed that further work in the form of archaeological excavation will be required to record and advance understanding of their significance (NPPF para 211).

On this basis, a suite of 3no conditions is required to be attached to any consent granted. This will cover a pre-commencement condition (other than in respect of the relevant highway works connected to the construction of the entrance way into the site which shall be supervised by on-site by an archaeologist as agreed by the County Archaeologist) to deal with the required archaeological fieldwork, the submission of a post excavation report detailing the findings of the fieldwork and a condition to ensure that the results of the report are reproduced in a form suitable for publication.

As noted in the consultee responses, the Councils Conservation Officer has noted that the development is sufficiently remote from the Listed Grade II Tunstall Lodge to ensure that there are no built heritage setting concerns related to the development.

Further to the imposition of the archaeological conditions, there is considered to be no conflict with CSDP Policy BH9.

10. Summary of position in respect of planning obligations and viability

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document.

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP, and provides guidance in relation to other policies of the adopted CSDP including Policy H2 and Policy NE4 (summarised above).

Paragraph 56 of the NPPF (December 2024) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 58 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010)):

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The following would be required and secured via a Section 106 legal agreement (these figures are base multiplier figures):

- 10% of the development to be for affordable dwellings (Discount Market Value dwellings);
- £151,655 towards education provision.
- £45,423 towards the provision of sport and recreation.
- £16,513 Ecology contribution.
- £4,244 HRA contribution.
- £39,053 for offsite play.
- £16,807 for public transport.
- £4,557 towards local allotments in the Ryhope/ Silksworth/ Doxford Wards.
- £98,098 towards the Ryhope Doxford Link Road.

In addition, the agreement will secure the provision and ongoing management and maintenance of the areas of SANG and Public Open Space.

The requested financial contributions are considered necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause of the agreement sets out the applicant's commitment to delivering 10% of the dwellings being affordable. As such, it is considered that these contributions would satisfy the tests set out at Paragraph 58 of the NPPF (December 2024).

The applicant has agreed to the financial contributions and provision of affordable housing provision as detailed above, and these will be secured via an agreement under Section 106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application, the Section 106 legal agreement will be completed upon approval of the application under consideration.

Conclusion

As set out earlier in this report, Section 38(6) of the 2004 Act makes it clear that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'.

Overall, it is considered that the proposed development would contribute to meeting a housing need on a site that is allocated as a housing delivery site within the CSDP. On this basis, it is considered that the proposed development would accord with strategic policy SP1 and strategic policy SS6 of the adopted CSDP.

It would provide an acceptable density of development at this location, contribute to meeting affordable housing needs (secured via a Section 106 legal agreement), and provide a housing type, tenure and size that would be appropriate for this location.

Subject to the discharge of and / or compliance with recommended conditions attached to this planning permission, it is considered that the proposed development would have no unacceptable impacts in relation to design and impact on visual amenity. The Council's Environmental Health Officer has raised no objections to the proposed development. This is subject to a condition being attached to any planning permission to require the Applicant to submit a detailed noise mitigation

scheme for the approval by the LPA.

Subject to the discharge of and compliance with this condition, it is considered that the proposed development would have no unacceptable impact on the future occupiers of the development, providing an acceptable standard of amenity that accords with policy BH1 of the CSDP.
In terms of highway impacts, the application has been fully assessed, and it is concluded that the development, when cumulatively considered with existing committed sites, would not have a significant impact on either the Strategic Road Network or local road infrastructure. The proposed access and egress arrangement to the south of the site is considered to be appropriate to manage the flow of incoming and outgoing traffic for both the new site and the existing residential properties from The Fold and the Council's Highway Engineers have offered no objection.
Subject to the discharge of and compliance with recommended conditions attached to any planning permission, it is also considered that the proposed development would have no unacceptable impacts on ecology and trees, flooding / drainage, contamination and archaeology.

It is considered that the proposal accords with the requirements set out within the SSGA SPD and therefore accords with strategic policy SS6 of the CSDP. For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan. It would accord with guidance within the Council's Development Management Supplementary Planning Document, The South Sunderland Growth Area Supplementary Planning Document and the National Planning Policy Framework (December 2024).

The proposal is therefore considered to be an acceptable form of development and is recommended for approval.

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:

(a) MINDED TO APPROVE planning permission, subject to the recommended schedule of draft conditions and the completion of a Section 106 legal agreement.

OR

(b) If the Section 106 Agreement is not completed by 30 June 2026 then REFUSE planning permission for the reason below:

There does not exist a mechanism to provide the relevant planning obligations required to mitigate the impact of the proposed development and make it acceptable in planning terms, namely the provision of affordable housing, financial contributions towards education, sport and recreation, and allotment provision, play space, Habitat Regulation Assessment (HRA mitigation) and towards the Ryhope Doxford Link Road and public transport.

Reason: In the absence of such planning obligations being provided, the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), and Policy H2 (Affordable homes), Policy NE2 (biodiversity and geodiversity), Policy NE4 (Greenspace), Policy ST2 'Local road network' and Policy ID2 (planning obligations) of the adopted Core Strategy and Development Plan (2015-2033).

Conditions:

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

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

The location plan received 09.06.2025 (Planning ref: BBT-LOC-001);
The existing site plan received 09.06.2025 (Planning ref: BBT-ESP-001);
The proposed site plan as amended received 17.02.2026 (Planning ref: BBT-SLP-001 Rev W);
House Type 'Beech' floor plans and elevations received 17.06.2025 (Planning ref: BEE-PD-00);
House Type 'Birch' floor plans and elevations received 17.06.2025 (Planning ref: BIR-PD-00);
House Type 'Cherry' floor plans and elevations received 17.06.2025 (Planning ref's CHE-PD-00 and CHE-PD-00 Rev A);
House Type 'Chestnut' floor plans and elevations received 28.05.2025 (Planning ref's CH-S-10, CH-S-20, CH-S-25, CH-S-50, CH-S-51; CH-S-52);
House Type 'Damson' floor plans and elevations received 17.06.2025 (Planning ref's DAM-PD-00 and DAM-PD-00 Rev A);
House Type 'The Laurel' floor plans and elevations received 17.06.2025 (Planning ref: LAU-PD-00);
House Type 'The Magnolia' floor plans and elevations received 17.06.2025 (Planning ref: MAG-PD-00);
House Type 'The Oak' floor plans and elevations received 17.06.2025 (Planning ref: OAK-PD-00);
House Type 'The Palm' floor plans and elevations received 17.06.2025 (Planning ref: PAL-PD-00);
House Type 'The Willows' floor plans and elevations received 17.06.2025 (Planning ref: WIL-PD-00 and WIL-PD-00 Rev B;
The Boundary Treatment plan received 17.02.2026 (Planning ref: BBT-BTP-001);
The Enclosure Details as amended received 17.02.2026 (Planning ref: BBT-ED-001 Rev A);
The Material Finishes layout as amended received 17.02.2026 (Planning ref: BBT-MF-001 Rev C);
The EV Charger layout as amended received 17.02.2026 (Planning ref: BBT-EV-001 Rev D);
The PV layout as amended received 17.02.2026 (Planning ref: BBT-PVP-001 Rev C);
The Open Space Management areas as amended received 17.02.2026 (Planning ref: BBT-POS-001 Rev E);
The Bat and Bird Layout as amended received 17.02.2026 (Planning ref: BBT-BBP-001 Rev D);
The Landscape Strategy Plan as amended received 17.02.2026 (Planning ref: D373.L.001 Rev H);
The Self Binding Gravel detail received 19.12.2025 (Planning ref: BBT-SGD-001);
The Kerb Notes and Finishes plan received 19.12.2025 (Planning ref: QD2262-07-01 REV D);
The Offsite footpath plan received 25.11.2025 (Planning ref: BTT-OSF-001);
The Construction Management Plan as amended received 19.12.2025 (Planning ref: BBT-CMP-001 REV F;
The Site Deliveries plan as amended received 19.12.2025 (Planning ref: BBT-SDP-001 REV C);
The Engineering layout as amended received 19.12.2025 (Planning ref: QD2262-03-01 REV F);
The External Works Sheet 1 and 2 as amended received 19.12.2025 (Planning ref's

QD2262-04-01 REV F and QD2262-04-02 REV F);
The Basin GA plan as amended received 19.12.2025 (Planning ref: QD2262-04-04 REV B);
The SuDs location and Maintenance Plans as amended received 25.02.2026 (Planning ref's QD2262-00-06 REV B and QD2262-04-03 REV F);
The Impermeable Areas plan received 25.11.2025 (Planning ref: QD2262-03-02);
The Light Spill plan received 26.09.2025 (Planning ref: 4213-DFL-ELG-XX-LD-EO-13001-S3-P01)

3 The development hereby approved, shall be carried out in full accordance with the agreed list of external materials as set out within plan ref: BBT-MF-001 Rev C.

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

4 The development hereby approved, shall be carried out in full accordance with the measures and mitigations outlined within the Construction Environmental Management Plan (Burdon Road, Tunstall, Nov 2025).

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

5 Prior to occupation of any dwelling, a detailed scheme confirming relevant noise mitigation measures shall be submitted for the approval of the LPA in writing which meets the recommendations set out in the Noise Assessment ref NJD24-0192-002R. Thereafter, the measures shall be implemented in accordance with the agreed details and prior to the first occupation of the properties.

Reason: To ensure that a satisfactory level of amenity is provided to residents and to accord with policies BH1 and HS2 of the adopted Core Strategy Development Plan.

6 The landscaping scheme as detailed in Drawing No. D373.L.001 Rev H, shall be carried out in full accordance with the approved plan and within the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1 and NE3 of the adopted Core Strategy Development Plan.

7 The development hereby approved shall be undertaken in full accordance with the recommendations of the 'Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement (Eco Surv, August 2024). All tree protection measures shall be installed and retained in situ in accordance with the timings and protection methodology set out in Sections 8.5, 8.6 and 8.7 of the Method Statement and Protection Plan.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

8 Prior to the first occupation of the development hereby permitted, final details of signage/sign-posting to provide information on the on-site SSAANGs provision available, including, but not limited to, walking routes, off-lead dog areas, etc. to be installed must be submitted to and approved in writing by the local planning authority. These details shall include the: detailed design(s) of signage/features to be installed;

a) location of proposed signage/features shown on appropriate scale maps and plans;
b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
c) persons responsible for implementing the works;

The works shall be carried out strictly in accordance with the approved details. The approved signage / sign posting shall then be retained and maintained thereafter for the lifetime of the development.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy SS6, Policy NE2, and Policy NE4 of the adopted Core Strategy and Development Plan, and guidance with the SSGA Supplementary Planning Document.

9 All of the ecological measures set out within the Site Layout Plan Rev. W (Homes by Esh, February 2026), the Bat and Bird Box Plan Rev D (Homes by Esh, February 2026) and the provided technical specification documents for Swift Nest Brick (Manthorpe Code: GSWB) and Bat Ridge Roost Boxes (Manthorpe Code: Gbat - R), shall be implemented in full prior to first occupation of the respective dwelling to which they relate, with all features created thereafter retained for the lifetime of the development.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the CSDP.

10 The ecological measures set out in the Construction Environmental Management Plan (Biodiversity) (Ecosurv September 2025) shall be implemented in full and all features created will be retained in that manner thereafter.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

11 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment - Unit Generation (OS Ecology, August 2024) and Biodiversity Net Gain Statement (Ecosurv, September 2025).

Reason: to ensure BNG objectives are met and comply with the requirements of policy NE2 of the CSDP and the Environment Act 2021.

12 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall be prepared and submitted using the Habitat Management and Monitoring Plan Template as published by Natural England. Where subsequent versions of the template have been published, the most recent version at the time of submission shall be used. The HMMP shall be accompanied by a completed Habitat Management and Monitoring Plan Checklist, as published by Natural England, and the content of the HMMP shall be consistent with the guidance contained therein. The approved plan must then be implemented in accordance

with the approved details.

Reason: to ensure on site habitats achieve biodiversity objectives and to comply with the objectives of policy NE2 of the CSDP.

13 Written confirmation of the following shall be given to the Council as Local Planning Authority within 1 month of the:

a. Implementation of the approved HMMP; and
b. The completion of the habitat creation and enhancement works as set out in the approved HMMP.

Reason: to ensure on site habitats achieve biodiversity objectives and to comply with the objectives of policy NE2 of the CSDP.

14 No occupation of any dwelling shall take place until:

a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: to ensure on site habitats achieve biodiversity objectives and to comply with the objectives of policy NE2 of the CSDP.

15 The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: to ensure on site habitats achieve biodiversity objectives and to comply with the objectives of policy NE2 of the CSDP.

16 HMMP monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP. The monitoring reports shall be prepared and submitted using the Monitoring Report Template published by Natural England.

Reason: to ensure on site habitats achieve biodiversity objectives and to comply with the objectives of policy NE2 of the CSDP.

17 Prior to any development commencing on site, specific details of the proposed timing of the submission of sustainable drainage verification report(s) and the extent of the SuDS features to be covered in the report(s), must be submitted to and approved by the Local Planning Authority.

Reason: to ensure that report(s) to verify the implementation of agreed sustainable drainage infrastructure will be submitted at appropriate times and to comply with policies WWE2 and WWE3 of the CSDP.

18 Drainage verification report(s) must be submitted in accordance with the timings and details approved pursuant to the discharge of condition 17 of this decision notice. The report(s), which must be produced by a suitably qualified person, shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme and must include, in totality:

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

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

19 No groundworks or development shall commence (other than the necessary S278 enabling works connected to the construction of the entrance way into the site which shall be supervised by on-site by an archaeologist) until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 218 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

20 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 19 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 218 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

21 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 218 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under

Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

23 Within 6 months of the commencement of the development hereby permitted, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include results of a baseline travel survey and a series of targets, monitoring and review and remedial measures. The development hereby approved shall thereafter be managed in accordance with the approved full travel plan.

Reason: To ensure sustainable transport, in accordance with policies ST2 and ST3 of the Core Strategy.

24 The in-curtilage parking areas and the electric charging points shall be provided accordance with the approved plans before each respective dwelling is occupied and the visitor parking bays laid out in accordance with the approved plans prior to the occupation of the final dwelling. The parking areas shall then be made available for such use at all times thereafter.

Reason: In the interests of highway safety and to comply with policy ST3 of the Core Strategy Development Plan.

25 Prior to the occupation of the first property, the footpath link shown at the north-western corner of the site shall be installed in accordance with the agreed details. Thereafter, the footpath shall be made available for use prior to occupation of the 10th dwelling.

Reason: In the interests of incorporating appropriate pedestrian and cycle routes within and through the site, linking to the wider network and to comply with policy ST3 of the Core Strategy Development Plan.

26 Notwithstanding the provisions of Article 3 and Class A of Part 2 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no boundary treatment shall be erected beyond the front elevation of the dwellings hereby approved (other than as shown on Planning ref: BBT-BTP-001, 'Boundary Treatment Plan' received 17.02.2026) without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenity and open plan nature of the development and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

27 The solar panels hereby approved, shall be installed in accordance with the specification provided to the Local Planning Authority on 26.02.2026, namely AG-M10 Solar Photovoltaic Panels, Clearline Fusion.

Reason: In the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

3. Houghton

Reference No.: 25/01316/FUL Full Application

Proposal: **Construction of No.58 Dwellings associated Access, Landscaping, Open Space and SuDS.**

Location: Land At Mulberry Way Fence Houses Industrial Estate, Houghton-le-Spring

Ward: Houghton
Applicant: Persimmon Homes
Date Valid: 27 June 2025
Target Date: 26 September 2025

PROPOSAL:

Planning permission is sought for the construction of No.58 Dwellings associated Access, Landscaping, Open Space and SuDS on land at Mulberry Way, Fence Houses Industrial Estate, Houghton-le-Spring.

The site is located to the east of the built-up area comprising the settlements of Chilton Moor and Fence Houses. The site sits between existing residential development and Mulberry Way, which is the boundary of the settlement gap to the major settlement in the area of Houghton-le-Spring. To the immediate east of the site is Moors Burn, which runs north to south parallel to Mulberry Way.

The application site relates to land situated to the north of North View Terrace/ Dairy Lane. The application site is split into three separate parcels of land; the parcel of land to the west of Mulberry Way is identified on the submitted plans for residential dwellings with the parcel of land to the to the to the east and north identified for Sustainable Urban Drainage (SuDS) and off-site Ecological Mitigation/Biodiversity Net Gain (BNG).

The overall site area covers 3.91 hectares, with the site allocated for housing development measuring approximately 2.19 hectares. The typography of the site which is allocated for housing slopes gradually downward from the existing residential estate to the west towards the main highway of Mulberry Way to the east where it slopes sharply in places. The site is bounded by a post and wire fence which is set back slightly (approximately 1m) from the public footway and internal fencing segregating areas within the site. The site consists of grassland with tree planting/hedging located along the perimeter and sporadic tree planting within the site and there appears to be a public right of way running from Moorsfield to Mulberry Way and some informal pathways within the site from Greenmount to Mulberry Way running west to east and northward. The site is currently designated as an amenity open space via Saved UDP Policy L1 and is identified within the Greenspace Audit (2020) as an amenity greenspace. The site is located within an area of archaeological importance and is within an identified wildlife corridor.

To the north (adjacent to the Dubmire Industrial Estate) and east of Mulberry Way (to the west of Moors Burn) are parcels of land within the red-line boundary which are detailed as being allocated for SuDS attenuation and biodiversity net gain. This land is identified as being within the Settlement Break and within an area identified for highways schemes. The site is also within Flood zones 2 and 3 as identified by the Environment Agency.

The site is located within the ward of Houghton. It is within a 250m buffer for Surface Coal MSA

and a Sand and Gravel Bedrock Superficial MSA - 250m Buffer. The land contained within the north of the site adjacent to Dubmire Industrial Estate is identified as existing open space. The site is within a coal mining legacy area identified as High Risk.

The proposed development has been subject to pre-application discussions with Officers at the City Council and a programme of community engagement.

A Stage 2 Pre-Application Advice Request was submitted by the Applicant in May 2024 with a written response provided on the 11th July 2024. The response to the pre-application from the Council confirmed that the principle of residential development on the site was not considered to be acceptable.

The community engagement involved leaflet distribution with residents and local businesses being invited through the notification leaflet to offer their views on the proposed development via email response. Further details of the pre-application engagement are found in the Planning Statement (including Statement of Community Involvement (SCI) which accompanies this planning application submission.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr John Price
Cllr Mark Burrell
Cllr Juliana Heron
Planning And Highways
Northumbrian Water
Northern Powergrid
Land Contamination
Flood And Coastal Group Engineer
Environmental Health
Network Management
Planning Policy
Planning Implementation
Landscape
Director Of Childrens Services
Northumbria Police
NE Ambulance Service NHS Trust
Chief Fire Officer
Mining Remediation Authority
Nexus
Tyne And Wear Archaeology Officer
Public Rights Of Way Officer
Natural Heritage
Cllr John Price
Cllr Mark Burrell
Cllr Juliana Heron
Planning Obligations Officer

Hetton Town Council
Environment Agency
Natural England

Neighbour Consultation

1 Greenmount Houghton-le-Spring DH4 5FB
2 Greenmount Houghton-le-Spring DH4 5FB
4 Greenmount Houghton-le-Spring DH4 5FB
26 Fairfield Houghton-le-Spring DH4 5FE
35 Fairfield Houghton-le-Spring DH4 5FE
25 Fairfield Houghton-le-Spring DH4 5FE
24 Fairfield Houghton-le-Spring DH4 5FE
34 Fairfield Houghton-le-Spring DH4 5FE
33 Fairfield Houghton-le-Spring DH4 5FE
32 Fairfield Houghton-le-Spring DH4 5FE
31 Fairfield Houghton-le-Spring DH4 5FE
30 Fairfield Houghton-le-Spring DH4 5FE
29 Fairfield Houghton-le-Spring DH4 5FE
28 Fairfield Houghton-le-Spring DH4 5FE
27 Fairfield Houghton-le-Spring DH4 5FE
23 Fairfield Houghton-le-Spring DH4 5FE
42 Greenmount Houghton-le-Spring DH4 5FB
41 Greenmount Houghton-le-Spring DH4 5FB
40 Greenmount Houghton-le-Spring DH4 5FB
Vacant Property Unit 23D Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Cre8 Print And Sign Limited Unit 23B Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Unit 23C Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Redrose Manufacturing Limited Unit 22B Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Biz Space (NE) Limited Unit 23A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Litho Devices Limited Unit 22A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Redrose Manufacturing Unit 21B Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Redrose Manufacturing Limited Unit 21A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
LWC Limited Mulberry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RH
Pakway Ltd Unit 16 Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
1 The Granary Houghton-le-Spring DH4 5PJ
75 Moorsfield Houghton-le-Spring DH4 5PG
76 Moorsfield Houghton-le-Spring DH4 5PG
74 Moorsfield Houghton-le-Spring DH4 5PG
73 Moorsfield Houghton-le-Spring DH4 5PG
28 Greenmount Houghton-le-Spring DH4 5FB
29 Greenmount Houghton-le-Spring DH4 5FB
21 Greenmount Houghton-le-Spring DH4 5FB
20 Greenmount Houghton-le-Spring DH4 5FB
5 Greenmount Houghton-le-Spring DH4 5FB
8 Greenmount Houghton-le-Spring DH4 5FB
6 Greenmount Houghton-le-Spring DH4 5FB
9 Greenmount Houghton-le-Spring DH4 5FB
11 Greenmount Houghton-le-Spring DH4 5FB

7 Greenmount Houghton-le-Spring DH4 5FB
10 Greenmount Houghton-le-Spring DH4 5FB
Keswick House Newcastle Road Houghton-le-Spring DH4 5PX
Bewick House Newcastle Road Houghton-le-Spring DH4 5PX
27 Greenmount Houghton-le-Spring DH4 5FB
22 Greenmount Houghton-le-Spring DH4 5FB
Highbury North View Terrace Houghton-le-Spring DH4 5NW
Greenbank North View Terrace Houghton-le-Spring DH4 5NW
Moor Burn House Dairy Lane Houghton-le-Spring DH4 5DL
Moors Farm Moors Farm House North View Terrace Houghton-le-Spring DH4 5NW
18 Moors Close Houghton-le-Spring DH4 5PE
20 Moors Close Houghton-le-Spring DH4 5PE
22 Moors Close Houghton-le-Spring DH4 5PE
27 Moors Close Houghton-le-Spring DH4 5PE
24 Moors Close Houghton-le-Spring DH4 5PE
23 Moors Close Houghton-le-Spring DH4 5PE
28 Moors Close Houghton-le-Spring DH4 5PE
26 Moors Close Houghton-le-Spring DH4 5PE
25 Moors Close Houghton-le-Spring DH4 5PE
79 Moorsfield Houghton-le-Spring DH4 5PG
78 Moorsfield Houghton-le-Spring DH4 5PG
77 Moorsfield Houghton-le-Spring DH4 5PG
26 Greenmount Houghton-le-Spring DH4 5FB
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16 Greenmount Houghton-le-Spring DH4 5FB
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24 Greenmount Houghton-le-Spring DH4 5FB
14 Greenmount Houghton-le-Spring DH4 5FB
3 Greenmount Houghton-le-Spring DH4 5FB
12 Greenmount Houghton-le-Spring DH4 5FB

Final Date for Receipt of Representations: **29.07.2025**

REPRESENTATIONS:

Consultation responses received

No objection
- Fire and Rescue
- Heritage
- Northern Powergrid - Standard Response
- Natural England
- Archaeology
- Northumbrian Water - No objection subject to recommended planning condition. Informative requested.
- Ecology - Objection -
- Public Health - No objection subject to recommended planning conditions.
- Highways - No objection subject to recommended planning conditions and highway upgrades.
- Coal Authority - parts of the application site fall within the defined Development High Risk

Area (DHRA). Records indicate that the potential zones of influence (ZOIs) of two off-site mine shafts (refs. 432550-013 and 432550-014) encroach partly into the site. The main development plot is located outside the DHRA and that no development appears to be proposed within the DHRA. SuDS will need to consider the implications in relation to stability and public safety risks posed by coal mining legacy. Informative requested.

- Contaminated Land Officer - No object subject to recommended planning conditions.

Objections

LLFA - Further information should be submitted before the application could be suggested for approval regarding Flood Risk Assessment, Drainage, agreement for discharge, MDX files relating to structural, hydraulic and ground investigation, SuDS landscaping and construction.

Environment Agency - Inadequate Flood Risk Assessment (FRA) and Up-to-date ecological assessments have not been provided to demonstrate that there will be no impacts to protected species.

Northumbria Police - Northumbria Police have concerns that the design may cause vulnerability to a number of plots, we ask that the plan is looked at again and reprised to remove/reduce the vulnerability in the design.

CPRE - The Land, forms part of a previous permission 00/01407/FUL which was approved in 2001. The site formed part of the Settlement Break. there was an important condition relating to provision of a children's play area as detailed in Plan number 352/204. Loss of Green Space is not justified and breaches a previous, clear condition. While we accept that the proposal for a SUDS scheme on the opposite side of the road on a site which is still undoubtedly within the Settlement Break may have a neutral or even beneficial impact, it is part of this housing proposal which, if approved, would clearly involve a breach of an existing, presumably enforceable condition.

- Ecology - Planning Obligation required. An up-to-date ecological assessments has not been provided to confirm that the construction works and operation of the site once complete will not impact on protected species. Insufficient information has been provided to assess the risks posed by the development on protected species.

Public representations received

One hundred and twenty-two representations have been received from eighty-four properties and a petition containing one hundred and fifty-one signatures (many of which had submitted individual objections) have been received objecting to the proposed development. A petition was set up on Change.Org, however the Local Planning Authority cannot accept petitions in this format.

Concerns are summarised below;

Design

- overdevelopment, strain on existing infrastructure (GPs/Dentists/Schools), character and appearance, lack of children's play space, loss of green space, inappropriate density, encroachment, development within the settlement break

Amenity

- loss of greenspace, noise, air quality, overlooking, cumulative impact, lack of amenities,

pollution

Highway and pedestrian safety

- Access, parking, construction-related safety and disruption, congestion

Ecology

- Impact on protected species, loss of wildlife corridor, environmental degradation and habitat loss

Flood Risk

- The proposed SuDS area will drain into Moors Burn. This stream already fills to bursting point during heavy periods of rain and runs past nearby Longacre which has flooded in the past causing damage to properties.

Affordable Housing

- If the policy includes 1st homes and affordable homes why is there no homes adapted for people with disabilities surely now any new housing development should include homes which are available to disabled people thus giving them equal rights to access a new home Greenspace
- loss of green space/play space, loss of Green Belt, loss of recreational facilities

Fear of Crime

- crime in the area is a lot heard of then it ever used to be that's for sure.

Other

Developer conduct, lack of consultation, devaluation of property values, lack of enforcement action, breach of original planning intent, violation of previous planning promises

POLICIES:

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

Core Strategy and Development Plan (CSDP)

SP1 Development strategy
SP5 South Sunderland
SP8 Housing supply and delivery
HS1 Quality of life and amenity
HS2 Noise-sensitive development
H1 Housing mix
H2 Affordable homes
BH1 Design quality
BH2 Sustainable design and construction
BH6 Quality communications
BH7 Historic environment
BH8 Heritage assets

BH9 Archaeology and recording of heritage assets
NE1 Green and blue infrastructure
NE2 Biodiversity and geodiversity
NE4 Greenspace
NE9 Landscape character
WWE1 Decentralised, renewable and low carbon energy
WWE2 Flood risk and coastal management
WWE3 Water management
WWE5 Disposal of foul water
WWE6 Waste management
SP10 Connectivity and transport network
ST1 Urban core accessibility and movement
ST2 Local Road network
ST3 Development and transport

Unitary Development Plan (Saved Policies) (UDP)

SA10 - Community and Environmental Priority
SA12.3 - Housing Improvements

Strategic Housing Land Availability Assessment 2020 (SHLAA)

The National Planning Policy Framework (NPPF)
National Planning Policy Guidelines (NPPG)
National Design Guide (NDG)

COMMENTS:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF, as are the Unitary Development Plan (saved policies) (UDP)

The key issues for consideration in the determination of this application are: -

Principle of the development
Design and impact on the street scene
Impact upon residential amenity
Heritage impact
Ecological impact
Landscape and open space
Contamination
Highway and pedestrian safety
Flood risk, water and wastewater management
Planning Obligations

The NPPF Chapter 5 details how the NPPF can support the Government's objective of significantly boosting the supply of homes, paragraph 63 states that the housing needed for

different groups in the community should be assessed and reflected in planning policies including (but not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. The NPPF at Chapter 11 paragraph 123 state that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

CSDP Policy SP1 sets out the principles for development for Sunderland City and seeks to support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key takeholders with an aim to deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure across the plan period with CSDP Policy SP6 setting out the policies for strategic growth across the Coalfield which states that the Open Countryside and Settlement Breaks will be protected.

CSDP Policy SP7(6) seeks to ensure healthy and safe communities and seeks to ensure that new developments are i. are age friendly, inclusive, safe, attractive, and easily accessible on foot or by bicycle and ii. have a strong sense of place which encourages social interaction; iii are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space; iv promote improvements and enhance accessibility to the city's natural, built and historic environments and v. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2).

CSDP Policy SP8 relates to housing supply and delivery whilst CSDP Policy H1 sets out the principles for residential housing mix with an aim to providing affordable housing, market housing demand and specialist housing through a mix of house types, tenures and sizes which are appropriate for their location, taking into consideration the character and accessibility of an area.

CSDP Policy H1 relates to housing mix and advocates that residential development should create mixed and ustainable communities which seeks to ensure that an adequate and appropriate supply of housing choice is provided across our communities in terms of type,tenure, design and price, to meet the needs and aspirations of existing and future residents. In this regard the council will seek to ensure that all new housing developments are delivered
to a density which is appropriate for its location, taking into consideration the character and accessibility of an area. Higher densities will be encouraged in sites which have good public transport accessibility such as metro, rail and frequent bus service and are located in close proximity to centres. This Policy also requires that 10% of dwellings on major developments to meet building regulations M4(2) Category 2 - accessible and adaptable dwellings.

Affordable Housing

The NPPF at Paragraph 64 states that where there is a need for affordable housing, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 66 states that for major developments involving the provision of housing, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

The NPPF is clear that LPAs must identify the "full, objectively assessed needs (OAN) for market and affordable housing in the housing market area." An OAN can otherwise be known as a housing requirement. CSDP Policy H2 Affordable Homes sets out a minimum housing target of

15% on all development of no.10 dwellings or more or on sites of 0.5 hectares or more.

This application as 'major development' is deemed appropriate to contribute to the affordable housing delivered in the City of Sunderland.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

a) Social Rent;
b) Other affordable housing for rent:
c) Discounted market sales housing
d) Other affordable routes to home ownership

On a local level, CSDP H2 sets the trigger for an affordable housing contribution at developments of 10 or more units, or, on sites of 0.5ha or more for the provision of at least 15% affordable housing to be provided on site and be retained in affordable use in perpetuity. Such housing should be grouped in clusters throughout the site and be indistinguishable in terms of appearance from the market housing and reflect the latest available evidence with regards the tenure split and size of dwellings.

The CSDP at paragraph 6.20 states that affordable housing should be provided on-site in order to ensure that developments contribute towards creating mixed and balanced communities. In some circumstances, the council may accept delivery of affordable housing off-site, for example where the off-site provision would have wider regeneration benefits. Where it can be demonstrated to the council's satisfaction that neither on-site nor off-site provision would be appropriate, the payment of a financial contribution in lieu of on-site provision may be acceptable.

The application sets out that the scheme is to provide 7no. (75% of Affordable Units) Haldon as Affordable Rent and 2no. (25% of the Affordable Units) as Discount Open Market Units. Plan reference number DDL001 Rev 00, details that there would be 8no Haldon type units provided on site, no. 7 of these would be Affordable Rental Units and no.1 would be a Discount Open Market Unit with the remaining Discount Open Market Unit detailed as an Addlebrough house type of which the on-site provision of this house-type totalling no.4 units in total.

The application site lies to the east of an existing housing settlement known as High Dubmire. The site incorporates two sites which were previously included in the Strategic Housing Land Availability Assessment (SHLAA); sites 539 (35 dwellings) and 382 (15 dwellings). These are currently categorised as Not Currently Developable (NCD).

However, the site which is the subject of this application formed part of a larger development granted under planning application reference number 00/01407/FUL - New housing and assoc. landscaping, highways; new bypass link road and stopping up and change of use of highway and footpath to residential, private garden, public highway and landscaped areas. (alternative to 99/01628/FUL) which was granted permission on the 14th March 2001. Condition 28 of the aforementioned permission set out the following;

"Details of the precise location and layout of the play areas and equipment to be provided shall be submitted and approved in writing by the Local Planning Authority before the development commences. Such facilities shall be provided in accordance with the agreed details and be available for use before Plot numbers 115-117, and 125-128 are occupied. The play area shall then be retained and maintained as such, in order to achieve a satisfactory form of development and to comply with policy H21 of the UDP."

The site, which is the subject of this application, is detailed under approved plan reference number as 352/204 Rev C as Children's Open/Space/Informal recreation area and meadow space. Condition 28 states that the play area shall be retained and maintained as such, in order to achieve a satisfactory form of development. The condition referred to above was deemed necessary to make application reference number 00/01407/FUL acceptable in planning terms. UDP Policy H21: Open space in recreation areas has been deleted but the requirement for open space and play space is now encompassed in CSDP Policy NE4. CSDP Policy NE4 sets out the principles for the natural environment. The matter of open space and recreational areas will be set out and discussed later in this report.

Whilst it is acknowledged that the above condition has exceeded the ten-year timeframe for enforcement action to be taken and as such is immune from enforcement action, the plan referred to above was approved under condition 2 of the 2000 planning application and remains extant. Members should note that Persimmon are aware that they have failed to fulfil the requirements of the 2001 planning permission and have advised the LPA, via their agent, that they wish to mitigate the failure to provide children's open space/informal recreation area and meadow space offsite via a Section 106 Agreement to the 2001 planning permission. In this regard, the LPA have not agreed that such an approach would meet the policy requirements and consequently it is considered premature to consider the development of this land for residential purposes until such time that the outstanding issue concerning the failure to provide the required children's/open space/meadow area has been satisfactorily addressed.

Design and impact on the street scene

NPPF Chapter 12 - achieving well-designed and beautiful places, advocates that good design is a key aspect of sustainable development and requires that planning should always seek to secure high quality design and a seek to secure better places in which to live and work and that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Good design is crucial to achieving attractive and durable places to live. CSDP Policy BH1 sets out the design principles for development and seeks to ensure that new housing meeting nationally described space standards as a minimum, with CSDP Policy BH2 seeking sustainable design and construction.

The DMSPD sets out additional planning guidance which applies to a range of planning applications. Section 3 - Residential Design has been prepared been prepared to assist developers, their design professionals, and agents, in preparing proposals for residential developments. It provides criteria against which planning applications for new residential development, will be assessed, illustrating a preferred design approach, streamlining the planning process, and ensuring the delivery of high quality, sustainable places within Sunderland.

CSDP Policy BH1(3) sets out that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The DAS submitted in support of the application states that the proposed layout promotes a wide range of house types including 2, 3 & 4 bed houses; the total number of house types is details as 12 with Plans submitted for 13; the Haldon showing as a link terraced and end terrace properties; there are no opposite hand drawings submitted as part of this application.

The Planning Statement ((including Statement of Community Involvement) (PS) submitted in support of this application states at paragraph 3.6 that 15% of the dwellings proposed will be

affordable in line with Policy. All 58 units are NDSS compliant, with no.6 meeting M4(2) adaptable standards which is acceptable and meets with policy requirements.

The proposed housing design and materials palette are acceptable, however, there are some concerns in regard to the layout of the development concerning the affordable housing provision, curtilages, footpath links, and boundary treatments which were set out in the Planning Officers letter to the applicant dated 30 December 2025.

The red line boundary shown on the submitted location plan (Drawing Ref CBD 000) does not include the land necessary to make the development acceptable in planning terms, e.g. a small part of the access onto the public highway for the proposed driveway serving plot 4 appears out with the red line boundary; the proposed footway (to the rear of plots 42 to 46) does not connect with the footpath stopping on the western edge of the red line boundary, and the proposed footpath to the south of plot 51 appears to connect to the private drive serving the dwelling at Moors Farm.

It is acknowledged that the development details that no.4 Addlesbrough House Types would be provided on-site, no.1 of which would be offered as an Discount Open Market Unit, however, of the total number of the Haldon House Type, which equates to the total number of 8 to be constructed on-site, all would be offered as Affordable Housing and, as such, would be distinguishable in terms of appearance from the market housing.

The Sustainability Statement states that the site would be built to a minimum of 2021 Building Regulations Part L and Part O and that this will secure 31% carbon reduction of 2013 regs. All plots would include full EV charging provisions. The site had been included in the Strategic Housing Land Availability Assessment (sites 539 and 382) with a provisional capacity of 50 dwellings. The application details that no.58 houses are to be constructed which exceeds the provisional capacity of 50 dwellings.

Housing density in planning terms, is generally measured in the number of dwellings built per hectare. Paragraph 6.12 of the CSDP sets out that the council will seek to ensure that all new housing developments, are delivered to a density which is appropriate for its location, taking into consideration the character and accessibility of an area with higher density development encouraged within the Urban Core. The proposed development site as detailed in the application form as 3.91 hectares which would equate to the housing density of approximately 15 houses per hectare, however, the land detailed for housing development is approximately 2.3 hectares which equates to approximately 25 dwellings per hectare which is considered acceptable; the remainder being retained for biodiversity and sustainable drainage.

The Strategic Housing Land Availability Assessment categorises the land as 'Not Currently Developable' to reflect concerns in relation to loss of open space, it is considered that the loss of open space and play space provision would have a negative effect on the current street scene as it would introduce built development on land which is currently greenspace. Justification provided as part of the planning application for the loss of greenspace; this is discussed further in this report.

Impact upon residential amenity

The NPPF at Chapter 11 requires that planning policies and decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 198 requires that planning policies and decisions should 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.

CSDP Policy HS1 requires that development does not result in unacceptable adverse impacts, which cannot be addressed, through appropriate mitigation and that the cumulative impact would not result in unacceptable adverse impacts on the local community.

The CSDP Policy BH1 at criterion BH1(4) states that development should retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy SP7 sets out the principles for health and safe communities and at criterion SP7(3) promotes and facilitates active and healthy lifestyles. It also seeks to ensure that new developments do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated.

The site is currently identified as an amenity open space via Saved UDP Policy L1 and is identified within the Greenspace Audit (2020) as an amenity greenspace. In addition, and as discussed in the paragraphs above forms part of a larger development granted under planning application reference number 00/01407/FUL and detailed under approved plan reference number as 352/204 Rev C as Children's Open/Space/Informal recreation area and meadow space. The committee report at the time said this part of the site would provide "an informal open area between the new road and the housing" and "informal open space for the development". The Applicant at the time said this part of the site would form "a meadowland break to the west of the new road" and "I can confirm this Company will meet the Council's criteria for provision of the play area in question." (letters of 27 October 2000 and 9 February 2001). The site detailed above, forms part this application site, and as set out above, is part of a previous planning permission which, at the time, was agreed by both the Applicant and Local Planning Authority that this part of the site would provide both open space (including space for equipped play) and a visual separation between the dwellings and the road.

The use of the area identified for housing as part of this development would result in the loss of open and play space for existing residents of the adjacent estate. CSDP Policy NE4 makes provision for the loss of green space and play provision and as such consideration must be given as to whether this is sufficient provision has been made to meet the criteria of the policy. This matter is discussed later in this report.

Heritage Impact

The NPPF at Chapter 16 - conserving and enhancing the historic environment advocates the importance of historic sites and buildings and states that " these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". The NPPF at paragraph 207 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets" and at paragraph 212 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Sunderland's historic environment has a large number of heritage assets, both designated and non-designated, including Scheduled Monuments, archaeological sites, Historic Parks and Gardens, listed buildings, and conservation areas.

CSDP Policy BH7 and BH8 seek to conserve and enhance the historic environment and heritage assets and sets out the principles for development, whilst CSDP Policy BH9 seeks to protect the city's archaeological remains.

The site subject to this application is s immediately adjacent to two post-medieval wagonways, dating from the 18th and 19th centuries. In particular, Jane Wharton's waggonway to Rainton (HER 17100) runs south-west to north-east along the northern portion of the development within the areas reserved for biodiversity net gain.

The applicant has provided an archaeological desk-based assessment for the site (event no: 5648, report no: 2024/63) carried out by Rocket Heritage & Archaeology in 2024. The assessment recommends that a programme of archaeological monitoring and recording be undertaken on groundworks adjacent to the wagonways.

The City Archaeologist has been consulted as part of this application process and concluded that, under the current proposals, the areas identified within the report are not due to be subject to further development beyond planting and minor works for pathing. Therefore, the City Archaeologist does not consider that the proposals will have a substantial impact on the significance of any known archaeological heritage assets, and no archaeological work would be required in relation to the proposed development.

The proposal is therefore considered to accord with the relevant CSDP policies detailed above.

Ecological Impact

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

The NPPF, Chapter 15, paragraph 187 requires the planning system to contribute to and enhance the natural and local environment by,

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk

from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

The NPPF at Paragraph 193 states that "when determining planning applications, local planning authorities should apply the following principles:

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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

At Paragraph 195 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces.

CSDP Policy NE2, sets out (inter alia) that where appropriate, development must demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

The application site is located within an existing Wildlife Corridor. CSDP Policy NE1(2) states that development that would sever or significantly reduce green infrastructure will not normally be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts and suitable mitigation and/or compensation is provided.

CSDP Policy NE2(6) advocates that development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

Wildlife is not confined to designated sites, and many features serve as wildlife corridors, links and stepping stones. Sunderland's wildlife corridors coupled with our designated sites will be the means to deliver ecological networks and habitat connectivity within and beyond Sunderland.

The site comprises three distinct parcels of largely grazed 'Other Neutral Grassland' fields, with defunct hedgerows to some of the boundaries and small areas of scattered scrub and trees throughout. A small section of broad-leaved woodland is present within the eastern parcel, and the Moors Burn is present 10m beyond the eastern the boundary of this eastern parcel. Only the western parcel is to be used for built development, with the northern and eastern parcel largely used for habitat mitigation and/or a Sustainable Urban Drainage structure. A single Section 41 Habitat of Principle Importance is present within the site: S41 Native Hedgerow. Habitats on site are considered to be of up to local value. The EcIA confirms that the site has no roosting opportunities for bats and there is onsite habitat provide foraging and commuting opportunities.

The City Ecologist has been consulted and has recommended the imposition of a planning condition is regard to a Construction Environmental Management Plan (CEMP) to safeguard protected species and prevent water pollution.

The site is within an Impact Risk Zone of an identified SSSI, however the response from Natural England indicates that they have no objection to the development.

The 7.2km buffer from the coastal European Sites, in accordance with the Sunderland Recreation Mitigation Strategy, the standard contribution of £557.14 per residential unit will be required as mitigation for increased recreational pressures on those sites.

Biodiversity Net Gain

Biodiversity net gain (BNG) is now a mandatory requirement for most development in England and requires development to achieve at least a 10 % increase in biodiversity value compared with the baseline condition.

The proposals are set to result in a net gain of 15.03% habitat units and 83.95% hedgerow units. This is habitat enhancement that is significant in the context of paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990.

The City Ecologist is satisfied that the baseline calculation submitted in support of the application is an accurate valuation of the habitats present on site at the time of the application and that there has been no degradation of onsite habitats as defined in paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990. The onsite landscaping would be secured via the imposition of a suitable planning conditions and are to include requirements for a Habitat Management and Monitoring Plan (HMMP).

The City Ecologist is satisfied that the proposals appear to meet the biodiversity gain hierarchy, and the strategy of achieving biodiversity net gain appears achievable and realistic and, as such, has raised no objection to the proposals on the grounds of biodiversity net gain.

The Environment Agency (EA) has raised concerns in regard to the potential impact on protected species such as otters and water voles which are protected species and are listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

The submitted Ecological Impact Assessment (EIA), May 2025 (V5 Draft) by OS Ecology refers to

surveys undertaken in 2022 and 2023. Whilst the document states that an updated habitat walkover was undertaken in October 2024, the report does not reflect any updated surveys for otter and water vole. Section 3.38 of the EIA states 'The Moors Burn contains suitable habitat for both species and has historic records for both.'

This objection is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

The EA have also provided advice on how to overcome their objection and on Environmental permits and on sources of further guidance.

The City Ecologist noted the EA comments and requested a review of comments provided by the Environment Agency regarding up-to-date ecological assessments. In the absence of these updated assessments the City Ecologist cannot support the application in its current format with regard to protected species.

Taking the above into consideration, up to date ecological assessments have not been provided to confirm that the construction works and operation of the site once complete will not impact on protected species. Insufficient information has been provided to assess the risks posed by the development on protected species listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposal is contrary to CSDP Policy WWE2 and paragraphs 187 and 193 of the NPPF.

Landscape, Settlement Break and Open Space

Landscape Character

CSDP Policy NE9 seeks to conserve and enhance the varied landscape character of Sunderland and to ensure that adequate mitigation measures are implemented to protect and/or enhance the landscape and at Criterion 2 states that development that causes significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless the impacts are clearly and demonstrably outweighed by the benefits of the proposed development.

CSDP Policy SP6 sets out the principles for development within The Coalfield and seeks to ensure that The Coalfields character and settlements are protected whilst ensuring its future sustainability with criterion SP6(1) detailing the Open Countryside and Settlement Breaks will be protected.

The site is identified in the Sunderland Landscape Character Assessment as 5b Houghton-le-Spring, Fence Houses and Newbottle. This character area comprises two separate urban areas. The eastern area comprises Houghton-le-Spring and the village of Newbottle to the north. The western urban area contains the conjoined settlement of Fence Houses, Chilton Moor and High Dubmire. The open area between the two forms part of the Coalfield Lowland Terraces (LCT2). To the east is the limestone escarpment (LCT6) and County Durham is to the west. The topography of this character area consists of the gently undulating foot-slopes of Houghton Hill and Copt Hill, part of the limestone escarpment to the east, which slopes gradually west into the flatter Wear Valley. The area extends onto the escarpment itself at Newbottle.

It is not considered that the proposed development would have a significant adverse impact on the distinctive landscape characteristics. It is the view of the LPA that the protection of the

landscape charter could be managed via a suitable planning condition relating to the submission of and approval by the Local Planning Authority with regard to the submission of a Landscape Management Plan. The proposal is considered acceptable in this respect.

Settlement Break

CSDP Policy NE7 relates to Settlement Breaks and seeks to prevent the merging of settlements and maintain Green Infrastructure. CSDP Policy NE7(2) states that planning permission will not be granted for any form of development, including changes of use, unless:

i. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
ii. it is essential for the proposed development to be located within the Settlement Breaks, and the benefits of which override the potential impact on the Settlement Break.

The proposed development area encompasses an area identified as land within the Settlement Break as defined by the Core Strategy and Development Plan Interactive Policies Map.

CSDP paragraph 10.35 sets out the reason for Settlement Breaks whilst paragraph 10.36 sets out that whilst the purpose is to protect them from development, it is not intended they should operate as an absolute restriction on all development proposals and that certain types of development may be acceptable, so long as they are not detrimental to the character, role and function of the Settlement Breaks within which they are situated. Paragraph 10.37 clarifies that essential development within the context of Policy NE7 is considered to be development which is required to be located within the Settlement Break and could not reasonably located within another less sensitive location.

A Settlement Break Statement has been submitted in support of this application which sets out that no above-ground built development is proposed in this location and that this area of the site will remain open and will continue to serve a role as a break between settlements.

The proposed development within the settlement break would include a Sustainable Urban Drainage system (SUDs), landscaping, and BNG. It is considered that the proposed usage would not be contrary or have a detrimental effect on its function and that the proposed development would enhance the locality and would assist in maintaining and approving the Green Infrastructure Network and assist in the prevention of the merging of settlements. The proposal is therefore considered to accord with CSDP Policy NE7 in this respect.

Open Space

CSDP Policy NE4, sets out (inter alia) all major development is required to provide (either):

i. A minimum of 0.9 hectares per 1,000 bed spaces of useable greenspace on site; unless
ii. a financial contribution for the maintenance/ upgrading to neighbouring existing greenspace is considered to be more appropriate.

The supporting text to Policy NE4 sets out that for the purposes of Policy NE4 greenspace is defined as:

o amenity greenspace;
o provision for children and young people (fixed play equipment);
o natural and semi-natural greenspace;
o formal parks and country parks;

o allotments and community gardens;
o outdoor sports facilities;
o school playing fields and grounds;
o cemeteries and church grounds;
o civic spaces; and
o coast and estuary.

The supporting text to also sets out that, grass verges should not be included in any calculations, and heavily engineered SUDs solutions will not be considered acceptable within greenspace provision.

CSDP Policy BH3 seeks to provide create attractive, safe, legible, functional, and accessible public spaces which are constructed of quality, sustainable and durable materials which enhance the surrounding context and where appropriate, incorporate public art in development.

CSDP Policy SP7 seeks to improve and promote healthy and active lifestyles which a strong sense of place and encourage social interaction.

The application site lies within an existing settlement with the land in question identified as amenity open space via Saved UDP Policy L1 and is identified in the Greenspace Audit (2020) as an amenity greenspace where CSDP Policy NE4 is applicable.

As mentioned previously within this report, the site for the construction of residential dwellings, which forms the main basis of this application, formed part of a previous planning permission 00/01407/FUL. The land in question was identified on plan reference number 352/204 Rev C as Children's Open/Space/Informal recreation area and meadow space.

CSDP Policy NE4(4) sets out that development on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value would be refused unless it can be demonstrated that:

i. the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or
ii. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the council prior to development commencing; or
iii. replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

The impact of development on greenspace provision will need to be considered on a case-by case basis in terms of its potential impact on Natura 2000 (N2K) sites.

The application is supported by an Open Space Assessment which acknowledges the aforementioned application (00/01407/FUL) but fails to mention the functionality of the site which was identified under approved plan reference number Layout, 352/204 Rev C0 as children's open space / informal recreational area and meadow open space, instead paragraph 2.11 states that;

"Whilst the original submission related to a larger portion of land, it appears that only around half of the application site was built out, and as such the land on either side of Mulberry Way, which was part of the original red line boundary, has not been built out as part of this permission."

As stated above, the site is identified in the Greenspace Audit (2020) as an amenity greenspace and as amenity open space via Saved UDP Policy L1.

CSDP paragraph 10.22 sets out that the council will seek to ensure that local residents have access to greenspace to meet their needs and at paragraph 10.26 states that major new developments will be expected to provide amenity greenspace on site whilst recognising at paragraph 10.27 that there may be circumstances where onsite provision may not be the most appropriate option.

The use of the area identified for housing as part of the current development proposal would result in the loss of open and play space for existing residents of the adjacent estate which was granted planning permission under application reference number 00/01407/FUL. Whilst CSDP Policy NE4(ii) makes provision for the replacement facility, the applicant has in this instance failed to provide such provision. To this end, this application is premature and unacceptable and until the above matter is resolved and as such the proposal is contrary to CSDP Policy NE4, BH3 and SP7.

Contamination

The NPPF at paragraph 196 states that planning decisions must ensure that development sites are suitable for its proposed use, taking account of ground conditions and land instability, including from former activities such as mining and at paragraph 198 advocates that 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.

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

The Contaminated Land Officer (LCO) has been consulted as part of this application process and has reviewed the supporting documents. The LCO has confirmed that the submitted reports are considered acceptable. Whilst it is noted that remedial works are required to address the identified contamination risks to future site users, this can be done via the imposition of a recommended planning conditions and as such has raised no objection. The proposal is considered acceptable in this respect.

Highway and Pedestrian Safety

Paragraph 112 of the NPPF advises that local parking standards for residential development should amongst other matters take into consideration the availability and opportunities for public transport, whilst paragraph 113 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

Paragraph 116 is clear in stating that, development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts of the development are severe.

CSDP Policy ST3 outlines that development should provide safe and convenient access for all

users and should include a level of vehicle parking and cycle storage in accordance with the Council's parking standards.

The proposal relates to the construction of no.58 dwellings with associated access, landscaping, open space and SuDS. The application is supported by a Transport Statement and an interim Travel Plan, which is the appropriate evidence based on the scale of the development.

The main access is via the junction of Mulberry Way / Greenmount and there are no known capacity or road safety concerns with the operation of the junction. Access to the site is proposed from three separate locations on Greenmount. The existing highway layout has been designed to allow the roads to be extended into land to the east. The adopted highway and verge meet with the existing site boundary. Based on this, the proposed highway access points can connect and be adopted under a Section 38 Agreement.

There are no Public Rights of Way affected by the proposal.

The Future Transport Team (FTT) have been consulted in regard to the application. The applicant will be required to upgrade pedestrian and cycling crossing facilities at the junction of Mulberry Way/Dairy Lane to support increased footfall from the development and improve connectivity to local amenities and crossing upgrades need to consider desire lines and walking, wheeling and cycling routes to nearby schools. The FTT have recommended a Toucan crossing to the northern arm of this junction, along with a pedestrian island with refuge to the eastern arm. These improvements are considered to also benefit access to bus services.

The FTT have stated that should planning permission be granted, construction traffic must be carefully managed to minimise the impact on local residents and indicated that there may be an option to construct a temporary site access from Mulberry Way, however, highlighted that this potential arrangement could be utilised on a temporary basis subject to the granting of highway authority permissions but would not be suitable for a permanent access.

The FTT have raised no objections in principle to the development proposal subject to the imposition if recommended planning conditions to cover a Construction Traffic Management Plan, temporary construction site access details, detailed highway designs for crossing upgrades to the junction of Mulberry Way / Dairy Lane and a full Travel Plan. The proposal is considered acceptable in this respect.

Whilst the FTT raise no objections to the proposed development, as discussed above, the red line boundary shown on the submitted location plan (Drawing Ref CBD 000) does not include the land necessary to make the development acceptable in planning terms, e.g. a small part of the access onto the public highway for the proposed driveway serving plot 4 appears out with the red line boundary; the proposed footway (to the rear of plots 42 to 46) does not connect with the footpath stopping on the western edge of the red line boundary, and the proposed footpath to the south of plot 51 appears to connect to the private drive serving the dwelling at Moors Farm.

Taking the above into consideration, the submitted redline boundary fails to include sufficient land to fully provide safe and convenient accesses, nor incorporate pedestrian / cycle routes; contrary to policies ST2 and ST3 of the Core Strategy.

Water and Wastewater Management

The NPPF at Section 14 sets out that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Paragraph 170 of the NPPF, details that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The NPPF at paragraph 181 sets out that when determining planning applications LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Footnote 63 states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

At a local level, CSDP Policies WWE2, WWE3, WWE4 and WWE5 relate to water and wastewater management and seek to prevent flooding on or within a development site and to ensure that the quality and quantity of surface water management is protected and enhanced, and that foul water is adequately managed and disposed of.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of this application.

The Lead Local Flood Authority (LLFA) and the Environment Agency have been consulted as part of this application process and have raised concerns to the proposed development.

The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect people and property:
- landscaping is proposed in flood zones 2 and 3 where alterations in ground levels could increase flood risks both onsite and offsite.

The proposed development fails to demonstrate that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact as is contrary to CSDP Policy WWE2 and the aims of the NPPF (181).

Minerals Safeguarding

The NPPF at Chapter 17 sets out the principles to ensure the sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. The NPPF advocates at Paragraph 223(c) that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas.

The proposed development is within a mineral safeguarding buffer area, the application site is located within the 250m Surface Coal Mineral Safeguarded Area Buffer and a 500m MSA buffer zone, designated under CSDP Policy M1: Minerals Safeguarding Areas and Infrastructure.

Sunderland's Minerals Safeguarding Areas (MSAs) have been developed in accordance with

guidance published by the British Geological Survey and by using mineral resource information provided by the British Geological Survey and the Coal Authority.

The proposal is for residential development and as such, given the nature of the proposal, it is not considered that the development is incompatible with the mineral strategy.

The proposal is considered acceptable in this respect.

Planning Obligations

The NPPF at paragraph 56 requires the local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through a condition.

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law, three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via paragraph 58.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests: -

- Necessary to make the development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale in kind to the development.

Sunderland's future growth and environmental sustainability cannot be achieved without a wide array of essential infrastructure. The term infrastructure can be taken to include roads and other transport facilities, flood defences, schools and other educational facilities, health facilities, sporting and recreational facilities and open spaces. This is not an exhaustive list and there may be a range of other services and facilities that could constitute infrastructure, which may be required.

CSDP Policy ID1 relates to infrastructure delivery and seeks to ensure that development contributes towards the provision of (i) measures to directly mitigate the impacts of the development and make it acceptable in planning terms; and (ii) contribute towards the delivery of essential infrastructure identified in the IDP.

Where necessary, the timing of provision of infrastructure will be linked directly to the phasing of development, taking account of viability. This will be secured either through planning conditions, or where this is not appropriate, by planning obligations or other similar infrastructure tariffs in accordance with the planning obligation tests set out in paragraph 14.11, to ensure that the planned and necessary infrastructure is available to serve the development when it is first required.

CSDP Policy ID2 sets out the mechanisms in respect of planning obligations. Planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Affordable Housing - requirement or no.10 dwellings or more 15% of affordable housing is required to be provided on site with a tenure split of 75% affordable rent and 25% Discount Market Value.

Should this not be the case, then the following method of calculation would be used;

Commuted sum calculation: £ Contribution = (Open Market Value - Affordable Value*) x (Total Dwellings x Affordable % Required)

Based on the no.58 residential units the on-site requirement is no.7 affordable rental units and no.2 Discount Market Value units.

Education

Early Years/ Primary School Places are calculated at £18,882.23 per place and Secondary/ Special calculated at £24,261.47 per place.

Requested Contribution
Early Years - £ 67,031.92
Secondary - £ 238,490.25
Special - £ 14,071.65

Total requirement - £319,593.82

Public Open Space

Contributions towards the improvement, enhancement or maintenance of existing areas of open space will be calculated as follows:

Typical cost of improving 1ha of open space and maintenance over a 5-year period = £75,833.50 = £7.58 per square metre

0.9ha divided by 1,000 bed spaces = 9 square metres per bed space*
9 x £7.58 = Developer contribution of £68.22 per bed space.

Allotments
For contributions direct towards allotment provision there is a requirement of no.15 plots per 1,000 households with an average size of between 250 and 300 square metres. However, where contributions in lieu are proposed a contribution of £85.50 per dwelling will be applied.

58 units x £85.50/unit = £4,959

Green space

A minimum of 0.9ha per 1,000 bed spaces of useable greenspace should be provided on site unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

Open space

If not provided on-site developer contribution of £68.22 per bed space. 179 bedspaces x £68.22 = £11,098

Equipped play space
Contribution of £704/unit towards offsite equipped play provision 58 units x £704 / unit = £40,832

Planning Balance

As set out earlier in this report, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Case law has established that decisions must be made in accordance with the development plan as a whole - in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

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

This report has sought to appraise the proposed development in the context of the relevant national and local planning policy objectives and identify positive and negative consequences of the scheme, to establish whether the proposals accord with the plan and should be considered acceptable. To assist with this exercise, the following summarises the residual positive, negligible and negative impacts arising from the proposed development (the CSDP policies relevant to each impact are in brackets).

Impacts on heritage assets, land contamination, mineral safeguarding and archaeology are considered to be neutral subject to recommended planning conditions. These impacts have already been discussed / addressed elsewhere within this report, and so are not considered further in this section. To assist with this exercise, the following summarises the residual positive, negligible and negative impacts arising from the proposed development (the CSDP policies relevant to each impact are in brackets).

Housing (CSDP Policy H1, H2 and SP8)

The proposed development would provide no.58 residential units ranging from 2-4 bedrooms; it would include no.7 affordable rental units and no.2 discount market value units. This would contribute to the overall housing numbers and is viewed as a benefit and would contribute to the City's housing supply and delivery, the delivery of affordable homes and housing.

Design and impact on the street scene (CSDP Policy BH1 and BH2)
The proposed design and materials palette is considered to be acceptable, however, there are some concerns in regard to the layout of the development concerning the affordable housing provision, curtilages, footpath links, and boundary treatments which were set out in the Planning Officers letter to the applicant dated 30 December 2025. It is considered that these matters could be resolved with further consideration.

Amenity (CSDP Policy HS1 and BH1)
The use of the area identified for housing as part of this development would result in the loss of open and play space for existing residents of the adjacent estate. CSDP Policy NE4 makes provision for the loss of green space and play provision and is considered to have an adverse impact on residential amenity and quality of life.

Greenspace (CSDP Policy NE4)

The site is detailed under approved plan reference number as 352/204 Rev C as Children's Open/Space/Informal recreation area and meadow space. Whilst it is acknowledged that the above condition has exceeded the ten-year timeframe for enforcement action to be taken and as such is immune from enforcement action, the plan referred to above was approved under condition 2 of the 2000 planning application and remains extant. Persimmon, are aware that they have failed to fulfil the requirements of the 2001 planning permission and have advised the LPA, via their agent, that they wish to mitigate the failure to provide children's open space/informal recreation area and meadow space offsite via a Section 106 Agreement to the 2001 planning permission. In this regard, the LPA have not agreed that such an approach would meet the policy requirements and consequently it is considered premature to consider the development of this land for residential purposes until such time that the outstanding issue concerning the failure to provide the required children's/open space/meadow area has been satisfactorily addressed. The proposal is contrary to CSDP Policy NE4, BH3 and SP7 and is not considered to have an adverse impact on green space, public open space and green infrastructure.

Ecological Impact (CSDP Policy NE2)

The proposal would result in a BNG of 15.03% habitat units and 83.95% hedgerow units. onsite landscaping would be secured via the imposition of a suitable planning conditions. The City Ecologist is satisfied that the proposals appear to meet the biodiversity gain hierarchy and the strategy of achieving biodiversity net gain appears achievable and realistic. It is therefore considered that the proposed development would have a substantial positive impact in relation to biodiversity.

Biodiversity and geodiversity (CSDP Policy NE2)

The submitted Ecological Impact Assessment (EIA), May 2025 (V5 Draft) by OS Ecology refers to surveys undertaken in 2022 and 2023. Whilst the document states that an updated habitat walkover was undertaken in October 2024, the report does not reflect any updated surveys for otter and water vole. Up to date ecological assessments have not been provided to confirm that the construction works and operation of the site once complete will not impact on protected species. Insufficient information has been provided to assess the risks posed by the development on protected species listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. It is therefore considered that the proposed development would have a substantial negative impact in relation to protected species.

Settlement Breaks (CSDP Policy NE7)

The proposed development within the settlement break would include a Sustainable Urban Drainage system (SUDs), landscaping, and BNG. It is considered that the proposed usage would not be contrary or have a detrimental effect on its function and that the proposed development would enhance the locality and would assist in maintaining and approving the Green Infrastructure Network and assist in the prevention of the merging of settlements. The proposal is therefore considered to accord with CSDP Policy NE7 in this respect and is considered acceptable.

Highway and Pedestrian Safety (CSDP Policy ST2 and ST3)

The FTT have raised no objections in principle to the development proposal subject to the imposition if recommended planning conditions.

Whilst the FTT raise no objections to the proposed development, as discussed above, the red line boundary shown on the submitted location plan (Drawing Ref CBD 000) does not include the land

necessary to make the development acceptable in planning terms. The submitted redline boundary fails to include sufficient land to fully provide safe and convenient accesses, nor incorporate pedestrian / cycle routes; contrary to policies ST2 and ST3 of the Core Strategy.

Flood Risk (CSDP Policy WWE2)

The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. The proposed development fails to demonstrate that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact as is contrary to CSDP Policy WWE2 and the aims of the NPPF (181) and is not considered acceptable.

The developer has indicated their agreement to entering into a S106 Agreement in regard to planning obligations, the specifics and final contribution amount required has yet to be finalised, this is attributed some weight.

Economic Benefits (CSDP Policy SP1 and SP3)

The proposed development would provide economic benefits in terms of construction, employment and maintenance. However, it is considered that any such benefits would not be any more so than would be generated by other similar construction projects. It is therefore considered that the proposed development would have a negligible positive impact in relation to economic benefits.

Conclusion
The proposed development would contribute to the Council's housing supply and would provide much needed affordable housing and provide some economic benefits in terms of construction employment.

Significant Biodiversity Net Gain (BNG) would be delivered within the application site, which would provide noticeable and beneficial improvements for the area.

The development would result in the loss of existing play and greenspace for the existing residents which was approved under the 2001 planning permission. The landowner has put forward a mitigation plan by way of a financial contribution to provide this offsite via a Section 106 Agreement to the 2001 planning permission. In this regard, the LPA have not agreed that such an approach would meet the policy requirements; it is considered premature to consider the development of this land for residential purposes until such time that the outstanding issue concerning the failure to provide the required children's/open space/meadow area has been satisfactorily addressed.

Up to date ecological assessments have not been provided to confirm that the construction works and operation of the site once complete will not impact on protected species. Insufficient information has been provided to assess the risks posed by the development on protected species listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. It is therefore considered that the proposed development would have a substantial negative impact in relation to protected species.

The provision of a Sustainable Urban Drainage system (SUDs), landscaping, and BNG within the Settlement Break is considered acceptable.

The submitted redline boundary fails to include sufficient land to fully provide safe and convenient accesses, nor incorporate pedestrian / cycle routes; contrary to policies ST2 and ST3 of the Core Strategy

The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments and does not therefore adequately assess the flood risks posed by the development.

Whilst there are a number of positive attributes to the proposed development, for the reasons set out in detail in the above assessment, it is considered that the proposed development would not accord with policies within the adopted Core Strategy and Development Plan relating to residential amenity, play and greenspace, biodiversity and geodiversity and flood risk. Whilst the development would accord with all other relevant policies within the development plan, it is officer opinion, that the attributed benefits do not outweigh the negative aspects of the development and the associated policy conflict.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a

relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: REFUSE planning permission, for reasons below:

Reasons:

1 The site is subject of a previous planning consent. Planning permission was granted under application reference number 00/01407/FUL for 'new housing and associated landscaping, highways; new bypass link road and stopping up and change of use of highway and footpath to residential, private garden, public highway and landscaped areas. (alternative to 99/01628/FUL)'. The site is detailed under approved plan reference number as 352/204 Rev C as Children's Open/Space/Informal recreation area and meadow space. The applicant has failed to provide a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility for existing and future users. Consequently, the proposal would have an adverse effect on the amenity and recreational value for existing and future users of the site and is contrary to CSDP Policy NE4(ii).

2 The red line boundary shown on the submitted location plan (Drawing Ref CBD 000) does not include the land necessary to make the development acceptable in planning terms, e.g. a small part of the access onto the public highway for the proposed driveway serving plot 4 appears out with the red line boundary, the proposed footway (to the rear of plots 42 to 46) does not connect with the footpath stopping on the western edge of the red line boundary and the proposed footpath to the south of plot 51 appears to connect to the private drive serving the dwelling at Moors Farm. The proposal therefore does not fully provide safe and convenient accesses, nor incorporate pedestrian / cycle routes; contrary to policies ST2 and ST3 of the Core Strategy.

3 The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect people and property:
- landscaping is proposed in flood zones 2 and 3 where alterations in ground levels could increase flood risks both onsite and offsite.

The proposed development fails to demonstrate that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact as is contrary to CSDP Policy WWE2 and the aims of the NPPF (181).

4 Up to date ecological assessments have not been provided to confirm that the construction works and operation of the site once complete will not impact protected species. Insufficient information has been provided to assess the risks posed by the development

on protected species listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposal is contrary to CSDP Policy WWE2 and paragraphs 187 and 193 of the NPPF.

Reference No.: 25/01466/LP3 Local Authority (Reg 3)

Proposal: **Change of use from dwelling house (Use Class C3) to provide supported accommodation consisting of 7no. Bedrooms, an office and shared kitchen space (Use Class C2) (Management Plan received 26.02.2026)**

Location: 5 Elms West, Sunderland SR2 7BY

Ward: St Michaels
Applicant: Sunderland City Council
Date Valid: 8 July 2025
Target Date: 2 September 2025

PROPOSAL:

Members may recall that this application was originally presented at the Planning and Highways meeting of 24 November, 2025 with a recommendation to approve planning permission subject to the imposition of a suite of 5no. conditions. These included a condition to limit the occupancy to no more than 7 persons, for a Management Plan to be submitted for agreement in writing by the Local Planning Authority prior to first occupation, and for the details of bicycle storage to be provided for agreement in writing prior to first occupation.

At the November meeting, Members resolved to defer the application until such time that a Management Plan had been prepared and reviewed. The Management Plan was submitted to the Local Planning Authority on 26 February 2026 and has been subject to further consultation with key internal and external consultees, Ward Councillors and neighbouring properties.

The application site comprises an impressive three storey mid-terraced house constructed between 1877 and 1885. It is situated within the Ashbrooke Conservation area and faces onto a private landscaped greenspace with a number of mature trees. The property, in keeping with the other properties on Elms West, is characterised by its striking 3 storey bay window and original sliding sash windows.

The property benefits from two distinct rear yard areas and a rear garage which is accessed directly from the back lane.

Historically, the properties on Elms West will have been utilised as large single-family homes, however, the make-up of the properties have changed over time with the majority having been subdivided into individual flats. The host dwelling is understood to have a longstanding use as a house of multiple occupancy.

As the application has been submitted by the City Council the application is required to be heard at the Planning committee.

The proposal seeks to change the use of the premises from that of a dwellinghouse (Use Class C3) to provide supported residential accommodation (Use Class C2).

Supporting information provided with the application clarifies that the new accommodation is required to provide safe, stable housing for individuals experiencing homelessness, whilst

offering a vital stepping stone toward independent living.

The application confirms that "the residents may come from a variety of circumstances, including those transitioning from temporary or unsuitable housing, young people leaving care, individuals recovering after hospital stays, and those who have been sleeping rough. This initiative aims to offer a dignified, supportive environment that fosters stability".

The supporting statement continues, stating that…. "The accommodation will have 24/7 management and support services on site, this will ensure that everyone residing there is supported, monitored, and managed appropriately. Staff will be able to deal proactively with all issues which arise, and we are willing to provide a single point of contact if the scheme opens, whom the public can contact any concerns".

When the application was originally submitted, the description of the proposal highlighted that the supported accommodation was proposed to consist of 9no. bedrooms. However, the applicant has since clarified that one of the rooms would be required for staff office use for the purposes of providing support and administration. In addition, and further to planning considerations, one of the proposed bedrooms on the first floor was deemed to be too small to provide a sufficient level of internal amenity for a prospective resident. On this basis, a revised floor plan has been received which illustrates the location of a staff office within the front room at ground floor and the repurposing of the centrally positioned first floor bedroom as a communal room. The effect of these changes is that the application now proposes a 7no. bedroom scheme.

TYPE OF PUBLICITY:

Press Notice Advertised

Neighbour Notifications

CONSULTEES:

Cllr Lyall Reed
Cllr Michael Dixon
Cllr Adele Graham-King
Network Management
Planning And Highways
Environmental Health
Northumbria Police
Cllr Lyall Reed
Cllr Michael Dixon
Cllr Adele Graham-King
Northumbria Police
Northumbria Police
Cllr Lyall Reed
Cllr Michael Dixon
Cllr Adele Graham-King
Network Management
Network Management
Cllr Lyall Reed
Cllr Michael Dixon
Cllr Adele Graham-King

Environmental Health
Planning Implementation
Northumbria Police
Housing - People Services

Neighbour Consultation

23 The Avenue Ashbrooke Sunderland SR2 7HA
20 The Avenue Ashbrooke Sunderland SR2 7HA
21 The Avenue Ashbrooke Sunderland SR2 7HA
24 The Avenue Ashbrooke Sunderland SR2 7HA
19 The Avenue Ashbrooke Sunderland SR2 7HA
18 The Avenue Ashbrooke Sunderland SR2 7HA
25 The Avenue Ashbrooke Sunderland SR2 7HA
22 The Avenue Ashbrooke Sunderland SR2 7HA
16 The Avenue Ashbrooke Sunderland SR2 7HA
15 The Avenue Ashbrooke Sunderland SR2 7HA
14 The Avenue Ashbrooke Sunderland SR2 7HA
17 The Avenue Ashbrooke Sunderland SR2 7HA
Flat 5 4 Elms West Sunderland SR2 7BY
Flat 4 4 Elms West Sunderland SR2 7BY
Flat 7 6 Elms West Sunderland SR2 7BY
Flat 8 6 Elms West Sunderland SR2 7BY
Flat 6 6 Elms West Sunderland SR2 7BY
Flat 2 4 Elms West Sunderland SR2 7BY
Flat C 5 Elms West Sunderland SR2 7BY
Flat 5 6 Elms West Sunderland SR2 7BY
Flat 2 6 Elms West Sunderland SR2 7BY
Flat 6 4 Elms West Sunderland SR2 7BY
Flat 4 6 Elms West Sunderland SR2 7BY
Flat 3 6 Elms West Sunderland SR2 7BY
Flat B 5 Elms West Sunderland SR2 7BY
Flat 3 4 Elms West Sunderland SR2 7BY
Flat A 5 Elms West Sunderland SR2 7BY
Flat 1 4 Elms West Sunderland SR2 7BY
Flat 1 3 Elms West Sunderland SR2 7BY
Flat 2 3 Elms West Sunderland SR2 7BY
Flat 3 3 Elms West Sunderland SR2 7BY
Flat 4 3 Elms West Sunderland SR2 7BY
Flat 3 2 Elms West Sunderland SR2 7BY
Flat 4 2 Elms West Sunderland SR2 7BY
Flat 1 2 Elms West Sunderland SR2 7BY
Flat 2 2 Elms West Sunderland SR2 7BY
Flat 2 9 Elms West Sunderland SR2 7BY
Flat E 8 Elms West Sunderland SR2 7BY
Flat D 8 Elms West Sunderland SR2 7BY
Flat C 8 Elms West Sunderland SR2 7BY
Flat B 8 Elms West Sunderland SR2 7BY
Flat A 8 Elms West Sunderland SR2 7BY
Flat 4 9 Elms West Sunderland SR2 7BY
Flat 4 7 Elms West Sunderland SR2 7BY
Flat 5 Second Floor Front 11 Elms West Sunderland SR2 7BY
Flat 3 First Floor Rear 11 Elms West Sunderland SR2 7BY

Flat 3 7 Elms West Sunderland SR2 7BY
Flat 5 7 Elms West Sunderland SR2 7BY
Flat 6 7 Elms West Sunderland SR2 7BY
Flat 2 Ground Floor Rear 12 Elms West Sunderland SR2 7BY
Flat 1 10 Elms West Sunderland SR2 7BY
Bedsits Ground And First Floors 10 Elms West Sunderland SR2 7BY
Flat 3 9 Elms West Sunderland SR2 7BY
Flat 2 Ground Floor Rear 11 Elms West Sunderland SR2 7BY
Flat 1 Ground Floor Front 11 Elms West Sunderland SR2 7BY
Flat 5 First Floor Rear 12 Elms West Sunderland SR2 7BY
Flat 4 First Floor Rear 12 Elms West Sunderland SR2 7BY
Flat 3 First Floor Back 12 Elms West Sunderland SR2 7BY
Flat 1 Ground Floor Front 12 Elms West Sunderland SR2 7BY
Flat 4 First Floor Front 11 Elms West Sunderland SR2 7BY
Bedsits Second Floor 10 Elms West Sunderland SR2 7BY
Flat 2 7 Elms West Sunderland SR2 7BY
Flat 1 7 Elms West Sunderland SR2 7BY
Flat 7 7 Elms West Sunderland SR2 7BY
Flat 1 9 Elms West Sunderland SR2 7BY

Final Date for Receipt of Representations: **19.03.2026**

REPRESENTATIONS:

On receipt, the application was originally advertised by way of neighbour notifications, the posting of a site notice and the publication of a press notice.

As a result of this publicity, a total of 5no representations have been submitted. The objections have been received from the occupier of 1 Elms West, with a further three received from occupiers of nearby 5 Gray Road and 6 West Lawn. A single objection has been received from a property further afield at Butsfield Gardens in Tunstall, whilst an anonymous objection has also been received.

On receipt of amended information, a further full round of publicity, inclusive of site, press and neighbour notifications, was undertaken. No further representations were received.

The representations offered in respect of the initial round of consultation raised the following concerns.

Traffic/highways -

- The application states that there is one parking space and that is all that is required. The application is also for increased occupation for this property together with staff 24/7.
- The application suggests that there will not be an impact on the traffic, which is disputed. This street generally has a problem with parking. Even if it is only the staff who have vehicles, the probability is that there will be more than one space occupied per shift causing an increase in traffic and parking issues.
- Parking is also an issue within the vicinity, particularly West Lawn which is used on a daily basis by non-residents (commuters for city centre, Ashbrooke school etc). Adding nine residents plus staff and visitors will place unsustainable pressure on local spaces. This is contrary to national and local planning policies that require developments to meet parking demand without harming existing provision.
- The area surrounding the nursery and college already experiences congestion at drop-off

and pick-up times. A homeless shelter with regular service deliveries, staff changeovers and visitors may exacerbate traffic issues and increase road safety risks for young children and students.

Classification of use -

- Class C2 is intended for residential institutions where care or supervision is provided, such as care homes or boarding schools. The proposed use appears closer to an HMO or hostel model, particularly as the application initially failed to include any details about the nature or level of care.
- Only after Northumbria Police objected did the applicant respond, highlighting the absence of critical operational information at submission, demonstrating a lack of research and awareness of the needs of the area.

Impact on the local community and harm to character of the area -

- A property of this type will have an impact on the local community and also reduce the valuation of houses in the area.
- This development would mark a shift toward institutional or transient accommodation in an area already seeing increased HMO/bedsit activity nearby. This risks undermining the established character of the neighbourhood and the sense of community.
- There is, quite often, police presence in this street already and a property of this nature will increase the presence and anti-social behaviour.
- Increased litter/rubbish in street.
- Concerns outline that there are young children within the street.
- Concerns over the proximity of the proposed use to ESPA college and Kids First Nursery. Both the nursery &the ESPA College support individuals with heightened safeguarding needs. Locating a high-need adult service in direct proximity to these facilities creates unavoidable safeguarding challenges. National and local safeguarding guidance recommends minimising risk by ensuring clear physical & operational separation between unrelated vulnerable populations, particularly where staff are not trained to manage interactions between them.
- Many students at the ESPA College have sensory processing difficulties, heightened anxiety and require predictable, low-stimulus environments. Increased foot traffic, emergency callouts and unfamiliar behaviours-however unintentional-could have a detrimental effect on their ability to learn and feel safe. Similarly, the nursery environment relies on calm, consistent surroundings to support early years development.
- Alternative locations should be considered that are close to public transport, medical and employment services.
- Privacy and right to peaceful family life.

Concerns over the operational aspects of the property and use -

- Concerns have been raised over the nature of the individuals to be housed at the property, what requirements they would need to meet, whether they have convictions, are on bail with conditions etc.
- There is no mention of age, length of tenancy, eviction policy - and how the residents are going to be managed?
- Staff qualifications, ratios, and overnight cover.
- Are the proposed people who will be placed in this property people who have been evicted from many places previously.
- How are internal resident conflicts going to be managed?
- A single point of contact" is offered for public concerns, but there is no detail on community

liaison, complaints processes, or performance monitoring.

- If the level of concern is so great that there has to be staff 24/7 then that raises additional concerns about the proposed tenants and safety.

Further to submission of the Management Plan on 26 February, additional public consultation was carried out the same day. In response to this consultation, 1no objection has been received from an occupier of Flat 4, 2 The Elms West. The objection comprises a 28-page document which raises a broad spectrum of issues and concerns, some of which are considered to be material planning considerations, with others relating to matters that would be addressed by different regulatory bodies. The document outlines;

- 4 'Threshold Failures'.
- Queries regarding the chronology of events.
- 'Second Tier Concerns'

1. Threshold failure 1 — Regulation 3 validity and contractual basis

The objection questions the validity and thus lawfulness of the submission in relation to Regulation 3. A Regulation 3 application is an application which is submitted by the Council, as applicant.

In this respect, the Council, in their capacity as Adult Services has submitted the application to the Local Planning Authority. The applicant has confirmed that the Council has entered into a lease with the owner of the building for a period of three years. Within the context of the above, the nature of the submission i.e. as a Regulation 3 application is considered to be correct.

2. Threshold failure 2 — Care Quality Commission (CQC) registration

The objection cites…"Use Class C2 requires the provision of personal care. Personal care is a regulated activity under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Operating it without CQC registration is a criminal offence. Tyne Housing Association does not appear on the CQC register at any address. The committee is being asked to grant C2 planning permission to an operator whose own management plan does not describe a C2 service and who is not registered to provide the regulated activity that C2 requires. There is no version of events in which both the use class and the operator are simultaneously correct. Either the use class is wrong, or the operator cannot lawfully deliver it".

Officer response. The applicant has confirmed in an email response dated 13 March, that no personal care will be provided (this would typically involve providing physical assistance, such as washing, dressing, or medication management) therefore CQC registration is not required.

Notwithstanding, the application has been accompanied by a FAQ information sheet which expressly states that…the accommodation will have 24/7 management and support services on site, this will ensure that everyone residing there is supported, monitored, and managed appropriately. Staff will be able to deal proactively with all issues which arise, and we are willing to provide a single point of contact if the scheme opens, whom the public can contact any concerns.

Further, the recently submitted Management Plan states on Page 1 and 2 that…..Tyne Housing Association will deliver continuous 24/7 on site dedicated support through a team of 8 Support Workers, and a Complex Needs Worker, led by a dedicated Service Manager. Support Workers will work 12.5-hour shifts on a three-on-three off pattern across 7 days. The Complex Needs Worker and Service Manager will work a flexible 37.5 hour week over a 7-day working pattern. The staffing structure ensures continuous on-site double staff cover and all residents will receive

7-10 hours support each week, tailored to their needs.

In this respect, it is evident that the occupants will clearly receive a notable level of on-site support and care which, as has been set out above, will be tailored to their needs. From a planning perspective, Officers remain satisfied that the operation sits within Use Class C2.

Threshold failure 3 — Fire safety

The objection states…."Fire does not appear anywhere in Tyne Housing's risk register. No fire risk assessment has been submitted. No evacuation procedure exists. No building control consultation has taken place".

Officer response. Building Control would not typically be a consultation requirement as the proposal would constitute a change of use in accordance with the Building Regulations and would therefore require a Building Regulations application in its own right. Notwithstanding and for the purposes of responding to the representation raised, the Council's Building Control Officer has confirmed that all elements of Fire Safety would be reviewed upon receipt of an application and Building Control would generally request a fire strategy. The Regulatory Reform Order is enforced by TWFRS as part of the management of the proposed building. Building Control are required to ensure that any fire safety documents and fire risk assessments are passed to the end user to enable them to develop a fire strategy.

Threshold failure 4 — The pattern of false premises

The objector states that consultee clearance was given to information that was not available at the time such as Northumbria Police withdrawing their objection or the Council's Conservation Officer and Ecology Officer not objecting or commenting on the basis that no external development was being proposed, when the Management Plan confirms that external alterations will be required (in respect of CCTV camera).

Officer response. Northumbria Police withdrew their objection further to discussions with the applicant based on discussions the applicant had with Northumbria Police. A supporting statement was prepared by the applicant based on these discussions.

With regard to the Conservation response, they have as part of the new Management Plan submission, been reconsulted on the proposal. There was never any need to consult the Council's Ecologist on the application has the scheme relates to a change of use that has no impact on ecology, including biodiversity net gain. The provision, or not, of CCTV does not change this position. Notwithstanding and for the purposes of responding to the representation raised, the ecologist has provided a response.

The objectors 'second tier: operational concerns' are listed below.

1.Data Protection / CCTV
Response - The applicant has responded that the CCTV will be designed in a manner which does not contravene data protection rules.

2. (a) Double Cover -

Response - The applicant has responded that the MP states 'The staffing structure ensures continuous on-site double staff cover and all residents', a fact which is reflected in the contract agreed by both parties. Any evidence of noncompliance will be investigated and addressed as a breach of contract.

(b) Remaining gaps in the Management Plan, vetting, complaints, eviction process, antisocial behaviour, safeguarding -
Response - The applicant has responded as below

- Please see link to Tyne Housing Complaints Policy - Complaints Policy & Procedure - Tyne Housing. Also, on opening residents will be given a number to call at TH to report any issues or concerns.
- Eviction is outlined in the MP. Detail of such is not a planning consideration.
- The MP states 'The staffing structure ensures continuous on-site double staff cover and all residents', a fact which is reflected in the contract agreed by both parties. Any evidence of non-compliance will be investigated and addressed as a breach of contract.
- As leaseholder the council will comply with all requirements to maintain the 'front area'. Regards monitoring of the area. This will be done daily by on site staff who operate 24/7.
- Anti-Social Behaviour will be dealt with swiftly by TH and the local authority. Please see link to TH ASB Statement.
- Safeguarding -TH demonstrate a strong level of accountability and safeguarding procedures are embedded in the organisation with lines of accountability in place.

Internal consultees

Regulatory Services (Environmental Health) - The Environmental Health Service has considered the submitted documentation and has no objection to the proposed change of use.

Further to submission of Management Plan - No further comments offered.

Planning Implementation (Conservation) - This application proposes a change of use from a single dwelling to shared accommodation with no external alterations. The supporting statement explains that the property has been in an HMO use for 20 years previously, although there is no planning history of that use. In this terrace there is an existing mix of flats and shared accommodation, which reflects the residential variety in the wider conservation area and no external changes are proposed which could affect the historic appearance of the terrace. I would therefore raise no built heritage concerns regarding this application.

Further to submission of Management Plan - I have considered the points raised relating to the Ashbrooke Conservation Area, and the recently submitted management plan which was not available when I originally commented on this application in August 2025.

The resident has raised concerns regarding the installation of CCTV camera as part of the management plan for the premises. There is an Article 4 Direction which removes permitted development rights for certain classes of external alterations to this terrace, CCTV is not one of the classes within the special control. This is because the Article 4 Direction from 1991 predates the inclusion of CCTV under class F of the 2015 GDPO. The applicant has not provided full details of the intended CCTV installation, but Class F sets out the limits on the number of cameras and positions that can be added under this permitted development right. Internal works to unlisted properties in conservation areas do not require Planning Permission, although Building Regulations approval may still be needed.

The plans and supporting information submitted by the applicant do not include any works to the existing windows. The Article 4 Direction does remove permitted development rights for replacement windows to the front elevation, but other upgrades such as draught proofing, secondary glazing, window furniture such as new handles and fasteners etc can be undertaken without Planning Permission.

Highway Engineers - The applicant has confirmed that the property is proposed for use as residential care and support. The property location is in close proximity to the city centre and availability of access to public transport. The proposed residential use is unlikely to generate car ownership, therefore there will be a less intensive use of access by car and need for resident parking. Space for secure cycle parking and storage will need to be provided within the rear yard. Confirmation is required regarding plans for retaining the parking / garage accessed from the rear lane.

The FAQ document refers to 24/7 support for residents, however no detail is provided on staffing arrangements. Further detail is required on numbers, shift handover and frequency of staff visiting to ensure appropriate parking is available.

Further to submission of Management Plan - The Council's Highway Engineer has noted the following extract from the Management Plan.

Tyne Housing Association will deliver continuous 24/7 on site dedicated support through a team of 8 Support Workers, and a Complex Needs Worker, led by a dedicated Service Manager. Support Workers will work 12.5 hour shifts on a three on three off pattern across 7 days. The Complex Needs Worker and Service Manager will work a flexible 37.5 hour week over a 7 day working pattern. The staffing structure ensures continuous on site double staff cover and all residents will receive 7-10 hours support each week, tailored to their needs. Additional management oversight will be provided by a 0.2 Housing Manager and Tyne Housing's Director of Housing and Support. Staffing structures ensure there is always an experienced manager either on site or available to support the service

With regard to the above, and whilst a Travel Plan would not normally be recommended for a development of this scale, the Highway Engineer has recommended that it may be appropriate for this location given the limited availability of parking provision. This is sought mainly to address staff travel arrangements based on the proposed level of staffing and shift change / handover times. A suitably worded planning condition would be appropriate.

Council Ecologist - Natural England's impact risk zones web tool does not indicate that proposals of this nature in this location have the potential for impacts to European sites or SSSIs, which would otherwise mean Natural England considers it is a statutory consultee in respect of the proposals. Accordingly, I do not anticipate a requirement for Appropriate Assessment of the proposals.

The site comprises artificial sealed surface in the form of an existing building and rear yard. No habitats are expected to be impacted by the proposals.

Biodiversity net gain (BNG) is now a mandatory requirement for most development in England, subject to a series of exemptions. Proposals are required to achieve at least a 10 % increase in biodiversity value compared with the baseline condition: the biodiversity gain objective. All planning permissions, unless exempt, are deemed to be granted subject to the condition that the biodiversity gain objective is met: the biodiversity gain condition. These proposals will be subject to the biodiversity gain condition, which is a pre-commencement condition requiring that a Biodiversity Gain Plan is submitted and approved by the Local Planning Authority. Local Planning Authorities are not required to replicate the relevant biodiversity gain condition on decision notices but are required to make applicants aware of the requirements around BNG using informative text. Model text is available for this.

All planning permissions, unless exempt, are deemed to be granted subject to the condition that

the biodiversity gain objective is met: the biodiversity gain condition. As no habitat is proposed to be impacted by the proposals, the de minimis exemption would apply. Should any changes to the proposals occur that result in impacts to habitat, the ecology team should be reconsulted. I have no further comments with regard to ecological matters.

External consultees

Designing out Crime Officer (Northumbria Police consultation response of 12 August)

The location of the home is near to the Sunderland city centre less than a 20-minute walk from the development. Because of this the site has the potential to attract some of the associates of the residents to congregate and with the closed off, poorly lit and overgrown area to the front of the development, this is also true for the rear of the development which will have low traffic and again cause the area to become vulnerable ASB and criminality.

The area to the front of the building will need some form of formal surveillance to cover the main entrance, as well as the overgrown area will need to be maintained to reduce the usage of this area for storing elicit items for the residents to collect or hide. The residents' visitors may also cause issues within the development, as the home will be for recently homeless their lifestyles are still likely to be chaotic, and the likelihood that the friends of the residents are likely to come into the building causing issues within. Because of this we would recommend that all of the communal areas within the building are covered by CCtv with audio to protect the staff and residents while at the address.

From the plans there is no provision for staff to have an office in the building to work from which should be secure to hold records and the CCtv viewing equipment.

We would also request that the home produces the following information to help protect the staff and residents and allow prompt and effective investigations and management of the home.

1. Northumbria Police would request a copy of the management of the pads, including the risk assessment of the residents, as well as left personal property if a resident either abandons the property or is evicted. Northumbria Police advises that the management should include how such matters will be recorded both via video while clearing, and in hard copy form and stored, so if the individual returns there is no ability for the individual to claim that theft has occurred, and cash or valuables to be stored securely in a safe or securely locked cabinet.
2. A copy of the vetting/assessment process for the potential residents. To include the agencies that will be contacted either before the acceptance of the resident and any follow in checks once the resident is in place.
3. Risk management plan for residents if they do not engage with the services and need to be evicted, to include a safety plan for the staff when they need to perform evictions (this responsibility should not need to involve Northumbria Police unless under specific situations, this will need to be discussed with Northumbria Police)
4. A sudden death plan to give a clear plan and accountability if there is a death at the location.
5. Access control on all of the front and rear doors which is not connected to the individual rooms, so to only allow access for visitors to the building via staff members.
6. An office space within the building to house the CCtv and officer equipment (computer, printer, separate telephone line access control sleeping area) for resident records and management plans and notes.
Northumbria Police are concerned that there is still very little information either in the plan as to whether staff will have any formal area in the building, or how the development is to be managed in any way, there have been other application with regard to the homeless provision in Sunderland and we wish to work with the city council to provide the best service as possible to this

vulnerable persons, but we like to see that the management and safety of the residents of the home as well as the staff and the other residents of the street have been thought about prior to the development going ahead.

Northumbria Police do not wish for the address to increase the demand because of the lack of support and supervision at the address and the address to have a high police interaction and the lack of formal surveillance to hinder any investigations for either criminality (by or against residents) or safeguarding of the staff and vulnerable residents.

Northumbria Police further consultation response of 9 September - Following a meeting with the Sunderland City Council with regard the development at 5 The Elms West Sunderland and the information which was shared and the raised questions in our previous comments being answered, Northumbria Police will be removing our objection to the application at this time and will work closely with Sunderland city council to make the proposal work as effectively as possible.

Further to submission of Management Plan -Thank you for allowing Northumbria Police to continue in the planning process for this application.

With the addition of the management plan which covers the previous comments with regard evictions, vetting and risk management as well as sudden death, so of which are covered in company policies.

As well as covering the recommended access control and formal surveillance which was recommended for security.

One omission from my second set of comments is a Missing policy, which is recommended to cover the communication of new and existing missing persons originating from the home, and if possible, to include as much useful and relevant information (i.e. previous homes and frequented address/persons) of the missing person.

If there are any questions with regard to the missing policy with the Sunderland area command Missing co-ordinator.

Further to this we recommend that there is a close relationship with the local Neighbourhood policing team.

Northumbria Police have no further concerns with regard to the development and hope that the police and management company can work together to create the best possible future for the development.

POLICIES:

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

Saved UDP policy EN10 - Proposals for unallocated sites to be compatible with the neighbourhood
CSDP policy BH1 - Quality Design
CSDP policy BH7 - Historic Environment
CSDP policy ST3 - Development and Transport

COMMENTS:

Planning consideration and assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Within this context, The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (UDP), other than those which have been specifically saved.

In this context, it is considered that the main planning issues in this instance relate to;

1. The proposed use and principle of development.
2. Impact of use on character and residential amenity of locality
3. Highway related issues.

1. The proposed use and principle of development
In firstly addressing the use, it is noted that a representation has been received questioning the use class of the proposed development. The argument being that the proposed use appears closer to an HMO or hostel model.

A key characteristic distinguishing C2 from dwelling houses is the provision of care, which can often involve 24/7 support and a staff presence. Use Class C2 is defined as the provision of residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes. In this instance, the applicant has confirmed that there will be staffing of the premises on a 24/7 waking night provision. As has been set out at the start of this report, the residents may come from a variety of circumstances, including those transitioning from temporary or unsuitable housing, young people leaving care, individuals recovering after hospital stays, and those who have been sleeping rough. This initiative aims to offer a dignified, supportive environment that fosters stability.

The submission also confirms that experienced support staff will operate the scheme to provide support in line with an individual's need. This will enable them to live safely at the scheme, prevent issues occurring and enable them to move towards independent living.

In contrast to the above, an HMO concerns the use of a dwellinghouse by not more than six residents living together as a "house in multiple occupation".

The question then falls on whether, or not, the persons living within the property are themselves capable of living together as a single household. In this regard it is considered that the residents would come and go based on their individual needs but essentially this accommodation would be aimed at providing 'short-term' tailored care and support whether this be days, weeks or months. The proposal would therefore offer more transient housing accommodation and so it is considered that this would make it more difficult for the residents to live together as a single household/family.

Officers are therefore satisfied that the proposed scheme sits firmly within Use Class C2

'residential institutions' as it would not be possible for the occupants to live independently as a single household without the provision of the specialised care and support that would be provided by the staff.

From a Policy perspective, there is considered to be support for this type of residential use.

Paragraph 61 of the NPPF sets out that…. "it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed".

Further, Paragraph 63 continues…. "Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housingwith-care and care homes)".

On a local level, CSDP Policy H1 seeks to ensure, where appropriate and justified, that there is a choice of suitable accommodation for older people and those with special housing needs.

With regard to the above, it is evident that there is both national and local policy support when it comes to the provision of much needed supported residential accommodation which will assist the Council in its statutory duties in relation to addressing homelessness and rough sleeping in the city.

From a land use perspective, saved UDP Policy EN10 states that, where the UDP plan does not indicate any proposals for change, the existing pattern of land use is intended to remain. Within this context and as has been set out at the start of this report, 5 The Elms West comprises a residential use (in this case an HMO) which is located within a street of other residential uses. Such residential uses typically properties which have been converted to multiple flats and, in some cases, private individual dwellings.

As the surrounding area is predominantly residential in nature the principle of introducing a C2 residential use into the street is considered to broadly accord with the objectives of Policy EN10.

This conclusion does not, however, establish that the proposed development is appropriate, rather it is considered to be broadly compatible with the established pattern of land use in the area. In order to reach a conclusion on this matter, regard must firstly be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

2. Impact of use on character and residential amenity of locality

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policy BH7 relates to historic buildings and heritage assets, echoing the sentiments of the NPPF through giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy and by supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

Other than in respect of CCTV, the Conservation Officer noted that no external changes are proposed which would adversely affect the historic appearance of the terrace and wider Ashbrooke Conservation area. As per the Conservation Officer's most recent response, it is noted that the property is not a listed building and that CCTV can be installed at the property without the requirement of planning permission.

As such, there is considered to be no conflict with Policies BH1 or BH7 in terms of the impact on the visual amenity of the conservation area.
It is acknowledged that concerns have been raised in relation to the potential impact of the proposed use of the property on the character and amenity of the locality. Within this context, matters relating to littering, noise and disturbance and the potential for anti-social behaviour to occur, have all been raised.

The initial point to draw to attention would be that the planning system is fundamentally concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held, have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.
Within this context, the Local Planning Authority has undertaken consultation with Northumbria Police, in their role as the Designing Out Crime Officer (DOCO). As can be seen by the DOCO's consultation responses, advice has been offered in respect of the provision of surveillance in the form of CCTV to cover the main entrance to the property, as well as the open space beyond the front road and all communal areas within the building. The applicant has also confirmed that any CCTV will be installed in a manner which does not contravene data protection rules.
The earlier comments from the DOCO initially raised concern over the lack of background information that had been submitted by the applicant. This included a lack of identified internal office provision for staff and a lack of a management plan for the premises. As has been set out in the consultation section of this report, a total of 6 recommendations were made by the DOCO in their response of 12 August.

Further to these comments and in response to discussions held between the applicant and the DOCO, the applicant submitted the following additional information which clarified that;

- The overgrown area to the front of the development, will be monitored by the support provider who will be staffing the premises on a 24/7 waking night provision. CCTV will also be monitored from this location along with the entry door system.
- Resident visitors will not be permitted - only visitors expected on site will be agencies.
- The staff provision will be located within one of the bedrooms deemed most appropriate to deliver the support, the detail of the location will be provided within the Management Plan. (*Note this has now been clarified as being the front room at ground floor level)
- With regard to the Assessment/Vetting Process - This process will follow a standardised approach applied consistently across all support provision. As part of the assessment, a review of current occupants will be taken into consideration when determining the suitability of any new applicant. All applicants undergo a comprehensive Housing Needs Assessment, which includes full details of their support needs. This ensures that any vulnerabilities, risks, or safeguarding concerns are identified and appropriately addressed. Referrals are made in liaison with the relevant support provider, Housing Options team, and Adult Social Care, where necessary, to ensure a coordinated and informed decision-making process.
- Sudden Death - A mini desktop review is conducted for all individuals who pass away while under a homeless duty, irrespective of the accommodation provider or whether the death

occurs within or outside the accommodation setting. Where appropriate liaison takes place with the Ministry of Housing, Communities & Local Government (MHCLG).

- Relevant information is shared with Safeguarding and Adult Social Care to determine whether a formal Safeguarding Adults Review (SAR) is required. This process ensures transparency, accountability, and continuous learning across services involved in the care and support of vulnerable individuals.
- Access control system and CCTV will be installed in the premises and at external doors in line with other support provisions.
- A Management Plan will be developed and submitted to the Local Planning Authority, in association with the DOCO for approval in writing prior to first occupancy of the property.

Further to the above, Northumbria Police confirmed in writing that they were satisfied with the clarifications offered in response to the questions they had initially raised and they subsequently proceeded to remove their objection to the application. With regard to the representation citing the chronology of events, it is acknowledged that there was a crossover between the Police's confirming their removal of the objection and the subsequent uploading of the information to the planning register which the Police had been party to. Notwithstanding, the relevant information was uploaded to the file, was made publicly available and was subject to consideration by the Police.

Notwithstanding the above and further to the discussions of 24 November at the Planning and Highway committee, a resolution was reached to defer making a decision on the application until such time that a formal Management Plan had been prepared and considered. As has been set out at the beginning of this report, the Management Plan has now been received and has been made available for review and comment for both internal and external consultees and by members of the public. The responses have been documented and replied to in the consultee section of this report.

The Management Plan provides background on the operator, Tyne Housing Association, who are a Registered Provider of Social Housing, regulated by the Regulator of Social Housing, and a charitable housing association. The submission sets out their Core Service Delivery and Policies, provides details on safeguarding, behaviour and incident reporting, visitor control and security, evictions and tenancy sustainment, how support workers will work proactively with residents from the outset with a focus on move on to more independent living, risk and emergency management, resident and community engagement and resident code of conduct.

Further to review, it is considered that the information provided within the Management Plan is sufficient to demonstrate that the property will be appropriately managed and that in the event anti-social behaviour/on-site issues occur, that avenues exist to ensure that these can be appropriately addressed. In this respect and whilst the concerns expressed by the objectors are noted, given the evident need for this type of accommodation and the lack of an objection from Northumbria Police, there is not considered to be sufficient grounds to warrant a refusal of the application based on the potential behaviour of future occupants.

Subject to approval being given, Officers would recommend that the Management Plan be conditioned to ensure that that the property is operated as envisaged. It is also considered to be reasonable to attach a secondary condition requiring that a compliance statement be prepared for review by the Local Planning Authority once the use has commenced. This is suggested to be after 3 months but no later than 6 months of the implementation of the Management Plan. The Compliance Statement will be expected to confirm that the development is operating in strict accordance with the approved Management Plan and shall provide details of any complaints made in relation to the operation of the use, detailing how these have/will be addressed including, where necessary the submission of an amended Management Plan further to any internal review

and changes in operating practices.

It is noted that some objections have also been raised concern over the proposed use potentially reducing the valuation of houses in the area, that the use would mark a shift toward institutional or transient accommodation in an area already seeing increased HMO/bedsit activity nearby, and that alterative locations should have been considered that are closer to public transport, medical and employment services.

In respect of property values, it is long held that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Thus, the potential devaluation of property as a result of a planning decision is not considered to be material in the determination of a planning application.

In respect of increased HMO/bedsit activity within the area, these are different uses that require planning permission in their own right, due in part to the Article 4 restriction within the area. Consequently, any future application for such uses would be considered on their own individual merit.

With regard to the comment questioning the location and access to amenities, public transport etc, Officers are of the view that the site is sustainably located, close to the City Centre with good access to transport and services.

In returning to Policy BH1, it is also necessary to consider the level of internal amenity that would be afforded to the future residents of the property. In this respect, whilst shared kitchen areas are identified at ground and first floor levels, the individual rooms will be where the occupants will spend most of their time. Further to a site visit, it was noted that the individual rooms are, as would be expected within a large period property such as this, relatively spacious with high ceilings and large expansive windows. In addition, and due to the property's previous use as an HMO, the rooms already benefit from en-suite facilities. As outlined earlier in the report, it was initially proposed to utilise a room at first floor as a bedroom, however, further to concerns over its size, this has now been re-purposed as communal space.

The objection offered over the appropriateness of utilising the front room as an office for the storage of sensitive information is noted, however it is also noted that this has not been raised as a concern by the Police.

Overall, Officers are satisfied that there is sufficient internal space to comfortably accommodate the 7no. occupants and as such there is considered to be no conflict with Policy BH1.

On the basis of the above reasoning, it is considered that the proposed impacts on the character and residential amenity of the area is acceptable and in accordance with policy requirements.

3. Highway related issues

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

The property is accessed via a private road from Mowbray Road with parking bays intermittently located at various sections to the east adjacent to the area of open space. Cars also park directly

in front of the terraced properties.

It is understood that parking can, at times, be difficult on The Elms West which will likely be due to the individual number of occupants who now live in the subdivided terraced properties. However, the proposal will bring forward a supported residential use which lies in close proximity to the city centre and which has good access to public transport. In contrast to the property's existing use as an HMO which had the potential to generate multi-car ownership, other than in respect of the support staff, the proposed use is unlikely to generate car ownership. Consequently, it is considered that the development has the potential to be less intensive thereby reducing the need for resident parking. Notwithstanding, further to the submission of the Management Plan the Council's Highway Engineers has acknowledged that the development will deliver continuous 24/7 on site dedicated support through a team of support workers, and a complex needs worker and no clarity has been provided in respect of the proposed level of staffing and shift change / handover times. Consequently, it has been recommended that a Travel Plan condition be attached to the application to address staff travel arrangements based on the proposed level of staffing and shift change / handover times.

The highway engineers have confirmed that space for secure cycle parking and storage will need to be provided within the rear yard. Further to the site visit, it is considered that there is sufficient space to provide the secure cycle parking, therefore this will be conditioned.

On the basis of the above, the Council's Highway Officer is satisfied that the development will not adversely impact on existing parking arrangements in accordance with the requirements of CSDP Policy ST3.

Conclusion

For the reasons set out above, it is considered that the C2 residential use is supported by both national and local policy which seeks to ensure that there is a choice of suitable accommodation to meet specialist housing needs. The development will also support the Council's ability to perform its statutory duties in terms of addressing homelessness and rough sleeping in the city.

Further, the proposed change of use is considered to be acceptable in relation to the character and amenity of the locality and will provide prospective residents with an appropriate standard of accommodation.

A Management Plan has been prepared and submitted to the Local Planning Authority which has been subject to formal review. No objection has been offered from internal and external consultees, including the DOCO (Police). Officers are therefore satisfied that sufficient comfort has been provided to demonstrate that the property will be appropriately operated and managed.

The implications of the proposal in relation to parking and highway related matters are also considered to be acceptable, with a condition requiring the submission of secure cycle parking details to be imposed and details of staff parking arrangements (as part of the Management Plan) also required.

The proposed development is therefore considered to be compliant with the aims and objectives of the NPPF, saved policy EN10 of the UDP and policies BH1, BH7 and ST3 of the CSDP, subject to the conditions.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has

been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: GRANT planning permission in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and

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

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

The combined location and proposed floor plan as amended received 10.10.2025 (Plan ref: 01).

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

3 The number of residents to be accommodated by the use hereby permitted shall not exceed 7 at any given time.

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

4 The development hereby permitted must be fully implemented in full accordance with content of The Management Plan received 26 February 2026 (Tyne Housing Association) once the building has been brought into first use.

Reason: In the interests of residential amenity and to accord with Policy BH1 of the adopted Core Strategy and Development Plan.

5 After 3 months but no later than 6 months of the implementation of the Management Plan approved as part of the development hereby permitted, a Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Compliance Statement shall confirm that the development hereby permitted is operating in strict accordance with the approved Management Plan as detailed in Condition 4. It will provide details of any complaints made in relation to the operation of the use, and detail how these have/will be addressed including, where necessary the submission of an amended Management Plan further to any internal review and chances in operating practices.

Reason: In the interests of residential amenity and to accord with Policy BH1 of the adopted Core Strategy and Development Plan.

6 Prior to occupation, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include results of a baseline travel survey and a series of targets, monitoring and review and remedial measures, addressing staff travel arrangements based on the proposed level of staffing and shift change / handover times. The development hereby approved shall thereafter be managed in accordance with the approved full travel plan.

Reason: To ensure sustainable transport, in accordance with policy ST3 of the CSDP.

7 Prior to first occupation, the details of the space and facilities for bicycle storage shall be submitted to and approved in writing by the local planning authority. The facilities shall then be laid out in accordance with the approved details before any part of the building is occupied, and maintained as such thereafter in order to ensure that adequate provision is made for cycle storage and to comply with policy ST3 of the adopted CSDP.

5. South Sunderland

Reference No.: 25/01485/LP3 Local Authority (Reg 3)

Proposal: **Erection of single storey extension to front and elevational alterations (revised proposed plans and FRA received 09/02/2026)**

Location: Barnes Park Coach House Barnes Park Road SunderlandSR4 7PY

Ward: Barnes
Applicant: Sunderland Care And Support
Date Valid: 2 September 2025
Target Date: 28 October 2025

PROPOSAL:

APPLICATION SITE AND SURROUNDINGS
The property to which the application relates is Barnes Park Coach House, situated within Barnes Park and located to the west of Barnes Park Road.

Barnes Park Coach House is host to the Coffee Shop Café, which is the facility proposed to be developed as part of this planning application.

This application has been submitted by Sunderland Care and Support, a Local Authority Trading Company. This application therefore needs to be determined by the Planning and Highways Committee.

PROPOSAL
Planning Permission is sought for the erection of a single storey extension to the front and elevational alterations to Barnes Park Coach House.

As per the submitted planning statement, the proposal is to refurbish The Coffee Stop Cafe in preparation to enhance its service offer and facilities. The refurbishment will include the upgrade and expansion of the catering area, improved seating area by extending the front of the building to increase capacity, the provision of a storage facility and the creation of an additional accessible w/c.

The proposed single storey extension will extend from the principal elevation of the coach house at a depth of approximately 4.7m with a maximum width of approximately 7.7.m. It will have a flat roof with a maximum roof height of approximately 3.6m, with the recessed area having a maximum roof height of approximately 3.4m. The proposed extension will include windows to all elevations and a roof lantern in the flat roof space. A set of entrance doors are to be installed to the principal elevation and provide level access.

The proposed single storey extension will be brick built (red in colour) with an oak door frame surround with a stone saddle. The doors and window frames will be powder coated aluminium in light grey.

The external door serving the existing lobby will be blocked up to form a new window with a

potential serving hatch. The proposals also include 'making good' external alterations to the existing building with render to match the existing.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Flood And Coastal Group Engineer
Land Contamination
Cllr Fiona Tobin
Cllr Anthony Mullen
Cllr Ehthesham Haque
Planning And Highways
Network Management
Land Contamination
Flood And Coastal Group Engineer

Neighbour Consultation

128 Hurstwood Road Sunderland SR4 7LJ
30 Barnes Park Road Sunderland SR4 7PE
1 Dunbreck Grove Sunderland SR4 7LL

Final Date for Receipt of Representations: **05.03.2026**

REPRESENTATIONS:

SCC Future Transport - no observations, or recommendations

SCC Land Contamination - recommends a condition in case contamination is encountered unexpectedly during the development works.

Local Lead Flood Authority (LLFA) (05 December 2025) - The Flood Risk Assessment (FRA) requires significant updates and clarification. Firstly, the document does not include author details or QA information, such as who approved the report. These details must be added to ensure accountability.

The report states that several organisations have been consulted, including Sunderland City Council (SCC). However, there is no evidence that the Lead Local Flood Authority (LLFA) was included in these consultations.

In addition, the FRA refers to anecdotal evidence but does not provide any supporting details. The report omits any reference to historic flooding at the site, which has occurred on a regular basis and resulted in the installation of flood doors in 2020.

The flood risk classification also appears inaccurate. Environment Agency surface water maps indicate a high flood risk with depths of up to 600mm, rather than the "medium to high" risk stated in the report. Historic flooding events further support this higher risk classification.

Please confirm what is proposed regarding the existing flood doors. Will the new doors provide flood protection? If non-flood doors are proposed, this will increase flood risk to the property and is therefore unacceptable. The conclusions section states that a positive drainage system will provide adequate protection, but no details are given. The property is currently served by an existing private surface water network as per two gullies at the front, which have not prevented historic flooding. If a new drainage system is proposed, please provide full details in the form of a drainage strategy. It is likely that the LLFA will require supporting evidence such as drainage survey, modelling (including overland flows).

Finally, it is likely the LLFA will strongly recommend refusal of this application unless it is satisfied that the current standard of flood protection is maintained. This will require a Property flood resistance report be submitted to assess the proposal and include recommended measures in accordance with Ciria C790. PFR measures shall be in accordance with current standards such as CIRIA C790 and flood measures products to BS 851188-1:2019+A1:2021 - Flood resistance products: Building products - Specification or latest version.

Local Lead Flood Authority (LLFA) (03 March 2026) - Following submission of further information, I can now suggest approval for the above planning application in regard to flood risk and drainage subject to the following conditions:-

Pre Commencement Condition: Flood Resilient Measures:
No development shall commence until full details of the proposed flood resilient and flood resistant measures, including the specification and installation details of the flood resistant doors, have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

1. Manufacturer's product specification for the flood resistant doors and measures, including:
    - certified flood protection standard to PAS 1188(latest version)
    - maximum water depth and duration the product is designed to resist
    - installation requirements and tolerances.
2. Location plan and elevations showing all doors to be fitted with flood resistant products.
3. Details of threshold levels, door frame designs, and any associated sealing systems to prevent water ingress.
4. A maintenance and operation guide, including inspection intervals and instructions for deployment (where relevant).

Reason: To ensure the development incorporates appropriate flood resilient construction measures and does not increase flood risk to the property or its occupants, in accordance with national and local flood risk policy.

Pre Occupation Condition: Installation and Certification of Flood Resistant Doors:
The development shall not be brought into use or occupied until the approved flood resistant doors have been fully installed in accordance with the manufacturer's specification and the details approved under the relevant pre commencement condition.

Prior to occupation, the applicant shall submit to the Local Planning Authority:

1. Written certification from the manufacturer or an approved installer confirming that the flood resistant doors have been installed correctly and in accordance with:
    - the manufacturer's requirements.
    - the certified flood protection performance standard (e.g., PAS 1188 or equivalent).
2. As built photographs showing the installed doors, frames, thresholds, fixings, and any

associated sealing systems.

3. A commissioning and deployment statement, confirming that the doors have been tested, checked for correct fit, and are ready for use.

The flood resistant doors shall thereafter be retained, maintained, and operated in accordance with the approved details and the manufacturer's guidance for the lifetime of the development.

Reason: To ensure the flood resistant measures are correctly installed and fully operational prior to occupation, thereby reducing residual flood risk to the property and its occupants, in accordance with national and local flood risk policy.

A consultee response has been received from Natural England requesting further information based on the fact that the application site is within a 'Zone of Influence' for recreational pressure impacts to the nearby designated European Habitat Sites. Within their comments they have stated that the issue relating to this 'Zone of Influence' is based on any net increase in residential units on the site. There is no residential development proposed as part of these proposals and so the development will not give rise to any additional recreational impacts in respect of European Habitat Sites.

The Council's Heritage and Conservation team were also notified of the application given the park and coach house building are of some heritage interest and it was confirmed there were no comments to offer in relation to this application.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

BH1 – Design Quality
NE4 – Greenspace
ST3 – Development and Transport
HS3 – Contaminated Land
WWE2 – Flood Risk Coastal Management
WWE3 – Water Management

COMMENTS:

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended December 2024), which requires the planning system to contribute to the achievement of sustainable development. Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible.

As of the 30th January 2020, the Council has adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP).

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future

occupiers of land and buildings.

Policy NE4 'Greenspace' states that the council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure.

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

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

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

The application has been assessed in accordance with the policies (above) in further detail below.

PRINCIPLE OF THE DEVELOPMENT
Policy NE4 'Greenspace' states that the council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure. Whilst Barnes Park Coach House is situated within Barnes Park (allocated Greenspace within the City) it is considered that the proposed works to the Coach House will enhance the amenity and recreational value of the park, providing more opportunities and accessibility for visitors than the existing offering, thus increasing the community value of Barnes Park.

On this basis, it is considered that the proposed development would be considered acceptable in principle.

IMPACT ON AMENITY
Based on the submitted plans, the proposed extension and works to the external alterations are considered to be in-keeping with the design and scale of the existing building. The proposed design and materials are considered acceptable and in accordance with local and national planning policy. The proposals are not considered to impact on the amenity of any neighbouring properties given the location of the building within the parkland.

For the reasons set out above, the proposal is considered acceptable. As such, it is considered that the proposal complies with the NPPF and policy BH1 of the CSDP.

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

The Council's Future Transport team has no objections to the proposal.

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

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

Given the comments received from the Council's Contaminated Land Officer, it is recommended that the standard condition relating to the reporting of unexpected contamination be attached to any planning permission. Subject to the discharge of and compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS3 of the adopted CSDP. The application is considered to be acceptable in this respect.

FLOODING AND DRAINAGE
Following receipt of the updated Flood Risk Assessment in response to the original comments made by the LLFA, the LLFA recommended a pre-commencement condition in relation to flood resilient measures and a pre-occupation condition in relation to the installation and certification of Flood Resistant Doors.

These conditions were agreed by the Applicant's Planning Agent on 11th March 2026 and will be applied to the decision notice accordingly.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage, and so would accord with policies WWE2 and WWE3 of the adopted CSDP. The application is considered to be acceptable in this respect.

CONCLUSION
The proposal is in accordance with policies BH1, NE4, ST3, HS3, WWE2 and WWE3 of the CSDP and the NPPF. It is considered to be an acceptable form of development which would not cause unacceptable harm to the amenities of the occupiers of the neighbouring properties, or the street scene in general, nor would it negatively impact highway safety. It is considered to be acceptable in relation to flood risk and drainage and land contamination subject to the discharge of and compliance with the recommended conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: GRANT planning permission in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions below:

Conditions:

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

REASON: 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:

- Dwg. No. 05 'Existing Elevations' (08 July 2025)
- Dwg. No. 02 'Existing Floor Plan' (08 July 2025)
- Dwg. No. 01 'Existing Site and Roof Plan' (08 July 2025)
- Dwg. No. 06 'Proposed Elevations' (08 July 2025)
- Dwg. No. 04 'Proposed Floor Plan' (08 July 2025)
- Dwg. No. 03 'Proposed Site Plan' (08 July 2025)

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, shall be as per those specified within the submitted application form and approved plans, in the interests of visual amenity and to comply with Policy BH1 of the Core Strategy and Development Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

5 No development shall commence until full details of the proposed flood resilient and flood resistant measures, including the specification and installation details of the flood resistant doors, have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:
1. Manufacturer's product specification for the flood resistant doors and measures, including:
- o certified flood protection standard to PAS 1188(latest version)
- o maximum water depth and duration the product is designed to resist
- o installation requirements and tolerances.

2. Location plan and elevations showing all doors to be fitted with flood resistant products.
3. Details of threshold levels, door frame designs, and any associated sealing systems to prevent water ingress.
4. A maintenance and operation guide, including inspection intervals and instructions for deployment (where relevant).

Reason: To ensure the development incorporates appropriate flood resilient construction measures and does not increase flood risk to the property or its occupants, in accordance with national and local flood risk policy.

6 Prior to occupation, the applicant shall submit to the Local Planning Authority:

1. Written certification from the manufacturer or an approved installer confirming that the flood resistant doors have been installed correctly and in accordance with:
   - the manufacturer's requirements.
   - the certified flood protection performance standard (e.g., PAS 1188 or equivalent).
2. As built photographs showing the installed doors, frames, thresholds, fixings, and any associated sealing systems.
3. A commissioning and deployment statement, confirming that the doors have been tested, checked for correct fit, and are ready for use.

The flood resistant doors shall thereafter be retained, maintained, and operated in accordance with the approved details and the manufacturer's guidance for the lifetime of the development.

Reason: To ensure the flood resistant measures are correctly installed and fully operational prior to occupation, thereby reducing residual flood risk to the property and its occupants, in accordance with national and local flood risk policy.

Reference No.: 25/01696/LOU LAP Outline application (Reg 3)

Proposal: **Outline planning application for a mixed-used development which could include retail, food and drink, commercial, offices, residential uses and serviced apartments (Use Classes C1, C3, E and sui generis), demolition of the existing buildings (full or partial), demolition of the pedestrian bridge over St Mary's Boulevard, with associated infrastructure and landscaping works (all matters reserved except access) (response to Environment Agency comments received 18/11/25, updated drainage strategy received 24/11/25)**

Location: 56-90 High Street West, Sunderland SR1 3DP

Ward: Millfield
Applicant: Sunderland City Council
Date Valid: 6 August 2025
Target Date: 26 November 2025

PROPOSAL:

Outline planning permission is being sought for a mixed-use development which could include retail, food and drink, commercial, offices and residential uses and serviced apartments (use classes C1, C3 and E and sui generis uses), the demolition of existing buildings (full or partial), demolition of the pedestrian bridge over St. Mary's Boulevard and associated infrastructure and landscaping works.

All matters excepting access are reserved, meaning the approval of matters relating to the scale of the development, its appearance, landscaping and layout will be required before the development can commence.

The application site relates to land on the north side of High Street West in the city centre. The site covers approximately 1.58ha and is bounded by St. Mary's Boulevard to the north, Bridge Street to the east and the Holiday Inn hotel on Keel Square to the west. The application site comprises a series of commercial buildings which are in use or currently vacant, as well as the site of a recently demolished commercial building.

The application area encompasses the following distinct plots:

- Plot 19, comprising the existing Sports Direct unit and the Dickson's unit at 90 High Street West, between Pann Lane and Green Street
- Plot 20, comprising the former Marks and Spencer store, located between Green Street and Cumberland Street
- Plot 21, site of the recently demolished former Argos and Mothercare stores
- Plot 22, the existing West Walk retail units located between Queen Street and the Holiday Inn hotel

High Street West is a primary shopping street of Sunderland City Centre, and the application site surroundings are primarily commercial in nature, with High Street West flanked by retail and food

and drink units to street level. To the north, across St. Mary's Boulevard, is City Hall and the emerging office and residential development on the wider former Vaux Brewery site.

No part of the application site is within a Conservation Area; however, the Sunniside Conservation Area is immediately to the east, and the Bishopwearmouth Conservation Area boundary is to the west. There are no Listed buildings within the application site, though there are several Grade II Listed buildings just to the east of the site (former Elephant Tea Rooms, Hutchinsons Buildings and St. Mary's Church) and the Grade II Listed Magistrate's Court to the west. The Grade II Listed Wearmouth road and rail bridges are to the north-east. The application site does contain some non-designated heritage assets, namely 90 High Street West and the façade of the former Marks and Spencer unit.

The application site is within the area covered by the Council's Riverside Sunderland Supplementary Planning Document (SPD). The SPD masterplan sets out a robust development strategy to regenerate the Riverside Sunderland area through the delivery of a new central business district, offices, residential neighbourhoods, major public buildings, restored riverside parkland and new footbridges across the River Wear. The application site forms part of the 'Heart of the City' sub area, which is envisaged as delivering commercial, residential, public and community uses in buildings of between 4- and 8-storeys in scale.

As the application has been made in outline form with all matters excepting access reserved for future approval, the detailed design of the development is not fixed. The application submission therefore provides a narrative with an indicative masterplan and drawings and parameter plans to explain how the development may be delivered in the future.

The development would provide a mix of retail (including leisure and food and drink), commercial and residential uses within new multi-storey blocks focused on the development plots detailed above. The submission explains that the exact amount of floorspace for each use within each new building is not intended to be fixed, so that the development is able to respond and evolve to market demand. The submission does, however, propose the maximum amounts of any one use permitted across the development, as follows:

- Retail/leisure/food and drink - 9,140 sq. metres
- Commercial - 47,160 sq. metres
- Residential - 41,330 sq. metres (up to 275 no. 1- and 2-bed apartments)

The amount of floorspace for individual uses would be able to vary within these maximum amounts, up to a total cap of 65,495 sq. metres in floorspace.

The submission envisages active uses at street level (i.e. retail, leisure and food and drink uses) with either residential or commercial offices, or a combination of the two, to upper floors. The Design and Access Statement submitted with the application presents three prospective options to illustrate how development could come forward within the maximum floorspace parameters set out above:

Option 1 (commercial over commercial)
Commercial uses at ground and first floors with flexible office space at second floor level and above in all buildings except Plot 22, where serviced apartments would be provided above the commercial. Potential arrangements as follows:

- Plots 19 and 20 could provide 6 levels of flexible workspace above 2 levels of commercial uses to High Street West.
- Plot 21 could provide 5 levels of flexible workspace above 2 levels of commercial uses to

High Street West.
- Plot 22 could provide 4 levels of serviced apartments above 2 levels of commercial uses to High Street West.

Option 2 (residential over commercial)
Predominantly commercial uses at ground and first floors with Private Rented Sector (PRS) style residential accommodation or serviced apartments above. Potential arrangements as follows:

- Plots 19 and 20 could provide 8 levels of residential accommodation above 2 levels of commercial uses to High Street West.
- Plot 21 could provide 7 levels of residential accommodation above 2 levels of commercial uses to High Street West.
- Plot 22 could provide 4 levels of residential accommodation above 2 levels of commercial uses to High Street West.

It should be noted that whilst this option could involve 10 storeys of development to plots 19 and 20, the floor-to-ceiling heights of residential uses are lower than for offices, meaning the scale of this option would be commensurate to the scale and massing of the other options being described.

Option 3 (commercial and residential hybrid over commercial)
Commercial uses at ground and first floors with flexible office space above in Plots 19 and 20 and PRS style apartments above the retail in Plots 21 and 22. Potential arrangements as follows:

- Plots 19 and 20 could provide 6 levels of flexible workspace above 2 levels of commercial uses to High Street West.
- Plot 21 could provide 7 levels of residential accommodation above 2 levels of commercial uses to High Street West.
- Plot 22 could provide 4 levels of residential accommodation above 2 levels of commercial uses to High Street West.

The upper floors of the buildings to each plot are shown as being stepped back from High Street West, with the maximum number of storeys to each building reached towards the northern part of each plot.

Members are reminded that the options detailed above are purely illustrative examples of how the development could take shape, although they do provide an indication of the potential scale of development and the way the uses authorised by a planning permission could be distributed between buildings.

In terms of the potential layout of the development, it is envisaged that it would respect and revitalise the historic urban grain by reinstating and reinforcing the 'lost lanes' leading north from High Street West (i.e. Queen Street, Cumberland Street, Green Street and Pann Lane), to provide better connections to the redeveloped former Vaux Brewery site. Development could extend beyond the existing built footprints at the northern edges of Plots 21 and 22 to maximise the quantum of development and complete the urban blocks by pushing the development edge closer to St. Mary's Boulevard. At ground level, the development could be organised around an east-west axis, with the southern section animating High Street West and the northern section accommodating, for example, entrance lobbies for upper floor uses.

In terms of scale and massing, as set out above, blocks could provide up to 10 levels of floorspace. The mass of all plots should be set back from High Street West, maintaining façade heights whilst increasing the quantum of development in the northern part of each plot in line with

the massing of development in the Vaux area.

Submitted parameter plans propose a maximum height of 37m for the buildings to Plots 19 and 20, 33m for the building to Plot 21 and 23m for the building to Plot 22.

The submission sets out options for the appearance of the development, with active frontages to street level and upper floors to workplace buildings characterised by pre-cast concrete or masonry to respond to the design and appearance of the emerging office buildings to the Vaux area. The approach to residential buildings could include a contemporary architecture approach, with variations to window proportions, suitable materiality and balcony detailing.

The pedestrianisation of High Street West would be retained and can be expanded into the lanes between the development plots. The edge to St. Mary's Boulevard could be upgraded for pedestrians and cyclists. A new service layby would be created along St. Mary's Boulevard to serve Plots 20 to 22, with Plot 19 serviced from Pann Lane as at present.

Indicative landscaping proposals set out a commitment to connecting the development to the Vaux development and the Riverside Park and River Wear corridor beyond. Each lost lane would be subject to improved surfacing and landscaping as appropriate, with the currently enclosed Green Street offering the greatest opportunity for the introduction of street trees and greenery. Cumberland Street would, for the time being, remain open to vehicular traffic.

The development as outlined above will require demolition of existing buildings occupying the plots, save for the already-demolished Argos and Mothercare building to Plot 21. It is intended that the façade to the Marks and Spencer's building be incorporated into the development of Plot 20, however the viability and feasibility of this in terms of the structural integrity of the façade will be subject to further studies.

The planning application has been supported by a wide range of technical reports and statements, namely:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Transport Statement
- Area Travel Plan Framework
- Sustainability Strategy
- Social Value Assessment
- Health Impact Assessment
- Heritage Impact Assessment
- Archaeology Desk-Based Assessment
- Habitat Regulations Report
- Preliminary Ecological Appraisal and Preliminary Roost Assessment
- Biodiversity Net Gain information
- Landscape and Ecology Management Plan
- Arboricultural Statement
- Phase 1 Desktop Study Report
- Phase 2 Site Investigation Report (covering Plot 21)
- Wind Microclimate Assessment
- Daylight and Sunlight Report
- Acoustics Design Strategy
- Flood Risk Assessment
- Sustainable Drainage Philosophy (updated during consideration of application)

- Fire Safety Strategy

During consideration of the application, the agent submitted additional sustainable transport information in response to consultation comments provided by Active Travel England.

In addition, the applicant has submitted a Financial Viability Assessment (FVA) (prepared by Sanderson Weatherall), which assesses the viability of the proposed development and informs the scheme's ability to support relevant planning obligations. An addendum to the Planning Statement was submitted alongside the FVA; this summarises the findings of the FVA and is designed to be read alongside it.

The FVA and addendum to the Planning Statement set out that the development is unable to support the full range of financial contributions and other planning obligations normally sought for a development of this nature, on the grounds that it is unviable to do so.

As is typical practice, the Council as Local Planning Authority arranged for the applicant's FVA to be reviewed on its behalf by a third party (in this case, Lambert Smith Hampton (LSH)). LSH's review of the applicant's LVA provides the LPA with advice on its robustness in terms of informing consideration of the scheme's viability and aide discussions on planning obligations.

Members should also note that the planning application has been accompanied by an Environmental Statement (ES). This is because the development proposal falls within section 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) ('the EIA Regulations'), as it relates to an urban development project including more than 1 hectare of development which is not dwellinghouse development and is considered likely to give rise to significant environmental effects.

The Environmental Impact Assessment undertaken by the developer's planning agent considers likely effects which may arise during the construction and operational phases of the development. It also considers the potential for cumulative effects in combination with other emerging schemes in the area.

In line with the conclusions of the scoping exercise, the Environmental Statement submitted with the planning application covers the following topics:

- Socio-Economics
- Townscape and Visual
- Transport
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk

The topics 'scoped in' to the Assessment have been determined by the nature of the proposed development and the characteristics of the development site and its surroundings. Other topics have been 'scoped out' of the Assessment on the basis that the environmental effects of the development in relation to those issues would not be significant in EIA terms.

An addendum to the ES was submitted alongside the agent's response to Active Travel England's consultation comments. The addendum concluded that the Active Travel England response does not materially change the assumptions, findings or conclusions of the Transport chapter of the submitted ES.

As is required by the Regulations, the Government's National Planning Casework Unit (NPCU)

and relevant statutory consultees were notified of the submission of the ES upon its receipt by the City Council. Notification of the submission of the addendum to the ES was also undertaken.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Network Rail
Historic England
Natural England
National Highways
Active Travel England
Marine Management Organisation
Public Health Health Impact Assessment
Network Management
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning And Highways
Planning Implementation
Environmental Health
Tyne And Wear Archaeology Officer
NE Ambulance Service NHS Trust
Tyne And Wear Fire And Rescue Service
Building Control
Northern Powergrid
Environment Agency
Chief Fire Officer
Northern Gas Networks
HSE - Fire Statement Consultation
Land Contamination
Natural Heritage
Nexus
Northumbria Police
Planning Policy
Public Rights Of Way Officer
Northumbrian Water
Director Of Childrens Services
Flood And Coastal Group Engineer
Environment Agency
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Network Rail
Historic England
Natural England
National Highways
Active Travel England

Flood And Coastal Group Engineer
Marine Management Organisation
Public Health Health Impact Assessment
Network Management
Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning And Highways
Planning Implementation
Environmental Health
Tyne And Wear Archaeology Officer
NE Ambulance Service NHS Trust
Tyne And Wear Fire And Rescue Service
Building Control
Northern Powergrid
Environment Agency
Chief Fire Officer
Northern Gas Networks
HSE - Fire Statement Consultation
Land Contamination
Natural Heritage
Nexus
Northumbria Police
Planning Policy
Public Rights Of Way Officer
Northumbrian Water
Director Of Childrens Services
Flood And Coastal Group Engineer
Northumbrian Water

Neighbour Consultation

Room 15 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 4 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 3 Mackies Corner 101 High Street West Sunderland SR1 1TX
Tyro Student Apartment 8 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 6 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 4 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 1 6 Fawcett Street Sunderland SR1 1SJ
PT GND FLR Plater Way Sunderland SR1 3AD
The Botanist Unit 1 Holiday Inn Keel Square Sunderland SR1 3DS
Studio D Sun City Studios 2 62B High Street West Sunderland SR1 3DP
Trespass 260 High Street West Sunderland SR1 3DH
Vacant Property 1 Bridge Street Sunderland SR1 1TA
36 Astral House West Street Sunderland SR1 3DX
37 Astral House West Street Sunderland SR1 3DX
48 Astral House West Street Sunderland SR1 3DY
44 Astral House West Street Sunderland SR1 3DX
50 Astral House West Street Sunderland SR1 3DY
42 Astral House West Street Sunderland SR1 3DX
23 Astral House West Street Sunderland SR1 3DX
Lovisa UK 8 The Bridges Sunderland SR1 3DR
14 Astral House West Street Sunderland SR1 3DX

9 Astral House West Street Sunderland SR1 3DX
1 Astral House West Street Sunderland SR1 3DX
21 Astral House West Street Sunderland SR1 3DX
61 Astral House West Street Sunderland SR1 3DY
53 Astral House West Street Sunderland SR1 3DY
Shelter 244 - 246 High Street West Sunderland SR1 3DE
The Presbytery 27 Bridge Street Sunderland SR1 1TQ
Magistrates Court Gill Bridge Avenue Sunderland SR1 3AP
Room 13 Mackies Corner 101 High Street West Sunderland SR1 1TX
Second Floor North Wing The Beam Plater Way Sunderland SR1 3AD
Tyro Student Apartment 21 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 5 6 Fawcett Street Sunderland SR1 1SJ
Faber Building Plater Way Sunderland SR1 3AD
PT 2ND FLR Plater Way Sunderland SR1 3AD
Maker Building Plater Way Sunderland SR1 3AD
95B High Street West Sunderland SR1 3BY
Mackies Corner 101 High Street West Sunderland SR1 1TX
First Floor Assett55 The Beam Plater Way Sunderland SR1 3AD
The Beam Plater Way Sunderland SR1 3AD
AFK 32 Bridge Street Sunderland SR1 1TQ
Tesco 80 The Bridges Sunderland SR1 3LB
Vacant Property 275 High Street West Sunderland SR1 3DZ
Warhammer 14 - 15 York Street Sunderland SR1 3BW
First Floor 30 Bridge Street Sunderland SR1 1TQ
64 Astral House West Street Sunderland SR1 3DY
28 Astral House West Street Sunderland SR1 3DX
20 Astral House West Street Sunderland SR1 3DX
63 Astral House West Street Sunderland SR1 3DY
Saint Marys Roman Catholic Church Bridge Street Sunderland SR1 1TQ
5 Astral House West Street Sunderland SR1 3DX
12 Astral House West Street Sunderland SR1 3DX
Everything Everywhere Limited 75 The Bridges Sunderland SR1 3DR
Former Sanctuary Cafe 1A Bridge Street Sunderland SR1 1TA
DOMINO'S 62 High Street West Sunderland SR1 3DP
Claire's 78 The Bridges Sunderland SR1 3DR
Bodycare 11 The Bridges Sunderland SR1 3DR
St Oswalds Childrens Hospice 59 High Street West Sunderland SR1 3DP
30 Astral House West Street Sunderland SR1 3DX
71 Astral House West Street Sunderland SR1 3DY
68 Astral House West Street Sunderland SR1 3DY
Capo Salon 70 First Floor 99 - 100 High Street West Sunderland SR1 3BY
Talking Heads First And Second Floors 90 - 91 High Street West Sunderland SR1 3BY
MARKS & SPENCER 75 - 85 High Street West Sunderland SR1 3DD
Boots Opticians 247 High Street West Sunderland SR1 3DE
CASH GENERATOR 58 High Street West Sunderland SR1 3DP
Supercuts 7 The Bridges Sunderland SR1 3DR
Room 6 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 2 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 1 Mackies Corner 101 High Street West Sunderland SR1 1TX
Water Site Offices/Compound Plater Way Sunderland SR1 3AA
Tyro Student Apartment 26 6 Fawcett Street Sunderland SR1 1SJ
PT MEZZ & PT 1ST FLR City Hall Plater Way Sunderland SR1 3AD
Unit 4 Holiday Inn Keel Square Sunderland SR1 3DS

Ground Floor North Wing Council The Beam Plater Way Sunderland SR1 3AD
43 Astral House West Street Sunderland SR1 3DX
16 Astral House West Street Sunderland SR1 3DX
31 Astral House West Street Sunderland SR1 3DX
7 Astral House West Street Sunderland SR1 3DX
33 Astral House West Street Sunderland SR1 3DX
59 Astral House West Street Sunderland SR1 3DY
Best Connection Recruitment Company Walker Buildings 33 Bridge Street Sunderland SR1 1TQ
6 Astral House West Street Sunderland SR1 3DX
24 Astral House West Street Sunderland SR1 3DX
19 Astral House West Street Sunderland SR1 3DX
73 Astral House West Street Sunderland SR1 3DY
88 Astral House West Street Sunderland SR1 3DY
84 Astral House West Street Sunderland SR1 3DY
49 Astral House West Street Sunderland SR1 3DY
55 Astral House West Street Sunderland SR1 3DY
Catholic Marriage Advisary Service Social Work Agency 28 - 29 Bridge Street Sunderland SR1 1TQ
Star Nails 253A High Street West Sunderland SR1 3DH
Little Gems 259A High Street West Sunderland SR1 3DL
Flat The Peacock 287 High Street West Sunderland SR1 3ES
The Peacock 287 High Street West Sunderland SR1 3ES
Sports Direct 86 - 89 High Street West Sunderland SR1 3DB
Fade Zone 95 High Street West Sunderland SR1 3BY
Training Services Northern Ltd 30A Bridge Street Sunderland SR1 1TQ
Tyro Student Apartment 23 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 18 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 16 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 14 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 12 6 Fawcett Street Sunderland SR1 1SJ
PT MEZZ FLR City Hall Plater Way Sunderland SR1 3AD
Former Sweet Home Alabama 2 Fawcett Street Sunderland SR1 1SJ
Studio B Sun City Studios 2 62B High Street West Sunderland SR1 3DP
Daily Bargains 257 - 258 High Street West Sunderland SR1 3DH
Coffee 57 57A High Street West Sunderland SR1 3DP
The Entertainer 4 - 5 The Bridges Sunderland SR1 3LB
Stylistics Hair And Beauty Salon First And Second Floors 94 High Street West Sunderland SR1 3BY
Bodyzone 57 High Street West Sunderland SR1 3DP
Food Weighouse 3 Fawcett Street Sunderland SR1 1SJ
Vacant Property 242 - 243 High Street West Sunderland SR1 3DE
Virgin Money 10 The Bridges Sunderland SR1 3DR
25 Astral House West Street Sunderland SR1 3DX
27 Astral House West Street Sunderland SR1 3DX
80 Astral House West Street Sunderland SR1 3DY
45 Astral House West Street Sunderland SR1 3DX
41 Astral House West Street Sunderland SR1 3DX
Biz-R 99 - 100 High Street West Sunderland SR1 3BZ
BrightHouse 255 High Street West Sunderland SR1 3DH
72 Astral House West Street Sunderland SR1 3DY
85 Astral House West Street Sunderland SR1 3DY
Sunderland Local Studies 64 Fawcett Street Sunderland SR1 1BB
Pro Nail Studio 94 High Street West Sunderland SR1 3BY

10 Astral House West Street Sunderland SR1 3DX
26 Astral House West Street Sunderland SR1 3DX
35 Astral House West Street Sunderland SR1 3DX
75 Astral House West Street Sunderland SR1 3DY
54 Astral House West Street Sunderland SR1 3DY
58 Astral House West Street Sunderland SR1 3DY
Ramsdens 6C The Bridges Sunderland SR1 3DR
Bou-Chique 2 Bridge Street Sunderland SR1 1TA
McDonald's 248 - 250 High Street West Sunderland SR1 3DE
Room 14 Mackies Corner 101 High Street West Sunderland SR1 1TX
Tyro Student Apartment 24 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 15 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 27-31 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 13 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 10 6 Fawcett Street Sunderland SR1 1SJ
Cakebox Kiosk 80 The Bridges Sunderland SR1 3DR
Betsy Jenny Counselling And Wellbeing Cafe 30 - 31 Bridge Street Sunderland SR1 1TQ
Barista Office 241 High Street West Sunderland SR1 3DE
81 Astral House West Street Sunderland SR1 3DY
Hays Travel Gilbridge House 29 High Street West Sunderland SR1 3HL
Capo Hair Salon First Floor 98 High Street West Sunderland SR1 3BY
The Best Connection Group 33 Bridge Street Sunderland SR1 1TQ
62 Astral House West Street Sunderland SR1 3DY
Harrys Game Shack 1 Fawcett Street Sunderland SR1 1SJ
Yorkshire Building Society 230 High Street West Sunderland SR1 3BN
Room 16 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 12 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 9 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 5 Mackies Corner 101 High Street West Sunderland SR1 1TX
The Sofia 104 High Street West Sunderland SR1 1TX
Tyro Student Apartment 32-36 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 25 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 22 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 19 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 9 6 Fawcett Street Sunderland SR1 1SJ
Unit 3 Holiday Inn Keel Square Sunderland SR1 3DS
Keel Tavern Unit 2 Holiday Inn Keel Square Sunderland SR1 3DS
Holiday Inn Keel Square Sunderland SR1 3DS
Flat 1 2 Bridge Street Sunderland SR1 1TA
Third And Fourth Floor Ocado Retail Ltd The Beam Plater Way Sunderland SR1 3AD
South Wing Ground Floor Penshaw View Training Ltd The Beam Plater Way Sunderland SR1 3AD
Flat 2 2 Bridge Street Sunderland SR1 1TA
Studio C Sun City Studios 1 62A High Street West Sunderland SR1 3DP
Furniture Lounge 63 Fawcett Street Sunderland SR1 1SN
Vacant Property 1 Bridge Street Sunderland SR1 1TA
Vacant Property First Floor 275 - 276 High Street West Sunderland SR1 3DZ
Iceland 6A - 6B The Bridges Sunderland SR1 3LB
83 Astral House West Street Sunderland SR1 3DY
74 Astral House West Street Sunderland SR1 3DY
78 Astral House West Street Sunderland SR1 3DY
Saint Marys Car Park Saint Marys Boulevard Sunderland SR1 3AH
Flat AFK 32 Bridge Street Sunderland SR1 1TQ

Smiggle 9 The Bridges Sunderland SR1 3DR
Ryman 254 High Street West Sunderland SR1 3DH
87 Astral House West Street Sunderland SR1 3DY
86 Astral House West Street Sunderland SR1 3DY
77 Astral House West Street Sunderland SR1 3DY
90 Astral House West Street Sunderland SR1 3DY
46 Astral House Upper Walworth Way Sunderland SR1 3DX
40 Astral House West Street Sunderland SR1 3DX
60 Astral House West Street Sunderland SR1 3DY
57 Astral House West Street Sunderland SR1 3DY
Former The Glasses Factory (NE) Limited 61 High Street West Sunderland SR1 3DP
Dicksons Pork Shops 90 - 91 High Street West Sunderland SR1 3BY
Room 7 Mackies Corner 101 High Street West Sunderland SR1 1TX
Tyro Student Apartment 20 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 17 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 11 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 7 6 Fawcett Street Sunderland SR1 1SJ
Tyro Student Apartment 3 6 Fawcett Street Sunderland SR1 1SJ
95A High Street West Sunderland SR1 3BY
Alenias Music Art York Street Sunderland SR1 3BW
Studio A Sun City Studios 1 62A High Street West Sunderland SR1 3DP
Diva Nails 56 High Street West Sunderland SR1 3DP
Barista 241 High Street West Sunderland SR1 3DE
Former Cafe D'Mil 52 - 54 High Street West Sunderland SR1 3DP
Primark 1 - 3 The Bridges Sunderland SR1 3DR
52 Astral House West Street Sunderland SR1 3DY
22 Astral House West Street Sunderland SR1 3DX
76 Astral House West Street Sunderland SR1 3DY
56 Astral House West Street Sunderland SR1 3DY
89 Astral House West Street Sunderland SR1 3DY
Poundland 240 High Street West Sunderland SR1 3BN
31 Bridge Street Sunderland SR1 1TQ
House Of Cosmetics 97 High Street West Sunderland SR1 3BY
4 Astral House West Street Sunderland SR1 3DX
11 Astral House West Street Sunderland SR1 3DX
15 Astral House West Street Sunderland SR1 3DX
91 Astral House West Street Sunderland SR1 3DY
82 Astral House West Street Sunderland SR1 3DY
47 Astral House West Street Sunderland SR1 3DX
65 Astral House West Street Sunderland SR1 3DY
Harleys 55 High Street West Sunderland SR1 3DP
Collectables 76 The Bridges Sunderland SR1 3LE
Krispy Kreme 79 The Bridges Sunderland SR1 3DR
Room 11 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 8 Mackies Corner 101 High Street West Sunderland SR1 1TX
Room 10 Mackies Corner 101 High Street West Sunderland SR1 1TX
Tyro Student Apartment 2 6 Fawcett Street Sunderland SR1 1SJ
First And Second Floors High Street West Sunderland SR1 3DE
Offices Above 257 - 258 High Street West Sunderland SR1 3DH
City Hall Brew And Bake Plater Way Sunderland SR1 3AA
Game Store Group Ltd 86 - 89 High Street West Sunderland SR1 3DB
Sunderland City Council City Hall Plater Way Sunderland SR1 3AA
Merkur Slots 251 High Street West Sunderland SR1 3DE

Nutters Second Floor 97 - 99 High Street West Sunderland SR1 3BY
The Three Stories 92 High Street West Sunderland SR1 3BY
2 Astral House West Street Sunderland SR1 3DX
House Of Cosmetics Second Floor 98 High Street West Sunderland SR1 3BY
67 Astral House West Street Sunderland SR1 3DY
18 Astral House West Street Sunderland SR1 3DX
3 Astral House West Street Sunderland SR1 3DX
32 Astral House West Street Sunderland SR1 3DX
39 Astral House West Street Sunderland SR1 3DX
69 Astral House West Street Sunderland SR1 3DY
66 Astral House West Street Sunderland SR1 3DY
70 Astral House West Street Sunderland SR1 3DY
79 Astral House West Street Sunderland SR1 3DY
17 Astral House West Street Sunderland SR1 3DX
Shoe Zone 60 High Street West Sunderland SR1 3DP
The Bridges Sc (Sunderland) (No.1) And (No. 2) Ltd The Management Suite The Bridges Sunderland SR1 3DR
34 Astral House West Street Sunderland SR1 3DX
8 Astral House West Street Sunderland SR1 3DX
29 Astral House West Street Sunderland SR1 3DX
51 Astral House West Street Sunderland SR1 3DY
38 Astral House West Street Sunderland SR1 3DX
Rifles Army Recruitment 77 The Bridges Sunderland SR1 3DR
I Nails Express 259 High Street West Sunderland SR1 3DH
Gentoo The Community Room The Bridges Sunderland SR1 3DR
Venue 255 - 256 High Street West Sunderland SR1 3DH
13 Astral House West Street Sunderland SR1 3DY
68 Astral House West Street Sunderland SR1 3DY

Final Date for Receipt of Representations: **07.04.2026**

REPRESENTATIONS:

Public consultation on planning application - letters were issued by the Council to over 250 no. addresses in the locality. The application was also publicised via a series of site notices and a notice published in the Sunderland Echo newspaper.

No representations from members of the public have been received.

Consultation prior to submission of application - as is typical for development proposals of this scale and nature, the applicant elected to undertake a public consultation programme prior to the submission of the planning application. Details of the form and extent of consultation undertaken, and the number and nature of the responses received, are provided in the Statement of Community Involvement (SCI) submitted with the application.

The SCI advises that consultation entailed a leaflet drop, social media promotion, consultation website and public exhibition. Approximately 950 no. leaflets were distributed to homes and businesses within the northern part of Sunderland city centre, and these gave recipients information about the scheme and details of the website and exhibition. Various social media platforms were used to encourage visits to the website and exhibition.

The exhibition was held at Keel Square Pavilion on 6th and 7th May 2025 and 95 no. interested parties visited across the two days. The website enabled visitors to submit feedback via an online

questionnaire, hard copies of which were also available at the exhibition.

The SCI's summary goes on to advise that 352 no. respondents completed the questionnaire. Most responses were highly favourable towards the proposals with, for example, 88% of respondents agreeing that the principle of the development and the proposed uses are suitable for the city centre, 90% agreeing that the potential scale of the development is suitable for the site and 88% agreeing that the proposals will positively contribute to the Riverside Sunderland development. 92% of respondents expressed overall support for the proposals.

290 no. additional comments were submitted within the 'free text' box included as part of the questionnaire. Mostly positive comments were received, with support for the potential regeneration benefits of the proposals and the contribution it could make to the improvement of High Street West and wider city centre. Some areas of concern/points for clarification were also raised in responses, as follows:

- Who will occupy the buildings?
- What will happen to existing retailers and occupiers?
- There is no need for more retail, office and food and drink floorspace
- What will happen to the Marks and Spencer frontage
- No need for more takeaways
- No need for single person accommodation
- Proposals should include more housing, including for older people
- No need for more student accommodation
- Proposals should include a green space/outdoor recreation area
- The development is too high
- Extra population will cause traffic congestion and parking problems
- Not keen on the design of the buildings
- Development should provide active frontages to all sides of buildings
- Loss of footbridge will make it more difficult to cross St. Mary's Boulevard
- What are the plans for St. Mary's Boulevard?
- Will there be noise and disturbance during construction works?
- How can impacts of HGV movements be managed?

CONSULTEE RESPONSES - INITIAL CONSULTATION

Environment Agency (EA) - the EA's initial response advised there were no objections to the application, subject to a condition which requires the approval of a scheme to dispose of foul drainage. The submitted scheme should include, as a minimum, confirmation of which sewage treatment works would receive the foul flows, confirmation from Northumbrian Water that there is sufficient capacity at the treatment works to accept the flows and, where there is insufficient current capacity, proposals for an appropriate phasing approach to enable necessary upgrades to be made prior to connecting the development.

Advice was also provided in relation to water quality permit requirements, sustainable drainage measures and water abstraction.

Following receipt of the EA's comments, the agent submitted a letter responding to the EA's request for the abovementioned condition. The agent's letter contended that the condition did not meet the relevant 'tests' with which a condition to be imposed on a planning permission needs to comply (as per paragraph 57 of the National Planning Policy Framework), in that it is not necessary, relevant to planning, enforceable or reasonable. The letter suggests such a condition does not meet the relevant tests because it is not related to the development of land and because

the developer cannot be held responsible for the management of the sewerage network, which is instead managed under a separate control regime. Furthermore, the letter pointed out that Northumbrian Water has raised no concerns or queries relating to the handling of foul flows from the development.

The agent's letter also appended a copy of a recent appeal decision from the Planning Inspectorate in respect of a residential development at the former Whitburn Lodge Public House, Mill Lane, South Tyneside (appeal ref. APP/A4520/W/25/3365110), in which the Inspector concluded that the focus of planning decisions must be on whether the proposed development is an acceptable use of land, rather than the control of processes and emissions, and decisions must assume that the regimes designed to ensure pollution controls will operate effectively.

The Environment Agency considered the agent's letter and subsequently advised that they no longer require the imposition of the recommended condition. The EA confirmed there is no objection to the proposed development; previous advice in relation to water quality permit requirements, sustainable drainage measures and water abstraction remains relevant.

Historic England - no objections to the application in relation to heritage considerations. The submitted comments note that High Street West has a long history as one of the main streets of Bishopwearmouth. The application site comprises modern buildings and is outside the boundaries of the Sunniside and Bishopwearmouth Conservation Areas.

The mix of commercial and residential uses would complement the recent heritage-led regeneration of the two adjoining conservation areas by bringing greater footfall and occupancy into the area. As a result, a stronger collective contribution to the regeneration of the city centre would result, but the design of the buildings must be of sufficient quality to enhance this potential.

The retention of the mid-20th century façade of the Marks and Spencer's building would add character to the scheme, but the loss of 90 High Street West and its ornate early-20th century upper floors would result in a loss of character. The height of proposed buildings is noticeably larger than nearby historic buildings, however at a distance their impact would be read as part of the general variety of character within the city centre and lower projections fronting High Street West help maintain visual continuity within the street and the adjoining conservation areas.

The eastern end of the development would diminish the presence of the Grade II Listed Church of St. Mary, however it is noted that its historic setting was harmed by the construction of the inner ring road and so the level of harm to the significance of this building is to a minor degree.

In summary, Historic England confirms there are no objections to the development on heritage grounds. It is noted, however, that there are positive and negative impacts of the scheme, with the potentially revitalising effects on the neighbouring conservation areas to be balanced against heritage harm caused by the loss of non-designated assets and harm to the setting of the Church of St. Mary. This harm needs to be considered in the planning balance, with the level of harm justified by the public benefits of the scheme.

National Highways - no objections to the outline application in terms of impacts on the Strategic Road Network (SRN). Comments advise that the submitted Transport Statement and Area Travel Plan Framework have been reviewed. It is concluded that given the absence of resident parking in the development, together with the scheme's scale and location, impacts on the SRN are unlikely to be severe. This position is, however, heavily dependent on any future reserved matters application being consistent with the outline submission in terms of car parking.

Marine Management Organisation - standing advice provided, applicable to any works which

affect the marine area.

Active Travel England - initially requested the deferral of a decision on the application, on the basis that Active Travel England (ATE) require further assessment, evidence, revisions and/or dialogue in relation to matters set out in the consultation response.

To this end, the comments from ATE identified some issues with the analysis of active travel trips and the quality of surrounding active travel infrastructure as presented in the Transport Assessment submitted with the application. The comments advise that ATE would be happy to reconsider this position if the requested information can be provided.

In terms of other considerations, ATE's comments are accepting of the demolition of the footbridge over St. Mary's Boulevard, on the basis that alternative street-level provision will be made. The proposed improvements to the public realm and routes north from High Street West are welcomed and design advice is provided. Advice on the quantity and form of cycle parking provision within the development is supplied, and it is recommended that conditions be imposed to require approval of final details.

The comments welcome the proposed monitoring and reporting of Travel Plan measures and a condition requiring the submission and approval of a Full Travel Plan is recommended.

Health and Safety Executive (HSE) - consulted due to the development potentially including 'relevant buildings' (i.e. greater than 18m in height) in relation to fire safety considerations. Consequently, the application has been accompanied by a Fire Safety Strategy.

The HSE's comments advise that it is not possible to comment in full given the outline nature of the proposals, however it is content with the fire safety design as set out in the project description and the development is considered to show reasonable access for fire safety appliances around and within the site.

The HSE has no objection to the proposals but recommends a condition which requires the submission of a further fire safety statement with any reserved matters application(s), for the approval of the LPA in consultation with the HSE.

Network Rail - no objections to the proposed development. It is, however, noted that the application site is closely proximate to the tunnel containing the Longlands, Eaglescliffe and Newcastle rail line and it is imperative that the structural integrity of the tunnel is not affected by works. The developer will be required to liaise with Network Rail's Asset Protection and Structures Teams prior to any works commencing on site.

A condition is therefore requested which requires Network Rail's engineers to approve details of any development works within 15m of the tunnel and for the development to be thereafter undertaken in complete accordance with the agreed details.

Northumbrian Water - no objection to the development, however given the outline nature of the application there is not yet sufficient detail available in terms of the management of surface water from the development. Northumbrian Water have therefore requested that a condition requiring the approval of a detailed scheme for the disposal of surface water be imposed in the event the application is approved, to ensure that surface water discharge rates will not exceed the maximum capacity of the existing network.

Northumbria Police - no objections to the principle of the outline proposals and would welcome early contact with site developers to consider crime prevention and design-out crime

opportunities. The comments also promote the 'Secured by Design' accreditation, an official police security initiative concerned with improving the security of buildings and their immediate surroundings.

Nexus (Tyne and Wear Passenger Transport Executive) - fully supports the spirit of the proposals - a low car, dense and multi-use development which will promote and enhance sustainable travel, including public transport.

The comments note that the site is excellently located for public transport. Frequent bus services operate along St. Mary's Boulevard, whilst there are many other bus services available within 400m walking distance of the site and four Metro stations within 800m walking distance of the site. The nearby Sunderland rail station provides access to regional and national rail services.

Proposed public realm enhancements and traffic calming measures are welcomed and there is no objection to the proposed improvements to the accessibility of the bus stop to the south side of St. Mary's Boulevard. The development will align with Nexus' objective of promoting cycling, including to Metro stations.

The comments advise that the developer should provide future residents and/or staff employed at the development with public transport cards, with 2x cards with £50 pre-loaded credit per dwelling and one card with £50 pre-loaded credit per employee.

Tyne and Wear County Archaeology officer - comments note that the application is accompanied by an Archaeological Desk-based Assessment and Heritage Impact Assessment. These note that the application site has been continuously occupied from the 18th century, but any 18th and 19th century remains will have been truncated by 20th century commercial development. Remains of earlier buildings could, however, survive outside the footprint of modern buildings and the County Archaeology officer therefore recommends that archaeological monitoring is maintained during groundworks outside the footprint of modern 20th century buildings on the site.

The County Archaeologist's comments note the proposed demolition of 90 High Street West, which makes a positive contribution to the historic character of the streetscape and there may be remaining elements of architectural significance relating to its historic uses as a temperance hotel and cocoa house. A historic building recording (Level 2) is therefore recommended. It is noted that the Marks and Spencer frontage is intended to be retained, however if this is not feasible, a Level 1 historic building recording should be undertaken.

There is no objection to the development in relation to archaeology considerations, subject to conditions requiring the undertaking of an archaeological watching brief, the preparation of a watching brief report and historic building recordings.

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

Northern Gas Networks - no objections to the planning application.

Northern Powergrid - no objections to the development provided rights to maintain apparatus are not affected.

Council's Planning Policy team - comments note that the application site is within the Urban Core of the city and within the boundary of the Riverside Sunderland Masterplan SPD area. The uses being proposed by the application are compliant with the acceptable uses identified by policy SP2 of the Council's adopted Core Strategy and Development Plan (CSDP) and the Riverside SPD.

High Street West is also a Primary Shopping Area and any future application(s) for approval of reserved matters would need to demonstrate that the proposals satisfactorily address the requirements of policy VC3 of the CSDP, which seeks to ensure that Primary Shopping Areas remain the focus of new retail development where possible.

The provision of new residential accommodation within the development would align with policy SP8 of the CSDP, which is concerned with the delivery of new housing in the city.

The Policy team's comments conclude that the development broadly complies with the land use policies and guidance applicable to the application site, however a full assessment can only be made through the consideration of reserved matters applications. The comments also draw attention to other relevant CSDP policies, including H1 (housing mix), BH1 (design quality and amenity), BH2 (sustainable design and construction), BH3 (public realm), BH7 and BH8 (historic environment and heritage assets), NE2 (ecology and biodiversity), NE4 (open space), ST1, ST2 and ST3 (transport and accessibility), IDP1 and IDP2 (infrastructure and planning obligations) and M1 (minerals safeguarding), which should be given consideration in the determination of the application.

Council's Flood and Coastal team (Lead Local Flood Authority) - initial comments advised that whilst the submitted flood risk assessment adequately assesses flood risks at the site, further detail was required in relation to the proposed sustainable drainage strategy for the development, including in relation to the hierarchy of discharge and rainwater harvesting guidance provided within the Non-Technical SuDS Standards issued by DEFRA in June 2025.

In response to the LLFA's initial comments, the agent for the application submitted a letter which explained that due to the outline nature of the proposals, there was no certainty on the final scale, massing and form of the development or the extent and mix of uses it would accommodate. As such, it was not possible at this stage to commit to some sustainable drainage measures, including rainwater harvesting, or provide certain additional details being requested by the LLFA. The agent's response contends that the sustainable drainage strategy submitted with the application is considered the best achievable in the context of the proposals in their current form.

Further comments from the LLFA noted the content of the agent's letter, but the view remained that making no commitment to incorporating rainwater harvesting measures into the development was not appropriate. A suggested approach was for the submitted flood risk assessment and sustainable drainage philosophy to be amended to include a commitment to including rainwater harvesting within each block of the development, with a condition then requiring final details of rainwater harvesting measures to be agreed with the LLFA before development commences.

Following the LLFA's comments, the agent submitted an update to the drainage philosophy for the development, which now includes a commitment to exploring opportunities for rainwater harvesting. The LLFA has confirmed that the proposals are now acceptable, subject to conditions requiring the approval of details of the rainwater harvesting system and verification of the sustainable drainage features incorporated into the development.

Council's Land Contamination officer - initial comments note that the submitted Phase 1 report shows that the application site has been developed for commercial and residential uses from the time of the earliest available historical mapping. An underground railway is to the east of the site and tramlines previously bordered the southern edge of the site.

The Phase 2 investigations report for Plot 21 does not include a completed ground gas monitoring assessment and this will be provided later. Investigative boreholes did not uncover any contamination above the assessment criteria for commercial development, save for one sample

containing asbestos fibres. The report advises that new soft landscaped areas will need to be capped due to the potential presence of asbestos, with specific details to be agreed via a remediation strategy.

The Land Contamination officer advises that the Phase 2 investigations carried out to date are acceptable, whilst the Phase 1 report indicates that the condition of the site does not prohibit the proposed development. Conditions are recommended to require further site investigations to plots not covered by the Phase 2 investigations, the completion of the ground gas assessment to Plot 21 and the approval and implementation of a remediation strategy. A condition setting out requirements in the event unexpected contamination is encountered during works is also recommended.

Council's Environmental Health team - submitted comments advise that the development is acceptable in principle. It is noted that the development site is within the city centre and would include a mix of retail, commercial and residential uses.

In terms of noise considerations, the 'Noise and Vibration' chapter of the Environmental Statement references the relevant guidance on noise and acoustic design, and an acoustic design strategy has been submitted with the application. Future occupiers of the development could be affected by noise from mechanical plant within the proposed buildings, commercial uses to lower floors of the buildings, road traffic, nearby commercial/leisure premises and noise/vibration from the underground rail/Metro line.

In terms of vibration, potential moderate to major adverse effects from the underground rail/Metro line to the eastern boundary of the site are identified in relation to any residential uses within Plots 19 and 20. Mitigation is therefore required.

The methodology and conclusions of the 'Noise and Vibration' chapter of the ES are acceptable, but the approach to mitigation requirements is conditional upon the final site design/layout and construction detail of properties. A condition requiring the submission of an updated noise and vibration assessment, informed by detailed layout proposals, is therefore recommended.

Existing occupiers in the area could be affected by noise from demolition and construction works. Appropriate mitigation measures can, however, be included within a Construction Environmental Management Plan (CEMP) for the development and a condition requiring the submission and approval of such a document is recommended.

The Air Quality chapter of the ES notes that the development has the potential to affect air quality through dust emissions during demolition and construction works and through construction traffic exhaust emissions. Mitigation measures are proposed to manage fugitive dust emissions, and these should be incorporated into the CEMP. Exhaust emissions from the operation of the development are anticipated to be negligible given the absence of vehicle parking in the scheme, whilst dispersion modelling shows that residents of the development will not be unacceptably exposed to poor air quality.

The methodology and conclusions of the Air Quality chapter of the ES are accepted with no additional comments.

The Environmental Health comments also note that any apartments within the development would meet the Government's 'Technical Housing Standards - Nationally Described Space Standard' for minimum gross internal layout size (50 sq. metres for 1 bed apartments and 70 sq. metres for 2 bed apartments).

Council's Public Health team - following review of the submitted Health Impact Assessment and Planning Statement, there are no objections to the development. In terms of positive health outcomes, the Public Health team note the contribution the development could make to access to housing, employment and training opportunities, improved public realm, accessibility and active travel, reduction in crime and improved safety, access to healthy food, environmental and climate resilience and community cohesion and wellbeing.

The comments identify strong alignment with policy SP7 (healthy and safe communities) of the Council's Core Strategy and Development Plan. In particular, the development will support active travel, promote inclusive design and improve access to services and respond to local deprivation and health inequalities with targeted interventions. The proposals are considered to demonstrate a robust evidence base through the submitted Health Impact Assessment and other supporting documents. The benefits of the development identified within the comments should be secured through appropriate planning conditions or legal obligations.

Council's Built Heritage team - comments note that the application has been accompanied by a Heritage Impact Assessment (HIA) which assesses the significance of heritage assets affected by the development. The proposals are supported in principle from a heritage perspective as they will continue the regeneration of the City Centre High Street and support regeneration efforts in the neighbouring conservation areas.

The outline application site does not include any Listed buildings and no part is within a conservation area, however it includes the northern section of High Street West between the Bishopwearmouth and Sunniside Conservation Areas. The proposals therefore have potential to affect the settings of these conservation areas and Listed buildings within them, particularly the Magistrates Court, Elephant Tea Rooms, Mackie's Corner, the Church of St. Mary and the Wearmouth road and rail bridges to the north.

The site itself mainly comprises modern buildings of little architectural merit, however there are two buildings affected by the development which should be categorised as non-designated heritage assets, these being the former Marks and Spencer building façade and 90 High Street West (occupied by Dickson's).

The comments note that the submitted HIA concludes that the development will have a neutral to minor beneficial effect on the settings of neighbouring heritage assets and a neutral effect on their significance. This assertion is based on the anticipated high-quality design of the development, which would outweigh any negative visual impacts from the height of the buildings.

Whilst buildings are proposed to be significantly higher than existing buildings to High Street West, they are set within the wider city centre context where tall buildings are commonplace, and the Built Heritage officer accepts that the development presents the opportunity to deliver a more cohesive architectural approach to the transformation of this part of the High Street. The re-establishment of the 'lost lanes' and wider public realm/landscaping improvements to High Street are welcomed and should benefit the settings of adjacent Listed buildings and conservation areas.

One negative aspect of the proposals is the potential impact on the setting of the Grade II Listed Church of St. Mary, which may suffer some minor harm to significance because of the encroachment of the highest parts of the development into its immediate setting directly to the rear of the church. It is recognised, however, that potential impacts can only be fully established through a reserved matters submission.

In terms of impacts on non-designated assets, the potential retention of the Marks and Spencer

façade would be positive although it is accepted the viability and feasibility of this is uncertain. The loss of 90 High Street West is negative in heritage terms, for it is notable for its well-preserved early 20th century neo-classical faience façade with Edwardian detailing to the upper floors and it has group value with adjacent buildings to the east.

The Built Heritage officer's comments conclude that the proposed redevelopment should, on balance, have a predominantly positive impact on the local character and distinctiveness of High Street West and the settings of the Sunniside and Bishopwearmouth Conservation Areas and Listed buildings within them, in accordance with the objectives of the National Planning Policy Framework and the Council's Core Strategy and Development Plan. A more thorough assessment of heritage impacts will, however, be required against the detailed design of the scheme as part of a reserved matters submission.

The loss of 90 High Street West, potential loss of the Marks and Spencer façade and minor harmful impact on the significance of the Church of St. Mary should be weighed against the public benefits of the development as part of the planning balance.

Council's Future Transport team - comments advise that the development proposals are situated within the city centre with access to a range of travel choices by walking, cycling and use of public transport. The proposals are supported on highways grounds and are considered to meet transport policy requirements set out in policies ST2 and ST3 of the Council's adopted Core Strategy and Development Plan.

The position set out above is informed by the information submitted with the application, including the Environmental Statement, Transport Statement, Design and Access Statement and Travel Plan. A series of observations and comments have been provided, as follows.

The site is highly accessible by various modes of transport, with pedestrian connectivity improved by the opening of the Keel Crossing bridge. In terms of parking, some overnight secure parking for residents may be required and the submission supplies evidence to demonstrate that capacity for this is available in existing nearby car parks. A condition requiring approval of details of cycle storage facilities is requested.

Conditions will be required to secure the preparation of Full Travel Plans for the development, along with travel plan targets, measures, monitoring, evaluation and funding. A financial contribution of £30,000 to enable surveys, monitoring and evaluation of resident travel plans is recommended.

It is noted that no significant changes to servicing and delivery arrangements are proposed, other than the provision of new lay-bys to accommodate new plot layouts. Some changes may require amendments to existing Traffic Regulation Orders. Final details of servicing and delivery arrangements will be required through reserved matters submissions, to ensure the new development can be catered for and there will be no adverse impacts on arrangements for existing businesses in the vicinity.

In terms of highways improvements, the footbridge over St. Mary's Boulevard and enclosed walkway between the Marks and Spencer store and St. Mary's car park will be removed and replaced with an at-grade open walkway along the route of Green Street. This is intended to reopen as public highway and will not need to be closed outside of normal business hours (as is currently the case). Proposals include improvements to traffic islands and crossing points over St. Mary's Boulevard to cater for additional pedestrian movement and these will complement the ongoing programme of improvements to St. Mary's Boulevard being undertaken by the Council.

Any changes to the footprint of blocks which intrude into the public highway will require stopping up. A Construction Environmental Management Plan and Construction Traffic Management Plan will be required to manage impacts from demolition and construction works, including any temporary highway closures required to facilitate demolition operations.

Council's Ecologist - no objections to the proposals subject to recommended conditions and securement of necessary obligations.

In terms of habitats and protected and priority species, the application site contains small areas of modified grassland, buildings and hardstanding, scattered trees and a ground level planter and the area around it is heavily urbanised. Buildings to be demolished have negligible roosting potential for bats but do provide nesting opportunities for herring gulls and pigeons.

Impacts on nearby designated sites (e.g. Wearmouth Riverside Local Wildlife Site) during demolition and construction works can be managed through typical pollution control and mitigation measures embedded in a Construction Environmental Management Plan.

Impacts of increased recreational use of European designated coastal sites can be managed through a contribution of £557.14 per dwelling provided within the development to the Sunderland Recreation Mitigation Strategy.

In terms of Biodiversity Net Gain (BNG), the Council's Ecologist is satisfied that the baseline calculation submitted with the application represents an accurate valuation of the habitats present on site at the time of application. The development proposals are set to result in a gain of 78.51% habitat units and 284.94% hedgerow units. Proposed habitats meet trading rules and appear to be achievable and realistic in their proposed types and conditions. The Council's Ecologist therefore considers the delivery of on-site BNG to be deliverable and conditions and/or planning obligations should be used to ensure it is delivered and managed as appropriate.

In this regard, a BNG monitoring fee of £2,582.41 would be required, as set out by the Council's BNG monitoring fee schedule

Recommended conditions relate to the delivery of BNG measures, the approval, implementation and monitoring of a Habitat Management and Monitoring Plan (HMMP) and the approval of a Construction Environmental Management Plan (Biodiversity).

Council's Education officer - requests a financial contribution of £3780.11 per 2-bedroom apartment towards early years, primary and special education provision. There is no request in respect of 1-bed apartments, as these are unlikely to accommodate school-aged children.

CONSULTEE RESPONSES - SECOND CONSULTATION, UNDERTAKEN AFTER UPDATE TO ENVIRONMENTAL STATEMENT AND RECEIPT OF RESPONSE TO ACTIVE TRAVEL ENGLAND COMMENTS

Active Travel England - ATE has reviewed the additional information submitted by the applicant in response to their initial consultation comments. It is accepted that the submitted details confirm the vision for the development as a 'car free scheme', although more could be done to incorporate active travel modes specifically. Additional information provided in relation to the framework travel plan for the development, targets for active travel, analysis of trip quality, pedestrian crossing arrangements and cycle parking and storage facilities are generally considered satisfactory.

The additional comments confirm that ATE can recommend approval of the application, subject to agreement and implementation of planning conditions and/or obligations as set out in the

response. To this end, the additional comments request that the conditions set out in ATE's initial consultation response be imposed - these relate to the approval of cycle parking facilities within the development and the approval of a final travel plan for the scheme.

Historic England - no further comments to offer.

Health and Safety Executive - additional information does not affect fire safety considerations and so no further comments.

Network Rail - no further comments to offer. Advice provided in initial response is still valid.

Nexus - no further comments. Advice provided in initial response is still valid.

Northumbrian Water - no change from previous comments.

Tyne and Wear County Archaeology officer - no further comments.

Tyne and Wear Fire and Rescue Service - no objections.

Northern Gas Networks - no objections.

Council's Planning Policy team - no further comments.

Council's Flood and Coastal team (Lead Local Flood Authority) - no comments to offer on additional transport information.

Council's Built Heritage team - no additional comments to offer.

Council's Land Contamination officer - no further comments.

Council's Ecologist - no further comments.

Council's Future Transport team - in respect of the additional information provided in response to Active Travel England's consultee response, it is advised that the development trips proposed within the Transport Statement are a robust approach to assessing traffic impact given the outline nature of the application.

Proposals on modal share arrangements and travel plan targets can be refined and agreed once detailed proposals and building uses come forward at the reserved matters stage. The provision of Full Travel Plans will need to be conditioned as part of an outline permission and for future reserved matters applications, along with requirements for travel plan targets, monitoring and evaluation. A Travel Plan Co-ordinator will also need to be appointed.

There remain no objections to the proposed development on highway grounds and policy requirements, subject to the inclusion of suitably worded planning conditions.

POLICIES:

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

COMMENTS:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. In undertaking this exercise, planning case law has established that the development plan must be considered as a whole, a point reinforced by the recent Cornwall Council v Corbett Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

To this end, where conflict with development plan policies is identified, it is incumbent upon the decision-maker to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act. The most recent iteration of the NPPF dates from December 2023.

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

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

c) Approve applications that accord with an up-to-date development plan without delay; or
d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted, but Local Planning Authorities may take decisions that depart from an up-to-date development plan if material considerations indicate that the plan should not be followed.

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and a recent review (December 2024) concluded that the policies within continue to be in general

conformity with the NPPF and Planning Practice Guidance. The CSDP is therefore considered to represent an up-to-date development plan for the purposes of the NPPF and Members should consider it to be the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and sets out a vision that within this period, Sunderland will be a place that:

- is healthy, safe and prosperous, where people have the opportunity to fulfil their aspirations;
- creates new diverse job opportunities;
- is vibrant and growing with excellent access to a range of job opportunities for all ages, abilities and skills; and
- is open to business and is responsive to the changing needs and demands of the growing economy.

Policies within the CSDP serve to replace most policies within the Council's Unitary Development Plan (1998) and UDP Alteration No. 2 (Central Sunderland) (2007). Some UDP and UDP Alteration No. 2 policies have, however, been saved pending the intended production of an integrated Development Plan for the city.

In addition, the Council has also adopted a range of Supplementary Planning Documents (SPDs) and other planning guidance which are relevant to the consideration of the current planning application. These are:

o Development Management SPD
o Riverside Sunderland SPD
o Planning Obligations SPD

Although it does not form part of the Council's adopted Development Plan, regard should also be given to the Council's City Plan 2025-2035. This sets out the Council's vision, being 'by 2035 Sunderland will be a connected, international city with opportunities for all'. Three key themes will drive this vision, these being:

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

Key to underpinning these themes is, amongst other measures, the delivery of 'more businesses, housing and cultural opportunities, creating a strong city centre' and 'more and better housing'.

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

1. To deliver sustainable economic growth and meet objectively assessed employment and housing needs;
2. To identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
3. To promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;
4. To provide a range of choice of accommodation, house types and tenures;
5. To provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;
6. To support and improve the vitality and economic performance of the Urban Core and

designated centres;
7. To protect, sustain and enhance the quality of our built and historic environment;
8. To protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;
9. To adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;
10. To manage waste as a resource and minimising the amount produced and sent to landfill;
11. To promote sustainable and active travel and improve transport infrastructure;
12. To manage the City's mineral resources;
13. To ensure the City has the infrastructure to support its growth and prosperity;

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

SP1 - sets out the Council's sustainable economic growth strategy for the Plan period, including the creation of at least 7,200 new jobs and the delivery of at least 13,410 new homes. Most new development will be focused on the existing urban area and at sustainable locations and in higher densities around existing transport hubs.

SP2 - the Urban Core of the City will be regenerated and transformed into a vibrant and distinctive area by, amongst other measures, increasing the type and range of office accommodation available (prioritising the Vaux site), concentrating retail development in the Primary Shopping Area and diversifying the residential offer to create sustainable mixed communities. Development in the Urban Core should make improvements to connectivity and pedestrian movement, provide high quality public realm, protect and enhance heritage assets and ensure a high standard of design.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures, including the promotion of active travel opportunities and the enhancement of the city's built and historic environments. Planning applications for large-scale development should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

SP9 - at least 45,400 sq. metres of comparison retail floorspace will be provided in the city, with 26,500 sq. metres of this in the City Centre and Sunderland South.

SP10 - to improve connectivity and enhance the City's transport network, the Council will deliver a range of new highways schemes (including the Sunderland Strategic Transport Corridor), improve transport routes, support improvements to the Metro and improve and extend the City's cycle network.

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

HS2 - development sensitive to noise or which would result in noise impacts (including vibration) will be controlled by a range of measures. In areas of existing low levels of noise, proposals for

development which may generate noise will have to be accompanied by an assessment of potential noise impacts and, where necessary, propose appropriate mitigation measures to ensure receptors are not adversely affected.

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

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures, achieving appropriate densities and delivering accessible and adaptable dwellings.

H2 - developments of 10 dwellings or more should provide at least 15% affordable housing.

VC1 - seeks to maintain the vitality and viability of designated centres, including Sunderland City Centre. The city centre will be a principal location for major retail, leisure, entertainment, cultural facilities and services. Main town centre uses should be directed towards existing designated centres.

VC3 - Primary Shopping Areas (such as the section of High Street West between Keel Square and Fawcett Street) will continue to be dominated by retail uses (former use class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Proposals for non-retail uses will normally be resisted if they would result in more than 15% of the Primary Frontage thoroughfare being in non-retail use.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. New dwellings should meet national spacing standards (as a minimum).

BH2 - sustainable design and construction should be integral to major development proposals. Planning applications should be accompanied by a Sustainability Statement which sets out how the development incorporates sustainable resource management and high environmental standards.

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

BH7 - the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by, amongst other measures, giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

BH8 - development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

BH9 - the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation

and recording of remains. Archive reports should be deposited with the Tyne and Wear Historic Environment Record (HER). Where demolition of a non-designated heritage asset is justified, an archaeological building recording of the asset should be carried out and results deposited with the HER and Tyne and Wear Archives.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces. Development which would sever or significantly reduce green infrastructure will not normally be permitted, unless the need for and benefits of the development clearly outweigh adverse impacts, and suitable mitigation can be provided.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors. Adverse impacts on European-protected sites and Sites of Special Scientific Interest will only be permitted in exceptional circumstances.

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

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery. Development which would adversely affect the amenity, recreational or nature conservation value of greenspace will only be supported if:

i. it is clearly demonstrated that it is surplus to requirements, or
ii. an acceptable replacement provision will be delivered, or
iii. where replacement is not possible, a financial contribution is made to enable the Council to supply alternative provision;

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

WWE1 - promotes development which delivers or supports decentralised renewable and low carbon energy.

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

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

WWE4 - requires new development to maintain water quality. Development that discharges water into a watercourse will be required to incorporate appropriate water pollution control measures.

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

WWE6 - supports development which encourages the minimisation of waste production and the re-use and recovery of waste materials.

ST1 - sets out the Council's commitment to enhancing accessibility to, and movement through,

the Urban Core.

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

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

M1 - seeks to ensure that minerals safeguarding areas are protected where necessary.

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

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

Regard is also given to Supplementary Planning Documents (SPDs) adopted by the Council, including the Development Management SPD, Riverside Sunderland SPD and Planning Obligations SPD.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Ensuring the vitality of town centres (section 7);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. Housing land supply considerations
2. Land use policy considerations
3. Public Health and amenity considerations
4. Townscape, design and sustainable construction considerations
5. Built heritage impacts
6. Archaeology considerations
7. Ecology and biodiversity impacts
8. Highways and transport impacts
9. Flood risk and drainage considerations
10. Ground and water contamination considerations
11. Socio-economic impacts
12. Summary on Environmental Statement

13. Planning obligations and viability

1. Housing land supply and delivery position

The revisions to the NPPF published on 12th December 2024 were introduced with the aim of increasing housing construction in England, with the overall objective of supporting the delivery of 370,000 dwellings per year. The revisions introduce new, more ambitious mandatory housing delivery targets for Councils and aim to increase the rate of Development Plan adoption. Policies relating to housing delivery have also been strengthened.

Any planning application for housing must be considered in the context of the aims of section 5 of the revised NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. To meet this objective, paragraph 61 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed, with the overall aim being to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. At paragraph 62, it requires strategic housing policies to be informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 72 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period and specific, deliverable sites or broad locations for growth for subsequent years 6-10 and, where possible, years 11-15 of the plan period.

As indicated by paragraph 11 of the NPPF, if a local planning authority cannot demonstrate five-year supply of housing land, development plan policies which are relevant to housing should be considered out-of-date and planning permission granted for housing development unless the policies of the NPPF indicate otherwise.

In alignment with the requirements of paragraph 72 of the NPPF and to monitor the supply of housing land available in the City and support CSDP policy SP1's housing delivery targets, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Housing Growth Areas were also identified and allocated through the adoption of the CSDP.

As noted above, the revised NPPF of December 2024 has reintroduced the requirement for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The Council's most recent 'Five-Year Housing Land Supply' position statement of June 2025 sets out that the Council can demonstrate a 5.2-year supply of deliverable housing sites.

At this point in time, the Council's position is that the policies of the CSDP remain an appropriate basis on which to consider planning applications in the city, including those for new housing. Members should, however, ultimately be mindful of the NPPF's explicit support for new housing development and the proposals fall to be considered in this context.

2. Land use policy considerations

In terms of national policy considerations, the development should be considered in the context of paragraph 124 of the NPPF, which states that planning decisions should promote the effective use of land in meeting the need for homes and other uses, with paragraph 125 encouraging multiple benefits from land and requiring substantial weight to be given to the use of suitable brownfield land.

Paragraph 90, meanwhile, stipulates that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Paragraph 85 states that planning decisions should help to create conditions in which businesses can invest, expand and adapt, whilst paragraph 60 states that it is important that a sufficient amount and variety of land can come forward to meet housing needs.

The planning application site is subject to several local plan policies and guidance from the Riverside Sunderland SPD, which need to be given consideration in establishing the site's suitability for the proposed development in land use terms.

The Council's overall spatial strategy, as set out by policy SP1 of the CSDP, is to direct new development to sustainable, previously developed land within existing urban areas of the city. The application site is located within the Urban Core of the city, as identified by the Council's adopted CSDP and policy SP2 seeks to regenerate and transform the Urban Core by promoting development of high-quality design which introduces new commercial, residential and leisure uses. Primary Shopping Areas should remain the focus of retail development.

Policy VC1 is concerned with maintaining the vitality and viability of existing centres in the city, including Sunderland City Centre, and it essentially seeks to direct 'town centre' uses to these existing centres.

The section of High Street West between Keel Square and Fawcett Street is identified as a Primary Shopping Area by policy VC3 and it seeks to ensure that such Primary Shopping Areas remain dominated by retail uses (former use class A1). Proposals which result in more than 15% of a Primary Frontage within a thoroughfare in Sunderland City Centre being in non-retail use will normally be resisted, with approval normally only given where a proposal relates to premises which have been marketed unsuccessfully for retail uses for at least 24 months.

The Riverside Sunderland SPD places the application site in the 'Heart of the City' sub-area and the document states that the intention is for the north side of High Street West, between Keel Square and Fawcett Street, to be incorporated into the central business district of the city (i.e. also including the development of the former Vaux brewery site to the north). Four sites for offices and mixed-use development have been identified as being an opportunity to establish active street level frontages. The western and eastern site boundaries are defined by 'lost lanes', which should be restored and revitalised.

Section 4.3 of the SPD also states that new development in Riverside Sunderland should provide active ground floor uses in commercial buildings where possible.

The SPD sets out that the following uses are acceptable in the Heart of the City sub-area:

- Shops, restaurants and cafes (offices to first floor and above)
- Drinking establishments (small scale ancillary)
- Dwellings (first floor and above)
- Hotel
- Public library
- Community meeting room/hall

The Holiday Inn hotel has already been delivered at Keel Square whilst the new Culture House to the south side of Keel Square will provide community and library facilities.

The application as presented is designed to support the ambitions of the Riverside Sunderland SPD, generate greater economic activity and diversify the offerings within the city centre. The development is designed to replace under-utilised land and buildings, reinvigorate High Street West and attract occupiers back into the heart of the city.

As highlighted throughout this report, the application submission is in outline form, and it seeks permission for a range of uses within the development. The amount of any given use within the development is not proposed to be fixed, save for maximum upper limits for each use (i.e. retail/leisure/food and drink - 9,140 sq. metres, commercial - 47,160 sq. metres and residential - 41,330 sq. metres) up to the maximum floorspace of 65,495 sq. metres.

The three indicative development options presented within the submission envisage active uses at street level (i.e. retail, leisure and food and drink uses) with either residential or commercial offices, or a combination of the two, to upper floors.

As noted by the Council's Planning Policy team, the uses being proposed by the application broadly align with the relevant CSDP policies. The proposed commercial and office uses are appropriately directed to the Urban Core and City Centre, as per policies SP1, SP2 and VC1 of the CSDP, whilst the delivery of a greater amount of residential accommodation within the Urban Core is also supported by policy SP2. The indicative mix and arrangement of uses within the development also accords with the approach to the site envisaged by the Riverside Sunderland SPD and will support the delivery of its masterplan.

The intention to focus commercial activity to the ground floor of the new development blocks is in broad alignment with the objectives of policy VC3 of the CSDP, which seeks to maintain this section of High Street West as a Primary Shopping Street in the city centre.

Policy VC3 does, however, seek to restrict the amount of non-retail frontage to no more than 15% of the thoroughfare and it is also noted that policy SP2 states that retail development will be concentrated within the Primary Shopping Area. In this regard, it is noted that the application proposes commercial uses other than retail (i.e. leisure and food and drink uses) to the lower levels of the new blocks and does not, at present, seek to fix the amount of floorspace or frontage to be taken up by any individual use. As such, it must be recognised that the development could conflict with policy VC3 in that it could result in more than 15% of the thoroughfare being in non-retail uses.

It should be noted at this point that policy VC3 of the CSDP was adopted at a time when retail uses had their own individual use class (A1) of the Town and Country Planning (Use Classes) Order. An amendment to the Order in September 2020 introduced a new use class E, which includes retail uses and other 'town centre' uses previously in separate use classes.

This change was made by the Government to better reflect changing retail and business models and the need to enable the repurposing of buildings within high streets and town centres - the current use class E groups together all uses which are suitable for town centre locations and affords greater flexibility to business owners by enabling changes to other uses falling within class E without requiring planning permission. As such, existing units along High Street West which are in retail use can be changed into other, non-retail uses within class E without planning permission being needed.

In this context and given that such a development otherwise accords with the Council's ambitions for the Urban Core and the site as set out in the Riverside Sunderland SPD, it is considered that a development which introduces non-retail (but still appropriate town centre) uses to the High Street West frontage can be looked upon favourably. Non-retail uses would still provide commercial activity to street level and provide a greater range of business types to the High Street and users of the city centre.

The residential aspect of the development also falls to be considered in the context of policy SP8 of the CSDP, which is concerned with housing delivery in the city and exceeding the Council's adopted target of 745 dwellings per year. It is noted that the application site is not specifically allocated for housing in the CSDP and is not included in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA). It therefore falls to be considered as a 'windfall' development and policy SP8 states that such developments will make a valuable contribution to housing delivery in the city and assist in exceeding the Council's housing delivery target.

The proposed residential aspect of the development is therefore supported by policy SP8, and it also aligns with policy SP2, which encourages a greater level of residential accommodation in the Urban Core, and the Riverside Sunderland SPD's objectives for the site.

Policy H1 of the CSDP is concerned with ensuring new residential development delivers a mix of accommodation types and tenures which are appropriate to the site's location and contributes to affordable housing needs in accordance with policy H2 (15% of new dwellings should be affordable, with a 75:25 split between affordable rent and intermediate tenure housing).

Although the specific detail of the residential accommodation to be delivered is not fixed at this outline stage, the submission indicates that the scheme could provide up to 275 no. 1- and 2-bed apartments, which is considered appropriate for a high-density city centre development.

In terms of affordable housing, the FVA submitted with the planning application has tested the different permutations of proposed development, based upon the maximum development parameters proposed. The FVA concludes that all three assessed options produce a loss based on no affordable housing provision being delivered. As such, the applicant's position is that the development is unable to support any affordable housing because this is not viable.

Further consideration of the scheme's ability to support planning obligations in the context of the findings of the submitted FVA and the review of the FVA review by Lambert Smith Hampton is provided later in this report, however the absence of any affordable housing within the scheme ultimately falls to be considered in the 'planning balance', with the benefits of the development weighed against any negative impacts and non-compliance with policy requirements.

In summary, the outline submission proposes a development designed to regenerate a key site within Sunderland City Centre and achieve the ambitions of the Riverside Sunderland SPD masterplan. The outline scheme presented proposes a mix of uses (retail, leisure and food and drink to lower floors, residential and/or office to upper floors) which are acceptable within the Urban Core of the city, and which are compliant with the objectives of the Riverside Sunderland SPD. The provision of new residential accommodation would make a positive contribution to housing delivery and supply in the city.

On a more general level, the proposed development would utilise existing developed land and deliver a high-density, mixed-use scheme which takes advantage of its city-centre location. As per paragraphs 124 and 125 of the NPPF, these aspects of the proposals should be given significant positive weight.

As such, it is considered that the proposals are supported by the sections of the NPPF which support proposals which make effective use of land, deliver development on brownfield land, support the vitality and viability of town centres and deliver new housing. On a local level, the proposals are considered to accord with the objectives of policies SP1, SP2, SP8, VC1 and H1 of the CSDP and the Riverside Sunderland SPD.

The proposed development would not, however, support any affordable housing for viability reasons and so would not address the requirements of CSDP policy H2.

In addition, it is recognised that the development may not fully accord with the requirements of policy VC3 of the CSDP in that it could result in more than 15% of the thoroughfare being put to non-retail uses, however the proposals would still result in town centre uses to street level and, for the reasons set out above, it is considered that the development can still be looked upon favourably despite this conflict.

Ultimately, the absence of affordable housing in conflict with policy H2 and the identified minor conflict with policy VC3 fall to be considered as part of the 'planning balance' in the context of all the benefits and negative aspects of the development taken as a whole and before it can be established whether the proposed development is acceptable, regard has to be given to all other material planning considerations relevant to the scheme.

3. Public health and amenity considerations
Paragraph 135 of the NPPF requires planning decisions to create places which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 196 states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. Decisions should mitigate and reduce, to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should also seek to limit impacts from light pollution.

Paragraph 199, meanwhile, seeks to ensure that planning decisions sustain and contribute towards air quality objectives. Paragraph 201 makes clear, however, that planning decisions should focus on ensuring proposed development is an acceptable use of land and recognise that other regulatory regimes exist to control certain processes and emissions.

Paragraphs 70 and 71 of the Government's National Planning Practice Guidance (NPPG) relates to developments including tall buildings and requires consideration to be given to their potential environmental impacts, including sunlight, daylight, overshadowing and wind.

The NPPF's guidance feeds policy HS1 of the CSDP, which requires new development to demonstrate that it does not result in unacceptable adverse impacts on quality of life and amenity, from sources such as air quality, noise, dust, vibration, odour and emissions. Policy HS2 specifically relates to noise and it essentially seeks to ensure that the potential noise impacts of new development on sensitive receptors are adequately understood and, where necessary, mitigated to prevent adverse impacts.

Also applicable is policy BH1 of the CSDP, which seeks to ensure that new development respects the amenity of existing residential occupiers in terms of impacts on privacy, outlook and sunlight/daylight and will provide occupiers of new development with acceptable living conditions,

including through the application of Nationally Described Space Standards. Policy BH1 of the CSDP also refers to tall buildings, stating they should form a positive relationship with the surrounding area.

Policy NE4, meanwhile, requires new residential development to be afforded an appropriate level of outdoor amenity space for the use of occupiers.

The Council's adopted Development Management SPD (DMSPD) provides recommendations for spacing between residential properties, to ensure new and existing dwellings benefit from appropriate levels of privacy and outlook. The DMSPD recommends 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, with additional spacing where there are differences in site levels or buildings of more than two storeys. An additional 5 metres spacing is recommended for each additional storey above 2 storeys; developments of more than 4 storeys will be considered on their individual merits having regard to a detailed analysis of spacing, sunlight and daylight.

The DMSPD does advise that flexibility on separation distances may be acceptable where it can be demonstrated that this will assist with creating a variety of streets or a high quality contemporary urban environment. Echoing this, paragraph 130 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The DMSPD also states that proposals for tall buildings should consider shadowing and other climatic considerations such as wind and carefully consider the micro-climate around the base of tall buildings, with landscaping and trees designed to reduce wind speeds.

Section 4.3 of the Riverside Sunderland SPD states that development should ensure that a satisfactory level of amenity for existing and future residents can be maintained/created when considering layouts and separation distances between residential properties. Development should also integrate with adjacent land uses.

The Environmental Statement submitted with the planning application includes chapters which consider environmental effects relating to air quality and noise and vibration.

The application has also been accompanied by a Health Impact Assessment, which seeks to identify, assess and present any potential effects on the health of the population of the city arising from the proposed development.

In considering these matters, it must be recognised that the application site is within the city centre and surrounded by a dense urban environment featuring a range of building types and scales in a variety of commercial, office and residential uses. There are a range of potential sources of noise and vibration in the locality, including adjacent roads, the rail/Metro line and nearby commercial activity.

The application submission sets out that all residential accommodation within the indicative proposals aligns with the requirements of the Nationally Described Space Standard. As such, apartments within the development can be afforded acceptable levels of internal space, including in relation to room sizes and storage allocation.

In terms of nearest existing residential properties, the closest buildings to the north in the former Vaux brewery site are in office/civic use, whilst there do not appear to be any flats above the

commercial buildings to the south side of High Street West. The nearest town centre residential tower block (Astral House) is approximately 90m to the south. At the eastern end of the site, across Pann Lane and Back Bridge Street, is St. Mary's Church and a block of properties including residential uses to upper floors featuring rear windows facing the application site (27 and 32 Bridge Street).

The outlook from the rear windows of the upper floor flats to the east is already compromised by the side walls of 93 and 94 High Street West (not affected by the development) and the three-storey side wall of the Sports Direct unit at 90 High Street West, which would be demolished and replaced by a new building to plot 19. Further analysis of potential impacts on the outlook of the buildings to the east will be undertaken upon submission of reserved matters application providing detailed designs of new building, however it must be recognised that any building replacing 90 High Street West could be significantly taller than the existing and spacing would fall significantly below the DMSPD's recommendations (the width of Pann Lane is approximately 15m).

Nevertheless, given the existing limited outlook from the rear windows of properties to the east and the dense, urban character of the surroundings, it is considered that the provision of an acceptable level of outlook to existing properties can be achieved. Furthermore, any new residential units to plot 19 can be afforded acceptable outlook, particularly as upper floors would benefit from outlook across the rooftops of the existing buildings to the east.

Similarly, potential impacts on the privacy of residential properties to the east can only be fully established through reserved matters submissions, however it is anticipated that through careful consideration of the internal layout and positioning of windows to any new buildings, acceptable levels of privacy for existing properties and occupiers of future building can be achieved.

The Daylight and Sunlight Assessment has assessed potential impacts on St. Mary's Church, 27 and 32 Bridge Street and the Holiday Inn hotel. It concludes that the majority of neighbouring properties assessed will continue to receive good levels of natural light amenity. Where transgressions do occur, they are minor to moderate deviations and in line with urban expectation. Any transgressions also largely occur to bedrooms, which the British Research Establishment Report ('Site Planning for Daylight and Sunlight, a guide to good practice') suggests should be given lesser importance than main living spaces. As such, the natural light levels to the majority of neighbouring rooms and windows assessed will remain largely unaffected and in line with BRE Report guidance and this can be said to exceed expectations for this type of development in this type of location.

In terms of daylight and sunlight received by occupiers of any new buildings, the report concludes that all options would result in high levels of compliance with BRE daylight and sunlight guidance. There is a high level of natural light availability to facades to each plot which face existing buildings. Some restricted access to daylight and sunlight could occur where facades face onto other new buildings within the development, however it is anticipated that these can achieve natural light levels commensurate with an urban expectation. Overall, any residential units within the new development are likely to achieve daylight and sunlight levels in line with BRE expectations.

Outdoor amenity space and play space

Although there is scope to incorporate private balconies into the new blocks, the development would not provide occupiers of any residential accommodation with usable shared outdoor amenity space or play space, as is required by policy NE4 of the CSDP.

Paragraph 3 of the policy states that all major residential development is required to provide a

minimum of 0.9ha per 1000 bedspaces of usable greenspace on site, unless a financial contribution for the maintenance/upgrade of neighbouring existing greenspace is considered more appropriate. The Council's Planning Obligations SPD sets out a method of calculating an amenity greenspace contribution, with the figure being £84.24 per bedspace within the development.

The Council's Planning Obligations SPD states that residential development which does not provide appropriate on-site play facilities should instead support the maintenance and/or improvement of existing off-site facilities, through a financial contribution of £797 per dwelling. In the case of the proposed development, it would be considered reasonable to only apply such an obligation on apartments providing 2 or more bedrooms, on the basis that 1-bed apartments are unlikely to support families with young children.

In this case, options for incorporating usable greenspace and play space into the development for the use of residential occupiers are severely limited by the densely built-up city centre environment and consequently, financial contributions towards off-site greenspace and play space improvements would normally be considered appropriate.

As set out previously, however, the FVA submitted with the planning application concludes that the development is unable to support the full range of planning obligations normally sought for a scheme of this nature. Further consideration of the scheme's ability to support planning obligations in the context of the findings of the submitted FVA and the review of the FVA review by Lambert Smith Hampton is provided later in this report, however the absence of a contribution towards off-site green space and play space improvements would ultimately fall to be considered in the 'planning balance', with the benefits of the development weighed against any negative impacts and non-compliance with policy requirements.

Noise and vibration

Chapter H of the submitted Environmental Statement (ES) assesses potential noise and vibration issues associated with the proposed development. A baseline noise survey was undertaken around the site to establish prevailing noise conditions at the site and at locations representative of the nearest existing noise-sensitive receptors in the vicinity of the proposed development. The effects scoped into the ES are as follows:

1. Construction phase effects
a. noise effects on existing receptors
b. vibration effects on existing receptors
c. vibration effects on existing receptors (damage to structures)

2. Operational phase effects
    a. noise effects on the proposed development from existing sources, including:
        i. road traffic from St. Mary's Way to the north of the site
        ii. general urban noise in the area
        iii. entertainment noise from 'The 3 Stories' bar
b. vibration effects on the proposed development from nearby underground railway lines

Effects scoped out of the assessment include construction traffic noise (impacts from which would be negligible given the prevailing noise environment), operational noise from the proposed development (which would be considered further at the reserved matters stage once specific uses are finalised) and noise from new building services plant (also to be considered further at the reserved matters stage).

In respect of construction phase effects, mitigation will be provided through the adoption of a

Construction Environmental Management Plan (CEMP) for the development, which will ensure that noise and vibration from construction works is mitigated and managed to avoid Significant effects at the nearest sensitive receptors. The CEMP would include measures such as controls on working hours, the location of noise-generating equipment, use of barriers and acoustic screens, choice of construction techniques, proper maintenance of plant and machinery and management of site traffic.

In respect of the operation of the development, Chapter H of the ES concludes that without mitigation, internal and external areas of any new buildings would be adversely affected, to a moderate to major degree which would be Significant in EIA terms, by noise from St. Mary's Way and 'The 3 Stories' bar. Any residential accommodation in plots 19 and 20 would experience moderate to major impacts, which are Significant in EIA teams, from noise and vibration from the underground railway bordering the east of the site, which carries heavy passenger and freight rail traffic and Tyne and Wear Metro trains.

Given the outline nature of the proposals and as the potential arrangement of uses within new blocks is not fixed, it is not yet possible to design bespoke mitigation measures for the development. The ES therefore proposes a range of potential mitigation options to be incorporated into detailed proposals. Measures to address noise from road traffic and nearby commercial uses would involve appropriate building design and façade sound insulation. Measures to address noise and vibration from the underground rail line could involve avoidance of residential uses in plots 19 and 20 and base isolation of buildings (i.e. decoupling the building from its foundation or the ground to minimise transmission of vibration).

Subject to the development and integration of appropriate bespoke mitigation schemes once detailed plans for each plot have been established, the ES concludes that impacts can be reduced to negligible and Not Significant in EIA terms in relation to noise and vibration effects on internal areas and minor adverse and Not Significant in EIA terms in relation to any external amenity space provided within the development.

The Council's Environmental Health team has reviewed the submission and note that in terms of noise considerations, the 'Noise and Vibration' chapter of the Environmental Statement references the relevant guidance on noise and acoustic design, and an acoustic design strategy has been submitted with the application.

The methodology and conclusions of the 'Noise and Vibration' chapter of the ES are acceptable, but the approach to mitigation requirements is conditional upon the final site design/layout and construction detail of properties. A condition requiring the submission of an updated noise and vibration assessment, informed by detailed layout proposals, is therefore recommended.

The Environmental Health team's comments also note that existing occupiers in the area could be affected by noise from demolition and construction works. Appropriate mitigation measures can, however, be included within a Construction Environmental Management Plan (CEMP) for the development and a condition requiring the submission and approval of such a document is recommended.

To summarise the position relative to noise, it is considered that the submitted ES has appropriately assessed potential effects from noise and vibration during construction works and potential effects of existing sources of noise and vibration on future occupiers of the development. It has demonstrated that, overall, noise impacts on sensitive receptors from construction works will not be significant in EIA terms, although mitigation will be required in terms of the adoption of an appropriate CEMP. Whilst specific details of mitigation to protect future occupiers of the development from noise and vibration can only be finalised upon the production of detailed plans,

the ES sets out options for appropriate mitigation and subject to these being incorporated into the final development as necessary, it is considered that the development will provide occupiers with an acceptable level of amenity.

Subject to the imposition of conditions requiring final details of noise and vibration mitigation measures, it is considered that the proposed development will not give rise to any significant adverse effects on existing receptors of future occupiers of the development in terms of noise and vibration. The development would therefore comply with the objectives of the NPPF and policies HS1 and HS2 of the CSDP.

Air quality and odour

Chapter G of the submitted ES assesses the proposed development in relation to air quality. It considers the baseline situation before the likely environmental effects of the proposed development at a series of sensitive receptors (residential, hotel, leisure and office buildings up to 250m from the application site) are identified during its construction and operational phases. Mitigation measures to reduce any negative environmental effects are identified as appropriate before the residual environmental effects are assessed.

The proposed development has the potential to cause air quality effects resulting from fugitive dust emissions and road traffic exhaust emissions. Potential construction phase effects from fugitive dust emissions arising from demolition, earthworks, construction and trackout operation have been assessed and mitigation will be required in the form of a CEMP for the development. This will contain measures to control air quality effects, including communication, site management, monitoring and site preparation measures and controls over vehicle and machinery operations, waste management, demolition (including water suppression), construction and trackout (use of dust sweepers). Subject to the adoption of an appropriate CEMP, impacts of construction works on air quality will be negligible and Not Significant in EIA terms.

In terms of the operational phase of the development, there is the potential for air quality effects as a result of road traffic exhaust emissions associated with vehicles travelling to and from the site. These have been assessed against screening criteria provided in Institute of Air Quality Management (IAQM) guidance and as no car parking is being provided, road traffic exhaust emissions are predicted to be negligible.

The potential for exposure of future residents to poor air quality has been assessed using dispersion modelling and this established that annual mean nitrogen dioxide and fine and inhalable particulate matter concentrations were below relevant air quality objectives. As such, predicted effects are considered negligible and Not Significant in EIA terms.

The Council's Environmental Health team notes that the development has the potential to affect air quality through dust emissions during demolition and construction works and through construction traffic exhaust emissions. Mitigation measures are proposed to manage fugitive dust emissions, and these should be incorporated into the CEMP. Exhaust emissions from the operation of the development are anticipated to be negligible given the absence of vehicle parking in the scheme, whilst dispersion modelling shows that residents of the development will not be unacceptably exposed to poor air quality.

The Environmental Health team advises that the methodology and conclusions of the Air Quality chapter of the ES are accepted. A condition requiring the submission and approval of a CEMP for the construction phase of the development is required.

In terms of odour, it is recognised that the proposals would allow for food-related uses such as cafes and restaurants. It is recommended that a condition be imposed to require the submission

of an odour abatement risk assessment in respect of premises within the development which will serve hot food. The assessment should include details of any new extraction/exhaust system deemed necessary to satisfactorily deal with odours generated by the development.

Subject to the imposition of such conditions, it is considered that the proposed development will not give rise to any significant adverse effects on receptors in the area surrounding the application site in terms of air quality and odour. The development would therefore comply with the objectives of the NPPF and policy HS1 of the CSDP.

Wind environment

The application has been accompanied by a Pedestrian Level Wind Microclimate Assessment, given that the development would introduce tall buildings to the city centre. The assessment quantifies prevailing wind conditions within and around the site and uses simulations to predict potential impacts of the development on the site's surroundings. It also covers wind-related considerations in terms of future occupancy of the development.

The assessment concludes that with the introduction of the proposed development, wind conditions would largely be suitable for intended pedestrian uses. Windier conditions off-site would occur in the baseline scenario and not be caused by or made substantially worse with the proposed development. At ground level, the assessment advises that any public seating in exposed areas (around the north-western corner of Plot 21, the northern and south-eastern corner of Plot 19) should incorporate planting to provide local shelter from prevailing winds.

If the roof levels of the proposed development are to be accessible amenity terraces, mitigation to provide safety and comfort to users will be required and such measures will need to be informed by further assessment through additional simulation.

If roof areas are not to be used, no mitigation measures are required, and no further simulations are considered necessary.

Given the conclusions of the assessment and subject to further assessment of any rooftop amenity space through reserved matters applications, it is considered that the scheme is acceptable in respect of considerations relating to the wind environment. The development would therefore comply with the objectives of National Planning Practice Guidance, policy BH1 of the CSDP and the guidance provided in the Council's adopted Development Management SPD.

Health Impact Assessment

Policy SP7 of the CSDP requires planning applications for large-scale development to be accompanied by a Health Impact Assessment (HIA). Where the HIA identifies significant adverse health impacts, development should be resisted unless appropriate mitigation can be provided.

The HIA submitted with the planning application assesses potential impacts of the development on the health of the local population by looking at changes to the determinants of health and the pathways that could have an impact on the population. It concludes that no adverse impacts on health will arise, although some mitigation and enhancement measures are recommended to ensure the predicted outcomes. A number of beneficial impacts are anticipated, as summarised below:

- Populations (including vulnerable groups) - minor beneficial impacts from increase in residential accommodation in the city centre and delivery of employment opportunities during construction and in new commercial units
- Access to healthy food - impacts are negligible/unclear, given uncertainty around future occupancy of commercial units

- Access to open space and nature - minor beneficial impacts through delivery of improved landscaping and public realm
- Accessibility and active travel - minor beneficial impacts through improvement of pedestrian routes, the central location of the development site and its connections to existing sustainable travel infrastructure
- Social cohesion and neighbourhoods - moderate/major beneficial impacts derived from improvements to built environment and regeneration of High Street West
- Air quality, noise and neighbourhood amenity - neutral/negligible impacts, as outlined mitigation can address temporary and permanent effects relating to air quality and noise issues
- Crime reduction and community safety - minor beneficial impacts as development will lead to regeneration and increase natural surveillance of public areas
- Access to work and training - minor/moderate beneficial. Employment created during construction phase; job creation through operation of development will be dependent on final range of commercial uses being delivered.
- Climate change - unclear/negligible given outline nature of scheme, however development presents opportunities for renewable energy generation and incorporation of measures to minimise energy consumption
- Minimising the use of resources - beneficial in that the development would maximise the use of a previously developed site. Opportunities to recycle material from existing buildings and incorporate sustainable construction techniques into new buildings.

Employment opportunities from the development can be enhanced by focusing recruitment on the local population, through local job boards, newspapers and social media.

As noted above, the Council's Public Health team consider the submitted Health Impact Assessment and other supporting documents to provide a robust evidence base from which to evaluate the public health impacts of the development. The comments note the contribution the development could make to access to housing, employment and training opportunities, improved public realm, accessibility and active travel, reduction in crime and improved safety, access to healthy food, environmental and climate resilience and community cohesion and wellbeing.

The Public Health team's comments identify strong alignment with policy SP7 (healthy and safe communities) of the Council's CSDP. In particular, the development will support active travel, promote inclusive design and improve access to services and respond to local deprivation and health inequalities with targeted interventions. There are no objections to the proposals in relation to public health impacts and the benefits of the development identified within the Public Health team's comments should be secured through appropriate planning conditions or legal obligations.

It is ultimately considered that the HIA has not identified any significant adverse effects on the health of the city's population. Indeed, it demonstrates that the proposed development will give rise to a range of minor to moderate public health benefits in terms of regeneration, improvement of the built environment, active travel, job creation and access to work opportunities. The proposed development is therefore considered to comply with the objectives of policy SP7 of the CSDP in this regard.

Amenity and health conclusions

Consideration has been given to the potential impacts of the development on the amenity and health of the local population, although a full assessment of some potential impacts cannot be made until detailed proposals have been submitted for consideration. As set out above, the development site is largely remote from existing residential properties, and this serves to limit direct amenity impacts.

The submitted ES has provided appropriate assessments of potential noise and vibration, air quality and wind environment impacts. Following consultation with the Council's Environmental Health team, it has been established that in the context of the application site's highly urbanised, densely built-up city centre location, impacts on sensitive receptors, including future occupiers of the development, will not be significant, subject to the imposition of conditions to secure necessary mitigation.

Furthermore, the submitted HIA has not identified any significant adverse effects on the health of the city's population; rather, it indicates that some positive health impacts will occur through regeneration, improvement of the built environment and employment creation.

It is therefore considered that, subject to appropriate mitigation being secured by conditions, the proposed development is broadly acceptable in relation to amenity and health considerations and as such it accords with the objectives of the NPPF, NPPG, CSDP policies SP7, BH1, HS1 and HS2 and the Council's Development Management and Riverside Sunderland SPDs in relation to these matters.

It is, however, accepted that the development would not incorporate shared amenity space for the use of residential occupiers, creating conflict with the objectives of policy NE4, and the absence of this (and lack of any financial contribution towards making off-site improvements) ultimately falls to be considered in the 'planning balance' in the context of all other positive and negative aspects of the development.

4. Townscape, design and sustainable construction considerations
This section of the report is concerned with the quality of the design, built form and layout of the proposed development and whether the proposed development acceptably integrates sustainable design and construction measures. Consideration of matters relating to impacts on the wider landscape and key views is undertaken in the next section of the report.

Section 12 of the NPPF is concerned with delivering 'well-designed places', with paragraph 131 making it clear that the creation of such places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning decisions should: ensure that new developments function well; are visually attractive due to good architecture, layout and landscaping; are sympathetic to local character and history; establish a strong sense of place; optimise opportunities to sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Policy SP1 of the CSDP promotes the delivery of growth and sustainable patters of development by, amongst other measures, encouraging higher density development around and in close proximity to transport hubs and protecting Sunderland's character and environmental assets. Policy SP2, meanwhile, promotes the regeneration and transformation of the Urban Core by, amongst other measures, making improvements to connectivity and pedestrian movement, providing a high-quality public realm and ensuring a high standard of design that integrates well with the existing urban fabric.

Policy BH1 of the CSDP states that new development must achieve a high quality of design and its requirements largely echo the design and placemaking objectives set out by paragraph 135 of the NPPF. Policy BH2, meanwhile, requires sustainable design and construction to be integral to new development. Proposals should maximise energy efficiency and integrate the use of renewable and low carbon energy, reduce waste and promote recycling, make use of sustainable resources and construction techniques, be flexible and adaptable and aim to enhance biodiversity through measures such as green roofs.

Policy BH3 supports the delivery of high-quality areas of public realm, whilst policy NE1 requires the protection and enhancement of green and blue infrastructure by, amongst other measures, requiring new development to include new green infrastructure features and include and/or enhance greenspace provision. Policy NE4 is concerned with ensuring new development is afforded appropriate amounts of high-quality landscaping. Policy NE3 seeks to ensure that valuable trees and hedgerows are retained where possible.

Section 4.3 of the Riverside Sunderland SPD sets out a series of requirements in respect of the layout and built form of development, with the key requirements being that development must:

- adopt a legible and permeable urban form, utilising historic street layouts where possible
- ensure a high level of architectural design that responds to the locality
- create safe spaces through passive surveillance and appropriate lighting
- promote accessibility, permeability and legibility, through ensuring that the different elements connect with each other and are easily navigable
- deliver high quality public realm
- utilise formal tree planting to soften landscape

Development in the 'Heart of the City' sub-area should be no more than 4-8 storeys in height, with the heights of buildings relative to the scale of surrounding buildings. It should also join High Street West and the retail core with Bishopwearmouth to the west and the wider Riverside Sunderland, whilst existing pedestrian routes should be enhanced.

As previously explained, the application has been made in outline form. Matters relating to the scale, layout, appearance and landscaping of the development have been reserved for future approval. Drawings submitted with the application which show the potential layout and built form of the development are indicative and designed to give an impression of how the development could be delivered within the limitations set by the submitted parameter plans.

The Design and Access Statement submitted with the application explains the evolution of the approach to the indicative design, built form and layout of the development and the key design objectives the scheme is seeking to achieve.

The Statement advises that the proposals have been shaped by the existing site condition, the surrounding context and urban movement and the desire to create active frontages at ground floor to High Street West. Parameter plans follow the footprints of the four existing buildings to the plots for two key reasons:

- to retain and revitalise the historic urban grain of the 'lost lanes' connecting High Street West with the development on the former Vaux Brewery site
- to avoid intrusive and costly underground service diversions

The northern edges of Plots 21 and 22 are proposed to be extended towards St. Mary's Boulevard to 'complete' the urban blocks and maximise the available quantum of development. The massing of the new blocks is informed by the guidelines set out in the Riverside Sunderland SPD. The increasing height of the blocks is designed to respond to the height of the Holiday Inn hotel adjacent to plot 22 at the western end and create a 'city gateway' at the eastern end. As previously noted, the upper floors of blocks would be stepped back from lower floors, an arrangement which is designed to maximise presence at street level whilst reducing the overall mass of each block in wider views.

The submitted Design and Access Statement provides a vision for the landscaping and public realm improvements associated with the proposed development and sets out a series of key

design principles based around a people-centred approach, connectivity and accessibility, green infrastructure, historical sensitivity, sustainable design, community focus and flexibility and adaptability. Interventions should seek to strengthen links to Riverside Sunderland, improve accessibility to sustainable transport options, create a welcoming city centre environment, create new public spaces along the 'lost lanes' and enhance local ecology, health and wellbeing.

The Statement goes on to set out illustrative masterplans for landscaping around the development and includes an indicative palette of materials, including for paving, kerbing, planters and seating. These are designed to complement materials used in the former Vaux site and elsewhere in Riverside Sunderland.

The Design and Access Statement concludes by providing a series of 'outline design principles', which should inform the detailed design of any subsequent reserved matters applications in relation to building zones, land uses, heights, appearance, design quality, materials, landscape, public realm and access, movement and servicing. They encapsulate the approach to the development as described above and are intended to be read alongside the submitted parameter plans.

The guidelines promote a contemporary architectural response to High Street West, with separate design guidelines for workplace facades, residential facades and serviced apartment facades. All guidelines would require façade designs and material palettes to be varied, of high quality and to relate well to the urban context. The guidelines accommodate the retention of the Marks and Spencer façade and its incorporation into the development, although as previously explained, the viability and feasibility of this in terms of the structural integrity of the façade will be subject to further studies.

The principles for the development provided within the outline submission are considered to demonstrate an approach to design and layout which would align with the aspirations of the Riverside Sunderland SPD. The approach to the layout of the development would address objectives in relation to reinstating and revitalising the historic street layout, with the integration of the 'lost lanes' into the development also serving to achieve improved connectivity to the former Vaux site to the north and affording options to deliver high quality landscaping and public realm improvements.

The development also presents opportunities to reinforce the importance of High Street West and the connection it provides between the city's retail core and Bishopwearmouth to the west. The development can serve to improve the environment of High Street West, both in terms of delivering high-quality new buildings to replace poor quality and underused existing buildings and the integration of new commercial activity to street level.

The focus on developing four distinct blocks is also considered to align with the Riverside Sunderland's aspirations, whilst the proposed scale of the blocks, as set out within the Design and Access Statement and parameter plans, would address the SPD's requirement for new buildings to be no more than 4-8 storeys in scale. Buildings of this scale will complement the new buildings in the former Vaux Brewery site, whilst the intention to step buildings back from High Street West is considered appropriate and serves to reduce the overall mass of each block when viewed from street level.

The approach to façade design and materials set out in the Design and Access Statement is considered appropriate, for the promoted contemporary architectural response would be able to relate to the environment of High Street West and complement the architecture of the new development within the former Vaux Brewery site.

Turning to landscaping and public realm considerations, the proposed development does not affect any valuable areas of existing landscaping or tree planting. Existing street trees along High Street West can be retained and protected during development. A small area of grassed space, four trees and a beech hedge adjacent to St. Mary's Boulevard would be lost, however this needs to be considered in the context of the new landscaping and public realm opportunities within the development.

To this end, the approach set out by the submission shows that the development can deliver high quality hard and soft landscaping and tree planting which will significantly improve the public realm and compensate for the loss of existing features. The reinvigoration of the 'lost lanes' leading north from High Street West is considered particularly beneficial, with these streets providing opportunities for areas of new high-quality public realm.

In respect of wider townscape and visual impacts, Chapter E of the ES has considered the effects of the development during both the construction and operational phases. The assessment provided by Chapter E considers the existing condition of the site as a baseline and then assesses impacts on a series of receptors, including the application site itself, two Townscape Character Areas (TCAs) - the wider City Centre (TCA1) and the River Wear Gorge (TCA2) - users of local roads and users of public spaces and parks.

In terms of the construction phase, the ES identifies buildings to be demolished as primarily of poor quality, excepting the Marks and Spencer's store frontage and 90 High Street West, which are of some heritage interest. Further consideration of the heritage impacts of the development is provided in a later section of this report, however for the purposes of Chapter E of the ES, the overall demolition and construction programme, including the installation of temporary hoardings, the presence of cranes and other site equipment, would result in no more than minor adverse effects (not significant in EIA terms) effects on the townscape, as assessed from all receptors. These effects are of a temporary nature.

The ES goes on to consider effects from the operation of the development (i.e. its completion). It concludes that there would be moderate beneficial (not significant in EIA terms) townscape effects on the site, through the introduction of additional appropriate uses which can increase commercial and residential activity and activate key frontages. Outline design principles set out that the built form will step down to tie in with the prevailing scale of High Street West, meaning new buildings will be well-designed and articulated, including to street level, whilst the quality of existing north-south routes will be improved. The potential loss of the Marks and Spencer's frontage and loss of 90 High Street West, which are identified as existing positive townscape receptors, would be partly mitigated by their replacement by a high-quality, coherent group of buildings, leading to a residual minor adverse (not significant in EIA terms) townscape effect.

The ES identifies that the application site is well-separated from areas of high townscape value in TCA1 and largely replaces poor quality buildings, with the new retail frontages and mix of uses being appropriate for the town centre location. It will have a moderate beneficial (not significant in EIA terms) townscape effect on TCA1, whilst in respect of TCA2, the development will appear well-articulated and contribute to the existing varied skyline as viewed from this area. It would increase the 'layering' effect of the City Centre townscape, as well as wayfinding and legibility and wayfinding towards it from the river gorge, whilst allowing landmark elements within TCA2 (such as bridges across the gorge) to retain their prominence. Townscape effects on TCA2 will therefore be minor beneficial (not significant in EIA terms).

In respect of visual effects experienced by users of local roads and nearby open spaces and parks (such as Market Square, Bishopwearmouth Green and Mowbray Park), demolition and construction works would give rise to effects which are no greater than minor adverse/moderate

adverse (not significant in EIA terms) and of temporary duration. The operation of the development would, meanwhile, result in minor neutral to moderate beneficial visual effects (not significant in EIA terms), with benefits resulting from the built form, legibility, coherency and design quality of the development and the increased layering of the townscape in views from longer ranges.

In summary, Chapter E of the ES concludes that the only adverse effects of the development in respect of townscape and visual effects will be during demolition and construction works and these effects will be temporary in nature. The operation of the development (i.e. completion) will give rise to effects ranging from neutral to moderate beneficial (not significant in EIA terms). No additional mitigation and monitoring is required to achieve these effects.

As an additional design and layout consideration, the LPA is aware of the requirements of the Terrorism (Protection of Premises) Act 2025, known informally as 'Martyn's Law'. The Act requires specific public venues to implement, as far as reasonably practicable, anti-terrorism procedures and training to reduce harm in the event of an attack. Northumbria Police have not identified the Act as being applicable to the proposed development, however the LPA is conscious that the application is in outline form and the need for any venues within the development to address the Act's requirement can only be fully established at the reserved matters stage. A condition will be attached to any decision notice approving the application to ensure final proposals address the Act's requirements as necessary.

Turning to sustainability considerations, the Sustainability Strategy submitted with the application sets out that whilst final details of sustainability measures to be integrated into the scheme can only be established during the detailed design process, the principle is that the development will achieve a high level of sustainability to reduce energy demand and target low carbon technology to minimise the environmental impact of the new buildings. The new developments will be designed to consider future energy policies, UK energy trends and the decarbonisation of the national grid. The strategy has been informed by taking a 'Fabric First' approach to the development and principles of Passive Design have also been considered.

The following targets will be aimed for:

- 10% improvement in Building Energy Rating (BER) over Target Emission Rate (TER) under Part L of the Building Regulations
- Energy Performance Certificate of B
- RIBA 2030 climate challenge target of less than 75kWh/m2/year
- Achieve a BREEAM rating of 'Excellent'
- Where applicable, consider implementing the Code for Sustainable Homes

The strategy involves the following key elements:

- Fabric First approach will lower energy demands through adoption of passive and active measures, including highly energy efficient building services and fabric to reduce carbon emissions and energy demands. Building materials will be sourced locally wherever possible
- Buildings will have fabric elements that will exceed standards required by Building Regulations
- Stringent target for building air tightness to limit heat loss
- Use of clean and efficient energy supplies and services systems, including high efficiency lighting and mechanical ventilation
- Integration of renewable energy sources, namely air source heat pumps and PV installations, with the objective being for the development to be entirely electric and there being no

need for natural gas

The strategy promotes the monitoring of the effectiveness of the proposed measures, to determine whether actual energy and carbon performance of buildings aligns with estimated figures.

In terms of other sustainability considerations, the Planning Statement notes that the development will incorporate sustainable drainage systems (the detail of which is considered further later in this report), will improve the urban biodiversity value of the development site and will not include any on-site parking provision, to support the shift towards more sustainable forms of transport, and will integrate measures to improve the local pedestrian and cyclist environment.

It is recognised that, ultimately, the re-use of existing buildings represents a more sustainable form of development than demolition and new build, however the application proposes development which could not reasonably be accommodated by converting or adapting the existing buildings at the site given it represents a comprehensive regeneration of the block to the north side of High Street West. Whilst final sustainability measures will be established through the detailed design process, it is considered that the submitted sustainability strategy demonstrates that the new development on the site can achieve a high level of sustainability (including in comparison to existing buildings) through careful design and the incorporation of a range of different initiatives, in compliance with the objectives of policy BH2 of the CSDP.

In terms of waste generated by the development, this would primarily involve material from demolished buildings, and as per the requirements of policy BH2, this would be expected to be handled in accordance with the 'waste hierarchy', which supports the re-use and recycling of waste material, with disposal to landfill a last resort. Full details of how waste will be handled can be included in the CEMP for the development, which would be subject to approval via a condition.

With regard to the comments above, it is considered that the approach to the development set out by this outline application and its accompanying parameter plans and indicative supporting plans aligns with the aspirations of the Riverside Sunderland SPD. The development would result in the demolition of buildings which are largely of poor quality and, subject to the finalisation of detailed design proposals, can serve to reinvigorate this part of High Street West through high-quality built form and the introduction of an appropriate mix of residential and commercial uses.

The proposed 4-8 storeys scale of the new blocks is consistent with the masterplan for the site and the incorporation of stepped heights and frontages to the blocks would serve to respect the prevailing built form in the area and create an acceptable relationship with High Street West and the opportunity for a more active façade to St. Mary's Boulevard. The proposed approach to design and materials would achieve a high-quality, contemporary development which is appropriate for its surroundings and complements recent development on the former Vaux site to the north. The development will also deliver the reinvigoration of the historic 'lost lanes' leading north from High Street West and improve the built environment of the locality through high quality hard and soft landscaping.

Chapter E of the Environmental Statement has considered the wider townscape and visual effects of the development in detail and as explained above, it concludes that the completed development would achieve some minor and moderate positive effects, including through improving the built environment of High Street West and adding greater interest and layering to the townscape of the city centre.

The potential loss of the Marks and Spencer store frontage (to be subject to further viability and feasibility studies) and loss of 90 High Street West would, in isolation, have an adverse effect on

townscape, however as set out by the ES, this would be mitigated by the introduction of a high-quality coherent group of buildings, leading to an overall positive effect on the townscape.

The proposals also demonstrate a commitment to sustainable design and construction techniques, with the layout and build out of the development integrating a range of measures to maximise its energy efficiency, reduce its carbon consumption and limit its use of resources.

It is therefore considered that the outline proposals and parameter plans present a development which, subject to the submission of acceptable detailed proposals through reserved matters application(s), would accord with the requirements of the NPPF, policies SP1, SP2, BH1, BH2, BH3, NE1 and NE4 of the CSDP and the aspirations and guidance of the Riverside Sunderland SPD in relation to design, layout, landscaping and sustainable design and construction considerations.

An assessment of the merits of the indicative approach to the development set out by the submission does, however, also require consideration to be given to built heritage matters, including the potential effects of the development on the M&S frontage and 90 High Street West. The impact of the development on designated and non-designated heritage assets and their settings is considered below.

5. Built Heritage impacts
The planning application site does not include any Listed buildings and no part of it is within a Conservation Area, but it comprises the section of High Street West between the Sunniside and Bishopwearmouth Conservation Areas. The development proposals therefore have the potential to impact on the settings of these Conservation Areas and the Listed buildings within them, more specifically those Listed buildings in closest proximity to the site, including the Magistrate's Courts, Elephant Tea Rooms, Mackie's Corner, the Church of St. Mary and the landmark Wearmouth road and rail bridges slightly further to the north. All these buildings are Grade II Listed.

The site is comprised mostly of modern buildings of little architectural merit, however there are several buildings on this part of High Street West considered to be non-designated heritage assets (NDHAs), of which two will be directly impacted by the redevelopment proposals - the former Marks and Spencer building (77 High Street West) and 90 High Street West (currently occupied by Dickson's).

Nos. 92 and 94 High Street West (The 3 Stories public house and 'Pro Nails' unit) and The Walkers' Buildings, which stand immediately to the east of the application site on the north side of High Street West, should also be treated as NDHAs.

Prior to the submission of the planning application, it was agreed that the environmental effects of the development relative to built and cultural heritage would not be significant enough to warrant assessment within the Environmental Impact Assessment. The planning application has, however, been accompanied by a Heritage Impact Assessment, which considers the proposed development's impact on the setting of the abovementioned designated heritage assets around the site and non-designated assets within the site.

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the responsibility of Local Planning Authorities in relation to development affecting Listed buildings, requiring LPAs to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 16 of the NPPF is concerned with conserving and enhancing the historic environment, with paragraph 202 noting that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 207 states that Local Planning Authorities should require applicants to describe the significance of any heritage assets affected by the development, including any contribution made by their setting, so that the LPA is able to understand the potential impact of the proposal on the assets' significance. Paragraph 208 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise, and to use this information when considering the impact of a proposal on a heritage asset in order to avoid or minimise any conflict between the asset's significance and any aspect of the proposal.

Paragraph 210 goes on to state that when determining planning applications, LPAs should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness;

Paragraph 212 of the NPPF requires LPAs to give 'great weight' to the conservation of a heritage asset affected by a development proposal and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraphs 213, 214 and 215 require any harm to the significance of a designated heritage asset (including from development within its setting) to be convincingly justified or outweighed by public benefits, depending on the severity of the harm and the significance of the affected asset(s). Where harm cannot be justified, planning permission should normally be refused.

In relation to non-designated heritage assets, paragraph 216 states that the effect of a development proposal on its significance should be taken into account in determining a planning application and that in weighing up effects, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset.

Paragraph 217 then advises that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Assets affected by a development proposal should also be recorded to advance understanding of the asset's significance, with such material then made publicly accessible (as per paragraph 218).

In relation to development affecting the setting of heritage assets, paragraph 219 states that LPAs should look for opportunities for new development to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The policy guidance provided by section 16 of the NPPF in relation to development affecting heritage assets is inherent to the objectives of policies BH7 and BH8 of the Council's adopted

CSDP.

The Heritage Impact Assessment (HIA) submitted with the planning application firstly provides an overview of the history and development of the area around the application site. It notes the importance of High Street West as a historic route in the city, but the section including the application site is largely devoid of historic buildings and is instead characterised by 20th century commercial buildings of mainly poor quality. The Sunniside and Bishopwearmouth Conservation Areas to the east and west of the application site contain high numbers of architecturally impressive, Listed buildings.

The HIA goes on to provide a detailed assessment of the potential effects of the proposed development on the setting and significance of the above-ground heritage assets within and in proximity to the application site. The following conclusions are reached:

Former Marks and Spencer store (NDHA) - the HIA records that the former M&S store was purpose-built in c.1959, serving to reconstruct and enlarge the previous store building. Its most distinctive feature is its frontage of Portland stone and grey/green marble detailing, with a central projecting gold clock and entablature inscribed with 'Marks & Spencer'. It is one of the largest buildings on High Street West.

Pevsner's 'The Buildings of England' records that the store is typical of M&S's standard design for high street stores from the 1950s, which continued to feature the Art Deco detailing popular in the 1930s and 1940s. Similar examples can be found in Birmingham, Exeter and York. Aside from the façade, other parts of the building received little design attention and are of no significance.

The HIA concludes that the building is of low importance as an NDHA, however it is recognised that its shop front is valued locally as a relatively high-quality façade in an otherwise greatly diminished streetscape.

The HIA notes that the intention is for the façade to be incorporated into the redevelopment of the site, although this would be subject to the outcome of viability appraisals. This would preserve the aspects of the building that are of historic and architectural interest - the loss of fabric and floorspace behind the façade would not result in any harm. Given the extent of change the building has experienced in its setting over time, it is considered able to accommodate the proposed development without it causing harm to its historic and architectural interest as an NDHA and in the event the façade is incorporated into the development, the scheme would have a minor beneficial effect upon its setting and a neutral effect upon its significance.

In the event the viability appraisal concludes that the façade cannot be reasonably retained, the HIA concludes that the total demolition of the store would have a major adverse effect on this NDHA. However, as the building is of low importance, it is suggested that its loss could be justified when weighed against the public benefits to be delivered by the scheme.

90 High Street West (NDHA) - building is marked on the First Edition OS Map and was extended to the rear by the 1890s. It is a tall, narrow building with a neo-classical façade and was formerly a temperance hotel and then a cocoa room. It retains the original building line of the street and is an idiosyncratic survival of an earlier era of High Street West and is setting is compromised by the poor-quality 20th century retail buildings which now dominate. The HIA considers it to be an NDHA of low importance.

As this building would be demolished to accommodate the proposed development, it would have a major adverse effect upon its significance. The HIA advises, however, that as the building of low importance, its loss could be justified when weighed against the significant public benefits of the

proposals.

92 and 94 High Street West (NDHAs) - no. 92 has been subject to recent renovation associated with its reopening as a public house. The most significant feature is the remains of the former 'Three Crowns' pub frontage to Pann Lane. No. 94 has been heavily altered but is a historic building occupying a long, narrow burgage plot.

The setting of these buildings is adversely affected by existing buildings within the site (save for 90 High Street West). The new development would be visible behind these buildings, but they make a relatively minor contribution to the overall streetscene and are not landmark buildings. The new development would be of higher design quality than the existing and enhance the appearance of the buildings' wider setting, whilst the revitalisation of the 'lost lanes' and improved connectivity with St. Mary's Boulevard will likely increase footfall. The HIA concludes that the development will result in a very minor beneficial effect upon the setting and a neutral effect upon the significance of 92 and 94 High Street West.

Sunniside Conservation Area - development would be visible across the majority of the Conservation Area, but will be visible from its northern edge, around the junction of High Street West and Bridge Street. The view along High Street West from this area will change significantly, however the visual impact of new buildings of greater height diminishing the prominence of heritage assets on the edge of the Conservation Area will be mitigated by the delivery of new development of higher design quality. It is also considered that the development will help to revitalise the High Street and thus sustain new and existing businesses within the Conservation Area and support the re-use of surrounding heritage assets.

Overall, the HIA concludes that the Sunniside Conservation Area will experience a neutral effect upon its setting and significance.

Church of St. Mary and attached railings (Grade II Listed) - the church was built between 1830 and 1835 in a 13th century Gothic revival style and is the earliest remaining example of this style of church in the city.

The HIA concludes that the development will have a neutral effect on the setting and significance of the church, as the visual impact of introducing buildings of a greater height within its setting is mitigated by the benefits associated with enhancing the quality of development on the site, removing the pedestrian footbridge over St. Mary's Boulevard (which will open up eastward views towards the church) and screening other insensitive high-rise developments that are a negative feature of the skyline (i.e. the Planet House, Astral House and Solar House tower blocks).

Elephant Tea Rooms (Grade II Listed) - purpose built tea warehouse and grocers dating from the 1870s, built in an eccentric 'Hindoo Gothic' architectural style to designs by local architect Frank Caws.

The design quality of the new development will enhance the streetscene of High Street West and give rise to minor beneficial impacts on the setting of the Elephant Tea Rooms. Non-designated assets on the north side of the High Street contribute positively to the setting of the Tea Rooms, and the proposed development will rise above these, leading to a minor adverse effect on the setting of the Tea Rooms. Overall, the effect of the development on the setting and significance of the Elephant Tea Rooms is concluded as being neutral.

Hutchinson's Buildings, Mackie's Corner and 110, 111 and 112 High Street West (Grade II Listed) - Hutchinson's Buildings and Mackie's Corner were originally built in 1850-53 in a classical style, but central part of the block subject to reconstruction works following major fire damage in 1898.

110-112 High Street West was purpose-built as a bank in 1876.

The HIA considers that the development would have a minor beneficial effect upon the setting of this group, as views along High Street West from the western end of the street would be enhanced given the development's higher design quality when compared to existing buildings and the current gap site, which are prominent in views of these assets.

The visibility of Mackie's Corner in views along High Street West and from the surrounding area would be retained and its historic and architectural significance preserved, despite the greater height of the proposed development compared with the existing form. The proposed development is therefore considered to have a neutral effect on the significance of this group.

The Walkers' Buildings (NDHA) - constructed in 1926 at the prominent corner of High Street West and Bridge Street.

The top three storeys of new buildings would be visible behind these buildings when looking westward towards the site, slightly diminishing their prominence and resulting in a minor adverse effect on their setting. Partial mitigation will be achieved through the design of the new development and socio-economic benefits derived by bringing additional workers and/or residents into the city centre, which would help to support ongoing business uses within the buildings. It is therefore concluded that the development would lead to a very minor adverse effect upon the significance of the Walkers' Buildings.

Bishopwearmouth Conservation Area - development is not visible from the majority of the Conservation Area, but it will be prominent from its north-east corner (adjacent to Keel Square). This part of the Conservation Area's setting is not considered particularly sensitive to further development given the wide range of new development which has recently occurred nearby, and the proposals will effectively complement this and add to the emerging modern townscape. The proposals will deliver higher design quality than the existing buildings and give rise to benefits in terms of increasing city centre residents and footfall.

Overall, the HIA concludes that the Bishopwearmouth Conservation Area will experience a minor beneficial effect upon its setting and a neutral effect upon its significance.

Magistrate's Court (Grade II Listed) - dates from 1905 and is a good example of early 20th century civic architecture.

The HIA notes that the setting of the Magistrate's Court has been subject to significant change due to recent development in the locality. The new development would be experienced in this context, and it is considered that it would have a neutral impact upon the setting and significance of the asset.

Wearmouth Bridge and Monkwearmouth Railway Bridge - the road bridge stands on the site of an earlier bridge built in 1793 and widened by Robert Stephenson in 1856. The rail bridge dates from 1879 and allowed for the first rail link across the river. The bridges are symbols of Sunderland and of high significance.

the development would be prominent in the wider townscape setting of the bridges, particularly in views from the north side of the River Wear at Sheepfolds and Dame Dorothy Street. The bridges are, however, already experienced in the context of significant amounts of high-rise development and it is considered that modern development on the Vaux site has enhanced their setting and put them at the centre of regeneration efforts.

The proposed buildings would contribute positively to the skyline to the south of the bridges by replacing poor-quality buildings and shielding the large residential tower blocks, giving rise to a minor beneficial effect upon the setting of the bridges and a neutral effect upon their significance.

The HIA concludes that overall, the proposed development would preserve, and in many cases enhance, the setting of surrounding heritage assets. This is primarily because the design of the new development will be of a higher architectural and design quality than existing buildings at the site and has been designed to minimise visual impact on surrounding assets by, for example, stepping upper floors back from the High Street and staggering block heights to reduce the scale and mass of the development.

In terms of NDHAs, negative impacts have been identified in respect of 90 High Street West (to be demolished), the M&S store (if the façade can't be retained) and the setting of The Walkers' Buildings. The HIA concludes, however, that the importance of these buildings is low and negative effects should be considered as outweighed by the benefits associated with the development.

As set out in the 'Consultation Responses' section of this report, there are no objections to the development from Historic England. The comments note that in respect of heritage-related planning policy, the proposals give rise to both positive and negative impacts. The revitalising effect of the development should support the long-term conservation of neighbouring Conservation Areas and positive weight should be given to this, as directed by Chapter 15 of the NPPF. The loss of 90 High Street West, harm to other non-designated assets and less than substantial harm to the setting of the Grade II Listed Church of St. Mary need to be considered within the overall planning balance, ensuring such harm is justified by the public benefits delivered by the scheme.

The Council's Built Heritage officer, meanwhile, advises that the proposals are supported in principle from a heritage perspective as they will continue the regeneration of the City Centre High Street and support regeneration efforts in the neighbouring conservation areas.

It is noted that the outline application site does not include any Listed buildings and no part is within a conservation area, however it includes the northern section of High Street West between the Bishopwearmouth and Sunniside Conservation Areas. The proposals therefore have potential to affect the settings of these conservation areas and Listed buildings within them, as identified by the HIA.

The site itself mainly comprises modern buildings of little architectural merit, however there are two buildings affected by the development which should be categorised as non-designated heritage assets, these being the former Marks and Spencer building façade and 90 High Street West (occupied by Dickson's).

The comments note that the submitted HIA concludes that the development will have a neutral to minor beneficial effect on the settings of neighbouring heritage assets and a neutral effect on their significance. This assertion is based on the anticipated high-quality design of the development, which would outweigh any negative visual impacts from the height of the buildings.

Whilst buildings are proposed to be significantly higher than existing buildings to High Street West, it is accepted that they are set within the wider city centre context where tall buildings are commonplace, and the Built Heritage officer recognises that the development presents the opportunity to deliver a more cohesive architectural approach to the transformation of this part of the High Street. The re-establishment of the 'lost lanes' and wider public realm/landscaping

improvements to High Street are welcomed and should benefit the settings of adjacent Listed buildings and conservation areas.

One negative aspect of the proposals is the potential impact on the setting of the Grade II Listed Church of St. Mary, which may suffer some minor harm to significance because of the encroachment of the highest parts of the development into its immediate setting directly to the rear of the church. It is recognised, however, that potential impacts can only be fully established through a reserved matters submission.

In terms of impacts on non-designated assets, the potential retention of the Marks and Spencer façade would be positive although it is accepted the viability and feasibility of this is uncertain. The loss of 90 High Street West is negative in heritage terms, for it is notable for its well-preserved early 20th century neo-classical faience façade with Edwardian detailing to the upper floors and it has group value with adjacent buildings to the east.

The Built Heritage officer's comments conclude that the proposed redevelopment should, on balance, have a predominantly positive impact on the local character and distinctiveness of High Street West and the settings of the Sunniside and Bishopwearmouth Conservation Areas and Listed buildings within them, in accordance with the objectives of the National Planning Policy Framework and the Council's Core Strategy and Development Plan. A more thorough assessment of heritage impacts will, however, be required against the detailed design of the scheme as part of a reserved matters submission.

The loss of 90 High Street West, potential loss of the Marks and Spencer façade and minor harmful impact on the significance of the Church of St. Mary should be weighed against the public benefits of the development as part of the planning balance.

With regard to the conclusions of the HIA and the comments of Historic England and the Council's Built Heritage officer, it is evident that the proposals give rise to potential heritage benefits, in terms of improving the setting of the adjacent Conservation Areas and a range of Listed buildings by delivering a comprehensive development of high-quality design to replace the predominantly poor-quality existing buildings at the site. The regeneration of the site will also assist in revitalising the historic High Street and support regeneration efforts in the neighbouring Conservation Areas. These beneficial heritage outcomes should be given positive weight in the 'planning balance', as required by the NPPF.

The development does, however, also give rise to some negative impacts, particularly the demolition of 90 High Street West, which should be treated as a non-designated heritage asset. This building is, however, of low importance and its loss needs to be considered against the public benefits of the development, as does the minor harm to the setting of the Church of St. Mary and The Walker's Buildings.

The proposals seek to accommodate the retention of the M&S façade, however doing so is subject to further investigations into its feasibility and viability. It is recommended that any outline approval be subject to a condition which requires any reserved matters application not including the retention of the façade to be accompanied by a comprehensive feasibility and viability study for the approval of the LPA.

If it is demonstrated that the façade is unable to be incorporated into the development, this would mean the development has a major adverse effect on the significance of the building, as its features of significance, confined to the façade to High Street West, would be totally lost. The M&S building is, however, considered to be of low importance, meaning the level of harm in

heritage terms is minor. The potential loss of the façade needs to be considered in this context.

The harm, and potential harm, to designated and non-designated assets set out above ultimately falls to be considered in the 'planning balance' and in this regard, positive weight can be given to the wide-ranging benefits of the scheme, including the heritage benefits of the development identified above, its regeneration benefits, design quality and townscape benefits and the supply of additional commercial/office space and/or residential accommodation in the city centre.

A final 'planning balance' exercise is undertaken at the end of this report, however it is considered reasonable to conclude that the development is acceptable in terms of its heritage impacts, as the minor levels of harm to the setting and significance of assets can be considered as outweighed by the benefits of the development, as indicated by Historic England and the Council's Built Heritage officer. This would mean the development accords with the objectives of Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, section 15 of the NPPF and policies BH7 and BH8 of the CSDP.

6. Archaeology considerations

With reference to archaeology, paragraph 218 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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

The planning application has been accompanied by an archaeological desk-based assessment, which uses available historic environment records and site observations to identify archaeological potential in and around the application site.

The assessment concludes that the application site has been occupied by buildings since at least the late 18th century, when a sail cloth factory was shown on John Rain's 'Eye Plan of Sunderland and Bishopwearmouth' (1785 - 1790). In the 20th century, the site was largely developed with large modern retail buildings. It is anticipated that the construction of these buildings will have removed or heavily truncated archaeology relating to earlier periods.

The assessment concludes that the archaeological potential of the site is generally expected to be moderate-low based on the desktop research prepared for the report, with any archaeological remains expected to date predominantly from the 19th and 20th century uses of the site.

As set out in the 'Consultation Responses' section of this report, the Tyne and Wear County Archaeology officer largely accepts the findings of the submitted assessment, but it is noted that remains of earlier buildings could survive outside the footprint of modern buildings. The County Archaeology officer therefore recommends that archaeological monitoring is maintained during groundworks outside the footprint of modern 20th century buildings on the site.

The County Archaeologist's comments also note the proposed demolition of 90 High Street West, which makes a positive contribution to the historic character of the streetscape and there may be remaining elements of architectural significance relating to its historic uses as a temperance hotel and cocoa house. A historic building recording (Level 2) is therefore recommended. It is noted that the Marks and Spencer frontage is intended to be retained, however if this is not feasible, a

Level 1 historic building recording should be undertaken.

To summarise, it is considered that the application site has been subject to appropriate archaeological investigations, which demonstrate that the archaeological potential of the site is limited given the significant disturbance caused by recent commercial development. Conditions can secure necessary additional site monitoring and building recording work.

In the absence of any objections from the County Archaeology officer, it is considered that subject to the recommended conditions, the implications of the development relative to archaeology are acceptable, in compliance with the objectives of the NPPF and policy BH9 of the Council's CSDP.

7. Ecology and biodiversity impacts
Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act), states that a 'public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires a competent authority (e.g. a Local Planning Authority) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Whether or not a plan or project (such as a development proposal) will affect a habitats site is established through a Habitats Regulations Assessment (HRA). Habitats sites are those with European-level protection, including Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites.

Section 15 of the NPPF is concerned with conserving and enhancing the natural environment. Paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by, amongst a range of measures, protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity.

Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from development cannot be avoided, 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 (SSSI), and which is likely to have an adverse effect on it, should not normally be permitted;
c) Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons
d) Development whose primary objective is to conserve or enhance biodiversity should be supported, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Paragraph 195 of the NPPF makes clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the site's integrity.

Locally, policy NE2 of the CSDP requires that, where appropriate, development must provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy. The policy then goes on to state that development must not adversely affect designated sites (either directly or indirectly) unless clear overriding justification is provided. The level of justification required is dependent on the importance of the

site, with 'imperative reasons of overriding public interest' required to justify development which would impact on the integrity of European sites.

Policy NE1 relates to the maintenance and improvement of green infrastructure corridors and requires development to, amongst other measures, support the management of existing wildlife corridors, including reconnecting vulnerable and priority habitats. The River Wear corridor to the north of the site is identified as a green infrastructure corridor within the CSDP. Policy NE3, meanwhile, seeks to ensure valuable woodlands, trees and hedgerows are protected from development.

Paragraph 4.5 of the Riverside Sunderland SPD states that new development should 'secure, deliver and maintain biodiversity net gains where appropriate', although as Members will be aware, the Environment Act 2021 has introduced a requirement within the Town and Country Planning Act for new development to deliver a mandatory net gain in biodiversity of at least 10%.

The application has been accompanied by the following ecological information:
- Habitat Regulations Report
- Preliminary Ecological Appraisal and Preliminary Roost Assessment
- Biodiversity Net Gain information
- Landscape and Ecology Management Plan

The Habitat Regulations Report considers potential impacts of the development on nearby European sites and their qualifying features, these sites being the Northumbria Coast Ramsar and Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). The Durham Coast Site of Special Scientific Interest (SSSI) has also been considered due to it overlapping with the European designations.

The Report finds that it is possible that increased recreational pressures (e.g. dog walking), as the result of new residential properties, will lead to the disturbance of wintering birds and to the degradation of important habitats for which the Northumbria Coast Ramsar & SPA and Durham Coast SAC are designated respectively. These are both deemed to have a moderate adverse impact without mitigation.

Appropriate mitigation measures are proposed in proportion to the risks involved - this would involve a financial contribution to the Sunderland Recreation Mitigation Strategy of £557.14 per dwelling created within the development, to support a package of mitigation measures including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. The Report concludes that subject to the adoption of these mitigation measures, there will be no direct Adverse Effect on Integrity on any of the surrounding designations given the nature of the proposed development.

In terms of the ecological value of the application site and potential impacts on other designated sites, the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA and PRA) notes that the site is almost entirely urban, being predominantly of developed land, sealed surfaces, buildings and artificial unsealed unvegetated surface. Two small areas of modified grassland, a small ground level planter, a section of ornamental hedge and 13 no. scattered trees make up the remainder of the site.

There is, therefore, little of ecological value at the site. In terms of bats, all existing buildings are deemed to hold negligible bat roosting potential and therefore further nocturnal surveys are not considered necessary. The site is not suitable for badger or hedgehog. The building has the potential to support nesting birds and so it is recommended that demolition works take place outside of the nesting bird season (March - August inclusive), unless a check undertaken by a

qualified ecologist establishes that no nesting birds are present.

There are no statutory designated sites within 2km of the application site, although there are several Local Wildlife Sites (LWSs) within 2km, the closest being the Wearmouth Riverside LWS 200m to the north. The application site is not functionally linked to the Wearmouth Riverside LWS nor any other sites further afield.

The submitted biodiversity net gain (BNG) report provides an overview of the application site's current biodiversity value, as measured by an accompanying metric, and demonstrates the gain or loss in biodiversity to be brought about by the proposals.

The proposals would see the retention of 9 no. individual trees, which are a mix of native and non-native species, all in poor condition. In terms of habitat creation, 27 no. additional trees are to be planted alongside a native hedge. It is assumed that new trees will be non-native and small. These proposals would result in a 78.51% net gain in habitat units and a 284.94% net gain in hedgerow units. This would satisfy the mandatory requirement for the development to deliver a 10% net gain in biodiversity. The Landscape and Ecology Mitigation Plan submitted with the application details how the proposed habitats can be created and managed effectively.

The Council's Ecologist has reviewed the submitted material and has confirmed there are no objections to the proposals subject to recommended conditions and securement of necessary obligations.

In terms of habitats and protected and priority species, it is accepted that the application site is of low ecological value and that buildings to be demolished have negligible roosting potential for bats. The buildings do, however, provide nesting opportunities for herring gulls and pigeons.

Impacts on nearby designated sites (e.g. Wearmouth Riverside LWS) during demolition and construction works can be managed through typical pollution control and mitigation measures embedded in a Construction Environmental Management Plan.

Impacts of increased recreational use of European designated coastal sites can be managed through a contribution of £557.14 per dwelling to the Sunderland Recreation Mitigation Strategy. Securing this contribution would discharge the LPA's obligation under the Conservation of Habitats and Species Regulations to ensure that the development does not have an adverse effect on European sites.

Whilst the Financial Viability Assessment submitted with the planning application has demonstrated that the scheme would not be viable if it was required to support the full range of planning obligations, the addendum to the Planning Statement advises that the applicant is willing to make the necessary contribution towards the Council's Mitigation Strategy in the event dwellings are delivered as part of the scheme. This is because otherwise, the LPA would not be able to record that the development would not have an adverse effect on habitats sites and in such circumstances, consideration would have to be given to paragraph 193 of the NPPF, which states that development having a significant harm on biodiversity should be refused, and paragraph 195 of the NPPF, which states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site.

The contribution to the Sunderland Recreation Mitigation Strategy would be secured via a legal agreement.

In terms of Biodiversity Net Gain (BNG), the Council's Ecologist is satisfied that the baseline

calculation submitted with the application represents an accurate valuation of the habitats present on site at the time of application. The development proposals are set to result in a gain of 78.51% habitat units and 284.94% hedgerow units. Proposed habitats meet trading rules and appear to be achievable and realistic in their proposed types and conditions. The Council's Ecologist therefore considers the delivery of on-site BNG to be deliverable and conditions and/or planning obligations should be used to ensure it is delivered and managed as appropriate.

In this regard, the Council's Ecologist has clarified that the on-site BNG is significant enough to mean it will be necessary for the Council's costs in monitoring the delivery and management of the on-site features to be covered by the applicant. A fee of £2,582.41 would be required, as set out by the Council's BNG monitoring fee schedule. Again, whilst the applicant's LVA demonstrates that the scheme would not be viable if the full range of planning obligations were covered, the applicant has agreed to pay the BNG monitoring fee given that the delivery of a 10% net gain in biodiversity is now mandatory requirement for a development of this nature, as per the Environment Act 2021. The monitoring fee would be secured by a legal agreement.

Recommended conditions relate to the delivery of BNG measures, the approval, implementation and monitoring of a Habitat Management and Monitoring Plan (HMMP) and the approval of a Construction Environmental Management Plan (Biodiversity).

In summary, it is considered that the submitted ecology and biodiversity information has enabled the Council as LPA to understand the potential impacts of the development on the ecological value of the site and its potential impacts on nearby designated and non-designated ecology sites.

The Council's Ecologist is satisfied that where adverse impacts have been identified, namely potential recreational pressures on nearby European sites generated by any new residential dwellings within the scheme, appropriate mitigation can be secured in the form of a financial contribution to the Sunderland Recreation Mitigation Strategy, as has been recommended by the submitted Habitats Regulations Report.

The proposals are also considered to satisfactorily address biodiversity net gain requirements, with the submitted information demonstrating that a net gain of at least 10% can be secured through on-site measures. Final details of on-site BNG would be secured through the discharge of the mandatory Biodiversity Gain Plan condition, with further conditions and the BNG monitoring fee securing a framework for the implementation, management and monitoring of the on-site habitats being delivered.

It is therefore considered that subject to the recommended conditions, the securement of the contribution to the Sunderland Recreation Mitigation Strategy (in the event the final proposals include residential accommodation) and the obligation to cover the BNG monitoring fee, the proposed development is acceptable in relation to ecology and biodiversity considerations. The Council as LPA is consequently able to discharge its obligations under the NERC Act and the Conservation of Habitats and Species Regulations and the development is considered to accord with the relevant paragraphs of the NPPF and policies NE1, NE2 and NE3 of the CSDP.

8. Highways and transport impacts

This section of the report considers the highways and transport impacts of the proposed development, including its effect on the operation of the existing road network, taking into account available sustainable transport options.

Section 9 of the NPPF is concerned with the promotion of sustainable transport, with paragraph 109 stating that transport issues should be considered at the earliest stages of development

proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

a) making transport considerations an important part of early engagement with local communities;
b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;
c) understanding and addressing the potential impacts of development on transport networks;
d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage - for example in relation to the scale, location or density of development that can be accommodated;
e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 110 goes on to state that the planning system should actively manage patterns of growth in support of the above objectives and significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Paragraph 115 states that in assessing applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 117, meanwhile, states that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 118 states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan and the application should be supported by a

Transport Statement or Assessment so that the likely impacts of the proposal can be assessed.

Paragraph 116 makes clear that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Locally, policy ST1 of the CSDP sets out the Council's commitment to enhancing accessibility to, and movement through, the Urban Core.

CSDP policy ST2, meanwhile, seeks to protect the local road network to ensure safe and efficient movement of transport. Development proposals must not have an unacceptable adverse impact on the local road network, by ensuring they:

i) minimise the number of new vehicular access points on to the network;
ii) include safe and adequate means of access, egress and internal circulation;
iii) upgrade any existing access points being used to current standards as necessary;
iv) assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
v) provide safe and convenient access to sustainable transport modes;
vi) will not create a severe impact in the safe operation of the highway network, resulting in potential risk to all highway users, with specific consideration given to vulnerable users.

Policy ST3, meanwhile, states that development should:

1. provide safe and convenient access for all road users in a way which would not compromise the free flow of all forms of traffic, exacerbate traffic congestion on the existing highway network, increase the risk of accidents or endanger road users;
2. incorporate pedestrian and cycle routes within and through the site;
3. submit a Transport Assessment/Statement and a Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure there is no detrimental impact on the existing highway;
4. include a level of vehicle parking and cycle storage which accords with the Council's parking standards;
5. provide an appropriate level of electric vehicle parking and charging infrastructure;
6. safeguard the existing public rights of way network.

Parking standards are set out in the Council's adopted Development Management SPD, with the level of parking appropriate for non-residential development proposals informed by the predominant use class of the development and the application site's accessibility, as ascertained by the completion of an accessibility questionnaire.

The guidance for development in the 'Heart of the City' set out by the Riverside Sunderland SPD set out the following requirements in relation to access, movement and parking:

- development should enhance pedestrian routes;
- parking will not be provided in the Heart of the City;
- servicing should not visually impact High Street West or St. Mary's Boulevard;
- development should ensure direct links with wider City Centre and Riverside Sunderland

The Planning Statement submitted with the planning application notes that the application is supported by a Transport Statement (TS), whilst Chapter F of the submitted Environmental Statement considers the likely significant environmental effects of the proposed development with respect to transport.

The Planning Statement highlights the site's connectivity to bus, rail and Metro services, which provide access to routes serving the city, the wider region and further afield. Sunderland rail and Metro station and St. Peter's Metro station are within 500m of the site. The existing bus stop on St. Mary's Boulevard will be moved to accommodate widening of the footway, whilst further improvements will be achieved through the repositioning of loading facilities. The footbridge to St. Mary's car park would be replaced by an at-level crossing over St. Mary's Boulevard, on the line of Green Street.

Cycle parking is proposed to be provided within the application site and delivered in accordance with BREEAM and Council standards. Storage areas will be secure, covered and accessible and supporting facilities, such as lockers, showers and changing rooms, will also be provided.

In terms of vehicle movements, the submitted Transport Statement identifies that the proposed development would generate a maximum of 114 no. two-way hourly vehicle trips. No parking is being provided within the scheme and so trips will be accommodated within existing multi-storey car parks nearby. It is therefore contended that the TS demonstrates that traffic flows associated with the development will be negligible and will not result in any severe cumulative impacts on the operational performance of the surrounding road network, meaning no detailed operational assessments are required.

Chapter F of the ES has assessed the proposed development in relation to transport effects. It has considered the potential environmental effects that may arise from changes in road traffic on severance of communities, road vehicle driver and passenger delay, non-motorised user delay, non-motorised amenity, fear and intimidation on and by road users, road user and pedestrian safety and hazardous/large loads. Effects occurring during the demolition and construction phase and the operation of the development have been assessed.

The assessment has been undertaken using the scheme option which represents the most onerous scenario in terms of traffic-related environmental effects, which is Scheme Option 1 (commercial over commercial).

The ES considers existing conditions, including traffic flows on surrounding streets and the proportion movements which are from heavy goods vehicles. The ES recognises that embedded mitigation will be provided in the form of a Construction Environmental Management Plan for the development, which can manage potential transport effects during demolition and construction phases (such as HGV routes and pedestrian and cycle access routes), and the Area Framework Travel Plan, which details the long-term management strategy for promoting active and sustainable travel for the development.

During construction, the ES has identified that St. Mary's Boulevard would be subject to minor adverse (not significant in EIA terms) environmental effects in terms of severance of communities, road vehicle driver and passenger delay and non-motorised user delay and moderate adverse (significant in EIA terms) environmental effects in terms of non-motorised amenity, fear and intimidation on and by road users and road user and pedestrian safety. Effects primarily stem from the disruption caused by demolition and construction works, including the temporary closure of routes leading north from High Street West to St. Mary's Boulevard.

Mitigation can, however, be achieved through the diversion of pedestrians away from the construction site to the staggered crossing at the eastern end of St. Mary's Boulevard, reducing the construction phase effects to minor adverse (not significant in EIA terms).
This effect is, of course, temporary in duration.

The ES does not identify any significant environmental effects resulting from the operation of the development, given the low levels of traffic flows to be generated by the scheme. Nevertheless, additional mitigation is proposed in the form of monitoring of new pedestrian crossing facilities over St. Mary's Boulevard, to ensure the islands and crossing widths are appropriate for increased pedestrian usage following the demolition of the footbridge.

Matters relating to transport have been considered by a number of consultees, namely National Highways, Active Travel England, Nexus and Network Rail.

There are no objections from National Highways, who have considered potential impacts on the Strategic Road Network. This is on the understanding that the development will not incorporate resident parking.

Network Rail do not object to the application, subject to a condition requiring the agreement of any development works within 15m of the rail tunnel at the eastern edge of the site.

Active Travel England (ATE) originally submitted an objection to the planning application, however as set out in the 'Consultation Responses' section of this report, the additional analysis of active travel infrastructure and opportunities provided by the applicant has allowed for this objection to be withdrawn. ATE's therefore has no objection to the approval of the application, subject to conditions relating to details of cycle parking facilities within the development and the approval of a final travel plan for the scheme.

Nexus (Tyne and Wear Passenger Transport Executive) has commended the low-car, dense and multi-use nature of the development and highlight the application site's excellent connectivity to public transport options. There is no objection to the relocation of the bus stop to St. Mary's Boulevard and proposed public realm enhancements and traffic calming measures are welcomed and could improve accessibility to local Metro stations.

Nexus' comments recommend that the developer commit to providing future residents and/or employees within the development with public transport cards, with 2x cards with £50 pre-loaded credit per dwelling and one card with £50 pre-loaded credit per employee. This recommendation does, however, fall to be considered in the context of the position set out in the applicant's FVA, this being that the development is not viable if required to support a full range of planning obligations.

Comments from the Council's Future Transport team note that the development proposals are situated within the city centre with access to a range of travel choices by walking, cycling and use of public transport. The proposals are supported on highways grounds and are considered to meet transport policy requirements set out in policies ST2 and ST3 of the Council's adopted Core Strategy and Development Plan.

The position set out above is informed by the information submitted with the application, including the Environmental Statement, Transport Statement, Design and Access Statement and Travel Plan. A series of observations and comments have been provided, as follows.

The site is highly accessible by various modes of transport, with pedestrian connectivity improved by the opening of the Keel Crossing bridge. In terms of parking, some overnight secure parking for residents may be required and the submission supplies evidence to demonstrate that capacity for this is available in existing nearby car parks. A condition requiring approval of details of cycle storage facilities is requested.

The Future Transport team notes that no significant changes to servicing and delivery

arrangements are proposed, other than the provision of new lay-bys to accommodate new plot layouts. Some changes may require amendments to existing Traffic Regulation Orders. Final details of servicing and delivery arrangements will be required through reserved matters submissions, to ensure the new development can be catered for and there will be no adverse impacts on arrangements for existing businesses in the vicinity.

In terms of highways improvements, it is observed that the footbridge over St. Mary's Boulevard and enclosed walkway between the Marks and Spencer store and St. Mary's car park will be removed and replaced with an at-grade open walkway along the route of Green Street. This is intended to reopen as public highway and will not need to be closed outside of normal business hours (as is currently the case). Proposals include improvements to traffic islands and crossing points over St. Mary's Boulevard to cater for additional pedestrian movement and these will complement the ongoing programme of improvements to St. Mary's Boulevard being undertaken by the Council.

Any changes to the footprint of blocks which intrude into the public highway will require stopping up. A Construction Environmental Management Plan and Construction Traffic Management Plan will be required to manage impacts from demolition and construction works, including any temporary highway closures required to facilitate demolition operations.

Conditions will be required to secure the preparation of Full Travel Plans for the development, along with travel plan targets, measures, monitoring, evaluation and funding. In addition, a financial contribution of £30,000 was recommended, to enable the Council to undertake surveys, monitoring and evaluation of the approved resident travel plans. This would enable the effective management of Full Travel Plans for the overarching development and fund the appointment of a Travel Plan Coordinator and the development and implementation of detailed Travel Plans,

The Future Transport officer was advised that the application had been subject to a viability assessment, which demonstrated that the scheme was not viable if required to support the full range of planning obligations being sought by the LPA. In light of this, the Future Transport officer proposed a reduced contribution of £15,000.

The request for the Travel Plan monitoring contribution was raised with the agent for the applicant who, in response, noted that they considered such a request to conflict with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, as the request does not meet the tests for planning obligations. The payment is not necessary to make the development acceptable in planning terms, as any developer could appoint a third party to prepare and monitor the travel plan and the work does not have to be undertaken by Council. If a future developer wished to use the Council's Travel Planner, they could pay to use this service at that time.

Secondly, the agent contends that the Council does not have a policy basis for such a request. The Government's guidance on planning obligations states that: 'policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Such policies should be informed by evidence of infrastructure and affordable housing need'. The guidance continues by stating: 'Plans should set out policies for the contributions expected from development to enable fair and open testing of the policies at examination. Local communities, landowners, developers, local (and national where appropriate) infrastructure and affordable housing providers and operators should be involved in the setting of policies for the contributions expected from development'. https://www.gov.uk/guidance/planning-obligations

It is noted that policy ID2 (Planning Obligations) of the Council's CSDP sets out the matters where planning obligations will be sought and this is then reflected in the Council's Planning Obligations

SPD (adopted September 2025). The SPD supports Policy ID2 and sets out the matters for which contributions will be sought, together with the amount or formula for calculating the contributions. There is no mention in either document about contributions being sought for travel planning, and the SPD is an up-to-date document which was only adopted six months ago. Indeed, Figure 1 in the SPD identifies that travel plans are a matter that can be conditioned.

Thirdly, as has been established, the development is unviable without local government gap funding, and this additionality would only increase the gap.

Taking into account the above, the agent's view is that there are no grounds for requesting a travel plan monitoring contribution.

The agent's comments are noted, and it is recognised that the Council has not, within the CSDP or Planning Obligations SPD, set out that it will seek financial contributions to fund travel plan monitoring and that there are alternatives to the Council monitoring the Travel Plan for the development. Ultimately, the Future Transport team's recommendation falls to be considered in the context of the position set out in the applicant's FVA, this being that the development is not viable if required to support a full range of planning obligations.

In summary and having given regard to supporting material, including Chapter F of the ES, and responses from the transport consultees, it is considered that the proposals address local and national policies relating to transport in that the development will occupy a sustainable site which benefits from excellent access to public transport options and is highly accessible on foot and by cycle. The development takes advantage of its location and accessibility by not incorporating parking, limiting the scheme's impact on the local road network. Promotion of sustainable travel options can be secured through the approval and adoption of a full travel plan for the final development.

Details relating to local pedestrian and cycle infrastructure and servicing and delivery arrangements can be finalised through reserved matters submissions, however it is evident that the proposals are able to deliver improvements to the local environment in this regard. Final details of the amount and form of cycle storage within the development can be secured by the condition recommended by Active Travel England.

There will be some negative impacts on road users, pedestrians and cyclists during demolition and construction works (as identified by the ES), however these can be mitigated and managed through the approval of an appropriate Construction Environmental Management Plan for the scheme and the adoption of appropriate pedestrian diversion routes.

It is therefore considered that subject to the conditions requested by the consultees, the proposals are broadly acceptable in relation to transport considerations and address the requirements of the NPPF, policies ST1, ST2 and ST3 of the CSDP and the Riverside Sunderland SPD.

The proposed development would not, however, support the provision of travel tickets, as requested by Nexus, for viability reasons. It is considered that failure to fund the travel tickets represents a minor policy conflict and ultimately, the failure to make this contribution would not mean the development results in any harm to highway safety or severe negative impacts on the operation of the road network, which is the basic requirement for development proposals as set out by paragraph 116 of the NPPF. In addition, the necessity of the Future Transport team's request for a travel plan monitoring contribution has been questioned by the applicant's agent and it is also subject to the same viability position.

These matters fall to be considered as part of the 'planning balance' in the context of all the benefits and negative aspects of the development taken as a whole, and before it can be established whether the proposed development is acceptable, regard has to be given to all other material planning considerations relevant to the scheme.

9. Flood risk and sustainable drainage considerations

This section of the report covers matters relating to flood risk and considers the effectiveness of the proposed sustainable drainage strategy (SuDS) for the development.

Section 14 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change. In relation to flood risk, the overarching strategy, set out at paragraph 170, is for development to be directed away from areas of highest risk, whether existing or in the future. Paragraph 172 requires sequential tests to be used to steer development towards areas with the lowest risk of flooding.

Paragraph 181, meanwhile, states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be accompanied by a site-specific flood risk assessment.

Paragraph 182 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Systems used should take account of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and, where possible, provide multifunctional benefits.

The flood risk and sustainable drainage policy guidance provided by the NPPF informs policies WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) of the CSDP.

Paragraph 4.3 of the Riverside Sunderland SPD, meanwhile, states that development should incorporate Sustainable Urban Drainage Systems (SuDS) as integral features to the green infrastructure and street layout. SuDS should act as positive features to the development and help to reduce flood risk. Proposals should also ensure surface water run-off levels are in accordance with Council standards.

Chapter I of the submitted Environmental Statement is concerned with Water Resources and Flood Risk, and it is informed by the Flood Risk Assessment (FRA) and proposed Drainage Philosophy for the development.

The FRA identifies that the application site is in Flood Zone 1 (lowest risk of flooding) - the proposed development is compatible with this zone (as per the Flood Zone Compatibility table provided in Planning Practice Guidance) and so there is no requirement for a sequential assessment to be carried out. The site is also at low risk from tidal flooding and fluvial flooding.

Records indicate evidence of flooding from overland sources, with some instances of standing water in the service yard to plot 22. Current risk should therefore be categorised as 'medium to high', however due to the demolition of the existing buildings and redesign of the site, levels can be designed to ensure that low-lying areas are positively drained to accommodate a 1 in 100 year plus 45% climate change flood event. The introduction of a positive drainage network would also help to alleviate any current surface water flooding issues. Overall, the risk to the development from overland sources can be categorised as low.

The geology of the site also means risks from groundwater flooding are low, whilst there is no evidence to suggest the site is at risk from flooding from sewers or any other artificial sources.

The Drainage Philosophy for the development, which was updated to include a commitment to incorporating a rainwater harvesting scheme, has the objective of reducing the application site's existing 'brownfield' run-off rate. A discharge rate of 70l/s has been agreed with the Lead Local Flood Authority and Northumbrian Water, and this would deliver a 51% reduction in the current rate.

Attenuation will be provided by utilising an existing underground service tunnel under St. Mary's Boulevard, with a structure created using either oversized concrete pipes or box culvert sections and backfilled with concrete. This would accommodate a 1 in 100-year storm event, with an additional 45% allowance for climate change. Onward flow from the attenuation structure to NWL infrastructure would then be restricted to the abovementioned 70l/s.

New buildings would be drained via rainwater pipes and several SuDS features, including rain gardens, will be provided to drain hard landscaped areas.

Foul water would be drained via gravity to the existing combined network surrounding the site, with a maximum discharge rate agreed with Northumbrian Water.

The adoption of a Construction Environmental Management plan and the sustainable drainage philosophy for the development and are treated as 'embedded mitigation' for the purposes of Chapter I of the ES and with these in place, Chapter I concludes that the development's environmental effects during construction and operation will be no greater than minor adverse to negligible (not significant in EIA terms). Indeed, a beneficial change from the existing baseline will be achieved through the incorporation of a drainage network which accounts for the potential effects of climate change.

The proposals have been assessed by the Environment Agency, Northumbrian Water and the Lead Local Flood Authority and there are no objections to the approval of the application.

The Environment Agency originally requested a condition relating to the agreement of a final scheme to dispose of foul drainage, however as set out in the 'Consultation Responses' section of this report, the EA's request for this condition was withdrawn following the submission of additional information by the applicant's agent.

Northumbrian Water have confirmed there are no objections, subject to a condition requiring the approval of a detailed scheme for the disposal of surface water from the development, to ensure discharge rates do not exceed the maximum capacity of the existing system.

Following the commitment to incorporating rainwater harvesting measures into the development, the Lead Local Flood Authority has confirmed there are no objections to the application, subject to conditions requiring approval of details of a rainwater harvesting system and the submission of a verification report to demonstrate that the approved sustainable drainage system for the development has been delivered.

To summarise the position relative to flood risk and sustainable drainage, it is considered that the submitted Flood Risk Assessment and Drainage Philosophy has demonstrated that the site is suitable for the development and that risks from surface water flooding can be acceptably addressed through the design of the development. The proposed SuDS philosophy for the development is, meanwhile, considered to be acceptable and, subject to final detailed designs

being acceptable, will ensure that the scheme deals with surface water and foul water in an appropriate manner and means the presence of the development will not serve to increase the risk of flooding elsewhere.

The proposed development Is therefore considered to address the requirements of section 14 of the NPPF and policies WWE2, WWE3, WWE4 and WWE5 of the Council's adopted CSDP.

10. Ground and water contamination considerations
Whereas the previous section of the report considered matters relating to flood risk and sustainable drainage, this section considers risks relating to water pollution and also ground conditions, including contamination from previous uses of the land.

Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new development from contributing to soil and water pollution and, wherever possible, help to improve local environmental conditions such as water quality.

Paragraph 196 of the NPPF is concerned with ensuring that a development site is suitable for its proposed use, having regard to any risks arising from land instability and contamination and any remediation proposed. Risks can include natural hazards or those arising from former activities such as mining. Adequate site investigation information should be made available to inform assessment. Paragraph 197 makes clear that responsibility for securing safe development of a site rests with the developer.

Policy HS1 of the CSDP, meanwhile, states that development must not result in unacceptable adverse impacts arising from, amongst other sources, land contamination and instability and run-off to protected waters. Policy HS3 requires any development on contaminated land to be accompanied by assessments to establish risks from contaminants and propose suitable mitigation where required, to ensure the developed site will be suitable for the proposed use without risks from contaminants to people, buildings, services and the environment.

Policy WWE4 of the CSDP seeks to ensure that development proposals do not adversely affect the quantity and quality of surface and groundwater bodies.

Chapter I of the submitted ES is concerned with Water Resources and Flood Risk and provides an assessment which seeks to establish the water environment baseline condition. It notes the presence of the River Wear (a main river) approximately 140-150m to the north of the site and goes on to identify potential sources of pollution, pathways and sensitive receptors before summarising the potential impacts of the development (both during construction and when operational) and proposing mitigation measures where necessary.
Potential effects on the existing water environment during construction could arise from demolition works, earthworks and excavations, use of machinery and storage on-site, soil compaction, construction of impermeable surfaces, alterations to drainage patterns, construction of subsurface infrastructure (e.g. foundations) and dewatering of excavations.

Potential effects during operation of the development could arise from use of motorised vehicles for maintenance, the provision of impermeable surfaces, subsurface infrastructure, diffuse pollution (e.g. fertilisers/chemicals used in landscaping maintenance), the creation of new drainage regimes and capacity of drainage infrastructure.

Mitigation measures for the construction phase will be embedded into the Construction Environmental Management Plan for the development and draw upon good industry guidance and best practice measures, such as incorporating pollution prevention plans and sediment

management measures, to avoid the likelihood of significant effects occurring. The proposed sustainable drainage scheme for the development is designed to address potential impacts arising from the operation of the development.

The assessment concludes that with appropriate mitigation in place, the scale of potential effects on the water environment is no greater than 'minor adverse' and not significant in EIA terms.

The application has been subject to consultation with the Environment Agency and, as set out in the 'Consultation Responses' section of this report, it was initially confirmed that there is no objection to the application subject to the recommended condition requiring the agreement of a scheme to dispose of foul drainage.

Following receipt of the EA's comments, the agent submitted a letter responding to the EA's request for the abovementioned condition, which contended that the condition did not meet the relevant 'tests' with which a condition to be imposed on a planning permission needs to comply (as per paragraph 57 of the NPPF), in that it is not necessary, relevant to planning, enforceable or reasonable. The letter suggested that such a condition does not meet the relevant tests because it is not related to the development of land and because the developer cannot be held responsible for the management of the sewerage network, which is instead managed under a separate control regime. Furthermore, the letter pointed out that Northumbrian Water has raised no concerns or queries relating to the handling of foul flows from the development.

The agent's letter also appended a copy of a recent appeal decision from the Planning Inspectorate in respect of a residential development at the former Whitburn Lodge Public House, Mill Lane, South Tyneside (appeal ref. APP/A4520/W/25/3365110), in which the Inspector concluded that the focus of planning decisions must be on whether the proposed development is an acceptable use of land, rather than the control of processes and emissions, and decisions must assume that the regimes designed to ensure pollution controls will operate effectively.

The Environment Agency considered the agent's letter and subsequently advised that they no longer require the imposition of the recommended condition. The EA confirmed there is no objection to the proposed development; previous advice in relation to water quality permit requirements, sustainable drainage measures and water abstraction remains relevant and can be provided to the applicant via informative notes attached to any planning permission decision notice.

The Lead Local Flood Authority, meanwhile, have accepted the submitted approach to sustainable drainage, subject to conditions requiring approval of details of the rainwater harvesting measures to be incorporated into the final development and verification of the implementation of agreed SuDS measures.

It is also noted that Northumbrian Water have no objections to the development, subject to the recommended condition requiring the submission of final details of surface water disposal for their approval.

In relation to ground conditions and land contamination, the Council's Contaminated Land officer notes that the submitted Phase 1 report shows that the application site has been developed for commercial and residential uses from the time of the earliest available historical mapping. An underground railway is to the east of the site and tramlines previously bordered the southern edge of the site.

The Phase 2 investigations report for Plot 21 does not include a completed ground gas monitoring assessment and this will be provided later. Investigative boreholes did not uncover any

contamination above the assessment criteria for commercial development, save for one sample containing asbestos fibres. The report advises that new soft landscaped areas will need to be capped due to the potential presence of asbestos, with specific details to be agreed via a remediation strategy.

The Land Contamination officer advises that the Phase 2 investigations carried out to date are acceptable, whilst the Phase 1 report indicates that the condition of the site does not prohibit the proposed development. Conditions are recommended to require further site investigations to plots not covered by the Phase 2 investigations, the completion of the ground gas assessment to Plot 21 and the approval and implementation of a remediation strategy. A condition setting out requirements in the event unexpected contamination is encountered during works is also recommended.

Given the conclusions of the relevant chapters of the ES and accompanying technical reports and assessments and the comments received from the Environment Agency, Northumbrian Water, the LLFA and the Council's Land Contamination officer, it is considered that the proposed development does not give rise to any unacceptable issues relative to ground and water contamination. This is subject to the imposition of conditions recommended by these consultees and a condition requiring the submission and approval of a final CEMP for the development.

The development Is therefore considered compliant with the objectives of the NPPF and policies HS1, HS3 and WWE4 of the CSDP.

11. Socio-economic impacts

This section of the report primarily considers the socio-economic effects of the proposed development. These are assessed within Chapter D of the submitted ES, which firstly considers baseline conditions, drawing upon a combination of data sources, before identifying the likely socio-economic effects of the proposed development during its construction and operational phases. Mitigation measures to reduce any negative environmental effects are identified as appropriate before residual effects are assessed.

Socio-economic effects identified by Chapter D of the ES include:

- Employment and economic output generated during construction works
- Operational employment during operation
- Population, housing, education, healthcare provision (GPs and dental) and open space provision during operation

In terms of relevant policy considerations, as set out earlier in this report, paragraph 7 of the NPPF outlines that the overarching purpose of the planning system is to contribute to the achievement of sustainable development. There are three elements to the achievement of sustainable development - economic, social and environmental. The economic objective involves helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places. The social objective involves supporting strong, vibrant and healthy communities with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.

Section 5 of the NPPF promotes the delivery of a sufficient supply of homes, with paragraph 61 setting out that to significantly boost the supply of homes, it is important that a sufficient amount and variety of land for housing can come forward where it is needed. Section 6 of the NPPF concerns building a strong, competitive economy, with paragraph 85 requiring planning decisions to help create conditions in which businesses can invest, expand and adapt. It places significant weight on the need to support economic growth and productivity.

Chapter D of the ES also references the aspirations for economic growth outlined in the UK Government: Invest 2035 industrial strategy (2024), the Levelling Up White Paper (2022) and the North-East Local Enterprise Partnership Strategic Economic Plan (2022).

In terms of local policy, the ES highlights the vision of the CSDP for Sunderland in the year 2033 and the Plan's objectives of delivering new housing and helping to secure Sunderland's long-term economic future. Policy SP1, meanwhile, supports sustainable economic growth and job creation, with policy SP2 setting out that the Urban Core will be a focus for regeneration and transformation through the delivery of new office, commercial and residential development.

The ES also notes the objectives of the City Plan and its vision that by 2035, Sunderland will be a connected, international city with opportunities for all. It outlines an ambition to generate new jobs and more homes with energy efficiency measures that lower carbon emissions.

The ES identifies development Option 2 (residential over commercial) as representing the worst-case scenario in terms of socio-economic impacts. Options 1 (commercial over commercial) and 3 (commercial/residential hybrid) would result in higher levels of beneficial effects.

Across all scenarios, it is anticipated that the development would give rise to temporary moderate beneficial (significant in EIA terms) effects with respect to construction employment and minor beneficial (not significant in EIA terms) effects with regard to associated economic output.

In respect of the operation of the development, all three development options would have negligible effects (in EIA terms) on population change, housing (i.e. the contribution made to housing delivery in the city), education (primary and secondary) and dental healthcare provision.

Options 1 and 3 would give rise to moderate beneficial effects in terms of operational employment, given that these options would deliver the greatest amount of commercial and office space.

Option 2 could give rise to minor adverse effects in respect of operational employment because it would displace existing employment and would deliver the lowest level of new employment opportunities (being the option with the greatest amount of residential accommodation). It could also result in the greatest demand for GP provision. Effects in respect of both these effects would be permanent and 'minor adverse' (not significant in EIA terms) and no mitigation is considered necessary.

With reference to the above comments, it can be summarised that Chapter D of the ES has identified temporary moderate and minor beneficial effects during construction works, generated by employment and economic outputs. Option 2 of the development could give rise to minor adverse effects in relation to operational employment and demand for GP provision, although these effects are not significant in EIA terms.

Chapter D of the ES has assessed the socio-economic effects of the development in the context of an Environmental Impact Assessment, which seeks to establish whether a scheme will give rise to any significant environmental effects, however it is also necessary to consider the potential social, economic and public health benefits of the scheme at a more general level, including in relation to the Council's local policy objectives.

To this end, the application has been accompanied by a Health Impact Assessment which has been reviewed by the Council's Public Health team. The consultation comments received from the Public Health team note the positive contribution the development could make to access to

housing, employment and training opportunities, improved public realm, accessibility and active travel, reduction in crime and improved safety, access to healthy food, environmental and climate resilience and community cohesion and wellbeing.

The Public Health team's comments identify strong alignment with policy SP7 (healthy and safe communities) of the CSDP. In particular, the development will support active travel, promote inclusive design and improve access to services and respond to local deprivation and health inequalities with targeted interventions. The proposals are considered to demonstrate a robust evidence base through the submitted Health Impact Assessment and other supporting documents. The benefits of the development identified within the comments should be secured through appropriate planning conditions or legal obligations.

To conclude, in EIA terms the proposed development would give rise to some significant beneficial socio-economic effects through the creation of temporary employment opportunities, whilst no significant positive or negative socio-economic environmental effects are anticipated through the operation of any of the three development options. On a more general level, and as identified by the Council's Public Health team, the development would contribute positively to a range of social, economic and environmental objectives and align with the Core Strategy's vision for Sunderland in 2033, policies SP1 and SP2 of the CSDP and the ambitions of the City Plan in terms of the significant positive contribution it would make to the city's economy and available employment opportunities. The proposals also align with the regeneration objectives for the 'Heart of the City' site as set out by the Riverside Sunderland SPD.

12. Summary on Environmental Statement

At this point, it is highlighted that the National Planning Policy Guidance, at paragraph ID 4-002-20140306, says that 'the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process'.

The Guidance continues, at paragraph ID 4-003-20170728, that 'the Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development…'

It is advised that given the nature of consultee responses, none of which have questioned the quality or accuracy of the information presented by the ES, and officers' own analysis of the ES and development proposals, the submitted ES is considered to have met the requirements of Regulation 18 of the EIA Regulations i.e. the document has been prepared by competent experts and includes information reasonably required to assess the likely significant environmental effects of the development.

As required by the EIA Regulations, the submitted ES has considered alternatives to the proposed development and also considered what may happen at the site in the event the development did not go ahead. If the development did not come forward, it is assumed the site would remain in its current condition, but given the site's inclusion in the Riverside Sunderland SPD, it is likely that a similar form of development proposal for the site would eventually come forward. In terms of alternatives, no other sites have been considered by the applicant given the proposed development is designed to achieve the objectives of the Riverside Sunderland SPD and whilst the proposals have been subject to a series of design iterations prior to submission, the starting point has been that the scheme must align with the overall vision, principles and requirements of the SPD. To this end, the proposals have been shaped through a response to

existing site conditions and the need to create active frontages to ground floor and respect the existing urban form.

The submitted ES assessed a range of potential environmental effects arising from the proposed development, with the topics covered agreed with the Council as LPA prior to its preparation. Assessments have been informed by a range of 'embedded' mitigation measures which are included in the proposed development or will be implemented during the construction and operation of the proposed development. Such measures have been detailed in preceding sections of this report, but to summarise, include:

- Development to be brought forward in accordance with the submitted development parameters to establish the maximum built envelope of future detailed designs
- Adherence to design principles set out within the Design and Access Statement
- Preparation and submission of a Construction Environmental Management Plan, to manage and where practical minimise the impact of the construction phase of the new development
- Implementation of streetscape improvements, in accordance with submitted development parameter plans
- Implementation of the Area Framework Travel Plan
- Implementation of Sustainable Drainage Systems (SuDS) within drainage design
- Preparation and implementation of a SuDS Maintenance and Management Plan for the development

These mitigation measures would either be included in detailed designed presented as part of future reserved matters applications or secured through planning conditions as appropriate.

For ease of reference, the outcomes of the assessments (which consider the embedded mitigation described above, and additional mitigation described in preceding sections of this report) are summarised below:

Chapter D - Socio-Economics
There will be Moderate Beneficial (Not Significant) effects on the local economy through temporary job creation.

Effects during operation are Negligible/Minor Adverse (Not Significant) - the worst-case scenario tested by the ES (development Option 2) identified minor adverse effects in respect of operational employment and GP provision, but this remains Not Significant in EIA terms. Effects in relation to population, housing, education, dental provision and open space provision were negligible.

Chapter E - Townscape and Visual
Effects during construction works are Minor/Moderate Adverse (Not Significant).

The operation of the development would result in Minor Neutral (Not Significant) townscape effects on the site and Minor Beneficial (Not Significant) effects on townscape character areas. Effects on those experiencing views of the site will be Minor/Moderate Neutral to Moderate Beneficial (Not Significant).

Chapter F - Transport
Subject to mitigation to divert pedestrians away from the site, effects during construction will be Minor Adverse (Not Significant). These effects will be of temporary duration.

Effects of the operational phase of the proposed development are no greater than Minor Adverse (Not Significant).

Chapter G - Air Quality
Effects during construction are Negligible (Not Significant).

Effects during operation are Negligible (Not Significant).

Chapter H - Noise and Vibration
Effects from construction noise and vibration are no greater than Minor Adverse (Not Significant) and of temporary duration.

During operation, Minor Adverse (Not Significant) effects from noise and vibration on users of the proposed development will occur. This is, however, subject to the adoption of appropriate mitigation measures, such as appropriate building design, façade sound insulation n and vibration mitigation. Without effective mitigation, effects would be moderate to major adverse (significant).

Chapter I - Water Resources and Flood Risk
Effects during construction are Minor Adverse to Negligible (Not Significant), subject to the adoption of embedded mitigation (i.e. the CEMP for the development).

Effects during operation are Minor Adverse to Negligible (Not Significant), subject to implementation of sustainable drainage strategy for the site.

The ES has also assessed whether additional impacts could arise if the proposed development is considered alongside other emerging proposals in the surrounding area, i.e. a 'cumulative assessment'. A search of the Council's Planning records identified seven projects for consideration, as follows:

1. Planning app. ref. 21/02835/LP3 - 'Culture House' development off High Street West/Keel Square;
2. Planning app. ref. 20/01842/FU4 - construction of two new office buildings (Maker and Faber) on former Vaux Brewery site;
3. Planning app. ref. 21/00225/FU4 - 132 no. residential units, commercial floorspace, community allotment etc. on former Vaux Brewery site;
4. Planning app. ref. 21/01542/LP3 - Sunderland Eye Hospital on former Vaux Brewery site;
5. Planning app. ref. 20/02391/LP3 - high level pedestrian bridge across River Wear;
6. EIA Screening Opinion ref. 24/01483/SCR - EIA Screening for development of up to 600 dwellings, 422 parking spaces, 37,000 sq. metres of commercial space, 36,000 sq. metres of industrial space and new education space at Sheepfolds Industrial Estate. A planning application for up to 456 dwellings, an aparthotel, mobility hub, up to 6560 sq. metres of offices and 883 sq. metres of other commercial/service uses has now been submitted and is pending consideration;
7. Planning app. ref. 24/00562/FU4 - mixed use development of up to 75 dwellings and ground floor commercial uses, land at Nile and Villiers Street, Sunniside;
8. Planning app. ref. 24/01984/FU4 - 165 dwellings on land at Farringdon Row;
9. Planning app. ref. 22/00106/FUL - food and drink and leisure facilities at former North Eastern Railway Stables, Easington Street
10. Planning app. ref. 22/00140/LP3 - development of Housing, Innovation and Construction Skills Academy, land at Millennium Way/Hay Street
11. Planning app. ref. 22/00316/FUL - Change of use of car showroom to Esports Centre, former Kia Motors, Stadium Way
12. Planning app. ref. 21/02938/FUL - redevelopment of former Sunderland Civic Centre site for up to 265 no. residential dwellings and apartments

The cumulative assessment has been undertaken in relation to each technical topic as identified above and has concluded that no adverse significant cumulative impacts are considered likely. Mitigation measures identified in the submitted ES are considered sufficient to address effects arising.

To conclude in relation to the submitted ES, the submitted document is considered to meet the requirements of the Regulations in terms of the competency of its authors and the information it provides to enable an assessment of the development's likely significant effects on the environment. No Significant Adverse or Beneficial effects have been identified, subject to the adoption of embedded mitigation, which would be included in detailed designs for the development or secured via planning conditions.

13. Planning obligations

Paragraph 56 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

i) Affordable housing; and
ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph 018 of the Government's Planning Practice Guidance (PPG) website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

Paragraph 59 of the NPPF and paragraph 010 of the PPG go on to advise that planning applications which comply with up-to-date planning policies should be assumed to be viable, but where the viability of a development is in question, planning obligations can be negotiated where, through a viability assessment, a developer demonstrates that circumstances apply which mean the obligations normally required cannot be supported. The weight to be given to any such assessment is a matter for the decision-taker and an assessment must be produced in line with guidance provided by the PPG.

As set out in the 'Representations' section of this report, the following financial contributions and obligations have been requested from the respective consultees or would normally be required through relevant plan policies.

o £557.14 towards Sunderland Coastal Mitigation Strategy, in the event the final

development includes residential dwellings, to address requirements of Habitats Regulations and CSDP policy NE2
- £2,582.41 towards monitoring of mandatory on-site Biodiversity Net Gain
- £3,780.11 per 2-bedroom apartment towards early years, primary and special education, in the event the final development includes residential dwellings, to address requirements of CSDP policy ID2
- Securement of 15% affordable housing as required by policy H2 of CSDP
- £84.24 per bedspace towards improvement, enhancement and maintenance of off-site greenspace, in lieu of this being provided on-site, to accord with policy NE4 of the CSDP
- £797 per 2+ bedroom apartment towards off-site play provision, in lieu of this being provided on-site, to accord with policy NE4 of the CSDP
- 2x Pop Cards with £50 pre-loaded credit per dwelling and 1x Pop Card with £50 pre-loaded credit per employee (where commercial use has 50+ employees), as requested by Nexus
- £15,000 towards surveys, monitoring and evaluation of resident travel plans, as requested by Council's Future Transport team

The abovementioned obligations would typically be secured via a s106 agreement.

It is considered that all contribution and obligation requests outlined above satisfy the tests set out at paragraph 57 of the NPPF and Regulation 122(2) of the CIL Regulations and can reasonably be requested by the Council as Local Planning Authority, on the basis that they address a local policy requirement or objective or will mitigate specific impacts of the development.

The applicant contends that the scheme is unable to support the planning obligations being sought by the LPA and has submitted a Financial Viability Appraisal report (Sanderson Weatherall, January 2026) to demonstrate that this is the case. The report has been produced in line with best practice guidelines and considers inputs such as the gross development value, benchmark land value, construction and abnormal costs, professional fees and delivery/timings. Regard has been given to values and costs associated with other housing and office developments in the local area to ensure figures being used are appropriate to the location of the site. All development scenarios with a residential component are assumed to have grant aid of £25 million.

The appraisal report concludes that the proposed scheme produces a significant loss, based on no affordable housing being delivered and no financial obligations being required. The loss would be £123 million for a development involving retail with residential above, £155 million in respect of development involving retail with offices above and £130 million for a development involving retail with a mix of offices and residential above.

The Council arranged for the applicant's Financial Viability Appraisal report to be independently reviewed by Lambert Smith Hampton (LSH) and a review report was subsequently produced for the Council's use (report dated February 2026). The LSH report questions build costs used in the applicant's FVA, which are considered above Building Cost Information Service (BCIS) figures, but even if these are reduced, it is accepted that the scheme would remain unviable and the conclusions of Sanderson Weatherall's report are agreed with.

The LSH review advises that based on current market conditions and build costs, the scheme cannot support the affordable housing and other financial obligations being sought by the LPA, although as this is an outline application, it is recommended that the viability of the scheme is reassessed at the point a final scheme is identified.

Notwithstanding the viability position as outlined above, the applicant has agreed to support the financial obligations towards the Sunderland Coastal Mitigation Strategy, on-site BNG monitoring

and education provision.

As set out by paragraph 59 of the NPPF, the weight to be given to a viability assessment is a matter for the decision-taker, having regard to all the circumstances in the case. In this instance, it must be recognised that the proposed development is an integral part of the Council's Riverside Sunderland masterplan and it will help to regenerate an under-performing area of the city centre by bringing a modern, mixed-use development to a key location. The development will give rise to benefits in terms of housing delivery, ground floor activation, improved commercial and office space, increased city centre population, public realm improvements and townscape improvements and is considered to fully align with the development objectives and guidance provided by the Riverside Sunderland SPD.

Given that the proposals are designed to achieve the ambitions of the SPD and will deliver a range of benefits as detailed throughout this report, it is considered appropriate to give the viability assessment significant weight in the determination of this application.

The merits of the proposed development therefore need to be considered in the context of the applicant demonstrating, through their viability assessment, that the scheme is unable to support the full range of planning obligations requested by the Council, namely those relating to affordable housing, open space and play, travel cards and monitoring of travel plans.

In terms of open space and play, whilst contributions would meet a policy requirement, it is considered reasonable to have regard to the site being within a city centre environment, where shared open space and play equipment would not necessarily be expected from a residential development. The city centre also presents a range of outdoor and indoor leisure opportunities, and it should be recognised that the nearby Riverside Park, which is being improved as part of the Riverside Sunderland programme, is nearby.

In terms of the Nexus travel tickets, whilst these would assist in promoting the use of public transport and support Nexus' policy objectives, it is considered that the site's central location and the absence of dedicated car parking mean a high proportion of future residents and employees would inevitably use public transport (and other sustainable travel options) irrespective of receiving introductory tickets.

In respect of the Future Transport team's request for a travel plan monitoring contribution, the applicant's agent notes that the Council's CSDP and Planning Obligations SPD do not set out that such contributions will be sought and that travel plan monitoring can be undertaken by a third party, not just the Council.

As noted above, the applicant is willing to support the contributions towards BNG monitoring and, in the event the final proposals involve residential accommodation, the mitigation of recreational impacts on European ecology sites and education. Officers would advise that it is of great importance that the development can be recorded as not having an adverse effect on European sites, as otherwise the Council's would not be discharging its obligations under the Habitats Regulations and would be required by the NPPF to give this matter significant negative weight. Similarly, the BNG monitoring fee is required to ensure the development delivers 10% net gains in biodiversity, which is a mandatory requirement of most planning application proposals introduced by the Environment Act. The education contribution is, meanwhile, designed to ensure the local education facilities can accommodate the educational needs of any additional residential population generated by the development.

For these reasons, officers are of the view that any financial contributions the applicant is willing to make are best directed to the three areas detailed above.

In summary, it would clearly be desirable for the scheme to deliver the full range of obligations, but there are some mitigating considerations to give regard to in respect of the open space, play and travel card obligations, and ultimately, the absence of the full range of obligations needs to be set against the positive aspects of the development, particularly that the scheme is designed to achieve the ambitions of the Council's adopted Riverside Sunderland SPD and will help to regenerate a key part of the city centre.

It is suggested to Members that in the event they are minded to approve the application, a condition be imposed which requires a 're-testing' of viability at the time of submitting a reserved matters application. In the event the re-testing demonstrates that the scheme is, at that time, capable of supporting any planning obligations, negotiations with the developer can take place.

14. Conclusions

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

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

The planning application has been assessed in detail in the context of relevant local and national planning policies and other material planning considerations, having regard to the submitted plans, technical surveys and reports and the accompanying Environmental Statement. It is considered that the ES and other supporting material demonstrates that the proposals successfully address the majority of the relevant local and national planning policy objectives and environmental considerations and that adverse environmental impacts arising from the development are not significant (in EIA terms).

Significant beneficial impacts have been identified in respect of the development delivering the regeneration objectives of the Riverside Sunderland SPD and the opportunities the development will bring in terms of townscape improvements, greater activation to street level, improved office and commercial space, the delivery of housing, public realm improvements, the reinstatement of historic street patterns, the setting of adjacent Conservation Areas, Listed buildings and non-designated heritage assets and potential benefits to the continued regeneration of Conservation Areas. The development would also secure net gains in biodiversity and will integrate sustainable drainage systems.

The main negative aspect of the scheme is its inability to support the full range of planning obligations being sought by the LPA, namely those relating to affordable housing, open space and play space, the supply of introductory Nexus travel cards and the monitoring of travel plan objectives. The loss of 90 High Street West and potential loss of the M&S façade would also give rise to some minor negative heritage and townscape impacts (although the removal of the M&S

façade is subject to further investigations and viability studies and the outline submission demonstrates it being incorporated into the new development).

These negative aspects of the scheme and resulting policy conflicts need to be considered in the context of a wider assessment of the scheme, including the benefits to be derived from the proposed development. To assist with this 'planning balance' exercise, the following table summarises the residual positive, neutral or negligible and negative impacts arising from the development in the context of the three strands to sustainable development identified by the NPPF (the CSDP policies relevant to each impact are in brackets):

	Positive	**Neutral/negligible**	**Negative**
Economic	Employment creation and economic uplift during construction programme (SP1, SP2, SP7) Employment opportunities through increased and improved commercial and office space (if Option 1 or 3 progresses) (SP1, SP2, SP7).		Minor loss of employment space if Option 2 (residential-led scheme) progresses (SP1, SP2, SP7)
Environmental	Redevelopment of an extensive brownfield site within the city centre (SP1, SP2) Development Options 2 and 3 would deliver new housing in a sustainable location (SP1, H1) Site has excellent links to sustainable transport and active travel opportunities (SP1, SP2, ST3) Development will deliver a high standard of design and layout which will enhance the existing townscape (BH1) Potential benefits to setting of adjacent Listed Buildings and Conservation Areas and reinforcement of historic street layout. Indirect heritage benefits as development could support regeneration of adjacent Conservation Areas (BH8) Improvements to public realm and reintroduction of 'lost lanes' to reinforce historic street patterns	Development will not have any significant adverse impacts on local amenity in terms of noise and vibration, air quality and wind, subject to final design of the development and relevant conditions (HS1, HS3, BH1) No adverse impacts on existing ecological features and designated sites, subject to securement of financial contribution to Council's Coastal Mitigation Scheme to address recreational impacts (NE2) Foul and surface water drainage arrangements are acceptable, as confirmed by Environment Agency, Northumbrian Water and LLFA (WWE2, WWE3, WWE5) No unacceptable impacts on local highway network, as confirmed by National Highways and Council's Future Transport officer. Parking and access arrangements are acceptable (ST2, ST3) Land and groundwater	Temporary adverse noise and disturbance impacts during construction works (HS1, HS2) Some minor visual harm during construction works, but this is temporary in nature (BH1) Some minor negative effects on pedestrians, cyclists and road users during construction works, but of temporary nature (ST3) Loss of non-designated heritage asset at the site (90 High Street West) and potential loss of M&S façade (subject to further investigations). Potential harm to setting of St. Mary's Church. These negative heritage impacts are, however, minor in scale and need to be balanced against heritage benefits and other

	(BH1, BH3, NE4) Delivery of on-site net gains in biodiversity significantly above the mandatory 10% (NE2) Development will deliver more sustainably designed buildings (BH2) Development will enable integration of sustainable drainage systems to an existing urban site (WWE2, WWE3, WWE5)	contamination risks can be satisfactorily mitigated, as confirmed by Environment Agency and Council's Land Contamination officer (HS3, WWE4) Appropriate archaeological investigations have taken place (BH9) Potential impacts on education provision addressed by financial contribution (ID2)	positive outcomes of the development (BH8) Development would not deliver affordable housing (H2) Development would not deliver off-site open space and play provision (NE4) Development would not support provision of introductory travel tickets or fund travel plan monitoring by Council (ST3)
Social	Development would support access to housing, employment and training opportunities, improved public realm, accessibility and active travel, reduction in crime and improved safety, access to healthy food, environmental and climate resilience and community cohesion and wellbeing, as identified by Council's Public Health team (SP1, SP2, SP7)		Minor loss of employment space if Option 2 (residential-led scheme) progresses (SP1, SP2, SP7)

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

Strategic Priority 1: to deliver sustainable economic growth and meet objectively assessed employment and housing needs
Two of the development options would deliver new employment space in the city centre, whilst the third option would be residential-led and deliver new housing provision in a sustainable location.

Strategic Priority 2: to identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
The development makes use of an extensive brownfield site within the existing urban area with good road, public transport and active travel links. No significant adverse impacts on the local environment have been identified.

Strategic Priority 3: to promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;
The development is highly accessible by active travel options and sustainable modes of transport, with access to indoor and outdoor recreational facilities in the city centre.

Strategic Priority 4: to provide a range of choice of accommodation, house types and tenures;
Development Options 2 and 3 would deliver new housing in a sustainable, city centre location. Proposals would not, however, include affordable housing for viability reasons.

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

Development Options 1 and 3 would include new commercial and office space. All three development options would generate employment opportunities during demolition and construction phases.

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

Development will have a positive impact on the Urban Core as it will regenerate a key city centre site, improve active frontages, deliver townscape and public realm improvements and, depending on the final scheme, will provide additional retail, employment and/or residential space. The development fully aligns with the objectives of the 'Heart of the City' regeneration area identified within the Council's Riverside Sunderland SPD.

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

Minor harm to historic environment caused by potential loss of non-designated heritage assets and harm to setting of a Grade II Listed building, however proposals would also benefit the setting of other Listed buildings and the Sunniside and Bishopwearmouth Conservation Areas and support the regeneration of adjacent Conservation Areas.

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

The scheme will deliver net gains in biodiversity and will not adversely impact ecological and geological sites in the City. Impacts on designated sites mitigated by financial contribution. Site is proximate to green infrastructure at Riverside Park.

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

Demolition and construction works have inevitable impacts, but the operational development is designed to incorporate sustainable development features, such as renewable energy apparatus, to exceed carbon emissions reduction targets. The development is not at significant risk of flooding and sustainable drainage measures will ensure flood risk is not increased elsewhere.

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

Demolition and construction expected to adhere to waste hierarchy.

Strategic Priority 11: to promote sustainable and active travel and improve transport infrastructure;

The site is very well connected to walking and cycling infrastructure and is close to local public transport options, including national rail, Tyne and Wear Metro and bus services. Proposed Travel Plan commits to promotion of active and sustainable travel opportunities.

Strategic Priority 12: to manage the City's mineral resources;

No impacts on mineral resources

Strategic Priority 13: to ensure the City has the infrastructure to support its growth and prosperity; Infrastructure impacts are being acceptably mitigated by planning obligations where possible (e.g. education).

The proposals are also considered to clearly align with the 'dynamic city' objectives of the City Plan and its drive for 'more businesses, housing and cultural opportunities creating a strong city centre'.

As set out above, the proposals largely address local and national policy objectives, resulting in a wide range of positive and many neutral or negligible impacts in respect of economic, environmental and social matters.

There are some negative environmental impacts arising from the development, mainly in respect of heritage, as the development will result in the loss of a non-designated heritage asset (90 High Street West), could result in the loss of the M&S façade (depending on the outcome of further investigations) and could harm the setting of the Grade II Listed St. Mary's Church, depending on final designs. These negative impacts are, however, considered to be minor in scale.

The Council's Built Heritage officer also notes that the development does also give rise to opportunities for benefits in respect of heritage, through improvements to the setting of other Listed buildings and Conservation Areas and potential benefits to the regeneration of adjacent Conservation Areas. Overall, the Built Heritage officer concludes that the proposed redevelopment should, on balance, have a predominantly positive impact on the local character and distinctiveness of High Street West and the settings of the Sunniside and Bishopwearmouth Conservation Areas and Listed buildings within them.

Negative impacts on townscape, local amenity, road users and pedestrians/cyclists will occur during demolition and construction works, however these are temporary effects, and mitigation can be achieved through the adoption of a robust Construction Environmental Management Plan for the development.

It is also recognised that the proposed development cannot support the full range of planning obligations being sought because, as demonstrated through the FVA, it is not viable for it do so. Whilst there are some mitigating considerations in respect of open space and play provision (i.e. the site's city centre location and proximity to indoor and outdoor leisure opportunities) and the promotion of public transport through travel tickets and travel plan monitoring (the development is car free and so take up of public transport would be high regardless and alternative travel plan monitoring options exist), the failure to support these contributions, the contribution towards travel plan monitoring and obligations in relation to affordable housing do count negatively in the 'planning balance'.

The residual negative aspects of the scheme must, however, be weighed against the positive aspects of the scheme and as set out in the table above, these are wide ranging.

Significant positive weight must be given to the development's regeneration potential and its purpose of delivering the objectives of the 'Heart of the City' regeneration area within Council's adopted Riverside Sunderland SPD. The proposals represent an opportunity to reinvigorate this section of High Street West by improving the townscape and public realm through a well-designed, contemporary development which will incorporate a range of retail, commercial,

office and/or residential uses which are appropriate for the city centre location. The development would also serve to utilise previously developed land, a matter which the NPPF directs be given positive weight.

The development could, depending on the final scheme, contribute positively to housing supply in the city and/or provide employment opportunities through the delivery of additional retail/commercial and office space. The development would also create temporary employment opportunities during demolition and construction work.

As noted above, the proposals do give rise to some heritage benefits in terms of the setting of Listed Buildings and Conservation Areas, the reinvigoration of the historic High Street and 'lost lanes' leading from it, and the potential indirect positive impacts on the regeneration of adjacent Sunniside and Bishopwearmouth Conservation Areas. The NPPF directs that positive weight should be given to proposals which deliver heritage benefits.

Other, more modest, benefits would also be achieved in terms of the delivery of on-site biodiversity net gain (in exceedance of the mandatory 10%), the introduction of sustainable drainage systems to the site and the improved sustainability credentials of any new buildings to be erected.

Many of these benefits directly align with the objectives of the City Plan and the Strategic Priorities set out within the CSDP and it is reiterated that the proposals are designed to deliver the regeneration ambitions of the Riverside Sunderland SPD. Again, it is considered that the development's ability to support the Council's stated strategic objectives should be given positive weight in the decision-making process.

In conclusion, it is considered that in this case, the significant benefits of the proposed development, especially in terms of the regeneration of the High Street and wider city centre in line with the ambitions of the Riverside Sunderland SPD, the redevelopment of a brownfield site, townscape and public realm improvements, the delivery of additional commercial/retail, office and residential uses in the city centre and potential benefits to the heritage of the city centre, should be seen to clearly outweigh the relatively minor residual negative impacts identified.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Approve the proposed development under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the completion of a legal agreement to secure contributions towards the Sunderland Coastal Mitigation Strategy, biodiversity net gain monitoring and early years, primary and special education provision and subject to the imposition of the draft conditions below.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;

- race;
- religion or belief;
- sex;
- sexual orientation.

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: (a) MINDED TO GRANT PLANNING PERMISSION under Regulation 3 of the Town and Country Planning (General Regulations), subject to the recommended schedule of draft conditions and the completion of a legal agreement.

OR

(b) If the legal agreement is not completed by 30 June 2026 then REFUSE planning permission for the reason below:

There does not exist a mechanism to provide the relevant planning obligations required to mitigate the impact of the proposed development and make it acceptable in planning terms, namely financial contributions towards the Coastal Mitigation Strategy (HRA mitigation), BNG monitoring and education provision.

Reason: In the absence of such planning obligations being provided, the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), Policy NE2 (biodiversity and geodiversity) and Policy ID2 (planning obligations) of the adopted Core Strategy and Development Plan (2015-2033).

Draft conditions:

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

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

2 No development (except site investigation works) shall commence in any part of the site until details of the appearance, landscaping, layout and scale (hereinafter referred to as the 'reserved matters') for the development in that part of the site has been submitted to and approved in writing by the Local Planning Authority.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved. As planning application ref. 25/01696/LOU is in outline only, as no details have been submitted of the reserved matters (except for access), they are reserved for subsequent approval of the Local Planning Authority.

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

- Location plan (drawing no. 3696-FBA-XX-00-D-A-011900, rev. P04)
- Existing site plan (drawing no. 3696-FBA-XX-D-A-011901, rev. P04)
- Existing site levels (drawing no. 3696-FBA-XX-00-D-A-011902, rev. P04)
- Plot 19 existing floorplans (drawing no. 3696-FBA-XX-00-D-A-011912, rev. P01)
- Plot 19 existing elevations (drawing no. 3696-FBA-XX-00-D-A-011913, rev. P01)
- Plot 20 existing floorplans (drawing no. 3696-FBA-XX-00-D-A-011914, rev. P01)
- Plot 20 existing elevations (drawing no. 3696-FBA-XX-00-D-A-011915, rev. P01)
- Plot 22 existing floorplans (drawing no. 3696-FBA-XX-00-D-A-011916, rev. P01)
- Plot 22 existing elevations (drawing no. 3696-FBA-XX-00-D-A-011917, rev. P01)
- Highways servicing arrangement (drawing no. JN2953-Dwg-0036C)
- Plot Parameters - plot 19 (drawing no. 3696-FBA-XX-00-D-A-011908, rev. P05)
- Plot Parameters - plot 20 (drawing no. 3696-FBA-XX-00-D-A-011909, rev. P05)
- Plot Parameters - plot 21 (drawing no. 3696-FBA-XX-00-D-A-011910, rev. P05)
- Plot Parameters - plot 22 (drawing no. 3696-FBA-XX-00-D-A-011911, rev. P05)
- Access and servicing (drawing no. 3696-FBA-XX-00-D-A-011907, rev. P04)
- Public realm (drawing no. 3696-FBA-XX-00-D-A-011906, rev. P04)
- Land uses (drawing no. 3696-FBA-XX-00-D-A-011905, rev. P05)
- Development plots heights (drawing no. 3696-FBA-XX-00-D-A-011904, rev. P05)
- Proposed site levels (drawing no. 3696-FBA-XX-00-D-A-011903, rev. P04)

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

4 Each application for reserved matters shall be accompanied by a compliance statement which explains how that reserved matters application meets the design principles and indicative parameters set out in the drawings approved under condition 3, as well as the Outline Design Principles as provided within Chapter 13 of the High Street West Design

and Access Statement (Faulkner Browns, July 2025),

Reason: to ensure reserved matters proposals correspond with the outline submission and supporting technical information (including the ES) and deliver an acceptable form of development which complies with the objectives of the relevant policies the CSDP.

5 The total floorspace created by the development shall not exceed 65,495 sq. metres, of which the maximum amount permitted to be used for any purpose is as follows:

- Retail/leisure/food and drink (uses within use class E(a), (b) and (d) and sui generis uses as public house, wine bar or drinking establishment and drinking establishment with expanded food provision) - maximum of 9,140 sq. metres
- Commercial offices (use class E(g)) - maximum of 47,160 sq. metres
- Residential (use class C3) and serviced apartments (use class C1) - maximum of 41,330 sq. metres, with no more than 275 no. apartments

Reason: to ensure reserved matters proposals correspond with the outline submission and supporting technical information (including the ES) and deliver an acceptable form of development which complies with the objectives of the relevant policies the CSDP.

6 No demolition of any building shall take place until a Demolition Method Statement and Management Plan (DMP) for such works has been submitted to and approved by the Local Planning Authority for that building. The DMP shall be informed by measures recommended in the Environmental Statement and other supporting technical reports submitted with the planning application and shall include details of measures required to ensure local amenity and highway safety is not adversely affected by demolition works, including measures to manage:

- noise
- dust
- vibration
- dust and air quality
- highway and pedestrian safety (including alternative routes for pedestrians and cyclists)
- drainage and water quality
- ecology mitigation
- visual impacts
- artificial lighting
- treatment of the site post-demolition

The development shall then be implemented in accordance with the approved DMP.

Reason: In order to protect the amenity of adjacent occupiers and the adjacent highway network and to comply with policies BH1 and ST3 of the CSDP.

7 No development (excluding demolition and site investigation works) shall commence within any part of the site until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be informed by measures recommended in the Environmental Statement and other supporting technical reports submitted with the planning application and, for the avoidance of doubt, include the following:

- Executive Summary;

- Project Background
- Outline of Project
- Framework of this CEMP
- Legal Compliance
- Summary of the Requirements of this condition
- Site Information and Consented Development
- Site and Surrounding Area
- Scheme Description
- Sensitive Receptors
- Control of the Construction Process
- Roles and Responsibilities
- Training and Raising Awareness
- Reporting
- Monitoring, Continual Improvement and Review
- Environmental Complaints and Incidents
- Public Relations and Community Relations
- Construction Management
- Description of Construction Works
- Phasing of Construction Works
- Construction Equipment
- Hours of Working (Hours of Site Operation)
- Storage of Plant and Materials
- Handling of Plant and Materials
- Health and Safety Management
- Security On-Site
- Considerate Constructors
- Phase-specific Construction Method Statements (CMS)
- Environmental Control Measures
- Public Access and Traffic Management
- Waste and Materials Management and Storage
- Noise and Vibration
- Dust & Air Quality
- Contaminated Land Procedures
- Hydrology & Water Quality
- Ecology mitigation measures
- Visual Impacts
- Artificial Lighting
- Measures to improve climate change impacts of construction work
- Measures to protect vegetation/landscaping to be retained within the development
- Emergency Procedures
- Conclusions

Appendices
Appendix A - Sensitive Receptor Locations
Appendix B - Landscape Resource Information (including hedgerow and tree group numbers)
Appendix C - Potential for Archaeological Mitigation Requirement Plan
Appendix D - Site Access Locations
Appendix E - Proposed Temporary Construction Access

The development shall then be implemented in accordance with the approved CEMP.

Reason: In order to protect the amenity of adjacent occupiers and the adjacent highway

network and to comply with policies BH1 and ST3 of the CSDP.

8 Any application for reserved matters must be accompanied by an updated noise and vibration assessment for the approval of the Local Planning Authority. The assessment must be informed by the detailed proposals submitted with the reserved matters application (including the constructional design of any commercial and residential spaces) and the methodology, conclusions and recommendations of the 'Noise and Vibration' chapter of the Environmental Statement submitted with the outline application.

The assessment shall include details of any proposed construction, design, layout and internal arrangement measures and any other mitigation required to ensure future occupiers of the development are not unacceptably adversely affected by noise and vibration. All mitigation measures set out within the approved assessment must then be implemented prior to the development being occupied and maintained in an effective condition for the lifetime of the development.

Reason: to ensure future occupiers of the development are afforded an acceptable level of amenity and to comply with the objectives of policy HS1 of the CSDP.

9 No amplified music shall be played within any of the food and drink and drinking establishment units within the development unless a noise impact assessment is firstly submitted to and approved in writing by the LPA. The assessment shall include any mitigation required to ensure the playing of amplified music would not adversely affect the amenity of existing and future residential occupiers. Any approved mitigation must be implemented in full before any amplified music is played at the unit in question.

Reason: to ensure future occupiers of the development are afforded an acceptable level of amenity and to comply with the objectives of policy HS1 of the CSDP.

10 Any application for reserved matters must be accompanied by an updated Daylight and Sunlight assessment for the approval of the Local Planning Authority. The assessment must be informed by the detailed proposals submitted with the reserved matters application and should demonstrate that the development will not give rise to unacceptable adverse impacts on the amount of daylight/sunlight received by existing buildings and that occupiers of the development will receive acceptable levels of daylight/sunlight. The updated assessment should include details of any mitigation required to achieve these objectives and any approved measures shall be incorporated into the development prior to occupation.

Reason: to ensure future occupiers of the development are afforded an acceptable level of amenity and to comply with the objectives of policies HS1 and BH1 of the CSDP.

11 Any application for reserved matters must be accompanied by an updated Wind Microclimate Assessment for the approval of the Local Planning Authority, should the building(s) include accessible roof terraces. The assessment must be informed by the detailed proposals submitted with the reserved matters application and should demonstrate that the development will not give rise to unacceptable adverse impacts on the prevailing wind environment around the site and, where applicable, demonstrate that users of any accessible external spaces on roofs within the development would experience acceptable levels of safety and comfort. The updated assessment should include details of any mitigation required to achieve these objectives and any approved measures shall be incorporated into the development prior to occupation.

Reason: to ensure the development is acceptable in respect of the wind environment and to comply with the objectives of policies HS1 and BH1 of the CSDP.

12 No unit shall be used for purposes involving the preparation of commercial hot food until an odour abatement risk assessment has been submitted for the approval of the Local Planning Authority. The assessment should include specifications of any new extraction/ventilation system required to ensure that food odours would not adversely affect the amenity of the locality and any occupiers of the development. Any agreed extraction/ventilation system must be installed prior to the use commencing.

Reason: to ensure the development is acceptable in respect of odours and to comply with the objectives of policy HS1 of the CSDP.

13 Any application for reserved matters which includes units to be used for retail, leisure or food and drink (uses within use class E(a), (b) and (d) and sui generis uses as public house, wine bar or drinking establishment and drinking establishment with expanded food provision) must be accompanied by proposed hours of operation for these units for the approval of the Local Planning Authority. The proposed operating hours should be informed by the detailed proposals and designed to ensure that the operation of the units does not adversely affect the amenity of existing and future occupiers. Units must then operate in accordance with the approved hours.

Reason: to ensure the operation of commercial units does not adversely affect the amenity of the locality and to comply with the objectives of policy HS1 of the CSDP.

14 No external lighting to the development shall be installed until details have been agreed with the Local Planning Authority.

Reason: to ensure lighting respects local amenity and to comply with the requirements of policy BH1 of the CSDP.

15 Any reserved matters applications shall be accompanied by full details of ground levels and finished floor levels to show how the proposed development relates to site levels and adjacent land (with levels related to a fixed datum point off site), for the approval of the LPA. The development shall then be constructed in accordance with the approved ground levels and finished floor levels.

Reason: to ensure a satisfactory standard of the development in the interests of amenity and built heritage and to comply with the objectives of policies BH1 and BH8 of the CSDP.

16 Any residential accommodation delivered within the development must comply with Nationally Described Space Standards (March 2015).

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

17 Prior to first occupation of any building within the development, full details of refuse storage facilities shall be submitted to and approved in writing with the Local Planning Authority for that building. The approved facilities shall be completed on site and made available for use prior to occupation and made available to this use for the lifetime of the development.

To ensure a satisfactory form of development, in the interest of amenity and highway

safety, and to comply with policies BH1, ST2 and ST3 of the adopted Core Strategy and Development Plan.

18 Any application for reserved matters for a residential development with a height of 18m or more or 7 storeys or more must be accompanied by a fire statement for the approval of the Local Planning Authority in consultation with the Health and Safety Executive. The statement shall be informed by the detailed proposals and provide information about the fire safety design principles, concepts and standards that have been applied to the development and should be produced using the template published by the Secretary of State. All fire safety measures set out in the approved statement must then be implemented prior to the development being occupied and maintained in an effective condition for the lifetime of the development.

Reason: to ensure the development is acceptable in relation to fire risk and to accord with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

19 No construction works on any building shall commence until a detailed scheme for the disposal of surface water, following applicable hierarchies for the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority for that building, in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.

Reason: to prevent the increased risk of flooding from any sources and to comply with the requirements of policies WWE2 and WWE3 of the CSDP and the NPPF and to ensure that the development integrates appropriate rainwater harvesting and follows the new hierarchy of discharge within the Non-Technical SuDS Standards (June 2025).

20 No development, other than demolition, shall commence until details of the proposed timing of the submission of drainage verification report(s), and the extent of the SuDS features to be covered in the verification report(s), have been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that report(s) to verify the implementation of agreed sustainable drainage infrastructure will be submitted at appropriate times and to comply with policies WWE2 and WWE3 of the CSDP.

21 Drainage verification report(s) must be submitted in accordance with the timings and details approved pursuant to the discharge of condition 20 of this decision notice. The report(s), which must be produced by a suitably qualified person, shall demonstrate that all sustainable drainage systems have been constructed as per the final agreed drainage scheme and must include, in totality:

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

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

CSDP.

22 No development, other than demolition, shall commence in any part of the site until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on that part of the site (whether or not it originates on that site) has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

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

23 No development, other than demolition, shall commence in any part of the site until a detailed Remediation Scheme to bring that part of the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 187e, 187f, 196 and 197.

26 No works of construction shall commence in any part of the site until a verification report detailing the position of all boreholes installed for the investigation of soils, ground gases, groundwater or geotechnical purposes (including grouting) in that part of the site is submitted to the Local Planning Authority. The verification report shall detail how redundant boreholes have been decommissioned and how any borehole that needs to be

retained, post-development, for monitoring purposes will be secured, protected and inspected.

Reason: To ensure that redundant boreholes are safe and secure, and they do not cause preferential pathways for contamination and gas movement.

27 Prior to the occupation of any building, a report demonstrating and evidencing the effective sealing of the internal annulus of all service duct penetrations through gas resistant membranes against potential ground gas ingress shall be submitted to the Local Planning Authority. The report is subject to approval in writing by the Local Planning Authority.

Reason: To ensure that the risk from potential ingress and accumulation of ground gas, which may be prejudicial to the health & amenity of the occupants of the respective buildings, is minimised.

28 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment report dated May 2025 and prepared by DWS Ecology.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

29 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall be submitted using the Habitat Management and Monitoring Plan Template as published by Natural England and the content of the HMMP shall be consistent with the guidance contained within the Habitat Management and Monitoring Plan Checklist as published by Natural England.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

30 The site shall not come into first use until notice in writing has been received by the Local Planning Authority that the:

a) HMMP has been implemented/commenced; and
b) habitat creation and enhancement works as set out in the HMMP have been completed; and
c) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

31 The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

32 Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP. The

monitoring reports shall be prepared and submitted using the Monitoring Report Template published by Natural England.

Reason: to ensure biodiversity net gain is achieved across the application site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

33 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

(a) Risk assessment of potentially damaging construction activities.
(b) Identification of "biodiversity protection zones".
(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
(d) The location and timing of sensitive works to avoid harm to biodiversity features.
(e) The times during construction when specialist ecologists need to be present on site to oversee works.
(f) Responsible persons and lines of communication.
(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
(h) Use of protective fences, exclusion barriers and warning signs.

The CEMP must also include the following specific plans / documents:
- Pollution Prevention Plan for the ponds and watercourses near the site (using good practice guidance such as CIRIA C532)
- Mitigation / precautionary measures for the Wearmouth Riverside LWS.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the demolition and construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure demolition and construction works do not adversely affect biodiversity and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

34 Any application for reserved matters which does not incorporate the retention of the façade to the Marks and Spencer building must be accompanied by a detailed feasibility and viability assessment, which must demonstrate to the LPA's satisfaction that the retention of the façade is not viable. The submitted assessment must include a structural assessment of the façade and a report appraising the technical feasibility and financial viability of its retention and incorporation into the development. No works to the Marks and Spencer building (including any demolition works) shall commence until the assessment has been approved by the LPA.

Reason: to avoid unnecessary adverse impacts on the heritage significance of the building and to comply with the requirements of policies BH7 and BH8 of the CSDP and the NPPF.

35 Any application for reserved matters must be accompanied by an updated Sustainability Statement for the approval of the Local Planning Authority. The updated statement shall be informed by the recommendations of the Sustainability Statement submitted with the outline planning application and demonstrate how measures will be integrated into the development to achieve the sustainability objectives of the outline statement. The

development shall then be undertaken in accordance with the sustainability measures within the approved statement.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

36 No building shall be occupied until details of the cycle parking for that building have been submitted to and approved in writing by the Local Planning Authority in consultation with Active Travel England. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The building shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To comply with the objectives of policy ST3 of the CSDP and the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum.

37 No building shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) is submitted to and approved in writing by the Local Planning Authority in consultation with Active Travel England for that building. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Council.

Reason: In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling, in accordance with the objectives of policy ST3 of the CSDP.

38 No development, including demolition, shall commence until a Construction Traffic Management Plan (CTEMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CTEMP must include details of any temporary arrangements, highway closures and diversions required to accommodate demolition and construction activities. All demolition and construction activities shall then be undertaken in accordance with the approved CTEMP.

Reason: to enable the works to be undertaken safely and minimise impact where possible on the public, road users and nearby businesses and to accord with the objectives of policy ST3 of the CSDP.

39 No development, including demolition works, shall take place within 15m, measured horizontally from the outside face of the rail tunnel extrados or any tunnel shafts, without prior submission of details of ground investigation and foundations of works for the approval of the LPA in consultation with Network Rail. The submitted details shall include the type and method of construction of foundations and any increase/decrease of loading on the tunnel, both temporarily and permanently. The development shall be carried out strictly in accordance with the approved details.

Reason: to ensure rail and Metro infrastructure is not adversely affected by the development and to comply with the objectives of policy SP10 of the CSDP.

40 No development (excepting demolition works and site investigation works required to

discharge conditions of this planning permission) shall commence on any part of the site until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of landscaping and treatment of hard surfaces for that part of the site. For the avoidance of doubt, the submitted details shall be informed by the landscaping masterplan and ecological recommendations submitted with the outline application. The agreed landscaping scheme shall then be implemented in accordance with the timings set out in condition no. 42.

Reason: in order to ensure the final landscaping scheme for the development is acceptable, in the interests of visual amenity and to comply with policies BH1, BH3, NE1 and NE4 of the UDP.

41 All planting, seeding or turfing comprised in the details of landscaping (approved pursuant to condition no. 40) shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in order to ensure the success of the final landscaping scheme for the development, in the interests of visual amenity and to comply with policies BH1, BH3, NE1 and NE4 of the UDP.

42 No groundworks or development shall commence in any part of the site until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority for that part of the site. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 218 of the NPPF and Core Strategy Policies BH8 and BH9.

43 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (42) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 218 of the NPPF and Core Strategy Policies BH8 and BH9.

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

Reason: To provide an archive record of the historic building or structure and to accord

with paragraph 218 of the NPPF and Core Strategy Policies BH8 and BH9.

45 Prior to the occupation of any building within the development, a scheme in relation to counter terrorism protective security measures for that building shall be submitted for the written approval of the Local Planning Authority (in consultation with Northumbria Police). The approved scheme should include, but not be limited to, design considerations such as CCTV and physical barriers early in the design and consider site layout for vulnerabilities. Any recommended mitigation measures must then be implemented in full prior to the occupation of the building and then retained and maintained henceforth for the lifetime of the development.

Reason: To ensure a satisfactory standard of development; to design out crime in the interests of public safety; to comply with Policy SP7 of the adopted Core Strategy and Development Plan and Paragraphs 96 and 102 of the National Planning Policy Framework.

7. South Sunderland

Reference No.: 25/02142/VAR Variation of Condition

Proposal: **Variation of condition 6 (occupancy) attached to 21/02435/FUL (Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.) to extend the limit of child capacity from 50 to 75. Removal of conditions 1 (3 years) and 4 (pedestrian barriers) (additional information received (transport statement and Outdoor Space document) 08 and 19 December 2025).**

Location: Rowlandson House 1 And 2 Rowlandson Terrace, Sunderland SR2 7SU

Ward: Hendon
Applicant: Mr Vas Mukhtar
Date Valid: 22 September 2025
Target Date: 17 November 2025

PROPOSAL:

INTRODUCTION
This application has been made under s.73 of the Town and Country Planning Act (1990) and it seeks permission for a variation of condition 6 (occupancy) attached to 21/02435/FUL (Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.)

The Applicant proposes to extend the current limit of child capacity under condition 6 from 50 to 75. They have also, as part of this proposal, requested the removal of conditions 1 (3 years) and 4 (pedestrian barriers), on the basis that the conditions are no longer relevant.

The host property is located within The Cedars Conservation Area and sited at the north west end of the Edwardian period Rowlandson Terrace. The host unit turns the corner of Ryhope Road and Villette Road and is served by a lane to the rear where a set of double gates open into a yard area covering 162 square metres.

The immediate highway network is characterised by the four-arm signal-controlled junction with pedestrian phases across all arms, double yellow lines also surround the site to prevent illegal parking on or in the vicinity of the junction.

The predominant land use in the area is residential, however the land immediately to the north provides the entrance to Barley Mow Park.

An application of this nature would normally be determined under delegated powers, however it was referred to the Planning and Highways Committee by Ward Councillor Mordey.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

Neighbour Notifications

CONSULTEES:

Environmental Health
Network Management
Environmental Health
Network Management
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Planning Implementation

Neighbour consultation

Apartment 1 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 10 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 9 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 8 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 7 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 6 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 5 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 4 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 3 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 2 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 12 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Apartment 11 Montpelier House Montpelier Terrace Sunderland SR2 7UL
Flat 12 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 11 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 10 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 9 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 8 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 7 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 6 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 5 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 2 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 4 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 1 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
85A Villette Road Sunderland SR2 8RA
85 Villette Road Sunderland SR2 8RA
First Floor 3 Rowlandson Terrace Sunderland SR2 7SU
Second Floor 3 Rowlandson Terrace Sunderland SR2 7SU
31 Ryhope Road Sunderland SR2 7ST
8 Manila Street Sunderland SR2 8RS
10 Manila Street Sunderland SR2 8RS
2 Manila Street Sunderland SR2 8RS
Ground Floor 3 Rowlandson Terrace Sunderland SR2 7SU
6 Manila Street Sunderland SR2 8RS
4 Manila Street Sunderland SR2 8RS

Final Date for Receipt of Representations: **13.01.2026**

REPRESENTATIONS:

The LPA have received no representations from members of the public in relation to this application.

SCC Conservation - The Conservation Team have no comments on the VAR application.

SCC Environmental Health - Environmental Health have considered the submitted documentation including the explanation of the mode of use of the outdoor space.

The original Planning Application was supported with a noise impact assessment that was accepted following clarification of structural details and calculation of noise generated by the phased use of external activity space mitigated by boundary structures and site management. The application sets out that whilst internal capacity may increase the use of outdoor amenity space will remain phased on the basis of the same limitations of pupil numbers at any one time.

Environmental Health therefore have no objections to the proposed variation.

SCC Highways Engineer (08/10/2025) - I have reviewed the transport documents submitted to seek an increase in the use of the children's nursery at the above location.

The previous approval was based on a maximum occupancy of 50 children with a maximum of 8 staff on-site at any one time. The proposal seeks to add a further 25 places and it is expected a related increase in staffing numbers.

As stated, the consented capacity of 50 places is considered to be the maximum occupancy based upon an increase over and above the previous building use as a residential care home.

Any further increase would intensify the use of the site, and associated vehicle trips for dropping off and collecting children. The increase would also raise demand for parking space in the nearby streets for both short-stay parent/carer parking and staff parking over a shift/full day.

The condition relating to the installation of pedestrian guardrail has been discharged, and the works were completed to extend the guardrail.

Based on the above, there are objections on highway grounds to the proposed intensification of the site which would be prejudicial to highway safety and residential amenity with respect to parking in neighbouring streets.

SCC Highways Engineer (16/02/2026) - Further to the comments dated 8th October 2025 raising objections on highway grounds in relation to a proposed increase in the provision of child places from 50 to 75 and associated increase in staffing numbers.

An updated Transport Statement (dated December 2025) has been submitted for consideration which confirms staff numbers are proposed to be increase from 13 to 19. The applicant advises that currently 63 children attend the premises, but not all attend every day. It would be beneficial to understand if the approved level of 50 spaces attend daily to help understand traffic implications.

The previously installed pedestrian barrier appears to have achieved its intention by preventing short stay parking for dropping off and picking up along Villette Road near the junction with Ryhope Road. A travel leaflet has also been produced as recommended to provide parents and carers with travel information to help manage parking issues.

The nursery states that staggered drop off and collection times are in place with short stay parking taking place in neighbouring streets. This is between 7.30 to 9.00am and 3.30 to 6.00pm during the week.

It is recognised the parking takes place along Rowlandson Terrace on the Ryhope Road frontage, but it is unknown if this is local resident parking or staff / visitors to the nursery.

There are no known parking issues or complaints received from the public requesting enforcement of the current parking restrictions. Based on site visits during peak collection times, no issues with short stay or inconsiderate parking have been observed.

To assist with addressing the initial objection, can the applicant confirm the actual number of child places attending at any one time along with typical length of stay.

SCC Highways Engineer (16/03/2026) - Thank you for providing the applicant's response to the request for information on child places and typical length of stay. The applicant confirms that the property is operating within the current limit of 50 places. The current arrangements are not known to cause issues or complaints with inconsiderate or short stay parking at drop off or pick up times. Based on the redacted post code data and travel modes information, most children appear to be walked to and from the property or travel by bus.

It would be reasonable to expect that similar travel arrangements take place for the proposed increase in child places.

Based on the additional information provided by the applicant, there are no objections on highway grounds.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

BH1 – Design Quality
ST2 – Local Road Network
ST3 – Development and Transport
BH7 – Historic Environment
BH8 – Heritage Assets

COMMENTS:

PLANNING CONSIDERATIONS
National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended December 2024), which requires the planning system to contribute to the achievement of sustainable development. Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible.

As of the 30th January 2020, the Council has adopted a new Core Strategy and Development

Plan, which replaces the 1998 Unitary Development Plan (UDP).

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policies BH7 and BH8 provide backdrop to the assessment of proposals in relation to historic buildings and heritage assets, echoing the sentiments of the NPPF through giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy and by supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the pubic highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a Transport Assessment /Transport Statement and Travel Plan, a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, an appropriate level of electric vehicle parking and charging infrastructure and safeguard the existing network of Definitive Public Rights of Way.

VARIATION PROPOSAL AND CONSIDERATIONS

This application seeks permission for a variation of condition 6 (occupancy) attached to 21/02435/FUL (Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.)

Based on the supporting information submitted with the application and the responses received from consultees, it is considered that proposed increase of the current limit of child capacity under condition 6 from 50 to 75 will continue to respect the privacy and amenity of surrounding properties and members of the public.

The Council's Highways officer has given careful consideration to the proposal, taking into account the supporting material provided by the applicant's Transport Consultant and the impact the operation of the nursery currently has on highway safety and the operation of the local road network. As set out in the 'Representations' section of this report, the Highways officer has been able to conclude that the site is currently operating acceptably and that the proposed increase in the capacity of the nursery would not give rise to conditions which are prejudicial to highway safety.

On this basis, it is considered that the variation of condition 6 (occupancy) attached to 21/02435/FUL will not give rise to any unacceptable adverse impacts on local amenity or highway safety, in accordance with the requirements of policies BH1, BH7, BH8, ST2 and ST3 of the CDSP.

REMOVAL OF EXISTING CONDITIONS RELATING TO 21/02435/FUL
As part of this application, the Applicant has also requested the removal of conditions 1 (3 years) and 4 (pedestrian barriers) as part of this proposal.

The LPA can confirm that the use of the property as a nursery was commenced within the 3-year period set by condition 1 (three years) attached to the original application, and so this condition is now superfluous.

In addition to this, Condition 4 (installation of pedestrian barriers) attached to the original application was discharged under application reference 22/02790/DIS on 15th March 2023 and the Council's Highways officer has confirmed the barriers have been installed. This condition is also now superfluous.

CONCLUSION
On the basis of the above, it is considered that the proposed amendment to the approved scheme to allow an increase in the capacity of the nursery is acceptable, as it does not give rise to any design, amenity or highway concerns. The amended scheme therefore addresses the objectives of the NPPF and policies BH1, BH7, BH8, ST2 and ST3 of the CDSP and is therefore recommended for approval.

The variation of condition 6 (occupancy) attached to 21/02435/FUL (Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery) will be renumbered, in order to maintain continuity in relation to the new list of conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

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

Location Plan dated 22.09.2025.
Existing Plans and Elevations dated 12.2018.
Existing and Proposed Site Plans dated 12.2018.
Proposed Plans and Elevations dated 12.2018.

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

2 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Friday (except Bank Holidays) 06:00 to 20:00 and at no time on Saturday/Sunday.

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 travel leaflet approved under discharge of condition ref. 22/02806/DIS should be distributed to all parents/guardians prior to any child commencing attendance at the nursery.

Reason: To ensure that development has no unacceptable adverse impact on the Local Road Network and to accord with CSDP policies ST2 and ST3.

4 Notwithstanding any indication that may have been given in the submitted planning

application, the facility should be limited to 75 children at any time in the interest of highway safety and to comply with policies ST2 and ST3 of the CSDP

Reference No.: 25/02214/FUL Full Application

Proposal: **Erection of first floor extension and raised platform, rendered finished and erection of external staircase to rear. (Part retrospective) (Amended plan received on 23.1.26 to detach from neighbours property)**

Location: 4 Roker Terrace Sunderland SR6 9NB

Ward: St Peters
Applicant: Mr Neville Rodgers
Date Valid: 23 January 2026
Target Date: 20 March 2026

PROPOSAL:

SITE AND SURROUNDINGS

The site relates to a large mid terraced dwelling on the sea front at Roker Terrace. The property has two storey offshoot to the rear which extends to the wall adjacent the rear lane.

PARTIAL RETROSPECTIVE DEVELOPMENT

The development is under construction and is sited to the rear of the premises at first floor level above a single storey extension adjacent the rear lane. It is a first floor development which infills the gap between the two storey offshoot and the offshoot of No. 5, cantilevered by a pillar over the existing single storey offshoot and staircase access to the upper floor. An amended plan was received on 23.1.26 to detach from neighbours property, to ensure that the land it was developed upon belongs to the applicant.

The application has been called into planning committee for determination by Councillor Lynn Vera.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Lynn Vera
Cllr Joshua McKeith
Cllr David Newey
Planning Implementation
Environmental Health
Cllr Lynn Vera
Cllr Joshua McKeith

Cllr David Newey
Planning Implementation
Environmental Health

Neighbour Consultation

The Proprietor The Chaise Guest House 5 Roker Terrace Sunderland SR6 9NB
The Proprietor Balmoral Guest House 3 Roker Terrace Sunderland SR6 9NB
Rear 3 Roker Terrace Sunderland SR6 9NB

Final Date for Receipt of Representations: **03.03.2026**

REPRESENTATIONS: 6 letters of representation have been received to the proposed development these are summarised below:-

- Encroachment
- Inappropriate use

HIGHWAY SAFETY

- Poor access
- Traffic Generation
- Congestion
- Planning permission has already been given for land to the rear of Roker Terrace. More development will only make congestion.

UNAUTHORISED WORKS

- This raises significant concerns regarding structural integrity, building safety, and potential damage to my home. Any proposal that seeks to connect to an adjoining property must be subject to full scrutiny, with clear evidence of safety and compliance.
- The applicant has begun construction without planning permission or any consultation with neighbouring owners.
- A wooden subframe has already been physically attached to my property without consent. This raises serious concerns about the applicant's disregard for planning control and due process.
- This development was commenced illegally without planning permission and would have been completed if we had not made the council aware. It was hidden by a plastic covering avoid sighting. Clearly an attempt to avoid due process and as a local businessman I'm of the opinion he would have had knowledge of this process.
- The works were carried out intentionally without planning permission and in the knowledge that they would cause harm to neighbours who would object. Granting retrospective consent would reward deliberate breach of planning control and undermine confidence in the system

LPA Response - The LPA have been made aware of the unauthorised structure and as such the planning application invited and submitted for determination. An amended plan has been submitted to show the structure detached from the neighbour’s property and to be implemented within a timescale to be decided by the LPA.

NOISE

- a raised, hard-surfaced platform that will act as a noise reflector and amplifier directed towards the rear of my property and the bedrooms of neighbouring properties
- Noise from recent late night parties.
- negative impact on the character and amenity of the area.
- noise and disturbance potential,
- Current regular complaints regarding noise
- adjacent properties, B&Bs and holiday lets of their concerns regarding non returning clients due to the noise and disturbance.
- The proposed sauna and steam room use will unavoidably generate significant noise from mechanical ventilation, pumps, and use by occupants and guests.
- would exacerbate an existing noise issue to the detriment of neighbouring amenity. The development is therefore contrary to local plan policies protecting residential amenity.

LPA - The LPA would not be able to determine whether the proposal would lead to noise and disturbance and any noise issues would be dealt with by the Council's Public Protection and Regulatory Services Team should they occur as a result of the proposal.

AMENITY

- wholly inappropriate and outside the character of the street scene.
- Inappropriate within the Conservation area
- Impact on visual amenity
- unacceptable loss of residential amenity
- The Council has a duty to protect residents from proposals that undermine the character, safety, and amenity of the neighbourhood
- mechanical ventilation, pumps, and potentially chemical water-treatment systems. These installations are likely to produce noise and odour, further harming residential amenity
- No technical information or mitigation measures have been provided to demonstrate that such impacts can be controlled to an acceptable level.
- The amendment shows this development is now 25mm from the property - less than 1 inch! In my view this would still clearly give the impression that the detached property next door is NOT detached.
- As stated above the other objections re noise and anti social behaviour still remain pertinent. In addition I note the comments from Roker Park Conservation and agree that the whole building has already been extensively altered and this would further worsen the appearance
- The proposed extension, by physically connecting to my external wall, would alter this status and materially affect its character and value.

LPA - The character of the Conservation area and amenity would be dealt with in the relevant sections of the report below.

CONSULTATION

At no time was any consultation made with local people and there have been no public notices on lamp posts because it was started without planning.

LPA RESPONSE-

Neighbour notification has been undertaken along with the display of public notices posted

nearby, the development has also been in advertised in the Sunderland Echo as the development is with the Roker Park Conservation Area.

NON MATERIAL CONSIDERATIONS

- Another example of avoiding due legal process.
- Reducing trade revenue from local B and B's
- Devaluation of property and saleability
- damage guest comfort and the reputation and viability of the businesses. This is a material economic impact on a legitimate local enterprises
- This would effectively create a semi-detached pair where one does not currently

LPA - The above points are not material considerations that can be taken into account in the determination of the application.

- No party wall agreement or structural assessment to protect neighbouring property
- Risk of damp penetration

LPA Response - The above points are civil matters between the parties involved and the LPA cannot predict that there would be damp penetration.

- unauthorised commencement,
- Encroachment
- physical attachment to an adjoining property without consent,

LPA Response - The LPA are aware of the unauthorised structure and the physical attachment and any impact as a result of the development is a civil matter between the parties involved. It is noted that the amended plan has detached the structure from the neighbouring property.

Further objections following neighbour notification: -

- Failure to preserve or enhance the Roker Park Conservation Area

LPA Response - The above point will be considered in the report below.

- Poor design 25mm gap is not meaningful and is inaccessible for maintenance
- Possible damp due to lack of ventilation between Mews House and the structure

LPA Response - Maintenance of the structure and possible damp are civil matters between the two parties and not a material considerations.

Environmental Health - No objections

Engineers - No objections

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

In the Core Strategy and Development Plan the site is subject to the following policies;

BH7 - Historic Environment
BH8 - Heritage Assets
BH1 - Quality Design
HS1 - Quality of life and amenity

COMMENTS:

PRINCIPLE OF DEVELOPMENT

The site is subject to policy EN10 which was retained from the Unitary Development Plan (UDP), which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and as such, the extension, being residential in nature reflects the existing pattern of land use.

The site is allocated within the Roker Park Conservation Area and is subject Policies BH7 and BH8 of the Core Strategy Development Plan (CSDP) which state that to preserve or enhance the significance of Conservation Areas development should be in accordance with the objectives and proposals of the adopted Character Appraisal and Management Strategy for the relevant Conservation Area, should make a positive contribution to the character and distinctiveness of the Conservation Areas and should be of a high design quality.

The conservation team commented that Roker Park Conservation Area was declared in 1995 in recognition of its architectural and historic interest. Centred upon a registered Historic Park and Garden, it includes many fine examples of Victorian and Edwardian terraced housing, several individual buildings of note and the seafront and promenade areas. Roker Terrace was constructed in the 1840s and is one of the earliest groups of historic properties within the designated conservation area, shown on the first edition OS Map and included on the 1861 census.

Many of the properties on Roker Terrace have elongated rear additions but there is some undulation in single and two storey additions along the rear lane to break up the bulk of those, which also allows glimpses through to the original terraced properties.

The Conservation officer has commented that adding a further extension of low design quality would be a positive change in this part of the conservation area. No.4 has been extensively altered and extended in phases, with the footprint of the rear additions now consuming the majority of the rear yard. The age of these is unclear but some additions are shown on the 1954 OS Map. The case officer should consider whether the accumulative volume of the additions is disproportionate to the scale of the original dwelling.

The Conservation officer recommended changes to the extension to enhance the proposal.
In terms of adding a pitched roof, a slight set back from the ground floor and addition of a window would improve the design quality in compliance with Policies BH7 and BH8 of the CSDP. The applicant wanted the development considered as submitted, therefore the Local Planning Authority has considered the application as submitted.

The small addition of the infill extension with a flat roof in the current setting in a back lane, would not be considered to lead to adverse harm to the visual amenity of the of the adjacent properties or the street scene. The roofscape would not be entirely visible to the street scene and as such would not be considered to amount to an adverse level to harm to the amenity and character of the conservation area in this instance.

On planning balance based on the other extension is close proximity to the application it would be considered unreasonable to recommend a refusal.

DESIGN AND AMENITY /RESIDENTIAL

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraph 131 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, create better places in which to live and work and helps make development acceptable to communities.

Policy 135 of the NPPF Planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;
and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

The finished design of the structure would be rendered to match that of the existing properties within the street scene it would adjoin two other rendered structures, albeit with a flat roof. The development is surrounded by a row of pitched roofs, although there are other flat roofed extensions within the streetscene

It has been suggested to the applicant, following the conservation team comments a setback, window and a pitched roof would be preferred to enhance the design of the structure, however the applicant has declined to offer such a design and the application is to be determined with a flat roof, as originally submitted.

Based on planning balance and the small scale nature of the proposed extension and given its location within the current street scene there are other flat roofed developments within the rear lane setting and as such it would not be considered to be incongruous and not setting a precedent for first floor developments.

The structure has no windows, it does not have a permanent platform and is screened by the neighbouring properties. The proposed development is considered not to lead to any adverse overlooking to the windows of the neighbouring dwellings due to its subordinate position in relation to the adjacent property and the distance from neighbouring properties. It is therefore considered that there minimal impact to the amenity of neighbouring properties and would comply with Policy BH1 in this respect.

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse environmental 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;

The Council's Public Protection and Regulatory Services have no objections to the development in terms of noise and as such it is considered to comply with Policy HS1 of the CSDP.

Based on the scale and nature of this small infill development it is not considered the development will cause any significant adverse impacts on the surrounding residential properties.

CONCLUSION

The proposal is broadly in accordance with relevant SPD guidelines, CSDP, UDP policies and NPPF. It is considered to be acceptable in the street scene and leads to no adverse harm to visual or residential amenity of neighbouring area.

It is therefore considered that members are recommended to Approved the application subject to the draft conditions. Set out 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;

o sex;
o sexual orientation.

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: APPROVE the application, subject to the draft conditions set out below

Conditions:

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

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

- Amended proposed plan received on 23.1.26
- Existing plan received on 29.9.25
- Location plan received on 29.9.25

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building.

Reason: In the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

Reference No.: 25/02288/VA4 Variation of Condition (Reg 4)

Proposal: **Application for variation of conditions 2, 4, 13, 14, 16, 22, 23, 25 and 26 attached to planning permission 24/00562/FU4 to allow for amendments including relocation of previously approved buildings, provision of substation and amendments to previously approved design (including alterations to the height of previously approved buildings, amendments to the proposed landscaping and alterations to noise mitigation measures)**

Location: Land Bound By High Street West, Villiers Street, Coronation Street And Nile Street (excluding 177 High Street West And 1-2 Villiers Street) And Site Of 19-21 Nile Street, Sunderland, SR1 1EY.

Ward: Hendon
Applicant: Siglion Developments LLP
Date Valid: 16 October 2025
Target Date: 15 January 2026

PROPOSAL:

The application seeks to vary conditions following a grant of planning permission at Nile / Villiers Street, Sunderland.

The initial planning permission will be repeated below (ref: 24/00562/FU4):
"Construction of two to four storey buildings to provide a mixed-use development comprising 75 dwellings (use class C3) and up to 10 units at ground floor for commercial, business and service (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2) including associated open space, drainage, communal refuse and cycling storage, and energy infrastructure"

The submitted application form describes the reason for proposed the variation as "Third party design development".

The proposed variations, as described in the submitted covering letter, will be repeated below.
"… Landscape proposals have been updated to align with technical design solutions and site constraints… BNG and Habitat and monitoring plans updated accordingly to reflect development. Additionally, the previously proposed 'micro grid' and battery storage infrastructure have been removed. These will be replaced by a conventional substation located at the southern boundary bordering Coronation Street…
… Following a review of site constraints, building plots have been relocated to avoid utilities. Commercial Block H (Nile Street) has moved approximately 1m north toward High Street West. Residential Block A (19-21 Nile Street) has moved approximately 1m west along Coronation Street..."

The submitted application form says that development started on 5 March 25.

TYPE OF PUBLICITY:
Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:
Natural Heritage
Planning Implementation
NE Ambulance Service NHS Trust
Tyne And Wear Archaeology Officer
Planning And Highways
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Flood And Coastal Group Engineer
Network Management
Historic England
Chief Fire Officer
Planning Implementation
Land Contamination
Natural Heritage
Environmental Health
Northumbria Police
Planning Policy
Northumbrian Water
Flood And Coastal Group Engineer
Network Management
Planning Implementation
Natural Heritage
Environmental Health
Northumbria Police
Natural Heritage

Neighbour Consultation
Apartment 1 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 22 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 21 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 20 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 19 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 18 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 17 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 16 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 15 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 14 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 13 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 12 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 11 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 10 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 9 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 8 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 7 Biscop House Villiers Street Sunderland SR1 1ER

Apartment 6 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 5 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 4 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 3 Biscop House Villiers Street Sunderland SR1 1ER
Apartment 2 Biscop House Villiers Street Sunderland SR1 1ER
Pop Recs Ltd 172 - 175 High Street West Sunderland SR1 1UP
Unit 8 42 Villiers Street Sunderland SR1 1HA
GT Car Cosmetics 39 Villiers Street Sunderland SR1 1HA
Sunshine Co-Operative 170 - 171 High Street West Sunderland SR1 1UP
44 Villiers Street Sunderland SR1 1HA
The Chandelry 55 - 57 Villiers Street Sunderland SR1 1HA
1 Villiers Street Sunderland SR1 1HA
A Share And Sons Ltd 45 - 49 Villiers Street Sunderland SR1 1HA
43 Villiers Street Sunderland SR1 1HA
Childrens Services 58 Villiers Street Sunderland SR1 1HA
170 High Street West Sunderland SR1 1UP
Ford Auto Parts 53 Villiers Street Sunderland SR1 1HA
MJE Auto Tech And Recovery 38 Villiers Street Sunderland SR1 1EJ
SCS 46 Villiers Street Sunderland SR1 1HA
Made4The Cage Fight Academy 41 Villiers Street Sunderland SR1 1HA
High Street Tyres 177 High Street West Sunderland SR1 1UF
Former Barnes Car Sales 2A Villiers Street Sunderland SR1 1HA
Discount Suite Centre 52 Villiers Street Sunderland SR1 1HA
North Eastern Catering & Vending Ltd 40 Villiers Street Sunderland SR1 1HA
Social Services (Sure Start) 176 High Street West Sunderland SR1 1UP
Black Omen Tattoo And Piercing 29A East Cross Street Sunderland SR1 1UE
Flat 2 28 East Cross Street Sunderland SR1 1UE
Flat 1 28 East Cross Street Sunderland SR1 1UE
Rear Of 139 High Street West Sunderland SR1 1RN
Dotties Kitchen Ground Floor 137 High Street West Sunderland SR1 1UN
Meat Direct Cash And Carry 138 High Street West Sunderland SR1 1UN
Flat 1 29B East Cross Street Sunderland SR1 1XB
Kitchen King 139 High Street West Sunderland SR1 1RN
Mini Mart 29 East Cross Street Sunderland SR1 1UE
Arabesque Retail Unit 144 High Street West Sunderland SR1 1UN
Apartment 7 142 High Street West Sunderland SR1 1UN
Apartment 6 142 High Street West Sunderland SR1 1UN
Apartment 5 142 High Street West Sunderland SR1 1UN
Apartment 4 142 High Street West Sunderland SR1 1UN
Apartment 3 142 High Street West Sunderland SR1 1UN
Apartment 2 142 High Street West Sunderland SR1 1UN
Flat 3 28 East Cross Street Sunderland SR1 1UE
Flat 5 144 High Street West Sunderland SR1 1UN
Flat 4 144 High Street West Sunderland SR1 1UN
Flat 3 144 High Street West Sunderland SR1 1UN
Flat 2 144 High Street West Sunderland SR1 1UN
Flat 1 144 High Street West Sunderland SR1 1UN
15A Nile Street Sunderland SR1 1EY
Creative Cohesion 21 Nile Street Sunderland SR1 1EY
20 Nile Street Sunderland SR1 1EY
18 Nile Street Sunderland SR1 1EY
Flat B Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Spray Fast Garage 13 - 14 Nile Street Sunderland SR1 1EY

J Connolly Accountants 19 Norfolk Street Sunderland SR1 1EA
Former City Auto Repair Specialists 19 Nile Street Sunderland SR1 1EY
16 Nile Street Sunderland SR1 1EY
Flat A Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
18B Norfolk Street Sunderland SR1 1EA
18 Norfolk Street Sunderland SR1 1EA
Flat H Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Flat G Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Flat F Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Flat E Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Flat D Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
Flat C Sunniside Park 21 Norfolk Street Sunderland SR1 1EA
18A Norfolk Street Sunderland SR1 1EA
Valet Master 11 - 12 Nile Street Sunderland SR1 1EY
De Cruz Hair And Beauty 20 Norfolk Street Sunderland SR1 1EA
Jed Mcormack Architects 17 Nile Street Sunderland SR1 1EY
M And H Suites And Beds 5 - 8 Nile Street Sunderland SR1 1EZ
First Floor 20 Norfolk Street Sunderland SR1 1EA
Former C V Kerrigan And Son 15 Nile Street Sunderland SR1 1EY
Flat 8 Second Floor 137 High Street West Sunderland SR1 1UN
First Floor 137 High Street West Sunderland SR1 1UN
Second Floor 137 High Street West Sunderland SR1 1UN
Flat 1 First Floor 137 High Street West Sunderland SR1 1UN
Flat 2 First Floor 137 High Street West Sunderland SR1 1UN
Elevate Academy Of Dance 142 High Street West Sunderland SR1 1UN
Apartment 1 142 High Street West Sunderland SR1 1UN
Flat 9 Second Floor 137 High Street West Sunderland SR1 1UN
L M & S D Robson 28 East Cross Street Sunderland SR1 1UE
Flat 2 20 Norfolk Street Sunderland SR1 1EA

Final Date for Receipt of Representations: **02.04.2026**

REPRESENTATIONS:

Ambulance - no response received.

Archaeology, "no comments".

Conservation Officer, "no objections".

Contaminated Land Officer, "no objection"

Ecology - an update will be provided.

Education - no response received.

Environment Agency - no response received.

Environmental Health, "It is considered reasonable to accept the proposal to remove the acoustic fencing".

Fire Service, "no objections".

Historic England, "we are not offering advice".

Housing - no response received.

Lead Local Flood Authority, "no comments".

Local Highway Authority, "no objections".

Northumbria Police, "no further comments to make".

Northumbrian Water - no response received.

Ward Cllrs - no response received.

POLICIES
The following Core Strategy and Development Plan policies are relevant to the consideration of this application:

BH1, BH7, BH8, BH9, NE9, WWE2, WWE3, WWE4, WWE5, HS3, ST2, ST3

COMMENTS:

The relevant matters for consideration are detailed matters in relation to the proposed variation, which can be seen below.

Amenity
The submitted Façade acoustic specifications says that the proposed variation seeks to replace the previously approved mechanical ventilation and heat recovery (MVHR) with "introduction of trickle vents... to achieve ventilation requirements".

The variation further proposes the omission of a previously approved acoustic fence for the external areas to the south of the site. The submitted Reconsideration of Acoustic Fences in Communal Amenity Areas says that a "solid acoustic fence may not deliver sufficient additional noise mitigation benefits" and that an "alternate boundary treatment - whether permeable fencing or landscape edges - it is possible to upload acceptable noise levels". The report concludes by saying "it is proposed that slightly high sound levels are acceptable if open boundary treatments bring more substantial benefits".

The Environmental Health Officer has advised that the "glazing specifications are acceptable", the "specifications of the trickle ventilators are also acceptable" and that the "external wall constructions... are acceptable...". They have also advised that "it is considered reasonable to accept the proposal to remove the acoustic fencing from the scheme in this specific instance".

The proposal would therefore accord with policy HS2 (noise sensitive development) of the Core Strategy and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Design
Although made within a heritage context, the Conservation Officer has advised that the proposed development would make "a positive contribution to local character and distinctiveness".

Northumbria Police have advised that they "have no further comments to make with regard to this development".

The advice from the Fire and Rescue Service will be repeated below.
"Please advise if this is to be timber framed construction.
The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.
Further comment will be made on receipt of a Building Regulations submission."

In response, the construction material for the frames of the buildings would not be a planning matter and the report described in the second paragraph of the response relates to the Building Regulations.

The proposal would therefore accord with the relevant policy within the development plan policies (BH1 and NE9 of the Core Strategy and SA55B.1 of alteration No. 2) and there are not any material considerations which indicate a decision should be made otherwise; subject to the recommended conditions.

Drainage
The Agent has said that "none of the proposed changes affect the drainage as agreed". The Lead Local Flood Authority have subsequently advised that they have "no comments". The proposal would therefore accord with the relevant policies within the development plan (WWE2, WWE3, WWE4 and WWE5) and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Ecology
The Agent has recently submitted a Draft Habitat Management and Monitoring Plan and a Biodiversity Net Gain Assessment. An update will be provided once a consultation response has been received from the Council's Ecologist.

Groundworks
The Contaminated Land Officer has advised they have "no objection". The proposal would therefore accord with the relevant policy within the development plan (HS3) and there are not any material considerations which indicate a decision should be made otherwise; subject to the recommended conditions.

Heritage
The Heritage Statement submitted with the initial application for planning permission identified the relevant heritage assets - namely the northern area of the site forming part of a Conservation Area (Old Sunderland Riverside), a further Conservation Area to the west (Sunniside) and nearby Grade II listed buildings (145, 170/1, 173 & 176 High Street West and 24-5 Sunderland Street).

The advice from the Conservation Officer will be repeated below.
"The proposed amendments will not noticeably affect the overall design quality of the residential-led development scheme or its positive impact on the settings of the adjacent Sunniside and Old Sunderland Riverside Conservation Areas and listed buildings within them.

The vibrant traditional colours selected from the Sunniside play book for the timber shopfronts on the recently submitted amended commercial frontage drawing is encouraging, these will complement the adjacent / nearby shop fronts at 177 High Street, 170-176 High Street West and the approved new shop fronts for Register Buildings and help enliven the historic High Street of the Sunniside creative neighbourhood.

Overall, the proposed development will… enhance the character and significance of the historic high street, Old Sunderland Riverside Conservation Area and the settings of the Sunnside

Conservation Area and listed buildings within both conservation areas, as well as making a positive contribution to local character and distinctiveness."

The Archaeology Officer has advised that they have "no comments" and Historic England have said that, "we are not offering advice".

The proposal would therefore accord with the relevant development plan policies (BH7, BH8 and BH9) and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

The above also means that the Council can record that a decision will be made in accordance with the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); which will be repeated below.

"66 General duty as respects listed buildings in exercise of planning functions.
(1) In considering whether to grant planning permission… for development which affects a listed building or its setting, the local planning authority… shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
72 General duty as respects conservation areas in exercise of planning functions.
(1) In the exercise, with respect to any buildings or other land in a conservation area… special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Highway
The Local Highway Authority have advised that they have "no objection". The proposal would therefore accord with the relevant policies within the development plan (ST2 and ST3) and there are not any material considerations which indicate a decision should be made otherwise; subject to the recommended conditions / informatives.

Obligations
The legal agreement completed for the initial grant of planning permission included wording to ensure any subsequent application submitted under Section 73 of the Town and Country Planning Act 1990 (such as the current application) would be subject to the same obligations.

Summary
The proposed variation would accord with the relevant policies within the development plan and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;

- race;
- religion or belief;
- sex;
- sexual orientation.

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: GRANT PLANNING PERMISSION under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to:

1. the draft conditions below
2. the receipt of a positive consultation response from the Council's Ecologist (including any additional / amended conditions)

Conditions:

1 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
- Site Plan . As Proposed (2321-XSA-00-ZZ-DR-A-2200 P1-2)
- Housing . 2B4P Terrace . Plans (2321-XSA-05-ZZ-DR-A-2100 P1-1)
- Housing . 2B 4P Terrace . Elevations (2321-XSA-05-ZZ-DR-A-2400 P1-1)
- Housing . 3B6P Terrace . Plans (2321-XSA-01-ZZ-DR-A-2100 P1-1)
- Housing . 3B6P Terrace . Elevations (2321-XSA-01-ZZ-DR-A-2400 P1-1)
- Housing . Commercial . Maisonette . Plans (2321-XSA-04-ZZ-DR-A-2100, P1-1)
- Housing . Commercial Maisonette . Elevations (2321-XSA-04-ZZ-DR-A-2400 P1-2)

- Housing . Typical End of Terrace Maisonette . Plans (2321-XSA-02-ZZ-DR-A-2100 P1-1)
- Housing . Typical End of Terrace Maisonette . Elevations (2321-XSA-02-DR-A-2400 P1-2)
- Housing . Typical End of Terrace Maisonette . Plans (2321-XSA-03-ZZ-DR-A-2100 P1-1)
- Housing . Typical End of Terrance Maisonette . Elevations (2321-XSA-03-ZZ-DR-A-2400 P1-2)

- Landscape General Layout BNG Remeasure (SCC-LS-001 T09)
- Coronation Street . Boundarys Sketch Copy 1 (2321-XSA-00-ZZ-DR-A-2403 P1)
- Substation . Bin Storage . Coronation Street (2321-XSA-07-ZZ-DR-A-3100 P2)
- Refuse Storage (2321-XSA-06-ZZ-DR-A-3100 P1-1)
- Commercial Maisonettes . Ground Floor (2321-XSA-Cm-00-DR-A-2110 P1-2)
- Commercial Frontage (2321-XSA-00-ZZ-DR-A-2401 P1-5)
- Façade acoustic specifications (11021.6, Revision A)
- Site Elevations . As Proposed (2321-XSA-00-ZZ-DR-A-2400 P1-5)
- Site Elevations . Rear Terrace Elevations (2321-XSA-00-ZZ-DR-A-2402 P1)
- Site_Sections . As Proposed (2321-XSA-00-ZZ-DR-A-2300 P1-1)
- Materials . Condition (2321_NILE + VILLIERS. ELEVATION MATERIAL)

- Remediation and Earthworks Strategy (Issue V2), as approved via ref: 24/02264/DIS.

- Drainage Catchment Layout Sheet 1 (Drawing No. 2920-CIV-XX-XX-D-C-30003, Rev P02), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Catchment Layout Sheet 2 (Drawing No. 2920-CIV-XX-XX-D-C-30004, Rev P02), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 1 (Drawing No. 2920-CIV-XX-XX-D-C-31001, Rev P04) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 2 (Drawing No. 2920-CIV-XX-XX-D-C-31002, Rev P02) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 3 (Drawing No. 2920-CIV-XX-XX-D-C-31003, Rev P02) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 xsite architecture LLP Unit 2.11 i4-Quayside Albion Row Newcastle upon Tyne NE6 1LL Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 4 (Drawing No. 2920-CIV-XX-XX-D-C-31004, Rev P01) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 5 (Drawing No. 2920-CIV-XX-XX-D-C-31005, Rev P01) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS

- Drainage Details Sheet 6 (Drawing No. 2920-CIV-XX-XX-D-C-31006, Rev P02) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Drainage Details Sheet 7 (Drawing No. 2920-CIV-XX-XX-D-C-31007, Rev P01) as found within Appendix C (Drainage Details), as found within Appendix B (Source Control and Water Treatment Layout) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Surface Water Drainage Layout Sheet 1 (Drawing No. 2920-CIV-XX-XX-D-C 30001, Rev P05) as found within Appendix D (Surface Water Drainage Layout and Manhole Schedule) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Surface Water Drainage Layout Sheet 2 (Drawing No. 2920-CIV-XX-XX-D-C 30002, Rev P04) as found within Appendix D (Surface Water Drainage Layout and Manhole Schedule) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Proposed Surface Water Manhole Schedule - Nile & Villiers (Sheet 1) as found within Appendix D (Surface Water Drainage Layout and Manhole Schedule) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- Proposed Surface Water Manhole Schedule - Nile & Villiers (Sheet 2) as found within Appendix D (Surface Water Drainage Layout and Manhole Schedule) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS
- 24 Hour Draindown Sketch as found within Appendix F (24 Hour Attenuation Tank Drain Down Sketch) of Document No: 2920 - Condition 20 Discharge (Revision No P02), as approved via ref: 25/00543/DIS

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

2 The construction phase of the development hereby approved shall be undertaken in accordance with the details below:

- Construction Environmental Management Plan (Rev 1), as approved via ref: 24/02281/DIS
- archaeological watching brief written scheme of investigation 24133 (as approved via ref: 24/02280/DIS)

Reason: To ensure the recording of archaeology and highway safety during the construction phase, in accordance with policies BH8, BH9, ST2 and ST3 of the Core Strategy.

3 Notwithstanding the materials approved via condition 1, no development shall take place on the roof the commercial frontage until details and / or samples of the proposed natural slate has been submitted to and approved in writing by the Local Planning Authority. The roof shall thereafter be constructed from the approved slate.

Reason: To ensure, in accordance with policy BH1, BH7 and BH8, the proposal has a high quality design and preserves designated heritage assets.

4 No external mechanical plant or equipment shall be installed until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The

assessment shall be prepared in accordance with BS4142:2014 (or any replacement thereof). The assessment shall show that the rated noise level at the nearest sensitive receptor shall be not exceed the typical measured background value during day and nighttime. The assessment shall also include plan and elevation drawings (prepared to a recognised metric scale) of the proposed external mechanical plant or equipment. The external mechanical plant or equipment shall thereafter be installed and maintained in accordance with the approved details.

Reason: To preserve amenity, in accordance with policy HS1 of the Core Strategy.

5 No commercial kitchen shall be installed within the commercial units hereby approved until an odour risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a suitable scheme of odour abatement to ensure that there are no adverse impacts associated with cooking odours. The approved odour abatement shall thereafter be installed and maintained in accordance with the approved details.

Reason: To preserve amenity, in accordance with policy HS1 of the Core Strategy.

6 No development shall take place in relation to the public artwork, as labelled on the submitted Commercial Frontage (2321-XSA-00-ZZ-DR-A-2401 P1-5), until details have been submitted to and approved in writing by the Local Planning Authority. The artwork shall thereafter be displayed in accordance with the approved details.

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

7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 180f, 189 and 190

8 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks, as detailed within the previously approved archaeological watching brief written scheme of investigation 24133 (as approved via ref: 24/02280/DIS) have been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 211 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 180f, 189 and 190.

10 The development hereby approved shall not be brought into first use until verification reports that cover all sustainable drainage systems relevant to the site and demonstrate that these systems have been constructed as per the agreed scheme have been submitted to and approved in writing by the Local Planning Authority.

The verification report(s) shall be prepared by suitably qualified persons and include

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

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

11 Within a year of the occupation of the final dwelling house, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include results of a baseline travel survey and a series of targets, monitoring and review and remedial measures. The development hereby approved shall thereafter be managed in accordance with the approved full travel plan.

Reason: To ensure sustainable transport, in accordance with policies ST2 and ST3 of the Core Strategy.

12 The ground floor space, labelled as "Commercial" on the submitted using . Commercial . Maisonette . Plans (2321-XSA-04-ZZ-DR-A-2100, P1-1) shall only be used for

commercial, business and service (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2).

Reason: To accord with the submitted details.

Reference No.: 25/02328/FUL Full Application

Proposal: **Proposed change of use from C4 (6 bed, 6 person) HMO to a 6 bed, 9 person HMO (Sui Generis) by allowing double occupancy in Bedrooms 1, 3, and 4. (Travel plan received 19.02.2026).**

Location: 83 Thompson Road, Sunderland SR5 2JJ

Ward: Southwick
Applicant: Shalisha Patrick
Date Valid: 21 October 2025
Target Date: 16 December 2025

PROPOSAL:

DESCRIPTION OF SITE AND SURROUNDINGS

The application property is a two storey mid terrace property located within a wholly residential setting in Sunderland. The application property is set back from the public highway and footway which bound the front of the property. To the rear, beyond a yard serving the application property (which is bounded by typically high boundary treatment (and itself punctuated by a doorway and roller shutter door)) a lane from where which vehicular access to and from the terrace may be taken. The application property is adjoined by no. 81 and 85 Thompson Road.

PROPOSED DEVELOPMENT

The current use of the property is a 6no. bed, 6no. person House in Multiple Occupation ('HMO') (Use Class C4), which was authorised for planning purposes following the approval of a Lawful Development Certificate in May 2025 (application ref. 25/00665/CLP). This established that the change of use of the existing dwellinghouse to a 6no. bedroom HMO addressed the requirements of Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and thus constituted 'permitted development' and, by extension, did not require planning permission from the Local Planning Authority. That is to say, the change of use was, therefore, considered to be 'lawful' for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended) and a lawful development certificate was granted on this basis.

The current application seeks planning permission for a change of use from a 6 bed, 6 person House in Multiple Occupation ('HMO') (Use Class C4) to a 6 bed, 9 person HMO (Sui Generis) which is to be achieved courtesy of double occupation of bedrooms 1, 3, and 4. Excepting erection of a waste bin storage shelter (which would not, in of itself, require planning permission) within the rear yard, no external works are proposed.

TYPE OF PUBLICITY:
Site Notice Posted
Neighbour Notifications

CONSULTEES:
Network Management

Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels
Environmental Health
Planning Policy
Northumbria Police
Network Management

Neighbour Consultation
40 Morgan Street Sunderland SR5 2HL
38 Morgan Street Sunderland SR5 2HL
80 Thompson Road Sunderland SR5 2JW
1 Ridley Street Sunderland SR5 2JN
85 Thompson Road Sunderland SR5 2JJ
81 Thompson Road Sunderland SR5 2JJ

Final Date for Receipt of Representations: **13.03.2026**

REPRESENTATIONS:

Publicity
The occupiers of neighbouring properties in the vicinity of the application site (including those adjoining the curtilage of the application site) were sent neighbour notification letters. Site notices were posted in the vicinity of the application site which ensures that the Local Planning Authority has, in the interests of openness and transparency, dutifully fulfilled the requisite statutory obligations.

- Site notice expiry date: 12/11/2025
- Neighbour notification expiry dates: 11/11/2025 & 13/03/2026
- Consultation expiry dates: 11/11/2025 & 13/03/2026

Neighbour Representations

4 no. representations have been received objecting to the application. These are summarised as follows:

Representations - Object

Siting/Amenity

o Loss of character within the locality
o Concern in respect of impact to residential character and community cohesion

Residential Amenity

o Concern in relation to a loss of privacy / overlooking
o Concern in relation to a loss of light / overshadowing
o Concern in relation to increased noise
o Concern re scope for antisocial behaviour

Highway Safety/Matters

- Concern in relation to increased traffic and congestion
- Highway and pedestrian safety concerns
- Concern in relation to increased demand for parking where there is limited availability
- Concern that each occupant could own a separate vehicle, increasing demand for limited available on-street parking space

Other Matters (Miscellaneous)

- Concerns proposal would affect property value
- Increased demand for services including waste collection, parking, public infrastructure, diminishing quality of life for local residents

It is considered pertinent to address some of the abovementioned points at this juncture. Owing to the fact that there are to be no external alterations, there is to be no fresh impacts to residential amenity in respect of a loss of privacy/overlooking and/or a loss of light or overshadowing. Separately, whether a proposal affects property values or not does not constitute a material planning consideration.

The remaining abovementioned points will be respectively and duly responded to in the proceeding sections.

Consultation Response

Ward Councillors
Councillor Michael John Butler: Formally requested in writing (via an email received 08/11/2025) that the application be heard and determined by the Planning and Highways Committee.

Network Management

First response (received 29/10/2025):

"A plan giving details of car parking provision is required."

Second response (received 05/03/2026):

"The proposal seeks to intensify the existing use of the property from a 6-bedroom, 6-person House in Multiple Occupation (Use Class C4) to a 6-bedroom, 9-person HMO (Sui Generis) through the introduction of double occupancy in three of the bedrooms. This represents a notable increase in the number of occupants at the site and is likely to result in an associated increase in vehicle ownership and trip generation.

The application site does not benefit from any off-street parking provision. The surrounding highway network on Thompson Road and the adjoining streets is characterised by predominantly on-street parking, which is already subject to pressure from existing residential demand. In addition, sections of the surrounding streets are subject to parking restrictions, further limiting the availability of lawful parking spaces.

The intensification of the use of the property is therefore likely to increase demand for on-street parking in an area where parking capacity is already constrained. This would likely lead to additional indiscriminate or obstructive parking on the surrounding highway network, to the detriment of highway safety, traffic flow, and residential amenity.

In the absence of any mitigation measures or off-street parking provision to accommodate the likely increase in parking demand associated with the proposed intensification, the development would place additional pressure on the surrounding highway network.

Future Transport recommends that planning permission is refused for the following reason:

The proposed intensification of the property from a 6 person HMO (Use Class C4) to a 9 person HMO (Sui Generis) would likely result in an increase in vehicle ownership and parking demand. As the site provides no off-street parking and is located within an area where on-street parking availability is limited and subject to restrictions, the development would likely lead to increased on-street parking pressure, potentially resulting in obstructive or unsafe parking practices. This would be detrimental to highway safety and the free flow of traffic on the surrounding highway network. The proposal is therefore considered to represent an over-intensification of the site and is contrary to the aims of policies within the adopted Local Plan which seek to ensure that development does not adversely impact upon highway safety or the operation of the local highway network."

Environmental Health

No objection subject to informative, as recommended.

Ecology

No objection. If minded to be approved, the proposal would be subject to fulfilling terms of a legal agreement pursuant to making the requisite contribution incidental to a Habitats Regulations Assessment planning obligation.

Northumbria Police

No objection. Comments made as follows:

First response (received 05/11/2025):

"…Northumbria Police have concerns with the increase in residents, even thought the HMO has been established for a number of years, it has the potential to increase the issues within the dwelling including Domestic situations or inter resident issues.

Also with the increase in residents the likelihood that there will be an increase in the number of vehicles which may cause tension in the local area.

Though Northumbria Police will not be objecting to the increase we have concerns that the development has the potential to increase demand on the police if not managed correctly…"

Second response (received 01/12/2025):

"…As the HMO has already been operating for a number of years and has not as yet created any extra demand on the police.

But with the increase in numbers within the dwelling may increase the demand.

The increase may mean an increase in vehicle associated with the dwelling, thought he previous incident history has not shown that there has been an issue with the current numbers but with the

increase it could cause issues because of the increase in vehicles.

Northumbria Police have concerns with any increase to HMO's in the Northumbria Area."

POLICIES:

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

HS1 - Quality of life and amemity
H6 - Homes in Multiple Occupations
BH1 - Quality Design
NE2 - Biodiversity and Geodiversity
ST2- Local Road Network
ST3 - Development and Transport

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

The National Planning Policy Framework ('NPPF') (December 2024) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

- Principle of development
- Impact on amenity and character of locality
- Impact on highway and pedestrian safety
- Impact on ecology
- Crime and antisocial behaviour

Principle of development

Strategic and Land Designation Policies

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

The overall aim of Policy SP4 'North Sunderland' as set out in the adopted CSDP relates to becoming a spatial priority area for regeneration and renewal.

Saved Policy H6 of the adopted Unitary Development Plan ('UDP') relates to the provision of land for housing and which sets out bespoke regional criteria where, in the case of North Sunderland, it is stated:
"…housing development will largely reflect former local plans and the regeneration strategy of the former Tyne and Wear Development Corporation. In the densely developed residential areas defined in policy NA8 the Council will seek to maximise environmental and land use benefits, in the form of additional open space and community facilities, where sites are to be developed or redeveloped."

Incidentally, saved UDP Policy NA8 stipulates that "the Council will seek to maximise benefits in the form of additional open space, and community facilities, from sites to be developed or redeveloped in the following areas:

(1) Southwick/ Monkwearmouth;
(2) Roker/ Fulwell;
(3) Fulwell"

The proposed development would be within the Existing Urban Area, in a sustainable location, close to public transport links, and make provision for social infrastructure wherein a need has been identified.

Concerns raised in representations are noted relating to the intensification of the use and impact on the character of the area. However, the surrounding land uses are predominantly residential, and with the application site operating in Use Class C4, it is not considered that an additional 3no. occupiers would materially diminish nor fragment the character of the locality. The proposed development (Sui Generis) would remain a form of residential accommodation but, with an additional 3no. occupiers, would broadly coalesce with the prevailing residential land uses in the locality. The character of this residential area would not be considered to be compromised as a result of this proposal, which would simply add 3no. occupiers into the existing residential accommodation. In these terms, it is considered that the proposal would be compatible with existing patterns of land use.

On the basis of abovementioned criteria, it is considered that the proposal would accord with Policy SP1 and Policy SP4 of the adopted CSDP and would, by virtue of retaining existing residential accommodation, not conflict with the respective objectives of saved UDP policies H6 and/or NA8.

Housing Policies

Adopted CSDP Policy H6 'Homes in Multiple Occupation (HMOs)' states that development for HMOs should ensure that:

1. The property is located where increased traffic and activity would not be detrimental to local amenity;
2. The intensity of use would not adversely affect the character and function of the locality;
3. The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
4. Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the

submission of a management plan;
5. The proposal would not result in an over concentration of HMOs within the locality; and
6. The accommodation provides a good standard of living space and amenity for occupiers of the HMO.

The adopted Homes and Multiple Occupation Supplementary Planning Document ('HMO SPD') (2020) is also relevant. It provides guidance on the management of HMO development and sets out (at page 13) that planning permission for HMOs will not normally be granted:

i. Where it would result in any residential property (in C3 use) being 'sandwiched' between two HMOs; or
ii. Where the number of HMO dwellings exceeds 10% of the total number of residential properties within a radius of 100 metre from the application site.

The guidance states that where either of the above criteria have been breached, planning permission will only be granted in exceptional circumstances. In addition to the above, the guidance sets out that notwithstanding the threshold limit (as set out above), other material considerations including but not limited to, highways, amenity, character, neighbouring amenity, highway safety and residential amenity of future and existing occupiers arising from the impact of the proposal will be assessed in accordance with the Council's development plan, in particular Policy H6 of the adopted CSDP.

The proposal relates to an existing HMO, and so the proposal would not result in an increase in HMOs in the locality. It would simply intensify the existing residential accommodation at the application site. However, only 3no. occupiers would be added to the accommodation, and so it is considered that this would not adversely affect the character and function of the locality. In any case, in relation to the above-cited criteria from page 13 of the adopted HMO SPD', information held by the Council's Planning Policy Team, the property is not subject to the sandwiching effect nor is the level of concentration of HMOs above the 10 percent threshold.

The accommodation has been given consideration with regard to the standards relating to the licensing regime (see 'Impact on visual / residential amenity' below). It is considered that the proposal would result in the residential accommodation retaining a reasonable standard of living space and amenity for the existing and future occupiers.

There is adequate space for refuse within the rear yard of the property, and the applicant has submitted a Management Plan detailing how the proposal would be managed and maintained. Details within the submitted Management Plan are considered to be proportionate and acceptable. It is recommended that a condition be attached to any panning permission to require the proposal to be managed and maintained in accordance with the submitted Management Plan.

The proposal does not introduce a new HMO to the area and consequently, it is not considered to give rise to any fresh land use concerns or give rise to conflict with the HMO SPD in terms of managing numbers of HMOs within any given locality.

For this reason, it is considered that the proposal would be acceptable in principle.

Impact on amenity and character of locality

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future

occupiers of land and buildings.

The proposed development would need to accord with Policy HS1 'Quality of life and amenity' (in relation to noise and traffic), Policy HS2 'Noise-sensitive development', and Criterion 4 of Policy H1 'Design quality' (in relation to impact on residential amenity) of the adopted CSDP. It would also need to accord with Criteria 3 and 6 of adopted CSDP Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

Concerns raised in representations are noted in relation to privacy. However, no external alterations are proposed, thus there are no elements to otherwise prejudice the existing level of amenity in relation to privacy, outlook and over dominance, or overshadowing.

It is considered that the proposal will provide bedrooms of a good size and with acceptable outlook and sunlight/daylight provided. The kitchen/diner space also remains a reasonable size to serve the total number of bedrooms/occupants in the property.

In terms of impact on local amenity, it is recognised that objectors cite concerns in relation to matters such as community cohesion, and noise and disturbance (namely from comings and goings of tenants/residents), however it must be remembered that the proposal is only for 3no. additional occupiers within the existing HMO and it is considered that this minor intensification in the use is unlikely to give rise to any significant additional issues in relation to these matters. To that end, it is noted that there are no objections to the proposal from the Council's Environmental Health team (though that this does not confirm that the property can be licensed (please see recommended informative)).

Given the above, it is considered that the proposal would not negatively impact the residential amenity of neighbouring dwellings and would provide a suitable level of accommodation for additional prospective occupiers in accordance with the NPPF and policies BH1, HS1 and H6 of the CSDP.

Impact on highway and pedestrian safety

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

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

The proposal would also need to accord with Criterion 4 of Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

Concerns raised in representations are noted in relation to the comings and goings of tenants generating traffic, problems associated with access arrangements, parking congestion being to the detriment of highway safety, and highway safety issues in general.

Notwithstanding being in receipt of a travel plan (at the request of the Local Highways Authority)

The Council's Local Highway Authority has stated, for the following reasons, that the application cannot be supported.

By reason of a notable increase in occupants at the application property, it is considered reasonable that this would give rise to an increase in vehicle ownership and, by extension, trip generation. The Local Highways Authority note that the application site does not benefit from in-curtilage parking provision and that the immediate and surrounding highway network is characterised by predominantly on-street parking, which is already subject to pressure from existing residential demand. On account of the fact that surrounding streets are subject to parking restrictions, this further reduces availability of lawful parking spaces. To that end, an intensification of the use of the application property is considered likely to increase demand for on-street parking in an area of limited capacity. This situation is considered likely to lead to conditions whereby there is an increase in indiscriminate and/or obstructive parking on the surrounding highway network, to the overall detriment of highway safety, traffic flow, and residential amenity.

In the absence of any mitigation measures or off-street parking provision to accommodate the likely increase in parking demand associated with the proposed intensification, the proposal would result in additional pressure on the surrounding highway network and run contrary to the objectives of adopted CSDP policy ST2, ST3 and criterion 4 of policy H6. In these terms, the application is to be recommended for refusal.

Impact on ecology

Policy NE2 of the CSDP requires development to demonstrate how it will provide net gains in biodiversity and avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy. It also states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

The adopted CSDP has been the subject of a Habitat Regulations Assessment ('HRA') which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation ('SAC') and Northumberland Coast Special Protection Area ('SPA') (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements or Unilateral Undertakings.

The application site is positioned within 7.2km of European designated sites. Therefore, a financial contribution of £248.72 per additional bedspace (or, in this case, per additional occupant) would be required (thus amounting to an overall required contribution of £746.16), which would need to be secured via a Section 106 agreement or Unilateral Undertaking. The applicant (via their agent) has confirmed via email received 25.11.2025, that they would be agreeable to entering into such an agreement. To that end, the proposal can be considered to comply with the provisions of CSDP policy NE2 in principle. However, this compliance is not considered sufficient to overcome the harm from contravening the terms of policy ST2, ST3, and criterion 4 of policy H6, and recommendation remains to refuse the application on this basis.

Crime and antisocial behaviour

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

Paragraph 135 (f) of the NPPF requires (amongst other provisions) that policies and according decisions ensure that development creates places that are safe; achieve a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Concerns raised in representations relate to the proposed development having an adverse impact in relation to anti-social behaviour. However, whilst Northumbria Police has raised some generic concerns regarding this type of residential accommodation, overall, no objection has been raised to the proposal in relation to crime and anti-social behaviour.

Crime and antisocial behaviour are not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but, rather, a question of individual behaviour. Consequently, for the reasons set out above, there is no evidence to suggest that a proposal of this nature would give rise to any unacceptable concerns in relation to crime and anti-social behaviour. Very limited weight can be afforded to the issue of crime, anti-social behaviour in the overall planning balance. On this basis, and given that Northumbria Police has raised no objections, it is considered that the proposal would comply with Policy SP7 of the adopted CSDP in relation to safety, and guidance within Paragraph 135(f) of the NPPF. Notwithstanding the aforementioned, this would still not be sufficient to preclude recommendation to refuse the application on account of non-compliance with the provisions of policy ST2, ST3, and criterion 4 of policy H6 of the adopted CSDP.

Conclusions

For the reason given above, the proposed development has been found to be unacceptable as it would be considered likely to lead to conditions whereby there is likely to be an increase in indiscriminate and/or obstructive parking on the surrounding highway network, to the overall detriment of highway safety, traffic flow, and residential amenity.

The proposal, therefore, runs contrary to policies H6, ST2, ST3, and HS1 of the adopted CSDP. It is therefore considered to be unacceptable.

It is recommended that Members REFUSE the application for the reason provided 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: REFUSE planning permission, for reason below:

Reasons:

1 It is considered that the proposed change of use, in intensifying the use of the application property, would lead to conditions whereby there is likely to be an increase in indiscriminate and/or obstructive parking on the surrounding highway network, to the overall detriment of highway safety, traffic flow, and residential amenity. The proposal is, therefore, contrary to policies H6, ST2, ST3, and HS1 of the adopted Core Strategy and Development Plan.

11. South Sunderland

Reference No.: 25/02619/FUL Full Application

Proposal: **Change of use from Dwelling house (C3) to children's home (C2).**

Location: 1 Rothbury, Sunderland SR2 0BE

Ward: Doxford
Applicant: Ms Tendayi Nyatsambo
Date Valid: 22 January 2026
Target Date: 19 March 2026

PROPOSAL:

SITE
The site relates to a semi-detached residential property on a corner plot at the junction of Rothbury Road and Ramilies Road, in the Ryhope area of the city.

The surrounding area is residential in nature and largely consists of family style homes.

PROPOSAL

The proposal intends to change the use of the existing dwelling (currently Use Class C3 dwellinghouse) to allow for the use as care/supported living accommodation for up to 3 children, with associated staff members on site 24/7 (Use Class C2).

The applicant confirmed by email on 12.03.26 that the age range of the children would be from infant to 17 years.

There are no internal or external alterations proposed.

The information provided with the application sets out that the property is a four-bedroom house; three bedrooms will be used as children's bedrooms, and the fourth bedroom will be used as an office for administrative work, record keeping, staff supervision, and management purposes. No child will be accommodated in the office space.

The home will be overseen by:

- One Registered Manager, responsible for the day-to-day management of the home, staff supervision, care planning, and regulatory compliance.

- One Responsible Individual, who will provide strategic oversight, governance, and ensure the home meets all statutory and regulatory requirements.

- In addition, the home will employ six (6) care staff, who will work on a rota basis to ensure adequate staffing and supervision at all times.

  Staffing will be provided on a 24-hour basis, including waking night cover. Typical staffing arrangements will include:

- Day shifts, with sufficient care staff on duty to safely meet the needs of the children.
- Evening and night shifts, including waking night staff to ensure children's safety and wellbeing overnight.
- Additional staff support during higher-need periods where required.

Visitors and Professionals Attending the Site

- The home will be visited periodically by professionals involved in the children's care and oversight, which may include:
- Social workers
- Education professionals
- Health professionals
- Ofsted inspectors
- The Responsible Individual
- External therapists or support workers (where appropriate)
- Managed family contact

It is stated that visits will be planned and managed so as not to cause disruption to neighbours or the local area.

Following a request for additional detail the applicant confirmed that there will be 5no. parking spaces on site and also cycle parking provision for 7no. bicycles.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Together For Children
Cllr Heather Fagan
Cllr Allen Curtis
Cllr Paul Gibson
Northumbria Police
Network Management
Environmental Health

Neighbour Consultation

38 Ramilies Sunderland SR2 0BD
36 Ramilies Sunderland SR2 0BD
34 Ramilies Sunderland SR2 0BD
40 Ramilies Sunderland SR2 0BD
43 Ramilies Sunderland SR2 0BD
2 Rothbury Sunderland SR2 0BE
41 Ramilies Sunderland SR2 0BD
37 Ramilies Sunderland SR2 0BD
39 Ramilies Sunderland SR2 0BD
4 Rothbury Sunderland SR2 0BE

3 Rothbury Sunderland SR2 0BE

Final Date for Receipt of Representations: **01.04.2026**

REPRESENTATIONS:

The application has been advertised by way of letters to neighbours and a site notice.

Councillor Allen Curtis requested that the application be heard at Committee via email on 19.02.26:

I would like a planning application to be called into planning committee.

I believe that 1 Rothbury in my ward Doxford is seeking permission to turn a dwelling into a children's care home the reference is 25/02619/Ful

This has only come to my attention as I know 12 residents have logged options and I as a ward councillor would like to support these objections and residents.

Public Response

12 no. objections have been received, and the following issues were raised:

- Property is situated within a quiet residential area, and the proposed use would not be appropriate.
- Noise and disturbance
- Impact on privacy
- Limited parking in area
- No space to turn within the property cars would have to reverse out
- Lack of supporting infrastructure
- Lack of information regarding operation
- Loss of family housing
- Increase in anti-social behaviour
- Reduction in house price value

With regard to the objection relating to property devaluation, it should be noted that this is a private concern rather than a matter of public interest and so is not one which can be given material weight in the determination of this planning application.

The other concerns will be addressed later within the report.

Consultees

Councils Future Transport Team- It appears that several vehicles may create short term parking, (on-street), therefore, further information is required from the applicant to understand the parking requirements and proposed arrangements to ensure that there is no detriment to highway safety, or residential amenity.

The Future Transport Officer requested additional information relating to staffing arrangements and staff change over periods, car parking, visitors to the premises and the expected frequency of those visits, school transport arrangements and cycle parking.

Until the above information is clarified to the satisfaction of the highway authority, Future

Transport object to the change of use.

The applicant provided a management plan and parking plan on the 09.03.26.

Following re-consultation, the Future Transport Officer confirmed that there was still an objection to the proposal.

It was stated that the property is not considered to be in a sustainable location, (not close metro, or rail connections), and this therefore may lead to a dependency on private vehicles. The proposed curtilage parking is considered too low as existing and detrimental to pedestrian safety if increased. It is considered therefore that the proposed use would likely lead to short term and possibly long term on-street parking to the detriment of highway safety and residential amenity.

Northumbria Police- Northumbria Police would like to recommend the following with regard to security and safeguarding for the application location.

CCtv to be placed with in the communal areas of the development to cover the main entrances and the stairs and corridors, as well as external cameras to the rear yard covering the carparking and the exit door and the same at the front door exit, this is to ensure that he best possible coverage of the exits to capture the clothing and appearance of the residents should they go missing while staying at the home. Also to cover any crimes that occur within the communal areas of the home, and if possible, to have an audio facility.

The out-building is recommended to have CCtv coverage as there is a secondary exit from the side or rear of the development.

The extra CCtv coverage is to allow the police to easily get an accurate description of clothing and direction of travel if any of the residents leave the home.

Can the applicant please make contact with the Missing Co-ordinator for the Sunderland area PC 417 Emma Richardson to discuss the below policies prior to the home being resided in.

Missing Child Policy
New Placement Plan
Master Safety Plan
Supervisory Plan (Day time Staffing, Shifts, Parking, Over Night staffing, Supervised Leave for Residents)
Statement of Purpose

Council's Environmental Health Officer-Should the Planning Authority be minded to approve this application I would recommend the following conditions:

Management Plan
A detailed Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Management Plan shall set out (but not be limited to) the following:
o The details of the pattern of staff shift changes;
o The details of visitor arrangements;
o Details of conflict management;
o The arrangements for the management and maintenance of the outdoor amenity area within the site;
o The details of the management and maintenance of any CCTV at the site; and
o The contact details of an appointed person (name and telephone number as a minimum)

whereby members of the public can raise queries/concerns
The facility shall then operate in strict accordance with the approved management plan for the lifetime of the development.

Together for Children- Together for Children have not worked with the organisation named in the planning application and have had no discussions with them in relation to this proposal or our commissioning needs. However, the proposal does not align with our sufficiency needs in relation to local homes for our cared for children.

Currently, 48 of Sunderland's cared for children are living in independently commissioned children's residential homes. There are already 18 independent registered children's homes in Sunderland with a total maximum capacity for 74 children, exceeding local demand. In addition, the proposed 3-bed model with very low staffing ratios would not meet our identified gap for solo homes with intensive support for children with the most complex needs.

POLICIES:

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

Saved UDP policy EN10 Compatibility of development
HS1 Quality of life and amenity
H1 Housing mix
H5 Existing homes and loss of homes
BH1 Design quality
ST2 Local Road network
ST3 Development and transport
SP7 Healthy and safe communities

COMMENTS:

POLICY

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible Paragraph 139 states that planning permission should be refused for development of poor design where it fails to reflect local design policies and government guidance on design.

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

The policies which are considered pertinent to the determination of this application are saved policy EN10 of the UDP and policies H1, H5, BH1, HS1, SP7, ST2 and ST3.

With regard to the above, it is considered that the main issues to consider in the determination of

this application are as follows:

- The principle of the development
- the impact of the development on visual and residential amenity;
- the impact of the development on highway and pedestrian safety;

1. PRINCIPLE OF DEVELOPMENT
The site is subject to policy EN10 which was retained from the Unitary Development Plan (UDP), which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and as such, the change of use which is in generally residential in nature would usually be acceptable in principle.

CSDP Policy H1: Housing Mix indicates that :-

1. Residential development should create mixed and sustainable communities by:

i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council's SHMA or other evidence;
ii. providing a mix of house types, tenures and sizes which is appropriate to its location
ii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and
iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 - accessible and adaptable dwellings.

2. Development where appropriate and justified, should also seek to:

i. provide larger detached dwellings; and
ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.

3. Development should consider the inclusion of self-build and custom house building plots.

Although the Council aim to deliver a range of different housing types, given the potential comings and goings from site, from not only staff but the extensive list of other potential visitors, it is considered that the proposed use is not appropriate at this location, due to the locality being defined as a family orientated neighbourhood and as such is considered unacceptable and contrary to H1 of the CSDP.

CSDP Policy H5: Existing Homes and Loss of Homes is relevant, it outlines that

1. The council will support development which would bring empty properties back into use.

2. Development which would result in the loss of residential housing stock, particularly family housing, through change of use or redevelopment will not be permitted unless it is demonstrated that:

i. the dwelling(s) no longer provide accommodation of a satisfactory standard;
ii. it is financially unviable to improve or adapt the existing dwelling(s); and
iii. the locality and character of the surroundings are no longer appropriate for residential use.
3. Where replacement housing is proposed, the new dwelling(s) should align to the needed type, mix or tenure of housing identified in the most recent SHMA.

It is noted that in this instance the property would still be utilised in a residential capacity, and it is not proposed to be altered in a way that would prevent it from being utilised as family housing in the future. The proposal would therefore not be considered to conflict with policy H5.

In terms of policy EN10, broadly speaking the proposal represents a residential use in a residential area, however consideration must be given to the compatibility of the use in respect of its impacts on local amenity and highway safety. Consideration of these issues is provided below.

2. VISUAL AND RESIDENTIAL AMENITY

Para 96 of the National Planning Policy framework (NPPF) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which…are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policy HS1 of the CSDP sets out that development must not result in unacceptable adverse impacts arising from air quality; noise; dust; vibration; odour; emissions; land contamination and instability; illumination, run off to protected waters; or traffic.

Policy SP7 of the CSDP seeks to improve health and wellbeing in Sunderland by ensuring that new developments do not have unacceptable adverse impacts upon amenity which cannot be mitigated.

Given that there are no alterations to the dwelling as part of the proposal there would not be any harm to the visual amenity of the area or the host property.

Together for Children (TFC) have been consulted as part of the application. TFC delivers children's services on behalf of Sunderland City Council and work with the Council and partner organisations to ensure that children's services across Sunderland are delivered by a suitably qualified and experienced workforce.

It is noted that following consultation TFC confirmed that they have not worked with the organisation named in the planning application and have had no discussions with them in relation to this proposal or TFC's commissioning needs.

It was noted that the proposal does not align with TFC's sufficiency needs in relation to local homes for cared for children.

It was set out that currently, 48 of Sunderland's cared for children are living in independently commissioned children's residential homes. There are already 18 independent registered children's homes in Sunderland with a total maximum capacity for 74 children, exceeding local demand.

In addition, the proposed 3-bed model with very low staffing ratios would not meet TFC's identified gap for solo homes with intensive support for children with the most complex needs.

Although it has been stated within the application form that that there is a need for the type of

accommodation proposed, TFC have confirmed that this is not actually the case in relation to local demand.

It is noted that the Environmental Health Officer has confirmed that should the LPA be minded to approve the application, a management plan should be conditioned and should provide detail of:

o The pattern of staff shift changes;
o Details of visitor arrangements;
o Details of conflict management;
o The arrangements for the management and maintenance of the outdoor amenity area within the site;
o Details of the management and maintenance of any CCTV at the site; and
o The contact details of an appointed person (name and telephone number as a minimum) whereby members of the public can raise queries/concerns.

However, even if this detail was provided, the property is situated in a residential area that is characterised by family homes. Although the applicant has set out that the home would be run as a family home, it is noted that there would be high numbers of people coming and going from the site, including the Registered Manager, Responsible Individual, 6 no. care staff (working on a rota basis), Social workers, Education professionals, Health professionals, Ofsted inspectors, External therapists or support workers (where appropriate) and potentially family members.

It is also set out that additional staff support during higher-need periods could be necessary.

The Applicant has stated that all of the change overs of staff and visitor appointments will be managed to ensure that overlap is limited.

However, this would still result in a high number of people coming and going from site, over and above what would be expected in relation to a family home and out of keeping with the quiet residential character of the immediate neighbourhood.

Given the above, it is considered that the use would harm the character and quality of the area and is contrary to Paragraph 96 of the NPPF and Policies BH1, HS1 and LP7 of the CSDP.

3. IMPACT OF PROPOSED DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY
Policies ST2 and ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

Following consultation, The Future Transport Team objected to the proposed change of use.

It was noted that there are up to 8 full time members of staff proposed, with 6 staff members on a rota basis. The Officer requested that the applicant clarify the maximum number of staff / possible private vehicles that will be on site at any one time, (including the busy staff change over periods).

It was initially noted that it appears that only 2, or 3 vehicles may be able to park within the property curtilage, and it was also requested that this be clarified by the applicant.

Further information was also requested with regard to visitors to the premises and the expected frequency of those visits: social workers, educational professionals, health professionals, Ofsted

inspectors, external therapists, parents / cares, maintenance workers, and support workers. It was noted that visitors should be scheduled outside of peak staff times / change over periods and this information should be included within a Management Plan.

Proposed travel arrangements for the children to travel to and from school, was requested and it was noted that, to encourage sustainable transport, secure, covered, cycle storage should be provided.

The Future Transport Officer concluded that, it appears that several vehicles may create short term parking, (on-street), therefore, further information is required from the applicant to understand the parking requirements and proposed arrangements to ensure that there is no detriment to highway safety, or residential amenity.

The applicant provided a management plan and parking plan on 09.03.26.

It was set out within the management plan that 5 no. off road parking spaces would be provided to the front of the property as well as cycle storage for 7no bicycles. It was noted that one of the spaces would be dedicated to a van which would be one of the modes of school transport along with supervised walking, taxis or public transport.

It was confirmed within the management plan that arrivals and departures to site would be organised and managed to ensure visitors are not arriving at the same time. With regard to staffing handovers, it is proposed that these are managed to minimize overlap.

With regard to the number of staff on site at any one time this has been characterised as 'proportionate' and 'low', the maximum number of staff / possible private vehicles that will be on site at any one time requested by the Councils Future Transport Team, has not been provided.

Having considered the additional detail submitted by the applicant, the Council's Future Transport Team confirmed that there was still an objection to the proposal.

It was noted that the applicant proposes to increase the incurtilage parking at the property from 2 or 3 parking spaces to 5 car parking spaces, however, the maximum recommended width of a footway crossing within a residential area is 4.8m wide, this is to avoid pedestrian / vehicular conflict. The proposed increase in car parking would therefore be considered detrimental to pedestrian safety.

With regard to staffing arrangements it was noted that the applicant states that during normal daytime operation, the property will typically be staffed by two care staff and at night the property will usually have one waking night or sleep-in member of staff. The applicant advises that at certain points there may be a short overlap for handover between outgoing and incoming staff, and there may also be occasional attendance by the Registered Manager, deputy, or another senior member of staff for supervision, auditing, safeguarding review, professional meetings, emergency attendance, or operational support.

However, The Future Transport Officer stated that, it is still unclear from this information how many (maximum members of staff / private vehicles) may be on site at the busy staff change over periods and subsequently there does not appear to be sufficient incurtilage parking to accommodate this need. The applicant states that the following visitors may visit the premises: social workers, educational professionals, health professionals, Ofsted inspectors, external therapists, parents / cares, maintenance workers, and support workers. The applicant advises that these visitors would where possible be scheduled outside of peak staff times / change over periods, however the overlap of visitors could not definitely be ruled out. Taking into consideration

the low number of incurtilage parking spaces it is not clear where these visitors could / would park.

It was noted that the management plan sets out that the children would travel to school by one or more of the following means: escorted walking where the school is suitably located and this is safe and appropriate; organised school transport; taxi transport arranged by the placing authority or educational provider; staff escort in a planned and risk-assessed manner; or public transport where this is suitable to the child's age, capacity and agreed care arrangements.

In addition, it was confirmed that there will be one van designated to the home for the purpose of transporting the three children to and from school, activities, appointments, and other planned community-based engagements, (where required). This designated vehicle will form part of the home's planned operational arrangements and will ensure that children can access education, enrichment opportunities, health appointments, and wider activities safely, consistently and in a properly supervised manner.

Taking into consideration that there are only limited parking spaces available for staff and visitors, it is not clear where the van would park, therefore the van or other vehicles may park on-street, to the detriment of highway safety.

The Future Transport Officer concluded that the property is not considered to be in a sustainable location, (not close metro, or rail connections), and this therefore may lead to a dependency on private vehicles. The proposed curtilage parking is considered too low as existing and detrimental to pedestrian safety if increased. It is considered therefore that the proposed use would likely lead to short term and possibly long term on-street parking to the detriment of highway safety and residential amenity.

Given the above, it is considered that the proposal would be detrimental to highway and pedestrian safety and would conflict with policies ST2 and ST3 of the CSDP.

CONCLUSION
It is considered that the use fails to enhance and function well within its current surroundings and the principle of the use is unacceptable and conflicts with policies EN10 and H1 of the CSDP. The proposal will harm the amenity of local residents and the quiet residential character of the locality, contrary to NPPF policy 96 and CSDP policies BH1 and HS1.

The proposal would also be unacceptable with regard to parking provision and pedestrian and highway safety, contrary to policies ST2 and ST3.

The Council as LPA accepts that the site is within an existing residential area and that it is incumbent on LPAs to support, where possible, a range of accommodation types to support differing needs. However, it is considered that the proposed use fails to enhance and function well within its current surroundings, contrary to the above national and local policies.

It is therefore recommended that Members refuse the planning permission, for the reasons outlined 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: REFUSE planning permission, for reasons below:

Reasons:

1 The proposed use would, through its intensity and the comings and goings of residents, staff and other visitors, generate levels of activity and noise and disturbance which is not in-keeping with the locality and would cause harm to local amenity and the character of the area, contrary to retained policy EN10 of the Council's Unitary Development Plan and policies H1, BH1 and HS1 of the Council's Core Strategy and Development Plan.

2 The property does not provide a sufficient level of safe off-street parking, which would result in increased levels of parking on the street and unsafe access/egress from the

property, generated by staff and other visitors, to the detriment of local amenity and highway safety. The proposal therefore fails to comply with the objectives of policies ST2 and ST3 of the Core Strategy and Development Plan.

Reference No.: 25/02823/FUL Full Application

Proposal: **Conversion of former offices to thirty studio rooms for student accommodation with associated external works including window and door alterations/ refurbishments.**

Location: Mowbray Villas, Mowbray Road SunderlandSR2 7EA

Ward: Hendon
Applicant: George Alexander Estates Limited
Date Valid: 19 December 2025
Target Date: 13 February 2026

PROPOSAL:

Planning Permission is sought for the conversion of former offices to thirty studio rooms for student accommodation with associated external works including window and door alterations/ refurbishments.

The site is located within the sub-area of Sunderland City Centre. The host property is afforded a corner plot adjacent to Mowbray Road and Douro Terrace. The property was originally developed as a pair of semi-detached Victorian villas with designated front gardens and associated grounds and a private access road to the north but is most recent use was that of a commercial use.

The site is bounded to the North by a stone wall and footpath along the private access road; to the West by a stone wall and hedge along Douro Terrace/Ryhope Road; to the South by a high stone wall behind which are mature trees along Mowbray Road and to the East by metal fencing along a pedestrian access way which runs from Mowbray Road to the private access road.

The site is located within the ward of Hendon. It is within the Ashbrook Conservation Area and within an Article 4 Direction Area for Houses of Multiple Occupancy (HMO). The site is within a strategic network route and the smoke control area of City Centre Sunderland.

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

- Ecological Impact Assessment - Bats and Birds; Tyne Ecology; Dated 18th September 2025
- Tenancy Management Policies and Procedures Statement: Hackett Property
- Management Plan (Students): Goldline Architectural
- Design and Access Statement: Goldline Architectural: Dated 30.11.2025 Rev PO1
- Proposed Vision Renders: Goldline Architectural
- Planning Statement Including Heritage Statement: Planning House: Dated December 2025
- Habitat Regulations Assessment (HRA) - Screening Statement: Goldline Architectural

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural Heritage
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Network Management
Environmental Health
Planning Implementation
Northumbria Police
Planning Policy

Neighbour Consultation

Westfield Hall Carlton Terrace 4 Mowbray Road Sunderland SR2 8HX
Westfield Hall Carlton Terrace 2 Mowbray Road Sunderland SR2 8HX
Westfield Hall Carlton Terrace 7 Mowbray Road Sunderland SR2 8HX
Westfield Hall Carlton Terrace 5 Mowbray Road Sunderland SR2 8HX
Westfield Hall Carlton Terrace 3 Mowbray Road Sunderland SR2 8HX
Westfield Hall Carlton Terrace 1 Mowbray Road Sunderland SR2 8HX
Langham Tower Bar Ryhope Road Sunderland SR2 7DN
Flat Langham Tower Ryhope Road Sunderland SR2 8HY
Langham Tower Ryhope Road Sunderland SR2 7DN
Bethany City Church Bede Tower Burdon Road Sunderland SR2 7EA
University Of Sunderland Carlton House 2 Mowbray Road Sunderland SR2 8HU
Vardy Foundation 19 Seafiled Road East Edinburgh EH15 1ED
Clifton Hall Burdon Road Sunderland SR2 7EB
Bede Towers Burdon Road Sunderland SR2 7EA

Final Date for Receipt of Representations: **03.02.2026**

REPRESENTATIONS:

Six representations have been received in relation to the application. Two letters of support have been received and four objecting to the proposed development; these comments are summarised below;

Principle of Development

- Inappropriate use/over development
- would introduce an intensive, transient form of accommodation, fundamentally at odds with the settled, residential nature of this established neighbourhood.
- The redevelopment will improve the street scene, reduce the impact of a currently underused property, and contribute positively to the long-term vitality and safety of the neighbourhood.
- The site lies outside the designated Urban Core

Heritage Impact

- Bring building back into active use would enhance the local area safeguard the long-term condition of the property.
- Ashbrooke is valued for its architectural quality, stability, & balanced residential character, all of which would be undermined by development of this intensity & would set an

undesirable precedent for further overdevelopment.

- The site occupies a heritage location, directly opposite Langham Tower, a Grade II listed building, & close to other important heritage assets including Carlton Terrace. The proposal would harm their setting & conflicts with conservation policies.

Amenity

- Local emergency services and waste collection may struggle with additional strain and access. Bins have to be manually taken out onto the main Ryhope Road for the weekly collection as the council bin trucks cannot get in and out of the access lane to Mowbray Villa rear and Carlton Terrace.
- This planning application is another attempt to turn this property into a house of multiple occupancy.
- According to local planning policy, developments should maintain the amenity and character of residential areas. This proposal contradicts this principle, and I urge the council to refuse the application in line with these considerations.
- Overcrowding: This development will increase the amount of tenants residing in the property with the developer being able to rent out the studios to an unlimited amount of tenants, putting pressure on the local infrastructure and services.
- Noise Disturbances: The presence of multiple tenants will result in increased noise levels, particularly if this is students (i.e. all-night parties etc).
- Impact on Community Cohesion: The transient nature of HMO residents can alter the character of a neighbourhood, shifting it from a stable, family-oriented environment to one that is more transient.
- Environmental Impact: Increased occupancy can lead to environmental concerns, such as waste accumulation and strain on local resources.
- Huge impact on long-term community cohesion and safety

Highway and pedestrian safety

- There is a very big parking issue and risk of injury at the ingress/egress of this development and Carlton Terrace.
- Lane is unsuitable for the volume of traffic generated by residents, visitors, servicing, &refuse collection

Other

- Student accommodation is a form of HMO. As I understand it, there would be no legally enforceable mechanism to limit the use to PBSA only, in the future at all.
- There is also no clarity on how occupancy would be controlled to prevent multiple occupants per unit or to manage partners and visitors, potentially increasing numbers well beyond thirty for days, weeks or even months at a time.

Consultee Responses

Natural England
This development site is within the zone of influence (ZoI) for recreational pressure impacts to one or more European Sites (habitats sites). Your authority has measures in place to manage. these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Principal Conservation Officer - No objection; recommend planning conditions pertaining to materials, glazing, fascias, and doors.

Northumbria Police - Consultation response 14.01.2026

Objection - no accessible kitchen to the ground floor not in line with HMO Landlord Standards. No lift for access to kitchen on second floor.

Consultation response 27.01.2026

No objection - following the submission of further information. Northumbria Police still hold concerns that the development is likely to increase demand on services.

Planning Policy - The proposal relates to student accommodation outside of the Urban Core. The proposal will need to comprehensively demonstrate the need for the proposal as required in CSDP Policy H3. Furthermore, the decision maker should carefully consider if the units proposed are sufficient to ensure a high-quality living accommodation for prospective occupiers as outlined in CSDP policies HS1 and H3.

The wider amenity, highways impact, visual impact and heritage should also be considered.
In addition, where it is deemed acceptable to grant planning permission a condition should be imposed restricting occupation to verified students.

Transportation Development - No objection; recommended planning condition pertaining to the submission of a Construction Method Plan

Public Health - Environmental health has considered the submitted documentation and the potential impact from noise and nuisance to the existing environment and to the development itself.

The plans indicate that there is still a large, shared kitchen on the second floor so if the kitchenette areas are not sufficient to cook a full Sunday lunch (rough guide on what is required for cooking facilities) the share kitchen area on the second floor would capture the development as an HMO as residents are sharing this amenity.

Rooms appear to differ in size and this would impact on the practicality of Housing Health and Rating System HHSRS it would come down to the positioning of furniture in the room so as not to pose a risk, e.g. a bed next to the cooking area, ample circulation space inside the apartment to allow food preparation, rest and relaxation etc.

The square meterage of the rooms would need to be clarified…

The restriction of solely student may indicate that the residents will not be in permanent residence e.g. go home for holidays/ vacation periods when not at university.

Ecology - The 7.2 km buffer from the coastal European Sites, in accordance with the Sunderland Recreation Mitigation Strategy, a contribution of £214.19 per student bedspace will be required as mitigation for increased recreational pressures on those sites.

The building was observed to be low suitability for roosting bats and nesting birds. A Precautionary Working Method Statement will be conditioned as a result. In order to minimise impacts to potentially nesting birds a condition to avoid works during the nesting season (March to August) will be provided, should this be unavoidable a CEMP will be conditioned.

Paragraph 187(d) of the NPPF encourages the incorporation of locally appropriate ecological enhancement measures within planning proposals. These measures can include those that support the establishment of coherent ecological networks and facilitate use of the

post-development site by priority or threatened species.

No objection; recommended planning conditions pertaining to Breeding Birds, Precautionary Working Method Statement, Lighting Design Strategy and Hedgerow and Tree Protection Plan.

POLICIES:

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

Core Strategy and Development Plan 2015-2033 (CSDP)

SP1 Development strategy
SP5 South Sunderland
SP7 Healthy and safe communities
H3 Student accommodation
HS1 Quality of life and amenity
HS2 Noise Sensitive Development
HS3 Contaminated land
BH1 Design quality
BH2 Sustainable design and construction
BH7 Historic environment
BH8 Heritage assets
BH9 Archaeology and recording of heritage assets
NE1 Green and blue infrastructure
NE2 Biodiversity and geodiversity
NE3 Woodlands/hedgerows and trees
WWE1 Decentralised, renewable and low carbon energy
WWE2 Flood risk and coastal management
WWE3 Water management
WWE4 Water quality
WWE5 Disposal of foul water
ST2 Local Road network
ST3 Development and transport
ID2 Planning Obligations

Unitary Development Plan (saved policies) (UDP)

SA10 - Sites in inner area

Development Management Supplementary Planning Document June 2021 (DMSPD)
Sunderland Healthy City Plan 2020-2030 (SHCP)
Planning Obligations Supplementary Planning Document (POSPD)
Sunderland Strategic Housing Market Assessment 2020 (SMHA)
Sunderland Strategic Housing Market Assessment 2020 - Student housing need addendum)
The National Planning Policy Framework (NPPF)
National Planning Policy Guidelines (NPPG)
National Design Guide (NDG)

COMMENTS:
By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application are the policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable

development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF, as are the Unitary Development Plan (saved policies) (UDP)

The key issues for consideration in the determination of this application are: -

Principle of the Development
Heritage Impact
Design and impact on the street scene
Impact upon Residential Amenity
Ecological Impact
Contamination
Highway and Pedestrian Safety
Water and Wastewater Management
Minerals Safeguarding
Planning Obligations

Principle of the Development

The NPPF advocates a presumption in favour of sustainable development and for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. At Chapter 5 the Government seeks to significantly boost the supply of homes and where it is needed, that the needs of groups with specific housing requirements are addressed.

CSDP Policy SP1 sets out the principles for sustainable economic growth and sets out the scale and distribution of new development for the City of Sunderland over the plan period up to 2033 to meet the city's objectively assessed needs.

CSDP Policy SP5 sets out the strategic policies for the South Sunderland sub area. South Sunderland is the most populated subarea of the city, extending from the southern banks of the River Wear to the A19 to the west and to the southern border of the city with County Durham. CSDP Policy SP5 sets out the policies for the South Sunderland Sub-area which advocates the regeneration and renewal at Hendon, Millfield, and Pennywell.

CSDP paragraph 4.66 acknowledges that there are some areas in South Sunderland that are of concern which would benefit from regeneration and renewal, and Hendon, Millfield and Pennywell are Regeneration and Renewal Areas. These areas will be prioritised for redevelopment opportunities, especially for bringing back empty homes into use.

Student Accommodation
Around one-fifth of all HMOs are student accommodation in the Inner Urban Area. The Stakeholder engagement within the SHMA sets out that there is a lack of executive and family housing. There is currently a high proportion of HMO properties in the City Centre and there needs to be larger availability of purpose-built accommodation adjacent to or within the University's One Campus Masterplan Boundary and that lettings agents who service the HMO student market identified the Roker area as being the most sought after by students.

The SMHA 2020 - HMO identifies that there is an extensive range of accommodation for students across Sunderland including houses in multiple occupation (HMO) and purpose-built student accommodation (PBSA) which is owned by the university and private organisations. In 2020 the supply of student accommodation HMO and PBSA is 4,121 units across the city with 77% of

PBSA accommodation and 69% of all student accommodation is within the Inner Urban Area and of the 1,733 current units of accommodation, 29% is owned by the university and 71% by private organisations.

The SHMA HMO identifies that there is a move by the University of Sunderland to accommodate students in PBSA to reduce the reliance on the HMO sector and that the impact of this is recognised by the council and they are already acquiring vacant HMOs and converting them back into family housing stock. However, there is still a recognition that students need to be provided with a choice of accommodation to suit their financial circumstances and not all students may choose to live in PBSA.

The application proposal is detailed as the conversion of former offices to a 30-bedroom co-living accommodation for students, window upgrade and associated external works.

CSDP Policy H3 Student Accommodation is relevant. It outlines the development of student accommodation should be located within the Urban Core and must demonstrate that:

1. there is a need for additional student accommodation;
2. it is of a scale and appearance appropriate to its surroundings;
3. it is located within close proximity to local facilities and is accessible to the university by foot, cycle and by public transport;
4. it provides high quality living accommodation in terms of design, layout, and facilities provided within the development,
5. the layout of the accommodation is designed in such a way that it is capable of being reconfigured through internal alterations to meet general needs housing in the future.

Whilst the applicant has referenced student accommodation within the proposal description, no information has been provided to demonstrate the need for student accommodation within the locality, though it is acknowledged that the site is within 600m walking distance of the University of Sunderland City Campus. The applicant's response to consultation comments requiring justification for Student Accommodation reiterates that the CSDP Policy H3 has been suitably addressed in the Design and Access Statement and Planning Statement (DASPS).

The DASPS sets out that the proposal satisfies the objectives of Policy H3 by delivering high-quality, studio-based student accommodation that responds to an established and growing need in Sunderland. Whilst the DASPS acknowledges that CSPD Policy H3 "indicates a preference for student accommodation within the Urban Core, it does not restrict provision exclusively to that area" and that the boundary of the Urban Core is located approximately 147m from the application site. The DASPS sets out that the University of Sunderland campuses are located approximately 800m from the site and that the site is with easy access to public transport and cycle and walking routes. Paragraph 3.1.4 sets out that the scheme delivers high-quality studio accommodation, meets demonstrable demand, and offers excellent connectivity to university campuses and local services, in accordance with the Interim Student Accommodation Policy (2015).

The LPA acknowledges that the Sunderland 2020 SHMA Student Need Addendum Report sets out a shortfall in Student Accommodation by 885 units by 2022, however, CSDP Policy H3 sets out that the development of student accommodation should be located within the Urban Core.

As set out above, CSDP Policy H3 sets out that the development of student accommodation should be located within the Urban Core. CSDP Policy SP2 seeks to direct different forms of development to the most appropriate locations to consolidate and improve these distinct areas within the Urban Core.

To expand on the above, CSDP paragraph 6.28 sets out that to assist in the regeneration of the Urban Core and the creation of a 'University City,' the council will support proposals for purpose-built student accommodation or the conversion of existing buildings for student accommodation within the Urban Core.

CSDP Paragraph 6.29 states that should a proposal come forward that is not located within the Urban Core, the developer will need to demonstrate there are no suitable and available sites to accommodate the proposed development within the Urban Core and that the proposal will not result in an over concentration of student or shared accommodation.

CSDP Paragraph 6.31 sets out that that student accommodation numbers need to be managed in line with projected student numbers to ensure the city does not end up with an oversupply of accommodation, which cannot be easily converted to other uses.

The proposed site which is the subject of this application is located within the Ward of Hendon within the South Sunderland Growth area where the strategic focus is on economic growth within identified employment areas, the development of sustainable communities within the identified South Sunderland Growth Area, the regeneration of identified wards and the protection of settlement breaks.

The Planning and Heritage Statement at paragraph 3.1.2 sets out that the development will provide housing for up to no.30 students and is designed to support modern living needs.

The Design and Access Statement at Chapter 6.0 - Planning, subsection 6.2 details a number of properties which have been approved by the local authority and show a history for approving similar applications within the area, all the properties listed are within the Urban Core.

The proximity to the Urban Core Boundary is noted. However, the site, which is the subject of this application, whilst located in close proximity to the Urban Core, is located outside, of the defined Urban Core as shown on the CSDP Policies Map and outside of the defined boundary for Student Accommodation. No details have been provided to demonstrate there are no suitable and available sites to accommodate the proposed development within the Urban Core or to demonstrate that the development would not result in an oversupply of accommodation as set out in paragraphs 6.29 and 6.31 of the CSDP; the proposal is contrary to CSDP Policy H3.

Heritage Impact

The NPPF at Chapter 16 - conserving and enhancing the historic environment advocates the importance of historic sites and buildings and states that "these assets are irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". The NPPF at paragraph 207 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets" and at paragraph 212 that;

"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

CSDP Policy BH7 and BH8 seek to conserve and enhance the historic environment and heritage

assets and sets out the principles for development, whilst CSDP Policy BH9 seeks to protect the city's archaeological remains.

Mowbray Villas was originally built in the mid-19th century as a pair of quite grand and impressive semi-detached houses set behind a large mature front garden. The building is notable for its large square bay windows to the front elevation featuring ornate cast iron balconies and its surviving traditional timber sliding-sash windows across all elevations. The building is prominently located on one of the main routes out of the City Centre and within a distinctive and characteristic part of the Conservation Area close to several listed buildings including the landmarks of Langham Tower, Bede Tower, and former Christ Church.

Mowbray Villas is a fine example of one of the Victorian villas that make a key contribution to the fundamental character and significance of Ashbrooke Conservation Area that is described in the Character Study SPG as derived from its "extensive concentration of attractive Victorian terraced housing interspersed by a variety of fine villas and churches amidst an abundance of mature trees, historical parks and other green spaces. This pattern of buildings, features and spaces is characteristic of the conservation area and is the essence of Ashbrooke's distinctive, diverse and inherent quality as a spacious, leafy Victorian suburb."

The Councils Built Heritage Officer (BHO) has reviewed the proposed development and in principle supports the return of Mowbray Villas to residential use, however, the proposed student accommodation use type does potentially raise some concerns over its compatibility with the desirable suburban residential character of Ashbrooke that is predominantly characterised by houses and self-contained apartments and high levels of home ownership. The proposed external works include the refurbishing and upgrading with energy efficiency improvements of the timber sliding-sash windows, with either double glazing inserted into the existing sashes or where beyond repair replacing the sashes with full replica timber double glazed sashes. This approach represents generally good conservation practice and broadly in line with Historic England's Advice Note 18 Adapting Historic Buildings for Energy and Carbon Efficiency. The refurbishment of the slate roof covering should be carried out using a matching natural Welsh slate. Another high-quality natural slate of similar colour and texture may be considered acceptable; this will be controlled by way of a planning condition. The BHO states that "if internal wall insulation is used, a breathable product compatible with traditionally constructed buildings is used and it should avoid impacts on surviving historic features." Clarification is also required on the positioning of the soil and vent pipes for the bathrooms to provide assurance these will not protrude through the front elevation.

The BHO acknowledges that the proposal will return to full beneficial usage for residential purposes a key historic building that should help ensure it is conserved and sustained into the future. The proposals should conserve and enhance the character and significance of Ashbrooke Conservation Area, satisfying the requirements of CSDP Policies BH7 and BH8, NPPF paragraphs 210 and 212 and the provisions of the Ashbrooke Conservation Area Character Study.

Whilst the concerns of residents are noted, the BHO has raised no objection subject to the imposition of recommended planning conditions pertaining to windows, doors, materials.

Taking the above into deliberation, the proposal is considered acceptable and in accordance with the relevant policies set out above.

Design

NPPF Chapter 12 - achieving well-designed and beautiful places, advocates that good design is a

key aspect of sustainable development and requires that planning should always seek to secure high quality design and a seek to secure better places in which to live and work and that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Good design is crucial to achieving attractive and durable places to live. CSDP Policy BH1 sets out the design principles for development and seeks to ensure that new housing meeting nationally described space standards as a minimum, with CSDP Policy BH2 seeking sustainable design and construction.

The DMSPD sets out additional planning guidance which applies to a range of planning applications. Section 3 - Residential Design has been prepared been prepared to assist developers, their design professionals, and agents, in preparing proposals for residential developments. It provides criteria against which planning applications for new residential development will be assessed, illustrating a preferred design approach, streamlining the planning process, and ensuring the delivery of high quality, sustainable places within Sunderland.

The building which is the subject of this application has deteriorated and fallen into disrepair due to vandalism since the property was vacated in March 2024.

It is acknowledged that the proposed development would bring back into use a vacant building and would bring about much needed repairs to the fabric of the building which would have a positive impact on the visual amenity of the street. As such, the proposal would accord, in part, with CSDP Policy BH1 as far as it relates to the appearance of the building.

Impact Upon Residential Amenity of Future Occupiers

The NPPF at Chapter 11 requires that planning policies and decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 198 requires that planning policies and decisions should ensure that new development is appropriate for its location considering 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.

CSDP Policy HS1 requires that development does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation and that the cumulative impact would not result in unacceptable adverse impacts on the local community.

CSDP Policy B1 sets out the design principles and seeks to create places which have a clear function, character, and identity based upon a robust understanding of local context, constraints, and distinctiveness; support the function and vitality of the area in which they are located; be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; ensure good levels of amenity; promote natural surveillance; visually attractive; encourage durability and adaptability throughout the lifetime of the development to accommodate a range of uses and meet with National Design Spacing Standards (NDSS).

Regarding furnished student accommodation, there are no minimum spacing standard requirements. The NDSS states at note four that furnished layouts are not required to demonstrate compliance.

In addition to the student studio apartments, it is proposed that the following communal facilities are to be provided;

Lower Ground Floor
Cinema Room
Utility/Laundry Room
Additional Storage Room
Secure Bike Storage Room

Ground Floor
Communal Lounge

First Floor
Study Zone

Second Floor
Communal Kitchen and Livingroom

The Councils Environmental Health Section (PH) has been consulted and has identified that if the kitchenette areas are not sufficient to cook a full Sunday lunch (rough guide on what is required for cooking facilities) the share kitchen area on the second floor would capture the development as an HMO still, as residents are sharing this amenity. Concern was also raised in regard to the room sizes in regard to potential risk in respect of the Housing Health and Safety Rating System (HHSRS). The PH team acknowledged that the restriction of solely student may indicate that the residents will not be in permanent residence and as such raised no objection but recommended the addition of an informative should planning permission be granted.

The use type does potentially raise some concerns over its compatibility with the desirable suburban residential character of Ashbrooke that is predominantly characterised by houses and self-contained apartments and high levels of home ownership. Several objections have been received raising concern regarding potential anti-social behaviour, long-term community cohesion, and safety.

Northumbria Police raised concerns in regard the location of the communal kitchen on the second floor and referred to Part 6 of the Sunderland city council HMO landlord Standards and the size of the kitchen area in relation to the afore mentioned documents. The applicant provided a response clarifying that student studio within the proposed development is provided with its own kitchenette and en-suite bathroom and that the lower ground floor studio, this unit has been designed as an accessible room in full compliance with the relevant Approved Documents, incorporating an adapted wet room and a kitchenette that can be adjusted to meet the specific needs of future occupants. The applicants' response also detailed that the provision of a lift feasible without causing unacceptable harm to the building's character and significant damage to its historic fabric. Northumbria Police were reconsulted in regard to the applicant's response and removed their objection but still had concerns regarding the potential increase in demand that the development may have on services.

A number of representations were received regarding the proposed usage and the potential for noise nuisance and disruption with may representations stating that the transient occupancy the development proposes would disrupts community cohesion and fundamentally change the family oriented existing community.

It is acknowledged that with a significant number of strangers living together within the building it is very likely that such a facility will increase the incidents of inter resident conflict and as such

there will be an increase in police demand from the address. Such incidences will have a negative and detrimental impact on the character of the surrounding area, which would be contrary to CSDP policy BH1 and HS1.

Ecological Impact

The NPPF, Chapter 15, requires the planning system to contribute to and enhance the natural and local environment by,

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Paragraph 187(d) of the NPPF encourages the incorporation of locally appropriate ecological enhancement measures within planning proposals. These measures can include those that support the establishment of coherent ecological networks and facilitate use of the post-development site by priority or threatened species.

The NPPF at Paragraph 193 states that "when determining planning applications, local planning authorities should apply the following principles:

(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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

At Paragraph 195 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

CSDP Policy NE2, sets out (inter alia) that where appropriate, development must demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

CSDP Policy NE4, sets out (inter alia) all major development is required to provide (either):

i. A minimum of 0.9 hectares per 1,000 bed spaces of useable greenspace on site; unless
ii. a financial contribution for the maintenance/ upgrading to neighbouring existing greenspace is considered to be more appropriate.

CSDP Policy SP7 seeks to improve and promote healthy and active lifestyles which create a strong sense of place and encourage social interaction.

The following documents in regard to ecology have been submitted in support of this application:

- Ecological Impact Assessment - Bats and Birds (Tyne Ecology, September 2025)
- Natural England's SSSI Impact Risk Zones letter (Natural England, December 2025)
- Habitats Regulations Assessment - Screening Statement (Goldline Architectural Limited, December 2025)
- Daytime Bat Walkover Survey (Tyne Ecology, August 2025)

The development is contained within the original footprint of the building/hardstanding and therefore, BNG requirements are exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended). The site consists of a building, hardstanding, trees, hedges, and grassland. All vegetation is to be retained and proposed works concern the hardstanding area and building, which is not to be demolished. The building was observed to be low suitability for roosting bats and nesting birds. A presence absence bats survey was conducted on the building and no roost was observed, however the building does provide potential for opportunistic bats.

The site is however located with the 7.2 km buffer from the coastal European Sites, in accordance with the Sunderland Recreation Mitigation Strategy, a contribution of £214.19 per student bedspace will be required as mitigation for increased recreational pressures on those sites.

The City Ecologist has been consulted as part of this application process and has raised no objection subject to the imposition of recommended planning conditions pertaining to breeding birds, the submission and approval of a Precautionary Working Method Statement, the submission and approval of a Lighting Design Strategy for Biodiversity and the submission and approval of a Hedgerow and Tree Protection Plan.

Highway and Pedestrian Safety

Paragraph 112 of the NPPF advises that local parking standards for residential development

should amongst other matters take into consideration the availability and opportunities for public transport, whilst paragraph 113 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

Paragraph 116 is clear in stating that, development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts of the development are severe.

CSDP Policy ST3 outlines that development should provide safe and convenient access for all users and should include a level of vehicle parking and cycle storage in accordance with the Council's parking standards.

The proposal seeks to convert an existing office building to thirty self-contained studio rooms for student accommodation. The development makes use of an existing building within an established urban area that benefits from good accessibility to public transport, local services, and the city centre. The proposal does not involve the creation of new vehicular accesses or alterations to the existing access arrangements serving the site.

The Councils Future Transport team have considered the planning submission and have stated that given the nature of the use and the location, it is recognised that student accommodation typically results in low levels of private car ownership and trip generation when compared to traditional residential development. As such, the development is not considered likely to result in a material increase in vehicular movements that would be detrimental to highway safety or the operation of the surrounding highway network. The proposed external works, including alterations and refurbishments to windows and doors, are not considered to adversely affect pedestrian or vehicular visibility or the safe use of the adjoining highway and as such have raised no objections subject to the imposition of recommended planning conditions pertaining to Construction Method Plan.

Planning Obligations

The NPPF at paragraph 56 requires the local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through a condition.

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law, three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via paragraph 58.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests: -

o Necessary to make the development acceptable in planning terms;
o Directly related to the proposed development;
o Fairly and reasonably related in scale in kind to the development.

Sunderland's future growth and environmental sustainability cannot be achieved without a wide array of essential infrastructure. The term infrastructure can be taken to include roads and other transport facilities, flood defences, schools and other educational facilities, health facilities, sporting and recreational facilities and open spaces. This is not an exhaustive list and there may

be a range of other services and facilities that could constitute infrastructure, which may be required.

CSDP Policy ID1 relates to infrastructure delivery and seeks to ensure that development contributes towards the provision of (i) measures to directly mitigate the impacts of the development and make it acceptable in planning terms; and (ii) contribute towards the delivery of essential infrastructure identified in the IDP.

Where necessary, the timing of provision of infrastructure will be linked directly to the phasing of development, taking account of viability. This will be secured either through planning conditions, or where this is not appropriate, by planning obligations or other similar infrastructure tariffs in accordance with the planning obligation tests set out in paragraph 14.11, to ensure that the planned and necessary infrastructure is available to serve the development when it is first required.

CSDP Policy ID2 sets out the mechanisms in respect of planning obligations. Planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Policy NE2 of the CSDP requires development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. In this regard, the Council's Ecology Team confirmed that the proposal would induce requirement for a planning obligation incidental to a Habitats Regulations Assessment (that, incidentally, concluded that increased residential development within 7.2km of coastal European sites (Durham Coast Special Area of Conservation ('SAC') and Northumbria Coast Special Protection Area ('SPA') and RAMSAR site) is likely to result in increased recreational pressure on the European sites).

To that end, a planning obligation is sought from new residential development (and other types of development, as necessary) within 7.2km of the coast to contribute towards a package of associated mitigation measures. These measures will provide confidence that adverse effects on integrity (from recreational impacts) can be ameliorated and ruled out. Development contributions are secured via Section 106 Agreement, which, for the avoidance of doubt, in this case would have amounted to £248.72 per bedspace. If the proposal were to be acceptable, an approval would need to be subject to such an agreement.

Conclusion

As set out earlier in this report, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Case law has established that decisions must be made in accordance with the development plan as a whole - in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

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

development and any associated policy conflict.

Whilst Sunderland 2020 SHMA Student Need Addendum Report sets out a shortfall in Student Accommodation by 885 units by 2022, CSDP Policy H3 sets out that the development of student accommodation should be located within the Urban Core. The Council need to ensure that student accommodation numbers need to be managed in line with projected student numbers to ensure the city does not end up with an oversupply of accommodation, which cannot be easily converted to other uses. The proposed development is outside of the Urban Core and does not demonstrate a need for student accommodation outside of the defined Urban Core, or, that the development would not result in an over concentration of student or shared accommodation; the proposal is contrary to CSDP Policy H3.

The development would bring back a vacant building into residential use albeit for student accommodation and would bring about much needed repairs to the fabric of the building which would have a positive impact on the visual amenity of the street.

The use type raises concerns over its compatibility with the desirable suburban residential character of Ashbrooke that is predominantly characterised by houses and self-contained apartments and high levels of home ownership. There is concern in regard to the transient nature of residents and in regard to potential increases in anti-social behaviour.

From an ecological perspective, the proposed development is confined to the original footprint of the building/hardstanding and as such is exempt from BNG. However, the site is located within the 7.2 km buffer from the coastal European Sites, in accordance with the Sunderland Recreation Mitigation Strategy, a HRA contribution is required.

For the reason given above, the proposed development has been found to be unacceptable.

The site which is the subject of this application is located outside of the Urban Core, no details have been provided to demonstrate there is an additional need for student accommodation and as such the development of student accommodation is in this location is contrary to CSDP H3.

Given the potential for significant number of strangers living together within the building, it is very likely that such a facility will increase the incidents of inter resident conflict as such, there will be an increase in police demand from the address. Such incidences will have a negative and detrimental impact on the character of the surrounding area, which would be contrary to CSDP policy BH1.

The proposal, therefore, runs contrary, in part of fully, with policies H3, SP7 and HS1 of the CSDP and paragraphs of the NPPF. It is, therefore, considered to be unacceptable.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

- age;
- disability;
- gender reassignment;

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: REFUSE planning permission, for reason below:

Reasons:

1 The proposed development is located outside of the Urban Core. No details have been provided to demonstrate there are no suitable and available sites to accommodate the proposed development within the Urban Core, or, that there is an additional need for student accommodation in this location, as such, the development of student accommodation is in this location is contrary to CSDP H3.

13. South Sunderland

Reference No.: 25/02890/FUL Full Application

Proposal: **Conversion of 6no bedroom residential dwelling to 7no bedroom Co-Living property (Sui Generis) including associated external changes.**

Location: 38 Toward Road, Sunderland SR2 8JF

Ward: Hendon
Applicant: Metters Properties Ltd
Date Valid: 15 December 2025
Target Date: 9 February 2026

PROPOSAL:

The planning application seeks to convert a terraced 6 no. bedroom residential dwelling (use class C3) to a 7no. bedroom Co-Living property (Sui Generis use) including associated external changes. The property fronts Toward Road and the area is primarily residential, although a caravan storage business is opposite the site. The property and wider terrace is in a poor state of repair.

Proposed Development
As existing the plans show, there are 7 no. bedrooms, with four on the first floor and three on the second floor. There would be a total of 7 no. bedrooms, one to basement level and two each to the ground, first and second floors, all of which would have their own ensuite bathrooms and kitchenettes.

The property would contain shared amenity space for the provision of a kitchen, laundry and games room to the basement level and a living/dining room to ground floor level.

There would be the erection of 1.8m high security fencing and a 1m wide gate in order to safely secure an enclosed bin store, and an 8 space vertical bike shelter to the rear yard. Additionally, there would be 1 no. regular parking space and 1 no. EV parking space.

Large HMOs and co-living accommodation are both 'Sui Generis' uses, i.e. uses which do not fall into any of the use classes set out in the Town and Country Planning (Use Classes) Order (as amended). HMOs include the subdivision of an existing dwelling into smaller bedrooms and provide some limited shared amenity space. The submission sets out that 'co-living schemes' are designed to provide a higher standard of accommodation offering individual privacy with shared living benefits in order to create a sense of community and the creation of a supporting environment to enable social connections.

Planning History
23/00846/FUL 37 & 38 Toward Road, change of use to 13-bed HMO - refused planning permision on 14.07.2023 on grounds of lack of amenity space and crime and disorder.

25/01794/FUL 38 Toward Road, change of use to co-living accommodation - refused planning permission on 26.11.2025 on grounds of accommodation providing poor standard of residential amenity.

The application has been submitted in response to the most recent refusal:-

"The proposed development would result in an inadequate level of residential amenity for potential occupants due to poor outlook from ground floor rear bedrooms and the poor standard of shared internal amenity space being available in the subject property. The proposed amenity space would be situated in the basement where the only form of natural light would be served by the proposed 2 no. light wells with a daylighting basement system, it is not considered to contribute to adequate amenity space for future occupants."

The agent on behalf of the applicant has submitted a comprehensive redesign which seeks to address the abovementioned reason for refusal. Two new lightwells will serve the basement, one for the bedroom and one for the kitchen, whilst a sunlight and daylight assessment has been submitted which focuses on the internal performance on the daylight and sunlight reaching bedrooms 2 and 3 which are situated on the ground floor. The report concluded that the proposed development is compliant with standards set out in BR209 (2022).

An application of this nature would normally be determined under delegated powers but was referred to the Planning and Highways Committee by Ward Councillor Mordey on behalf of Councillor Elms.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Environmental Health
Network Management
Northumbria Police
Planning Policy

Neighbour Consultation

Meridian Properties 84 - 85 Toward Road Sunderland SR2 8JG
Vacant Property Former Brian Aslett Premises 85 Toward Road Sunderland SR2 8JG
84 Toward Road Sunderland SR2 8JF
S.C.A.I. Electronics 85 Toward Road Sunderland SR2 8JG
39 Toward Road Sunderland SR2 8JF
11 Juniper Close Sunderland SR2 8HE
36 Toward Road Sunderland SR2 8JF
10 Juniper Close Sunderland SR2 8HE
41 Toward Road Sunderland SR2 8JF
9 Juniper Close Sunderland SR2 8HE
83A Toward Road Sunderland SR2 8JF
42 Toward Road Sunderland SR2 8JF
Frasers Garage 77 - 83 Toward Road Sunderland SR2 8JF
37 Toward Road Sunderland SR2 8JF
Open Storage Toward Road Sunderland SR2 8JG
40 Toward Road Sunderland SR2 8JF

Final Date for Receipt of Representations: **13.02.2026**

REPRESENTATIONS:

Representations
Councillors - No recorded representations or objections received.

Neighbours - An anonymous representation has been received, which questions the accuracy and conclusions of the submitted daylight and sunlight assessment (suggesting internal conditions will be poorer than it suggests), impacts on parking, highway safety and the safe operation of bus routes and the cumulation of HMO-type accommodation in the area. The representation also suggests that the application submission did not accurately account for representations submitted in respect of the previous application.

In response to the representation above the agent offered the following comments:-

In relation to the internal amenity, specifically daylight and sunlight, we can confirm that the property was tested by a specialist third party consultant and all their findings show the property will be fully compliant with BRE (BR209 2022).

Apologies if we were not clear when discussion objections, this was in relation to consultee feedback requested by Sunderland City Council. One objection from the public was formally received.

Residents in co-living developments typically exhibit lower levels of car ownership. Nevertheless, two parking spaces have been provided at the rear of the property, alongside eight secure bicycle spaces (equivalent to one per room, with an additional space available for visitors). Multiple site visits (at different times of day) have not identified any parking issues; the single image provided depicts workers' vans unrelated to this property.

The site is located within a mixed-use area, where a variety of residential, commercial, and community uses coexist. The proposal provides over 65 sqm of communal facilities and an average bedroom size of over 20sqm, which are significantly better than other shared accommodation in the area as the property has been designed to serve the needs of future residents. On this basis, it cannot be reasonably argued that the development would result in substandard living conditions.

Furthermore, the design and scale of the proposal are consistent with the surrounding built environment, and the mix of uses in the area ensures that the development would not harm the character or amenity of the locality. Adequate provision for communal spaces, coupled with the predominantly mixed-use context, supports a high-quality living environment for future occupiers without adverse impact on neighbouring properties.

Northumbria Police will always have concerns with developments that would contain a number of strangers living together and concluded that with the design and space provided the proposals would be more of a home than as opposed to that of individuals within a building.

The Council's Public Protection and Regulatory Services (Environmental Health) team referred to the submitted Noise Impact Assessment and provided a suggested condition be placed on any decision notice, requiring that prior to occupation, final details of glazing and ventilation specifications be submitted to and approved in writing to the LPA, as set out within table 1 of the aforementioned assessment.

Additionally an informative has been advised referring to the Licensing of Houses in Multiple Occupation.

The Council's Future Transport team have no observations to make.

The Council's Planning Policy team referred to the relevant policies of the scheme with particular regard to H6 of the CSDP and the Council's HMO SPD. It is confirmed that the proposals would not exceed thresholds in the Council's HMO Supplementary Planning Document, which seeks to limit the number of HMOs within the area around an application site and prevent dwellinghouses being 'sandwiched' between HMOs.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

BH1 - Quality Design
H6 Considerations in area based housing distributions
HS1 - Quality of life and amenity
NE2 - Biodiversity and Geodiversity
SP1 - Development Strategy
SP7 - Healthy and safe communities
ST2- Local Road Network
ST3 - Development and Transport

COMMENTS:

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

The National Planning Policy Framework ('NPPF') (December 2024) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

Additionally, National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended December 2024), which requires the planning system to contribute to the achievement of sustainable development. Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible.

Core Strategy Development Plan (CDSP) Policies
It is noted that the impact of the development should be considered in relation to Core Strategy Development Plan Policy H6 and in relation to the guidance set out in Sunderland City Council's HMO Supplementary Planning Document. The highways design and amenity impact should also be considered and to meet space standard as set out in Policy BH1 of the Core Strategy

Policy BH1 'Design quality' of the adopted Core Strategy Development Plan (CSDP) seeks to

ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

Policy H6 sets out that that the development of HMOs should ensure that:
1. The property is located where increased traffic and activity would not be detrimental to local amenity;
2. The intensity of use would not adversely affect the character and function of the locality;
3. The proposal would not be detrimental to the amenity of neighbouring properties by causing undue noise and disturbance;
4. Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated though the submission of a management plan;
5. The proposal would not have an over concentration of HMOs within the locality; and
6. The accommodation provides a good standard of living space and amenity for occupiers of the HMO. In relation to the above, the proposals should be accompanied by a management plan as per Criterion 4 above.

Policy HS1 states that :-

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.

Policy NE2 broadly speaking, seeks to ensure new development does not result in unacceptable harm to ecology and promotes the securement of tangible gains in biodiversity through the planning system.

Policy SP1 seeks to support sustainable economic growth and to meet people's needs, the council and working with local communities, key partners, and stakeholders.

Policy SP7 seeks to improve health and wellbeing of Sunderland City by promoting healthy and safe communities.

Policy ST2 of the Core Strategy states that proposed development should retain off street parking in the interests of highway safety.

Policy ST3 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians, and indicate how parking requirements will be met.

In assessing the proposal, the key issues to consider are;

- the principle of development
- residential amenity
- amenity and character of the locality
- highway safety and parking
- Ecology

Principle of Development

Above mentioned Policy H6 of the CSDP seeks to manage proposals for new HMOs. More detailed guidance is provided by the Council's adopted Homes and Multiple Occupation Supplementary Planning Document (HMO SPD) (2020). It provides guidance on the management of HMO development and sets out (at page 13) that planning permission for HMOs will not normally be granted:

I. Where it would result in any residential property (in C3 use) being 'sandwiched' between two HMOs; or
II. Where the number of HMO dwellings exceeds 10% of the total number of residential properties within a radius of 100 metre from the application site.

The guidance states that where either of the above criteria would be breached, that planning permission will only be granted in exceptional circumstances.

In relation to the above, the Council's Planning Policy team has confirmed that proposal would not result in a residential property being 'sandwiched' and nor would it result in the number of HMOs within 100m of the site exceeding the 10% threshold. The proposal would not, therefore, be contrary to the HMO SPD and policy H6 with regard to creating an overconcentration of HMOs within this location.

The SPD guidance sets out that notwithstanding the threshold limit (as set out above), other material considerations including but not limited to, highways, amenity, character, neighbouring amenity, highway safety and residential amenity of future and existing occupiers arising from the impact of the proposal will be assessed in accordance with the Council's development plan, in particular Core Strategy and Development Plan Policy H6: Homes in Multiple Occupation.

Residential Amenity for Future Occupiers

Policy BH1 criterion 14 of the Council's CSDP seeks to ensures a good standard of amenity for all existing and future occupiers of land and buildings. It also sets out that from 1 April 2021; development must meet the national spacing standards as a minimum for residential accommodation.

These spacing standards are contained within the Technical Housing Standard-Nationally Described Spacing document, published in March 2015 by the Department for Communities and Local Government.

All bedrooms appear to meet the minimum size requirements for single occupancy rooms (minimum of 16.8 square metres in area, ranging up to a maximum of 30.6 square metres in area (including en-suite bathrooms)). Therefore, the submitted plans meet the standards set out in Nationally Described Space Standards.

With regard to the design of the layout and residential amenity and space for future occupiers, it is accepted that all of the bedrooms are of a good size and benefit from acceptable outlook to the front or rear. The accommodation is also afforded generous shared amenity space to the ground

floor and basement levels, which will provide occupiers with alternative space to their private rooms. The new lightwells to the front and rear will provide the basement level with additional natural light.

The property is also well-placed in terms of access to facilities and services, with Villette Road local retail centre a short walk away. The site is also within walking distance of Barley Mow Park and Backhouse Park. Toward Road is served by frequent buses to the city centre and southward to Doxford International, Silksworth, Murton and Peterlee.

There have been no objections to the proposals from the Council's Environmental Health team, who request that the applicant contacts the HMO Licensing team with regard to any licensing requirements for the proposed accommodation.

Overall, it is considered that the building will provide residents with acceptable living conditions and the proposal is therefore considered to be in accordance with Policies BH1 and HS1 of the CSDP.

Amenity and character of the area
Residential uses such as that proposed can give rise to concerns with regard to the impact of the use on the amenity of the locality, especially given the crime, anti-social behaviour and community cohesion concerns raised by Northumbria Police which are advised as being commonplace within this area of Sunderland.

Paragraph 135 of the NPPF highlights that the planning system should seek to create places that are safe, inclusive, and accessible….and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In relation to crime, anti-social behaviour and community cohesion and in the presence of a robust management plan for the accommodation, Northumbria Police note the difference between a development such as this for Co-living and a standard HMO there is a chance to improve the living conditions within a shared dwelling. They consider that the development would provide more of a home rather than a group of individuals in a building and offer no objections to the proposals.

The subject property is a large dwelling with 6 bedrooms and given this, it is considered that its use as a 7-bed co-living property would not necessarily be of a significantly greater intensity that would result in harm to local amenity. The propery also fronts relatively busy road providing a main bus route and there are commercial premises opposite; in this context, it is considered that any additional activity generated by the use would not result in significant harm to the character and amenity of the locality.

As such, the development is not considered to have a detrimental effect on the amenity of the locality, or contrary to the guidance set out at Paragraph 135 of the NPPF and policies H6 of the CSDP in this instance.

Highways
The Council's Future Transport team has no objections to the proposal. On-street parking is available around the site, whilst as noted above, it is also well-served by public transport and within a short walking distance of a range of shops, services and other facilities.

Ecology
Policy NE2 of the CSDP requires development to demonstrate how it will provide net gains in biodiversity and avoid (through locating on an alternative site with less harmful impacts) or

minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy. It also states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

As per Natural Englands Statutory Advice the site is identified as being within 7.2 km of coastal European habitat sites and as such, information to inform a Habitats Regulations Assessment is normally required to enable the Local Planning Authority to undertake an Appropriate Assessment. The development is likely to add to indirect impacts on European Sites in combination with other residential developments coming forward in the south Sunderland area. In addition, the site sits just outside of the 400m buffer of Durham Coast Special Area of Conservation (SAC).

A contribution to Strategic Access Management and Monitoring measures is appropriate to help address likely significant effects on European Sites and cover areas not already secured through existing schemes. Therefore, the LPA would normally request that the applicant contributes through a Section 106 agreement or Unilateral Undertaking and negate the need to proceed to Appropriate Assessment prior to a decision on the planning application.

Therefore, a financial contribution of £248.72 per additional bedroom would be required in this case there would be 7no bedrooms in which there would be a total of £1741.04, plus legal fees would need to be secured via a Section 106 agreement or Unilateral Undertaking prior to commencement should the proposal were to be acceptable and approved and be subject to such agreement.

The agent has confirmed that the applicant would be willing to make such a contribution in the event the planning application was approved. Following on from this, a draft Unilateral Undertaking was submitted 19 March 2026, for completion in the event that the application be approved.

Conclusion
The proposal will provide potential occupiers with an acceptable standard level of living and shared amenity space. For the reasons given above, the proposed development has been found to be broadly acceptable in principle in terms of its impact on visual/residential amenity, highway safety, character and appearance, ecology and crime/anti social behaviour..

The proposal will also have the benefit of bringing a vacant, deteriorating building back into a viable use.

Therefore, it is recommended that Members are minded to approve the application subject to the conditions below and satisfactory agreement of the Section 106 Agreement/Unilateral Undertaking.

RECOMMENDATION: EITHER:

(a) APPROVE, subject to the recommended schedule of draft conditions and the completion of a legal agreement to secure contribution to Coastal Mitigation Strategy.

OR

(b) If the legal agreement is not completed by 30 June 2026 then REFUSE planning permission for the reason below:

There does not exist a mechanism to provide the relevant planning obligations required to mitigate the impact of the proposed development and make it acceptable in planning terms, namely a financial contribution towards the Coastal Mitigation Strategy (HRA mitigation).

Reason: In the absence of such planning obligations being provided, the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), Policy NE2 (biodiversity and geodiversity) and Policy ID2 (planning obligations) of the adopted Core Strategy and Development Plan (2015-2033).
Conditions:

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans received 13.12.2025:-
Location Plan
Existing Site Plan
Proposed Site Plan
Bike Shelter Drawing
Existing & Proposed Basement
Existing & Proposed Elevations
Existing & Proposed Ground Floor Plans
Existing & Proposed First Floor Plans
Existing & Proposed Second Floor Plans

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

3 The materials used in the development hereby approved shall be those detailed in the 'Materials' section of the submitted Application Form unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Prior to occupation, the applicant shall confirm in writing to the LPA that the glazing and ventilation installed achieves or exceeds the glazing performance detailed within Table 1: Summary of minimum facade sound insulation treatment, contained within the Apex noise impact assessment (ref: 13039.1001) submitted with the planning application.

Reason: To ensure a satisfactory form of development, in the interests of residential amenity, and to accord with Policy H6 of the adopted Core Strategy and Development Plan.

Reference No.: 26/00131/VAR Variation of Condition

Proposal: **Variation of condition 6 (Detailed Management Plan) attached to 23/02476/FUL (Change of use of property at 5 Saint Bedes Park from a dwelling (Use Class C3) to a children's home (Use Class C2), and associated shared use of residential garden) to amend the wording of condition 6 so as to change the timing trigger for submission from 3 months to prior to occupation of the development. (Amended proposed management plan received 16.02.2026, and amended covering letter received 20.02.2026).**

Location: 5 Saint Bedes Park Sunderland SR2 7DZ

Ward: Hendon
Applicant: ROC Group
Date Valid: 19 January 2026
Target Date: 16 March 2026

PROPOSAL:

This application relates to the variation of condition 6 (Detailed Management Plan) attached to previous planning permission ref. 23/02476/FUL to allow for amendment to the associated timing trigger of which, as approved, required submission in writing to the Local Planning Authority of the requisite management plan within 3 months of the date stated on the decision notice (where, for the avoidance of doubt, the decision notice was dated 05/08/2024). Owing to the fact the requisite detailed management plan has not been submitted and, therefore, not approved in writing by the Local Planning Authority within 3no. months of the date specified on the decision notice, this application seeks permission to alter the timing trigger imposed by condition 6 of planning permission ref. 23/02476/FUL and proposes an alternative timing trigger of prior to occupation of the development.

The development approved under planning permission ref. 23/02476/FUL otherwise remains unchanged in all other respects.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Environmental Health
Northumbria Police
Network Management

Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Stephen Lewis Elms
Planning Implementation
Environmental Health
Planning Policy
Northumbria Police

Neighbour Consultation

The Occupier Tennis Courts Clifton Hall And Bede Tower Burdon Road Sunderland SR2 7EA
Bethany City Church Bede Tower Burdon Road Sunderland SR2 7EA
4 Saint Bedes Park Sunderland SR2 7DZ
6 Saint Bedes Park Sunderland SR2 7DZ
Metro Church International Park Road Methodist Church Park Road Sunderland SR2 8HR
Flat 1 1 Park Road Sunderland SR2 8HR
Flat 5 2 Park Road Sunderland SR2 8HR
Park Road Methodist Sunday School Park Road Sunderland SR2 8HR
Flat 1 2 Park Road Sunderland SR2 8HR
Flat 2 2 Park Road Sunderland SR2 8HR
Flat 4 2 Park Road Sunderland SR2 8HR
Flat 3 2 Park Road Sunderland SR2 8HR
Flat 2 1 Park Road Sunderland SR2 8HR
7 Saint Bedes Park Sunderland SR2 7DZ
8 Saint Bedes Park Sunderland SR2 7DZ
6 Saint Bedes Park Sunderland SR2 7DZ
3 Saint Bedes Park Sunderland SR2 7DZ
Norfolk Street Studios 29 Norfolk Street Sunderland SR1 1EE

Final Date for Receipt of Representations: **24.03.2026**

REPRESENTATIONS:

Publicity

The occupiers of neighbouring properties in the vicinity of the application site (including those adjoining the curtilage of the application site) were sent neighbour notification letters. Site notices were posted in the vicinity of the application site which ensures that the Local Planning Authority has, in the interests of openness and transparency, dutifully fulfilled the requisite statutory obligations.

Site notice expiry date(s): 18/02/2026 & 18/03/2026
Press notice expiry date(s): 24/02/2026 & 24/03/2026
Neighbour notification expiry dates: 16/02/2026 & 16/03/2026
Consultation expiry dates: 16/02/2026, 19/02/2026 & 13/03/2026

Neighbour Representations
3no. representations have been received objecting to the application. These are summarised as follows:

Representations - Object

Residential Amenity

- Concern with suitability of a terraced property with shared outdoor space and the level amenity afforded to future occupiers of the children's home in relation to privacy.

Highway Safety/Matters

- Concern relating to the safety of future occupiers given proximity of the application site to the highway

Other Matters

Miscellaneous:

- Concern that the submitted management plan is insufficient
- Concern in respect of the suspected placement arrangements and procedure where it is alleged that prospective residents will not necessarily originate from the Sunderland and/or northeast area. Were this to be the case, concern is raised in respect of supposed pressures this would place on local primary care and healthcare services; together with potential demand for service from Sunderland City Council were safeguarding issues ever to occur.
- Concern raised with the level of needs prospective residents have.
- Concern with suitability of a terraced property with shared outdoor space.
- Concern with suitability of application site on account of the area allegedly being frequented by homeless and vulnerable people (including those "…often involved in substance misuse in St. Bede's Park…" and "…fleeing domestic violence accommodation")
- Concern that matters forming basis of the required management plan should have been assessed prior to determination of the original application as it is alleged that the proposal could otherwise not have been wholly assessed (including in relation to amenity issues arising from shared use of communal space) against the terms of adopted Core Strategy and Development Plan HS1.
- The proposal is alleged to go to the heart of the consent.

Consultation Response

Ward Councillors

No response received.

Network Management

First response (received 03/02/2026): No objection.

Second response (received 09/03/2026): No objection.

Environmental Health

First response (received 17/02/2026): No objection.

Second response (received 17/03/2026): No objection.

Conservation

No objection.

Ecology

No objection.

Northumbria Police

First response (received 11/02/2026). No objection subject to informative, as recommended.

Second response (received 09/03/2026): No objection subject to informatives, as recommended.

POLICIES:

In the Core Strategy and Development Plan and Unitary Development Plan, the site is subject to the following policies;

Saved UDP policy EN10
CSDP policies HS1, SP1, SP5, H1, H5, BH1, BH7, BH8, HS1, ST2, ST3, SP7

COMMENTS:

Consideration of the Proposal

Given the nature of the proposed change, which is solely incidental to the timing trigger of the required management plan, it is considered prudent to consider the scope of amendments to a planning permission able to be made by applications submitted under s73 of the Town and Country Planning Act 1990 (as amended). S73 of the Act allows applicants to apply to alter or remove a condition attached to a planning permission, with case law (Armstrong v SoS [2023]) confirming that there is nothing in the Act which limits the application of s73 to 'minor material amendments' to the extant permission or only amendments which do not involve 'substantial' or 'fundamental' variation.

At present, however, it remains the case that s73 of the Act cannot be used to vary the operative part of a planning permission, i.e. the scope of development set out in the description of the approval. The proposed variation would not alter nor conflict with the operative part of the extant planning permission. As such, the revision to the timing trigger associated to the required management plan would not affect the description of the current planning permission, and it is therefore considered that the proposed amendment to the approved scheme can be dealt with through an application under s73 of the Act.

In terms of the merits of the proposed amendment, the proposed changes to the approved development being sought gives rise to a relatively narrow set of planning considerations and it is considered appropriate for this report to mainly focus on these specific issues.

It is noted that respective consultees have offered no objection in respect of the proposed condition wording alteration. To that end, and on account of the nature of the proposed alteration, it is not considered necessary to revisit any of the planning considerations relevant to the original planning approval in the context of contemporary positions. For an assessment of the matters considered in the determination of the original planning application, please see the officer report prepared in respect of planning permission ref. 23/02476/FUL (which, incidentally, excepting certain concerns already addressed above, otherwise addresses the concerns raised in

representations received for this s73 application). For the avoidance of doubt, the primary purpose of condition 6 is to regulate impact when occupied. Put differently, notwithstanding absence of a management plan, harm cannot be considered to arise prior to occupation of the approved children's home, thus the proposed timing trigger alteration to require approval of matters pursuant to operability and safeguarding of amenity to prior to occupation is considered both proportional and reasonable, where the operational arrangements (and the impact to local amenity) can be controlled to an acceptable extent. With no other impacts in relation to planning issues and by virtue of the fact that that the proposal still accords with relevant policy, the proposed timing trigger alteration for condition 6 is otherwise rendered acceptable.

Several conditions were attached to planning permission ref. 23/02476/FUL, two of which (i.e., condition 1 and condition 6) need to be amended to relate to the current position in time.

The time condition (i.e., condition 1) remains relevant as development has not commenced. The application relates to condition 6 (and its wording to be exact), thus, given abovementioned commentary pertaining to the acceptability of this timing trigger alteration, condition 6 has been updated accordingly.

In all, therefore, the Local Planning Authority is satisfied that the revision will not conflict with the requirements of the adopted CSDP or the NPPF.

For the reasons given in this report it is recommended that Members APPROVE the application subject to the conditions listed below.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

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

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

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

protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

1 This permission must be implemented within 3 years of the date of the original permission (for the avoidance of doubt, 05/08/2024) and does not extend the time period for implementation.

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

- Location Plan, received 19/01/2026
- Existing and Proposed Plans, received 08/05/2024

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

3 Notwithstanding the provisions of Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the use of the premises shall be restricted to a residential institution providing supported living accommodation in Use Class C2, and shall not be used for any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).

Reason: To define the permission, in the interests of residential amenity and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

4 The number of residents to be accommodated at the development hereby permitted shall not exceed 4no. at any one time.

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

5 The number of staff at the application site associated with the care element of the development hereby permitted shall not exceed 4no. at all times on any given day.

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

6 Prior to occupation of the development hereby approved, a detailed Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Management Plan shall set out (but not be limited to) the following:

- The details of the pattern of staff shift changes;
- The details of visitor arrangements;
- The arrangements for the management and maintenance of the outdoor amenity area within the site;
- The details of the management and maintenance of any CCTV at the site; and
- The contact details of an appointed person (name and telephone number as a minimum) whereby members of the public can raise queries/concerns

The facility shall then operate in strict accordance with the approved management plan for the lifetime of the development.

Reason: In order to protect the amenity of the area and to comply with Policy HS1 of the adopted Core Strategy and Development Plan.

Reference No.: 26/00273/LP3 Local Authority (Reg 3)

Proposal: **Installation of new accessible entrance link, to the South elevation of the extension to the Colliery Engine Winding House.**

Location: Washington F Pit Albany Way Albany Washington NE37 1UR

Ward: Washington North
Applicant: Sunderland City Council
Date Valid: 16 February 2026
Target Date: 13 April 2026

PROPOSAL:

SITE
The site to which the application relates is the F-Pit Museum located within Albany Park. The Park itself was formed from land reclaimed from the former Washington Colliery.

The Engine House and attached steel headgear were the only built structures that were retained. The Engine House has been converted into a museum dedicated to the mining history of the area. The structure is a Scheduled Ancient Monument and a Grade II Listed building.

PROPOSAL
It is proposed to provide a new accessible entrance to the south elevation of The Engine house. The works will include a new door, extract fan exhaust and localised reduction in levels, to accommodate level threshold access.

It is noted that the impacts on the designated Scheduled Monument fall primarily under the consideration of Historic England who, in addition to their comments on the impacts of the proposal in this application, will consider more specific physical impacts on the Engine House and archaeology of the scheduled area as part of a separate application to them for Scheduled Monument Consent (SMC).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Jill Fletcher
Cllr Michael Walker
Cllr Peter Walker
Historic England
Planning Implementation
Amenities Societies
Tyne And Wear Archaeology Officer
The Ancient Monuments Society
The Georgian Group

60 Swirral Edge Albany Washington NE37 1UP
56 Swirral Edge Albany Washington NE37 1UP
67 Swirral Edge Albany Washington NE37 1UP
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14 Ennerdale Albany Washington NE37 1BN

Final Date for Receipt of Representations: **13.03.2026**

REPRESENTATIONS:

Public consultation for the application has been carried out in the form of letters to residential neighbours and site notices and a press notice.

No representations received

Internal/external consultees
Council's Conservation Team - The proposed accessible entrance is part of a wider regeneration project that will conserve and enhance the F Pit Winding House SAM / Listed Building and bring substantial benefits in terms of sustaining and improving the F Pit's Museum offer as a key visitor attraction. The requisite great weight has been given to the conservation of the designated heritage asset, and the proposal satisfies the requirements of CSDP policies BH7 and BH8 and NPPF paragraphs 210, 212 and 219 to conserve and enhance its significance.

Historic England - Historic England support the proposed entrance link and associated works to the south elevation of the western porch extension at Washington F Pit. This forms part of the works previously approved and have been sensitively designed with limited impact to the highly designated heritage asset. The accessible entrance will ensure that the Winding House can be easily enjoyed by all visitors.

Some of the work will require Scheduled Monument Consent (SMC) from the Secretary of State for DCMS which Historic England facilitate. SMC has not yet been applied for. Should it be granted it will include a condition for archaeological monitoring during the groundworks.

County Archaeologist - The proposed works will include some localised reduction in ground levels to accommodate the proposed level threshold access. Historic England have stated that some of the work will require scheduled monument consent (SMC), and that if granted it will include a condition for archaeological monitoring during the groundworks. I therefore consider that no additional conditions related to archaeology are required in relation to this application.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

VC5 Protection and delivery of community facilities and local services
VC6 Culture, leisure and tourism
BH7 Historic environment
BH8 Heritage assets
BH9 Archaeology and recording of heritage assets

COMMENTS:

POLICY BACKGROUND
The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications

determined, with regard to it. The NPPF sets out 3 overarching objectives which aim to assist in the delivery of sustainable development. These are identified as being;

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

As of 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP).

The appropriate guidance of the NPPF as detailed above feeds into the following local policies which are considered pertinent to the determination of this application are policies VC5, VC6, BH1, BH7, BH8 and BH9, of the CSDP.

Given the above the main issues to consider in the determination of this application are as follows:

Principle of proposed use of building
Visual amenity and heritage considerations

Principle of proposed development
The Council's Planning Policy Team noted that CSDP Policy VC6 provides general support for the development of cultural, leisure and tourism proposals. This redevelopment of the museum site would therefore support the aims of Policy VC6.

The proposal would also be considered a community facility and CSDP Policy VC5: Protection and Delivery of Community Facilities and Local Services is also relevant. The policy outlines that community facilities and local services will be protected.

Criterion 2 of the policy sets out support for development of new and extended community facilities. Given that the proposal would help support the existing community facility, it is considered the proposal is also in alignment with this policy.

It is considered that the proposed development will aid in the improvement of the community facility according with policies VC5 and VC6.

The principle of the proposal is acceptable, however the acceptability of the proposal in relation to the other issues set out above will be considered below.

Visual amenity and heritage considerations
CSDP Policy BH7: Historic Environment sets out that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed

for its contribution to character, local distinctiveness and sustainable communities by (inter alia):

1. giving great weight to the conservation of heritage assets (designated and non-designated) based on their significance in accordance with national policy;
2. supporting new development which makes a positive contribution to the character and townscape quality of the historic environment;
3. supporting and developing innovative initiatives that identify, maintain, conserve and sustain or return to beneficial usage designated or non-designated heritage assets;
4. capitalising in an appropriate and sensitive manner on the regeneration and tourism potential of heritage assets; and
8. improving access and enjoyment of the historic environment where appropriate, by supporting proposals that retain, create or facilitate public access to heritage assets to increase understanding, appreciation and enjoyment of their significance, special qualities and cultural values.

CSDP Policy BH8: Heritage Assets states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. More specifically in relation to listed buildings, criterion 2 provides that development affecting a listed building, including alterations and additions should:

i. conserve and enhance its significance in regard to the protection, repair and restoration of its historic fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness; and
ii. be sympathetic and complimentary to its height, massing, alignment, proportions, form, architectural style, building materials, and its setting.

Policy BH9 sets out that where substantive changes are to be made to a designated Built Heritage Asset of significance, works must not commence until an archaeological building recording of the asset has been carried out and the results deposited with the Historic Environment Record and Tyne and Wear Archives.

Following consultation, the Council's Heritage Officer confirmed that the Conservation Team is fully supportive of the above application. The Council's Heritage Officer confirmed that the proposed new accessible entrance to the F Pit Winding House, is part of the wider regeneration project for the development of the F Pit Museum site recently granted consent under application 25/02696/LP3 and that includes a new heritage visitor centre and café, exhibition space, play area, car park and landscaping improvements.

The Museum development also includes a comprehensive package of repair, conservation and improvement works to the Winding House that will be subject to a separate Scheduled Monument Consent (SMC) application to Historic England.

It was set out that the works, which include the new accessible entrance, will ensure the SAM / listed building is conserved into the future and will have a beneficial impact on its significance.

The Council's Heritage Officer confirmed that the works to form the new opening and provide the accessible entrance will not affect any historic fabric and in isolation will have negligible impact on the significance of the scheduled and listed Winding House.

The new entrance will importantly provide improved accessibility to the Winding House and is positioned opposite the new heritage visitor centre / café and external exhibition space to

enhance movement and legibility across the revamped Museum site.

In summary, the Council's Heritage Officer concluded that proposed accessible entrance is part of a wider regeneration project that will conserve and enhance the F Pit Winding House SAM / Listed Building and bring substantial benefits in terms of sustaining and improving the F Pit's Museum offer as a key visitor attraction.

Historic England was consulted and confirmed that they support the proposed entrance link and associated works to the south elevation of the western porch extension at Washington F Pit. The H.E. Officer noted that this forms part of the works previously approved and has been sensitively designed with limited impact to the highly designated heritage asset.

The accessible entrance will ensure that the Winding House can be easily enjoyed by all visitors.

As has been noted previously, some of the work will require Scheduled Monument Consent (SMC) from the Secretary of State for DCMS, which Historic England facilitate. The H.E. Officer states that SMC has not yet been applied for, however, should it be granted, it will include a condition for archaeological monitoring during the groundworks.

The County Archaeologist was also consulted and confirmed that the application for the wider works (25/02696/LP3) included an archaeological desk-based assessment.

The report reviewed a Statement of Significance prepared for Sunderland City Council by Sarah Dyer in 2019, historic aerial photographs, other historic photographs, the Tyne and Wear HER, and regional archives. It included a site visit.

The assessment concluded that there is some potential for the survival of non-designated buried remains of structures associated with the colliery within the redevelopment area and that these would be of local significance. The report recommends that archaeological monitoring is undertaken during the redevelopment of the site.

The County Archaeologist confirmed that the proposed works will include some localised reduction in ground levels to accommodate the proposed level threshold access. Historic England have stated that some of the work will require scheduled monument consent (SMC), and that if granted it will include a condition for archaeological monitoring during the groundworks.

Given this, the County Archaeologist considered that no additional conditions relating to archaeology would be required.

The requisite great weight has been given to the conservation of the designated heritage asset, and the proposal satisfies the requirements of CSDP policies BH7 and BH8, BH9 and NPPF paragraphs 210, 212 and 219 to conserve and enhance its significance.

CONCLUSION
In terms of land use, it is considered that the proposed development will aid in the provision of an improved community facility according with policies VC6 and VC5. In respect of heritage, archaeology and design, Officers are satisfied that the proposal will sit comfortably within the context of the site and would not be of detriment to the character and appearance of the area or built heritage, in accordance with the requirements of CSDP Policies BH1, BH7, BH8 and BH9.

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

that Members be minded to grant planning permission for the development under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the draft conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.
Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

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

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

RECOMMENDATION: GRANT planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the draft conditions set out below.

Conditions:

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

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

Location plan, drawing number 1072-MGA-ZZ-XX-DR-A-01090 Rev P03, received 13.02.26
Existing site plan, drawing number 1072-MGA-ZZ-00-DR-A-01091 Rev P02, received 06.02.26
Existing winding house elevations, drawing number 1072-MGA-00-XX-DR-A-01053 Rev P02, received 06.02.26
Existing winding house floor plans, drawing number 1072-MGA-00-ZZ-DR-A-01003 Rev P02, received 06.02.26
Existing site elevations south and west, drawing number 1072-MGA-ZZ-XX-DR-A-01054 Rev P02, received 06.02.26
Proposed site elevations south and west, drawing number 1072-MGA-ZZ-XX-DR-A-01154 Rev P02, received 06.02.26
Proposed site plan, drawing number 1072-MGA-ZZ-00-DR-A-01191 Rev P02, received 06.02.26
Proposed winding house elevations, drawing number 1072-MGA-00-XX-DR-A-01153 Rev P02, received 06.02.26
Proposed winding house floor plans, drawing number 1072-MGA-00-ZZ-DR-A-01103 Rev P02, received 06.02.26

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 materials to be used, shall be in accordance with those stated within the application form received on the 06.02.26, in the interests of visual amenity and to comply with policy BH1 of the CSDP.