

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Extraordinary Meeting to be held in Committee Room No. 2 on
Wednesday, 29th June, 2016 at 3.00p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of Commercial Development (copy herewith).	

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

21st June, 2016

Item 3

Development Control (South Sunderland) Sub-Committee

29th April 2016

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 15/01546/FDC –Ryhope Village C E Primary School, Ryhope Street South, Sunderland.
2. 15/01629/OU4 – Land at Grangetown Autos, Ryhope Road, Sunderland.
3. 16/00883/LB3 – 4 St Thomas Street, Sunderland, SR1 1NW.

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Alison Fellows
Executive Director of Commercial Development

1.

South
Sunderland

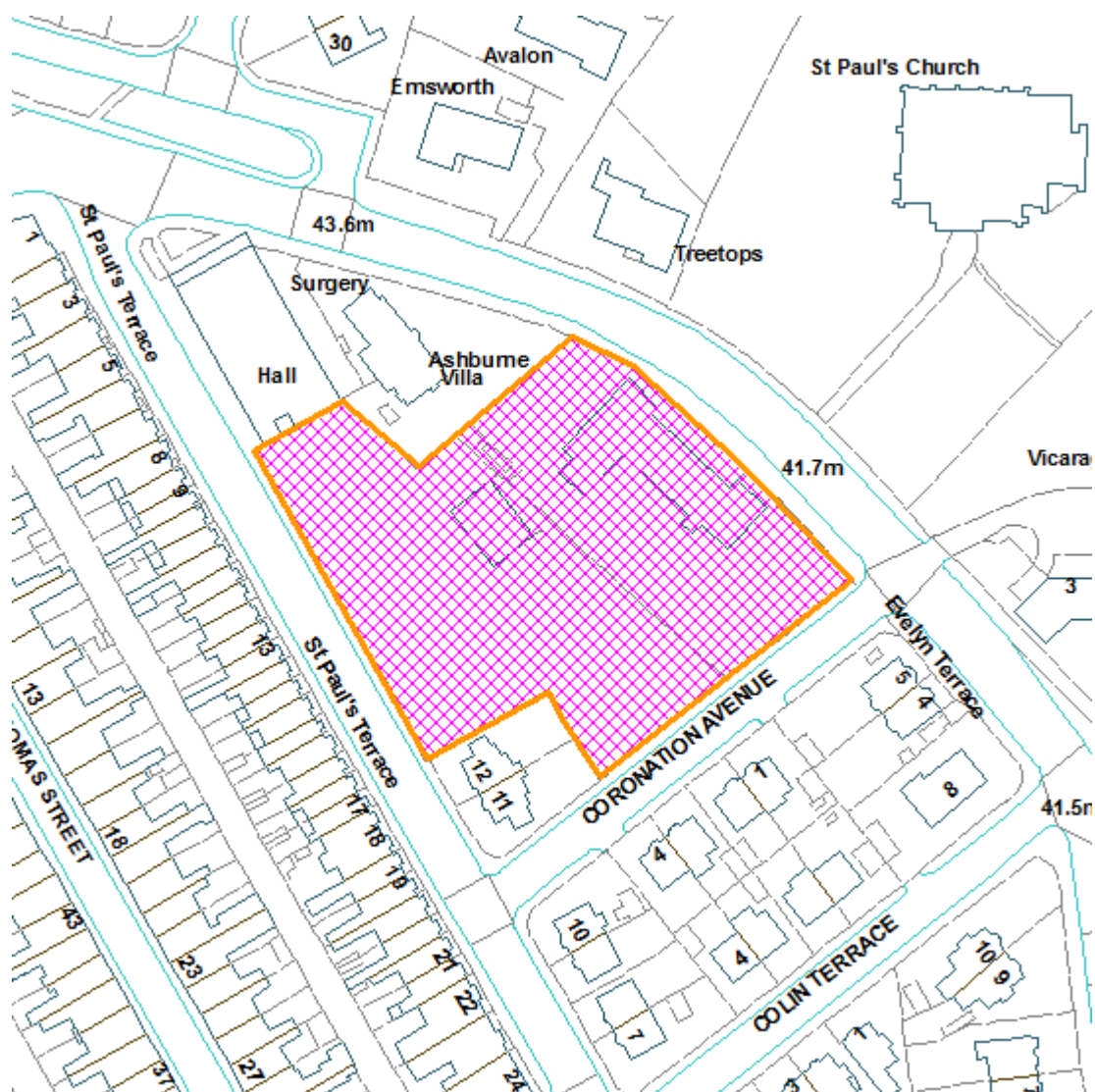
Reference No.: 15/01546/FDC Full PP and DEM in a Conservation Area

Proposal: **Demolition of existing buildings and erection of new 66-bedroom extra care facility**

Location: Ryhope Village C E Primary School Ryhope Street South Sunderland SR2 0HG

Ward: Ryhope
Applicant: Malhotra Group PLC
Date Valid: 9 February 2016
Target Date: 10 May 2016

Location Plan



PROPOSAL:

Site Description

The application site accommodates the disused Ryhope Village Church of England Primary School which fronts onto the Ryhope Street South section of the B1286. The site crosses the western boundary of the Ryhope Village Conservation Area, with the front section accommodating the main former school building included within the Conservation Area. The site is bordered by the residential streets of Coronation Avenue, comprising 1930s two-storey semi-detached dwellings, to the southeast and Saint Paul's Terrace, comprising late 19th / early 20th century two- and single-storey (some with front dormers) properties, to the southwest. The site shares boundaries with a two-storey detached dwelling (Ashburne Villa) and the former Grand Electric Cinema, as it was first known (which was subsequently operated as a bingo hall and, most recently, a car garage), to the north and nos. 11 and 12 Marina Terrace to the south which front southwestward onto Saint Paul's Terrace. The Grade II listed Saint Paul's Church is situated directly opposite Ryhope Street South to the northeast.

The site has an area of approximately 0.41 hectares and contains the host main former school building, which was constructed in 1898, is single-storey, has a footprint of some 356sq.m and is positioned some 2m from the front boundary onto Ryhope Street South at its closest point, and a second single-storey classroom building of later construction (circa 1939) immediately behind with a footprint of approximately 102sq.m, which falls outside of the Conservation Area. The front section of the site is predominantly hard surfaced and the rear section and southern boundary comprises overgrown planting, giving the appearance of disrepair. The site is bordered by brick walls to its northern boundary and northern section of its Ryhope Street South boundary metal railings on its remaining boundaries onto surrounding streets and access is currently afforded via Ryhope Street South and Saint Paul's Terrace. A row of mature trees and overgrown grassland divide the railings along the southwest boundary from Saint Paul's Terrace and high hedging exists along the northwestern boundary within the curtilage of Ashburne Villa.

The levels of the site are essentially divided into a lower plane at the foremost section adjacent to Ryhope Street South (i.e. the section within the Conservation Area) and a 1m to 1.5m higher western section adjacent to Saint Paul's Terrace with a steep embankment located roughly centrally within the site where a section of steel palisade fencing exists. This section of Ryhope Street South slopes gradually upward from southeast to northwest and Ashburne Villa is set higher than the adjacent lower plane of the application site.

Proposal

Planning permission is sought to demolish both existing buildings, remove existing boundary walls and railings and erect a residential care home comprising 66no. en-suite bedrooms and associated dining, leisure, treatment, administration and support facilities.

The proposed care home building has two-storeys, a ground floor area of approximately 1612sq.m and a gross internal floor area of some 3158sq.m and would accommodate the following facilities; it is noted that lounge areas, the library, cinema area and salon would be available for use by the local community during set hours as well as occupants of the proposed development.

- Reception
- Offices
- Family meeting areas

- Four dining areas (two with external seating)
- Lounges and seating and areas
- Cinema area
- Library
- Therapy Room
- Hair salon
- Kitchen
- Laundry
- Two nurses' station
- Two lifts

The proposed building essentially comprises three wings which would enclose a central external courtyard. The main entrance and frontage of the building would face onto Ryhope Street South and further frontages would be presented onto Coronation Avenue to the southeast and Saint Paul's Terrace to the southwest. The proposed building incorporates gabled, flat and mono-pitched roofs of varying height, twin two-storey protruding gabled features incorporating Juliet balconies and a prominent glazed entrance features which would represent the highest section of the building. A substantial terrace serving the largest of the first floor dining areas would be provided to the rear of this entrance feature which would overlook the enclosed courtyard. The ground floor level of the building would be set approximately to the lowest front section of the site and, in order to achieve a level area for the building, the existing embankment would be relocated westward toward Saint Paul's Terrace. The palette of materials to be used includes brickwork, cream / light brown render, slate roofing, aluminium window frames, fascias and soffits and stone or architectural masonry blocks to the main entrance, which is also intended to incorporate a coloured glass installation.

Since the original submission of the application, one of the twin gabled features on the northwest-facing section of the proposed building has been omitted in place of ground- and first-floor angled windows, following concerns raised to the applicant over the impact of the proposal on the privacy afforded to Ashburne Villa.

Externally, gardens, seating, a croquet lawn and allotments would be provided, in addition to a dining area to the front adjacent to Ryhope Street South. Landscaped buffers are proposed in the northwest, southwest and southern sections, to divide the proposed development from Ashburne Villa, Saint Paul's Terrace and nos. 11 and 12 Marina Terrace and it is indicated that the site will generally be enclosed with metal railings on low level walls to an overall height of 1.8m from ground level.

Two separate in-curtilage parking areas would provide a total of 17no. car parking spaces to serve the proposed development, which would be finished with permeable paving; one off Ryhope Street South and the other off Saint Paul's Terrace. The car park to be accessed from Ryhope Street South would accommodate visitors and comprises a total of 9no. spaces, 2no. of which would be dedicated to people with disabilities, and a covered cycle store would be provided adjacent to these spaces which could accommodate 8no. bicycles. The parking area to be accessed from Saint Paul's Terrace accommodates 8no. spaces for staff vehicles in addition to an ambulance pick-up and service/delivery area and a bin store would be provided between the latter and the proposed care home building.

A total of 5no. trees are proposed to be removed; 2no. due to their poor health and 3no. to facilitate the proposed development, none of which are protected by Tree Preservation Order, and an indicative scheme of landscaping has been provided which indicates the position of garden areas and landscaping buffers.

Planning History

There is no record of any previous application pertaining to the site, however consent was granted in April 2016 (ref. 16/00521/DEM) to demolish the adjacent former cinema / bingo hall building.

Supporting Documentation

The application is supported by the following documents:

- Design and Access Statement, including Transport Statement, Transport Assessment and Travel Plan
- Extended Phase 1 Habitat Survey
- Heritage Statement
- Indicative surface water strategy incorporating SuDS layout
- Preliminary Contamination Risk Assessment
- Tree Survey
- Measurement and Assessment of Noise Levels

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Ryhope - Ward Councillor Consultation
Network Management
Fire Prevention Officer
Northumbrian Water
Southern Area Command - Police
Tyne And Wear Archaeology Officer
Natural England
Flood And Coastal Group Engineer
Environmental Health
Sport England

Final Date for Receipt of Representations: **30.05.2016**

REPRESENTATIONS:

Neighbours

Formal representations have been received from residents of three neighbouring properties; two from Ashburne Villa, Ryhope Street South (one in respect of the proposal in its original form and the other in response to re-consultation following the submission of amended plans), one from no. 5 Evelyn Terrace and the other from an unspecified address, wherein the following concerns/issues are raised:

1. The proposed number of car parking spaces is inadequate for the scale of the proposed development, particularly in an area with existing parking problems, particularly during large services at Saint Paul's Church
2. The height of the proposed building is excessive relative to surrounding cottages and bungalows
3. Planning permission was refused to erect a dormer at no. 5 Evelyn Terrace, which would have a lesser impact on the Conservation Area than the current proposal
4. Coronation Avenue is a private street from which residents who are responsible for its maintenance may not allow access to the application site
5. The resident of Ashburne Villa did not receive any consultation from the applicant prior to the submission of this application, as claimed in the submitted Design and Access Statement
6. The proposal represents overdevelopment of the site and is inappropriate in terms of its density, scale, mass, bulk and design
7. The proposal contravenes Article 8 of the Human Rights Act in respect of its impact on Ashburne Villa
8. Substandard spacing would be afforded between Ashburne Villa and the proposed development, so the proposal would compromise the privacy afforded to this neighbouring property by affording views into living/garden room and bedroom windows and garden and would appear dominant when viewed from the curtilage of Ashburne Villa
9. The proposed building and landscaped buffer would result in an unacceptable loss of daylight/sunlight to Ashburne Villa, particularly during winter when the sun is lower
10. The proposed plans do not accurately reflect existing levels of the site and Ashburne Villa
11. The proposed planting could compromise the integrity of the boundary fencing/walls and paved areas of Ashburne Villa
12. The operation of the proposed facility on a 24-hour daily basis would pose noise disturbance to neighbouring residents by virtue of deliveries, refuse collection, ambulance pick-up, staff and visitor cars, kitchen and laundry
13. It is queried whether a biomass boiler or turbines would be installed
14. It is queried which facilities would be available to members of the public
15. The proposed development is over-bearing, out of scale and out of character with the existing building to be demolished and nearby properties and would therefore be detrimental to the character and appearance of the Conservation Area
16. An inadequate case has been made for the demolition of the school building and it would be more appropriate to retain and utilise the façade of the existing building
17. The proposal would undermine the presence and significance of Saint Paul's Church
18. The proposed external materials are excessively modern and of inadequate quality
19. No electric vehicle charging points are proposed
20. The boundary of Ashburne Villa adjacent to the application site is not heavily planted, as stated by the applicant
21. Insufficient details of proposed landscaping have been provided
22. The proposed access from Saint Paul's Terrace would present a blind corner by the adjacent former cinema / bingo hall building, existing anti-social behaviour in this area would be worsened and it is unclear how the security of the building would be managed
23. No details of external lighting have been provided
24. Dust, smells, particulates and diesel fumes would be dispersed toward Ashburne Villa, which could exacerbate existing health issues of a resident of this property
25. The proposed development should be relocated/re-orientated away from Ashburne Villa
26. The proposal breaches the statutory Right to Light afforded to Ashburne Villa

The majority of these issues will be addressed subsequently in this report, however the following comments are offered to those points which are not considered to be pertinent issues in respect of the planning merits of the proposal.

3. The current proposal is not considered to be comparable to this case and the reasons for refusal are set out fully in the decision notice and officer's report pertaining to this application (ref. 15/00812/FUL)

4. Access is not proposed to be taken from Coronation Avenue

5. Pre-application engagement with the local area by developers is encouraged and it is accepted that the applicant has carried this out to some degree. It cannot be ascertained whether Ashburne Villa was included in this consultation, however this property was consulted on the current application and, as such, it is not considered that this matter is crucial to the determination of the application.

7. This article of the Human Rights Act relates to the right for private and family life and such matters are considered in the 'Residential Amenity' section of this report.

10. The levels set out by the submitted plans are proposed, so any deviation from the existing situation would require site levels to be altered

13. The applicant has confirmed that no such installations form part of the current proposal

14. The applicant has since clarified this point, as detailed above

22. The proposal would enhance the natural surveillance of this area which, it is considered, would deter anti-social behaviour, whilst details of the security of the site are not considered to be necessary in assessing the planning merits of the proposal

25. The applicant has set out why they do not consider it appropriate to relocate or re-orientate the proposed building, given that this would deviate from established street lines, result in substandard spacing from properties in Coronation Avenue and Saint Pauls Terrace (noting that the central courtyard cannot be compressed for reasons of amenity, privacy distances, natural daylight to rooms, natural daylight and sunlight to the external space) and therefore wish for the application to be determined in its current form

26. A basic assessment (the 25-degree test) has been made by officers which concludes that the proposal is unlikely to compromise Right to Light, however in any event this is civil rather than planning legislation and this resident will be entitled to pursue this as a civil case with the developer

Consultees

The County Archaeologist noted that the site lies just outside the presumed extent of the medieval village of Ryhope and was likely to be in agricultural use prior to the erection of the school and recommended the imposition of a condition requiring archaeological building recording.

Natural England confirmed its satisfaction that the proposal would not result in damage to the interest features for which the Durham Coast SSSI (Site of Special Scientific Interest) has been notified and noted that it has not considered the proposal in respect of its potential impact on protected species, making reference to its standing advice, whilst recommending the provision of biodiversity enhancements.

Northumbrian Water (NWL) advised that insufficient details were provided with the application in its original form to allow NWL to assess the capacity of its system to treat the flows from the

development and therefore requested the imposition of a condition requiring the submission of a scheme for the disposal of surface and foul water.

Sport England confirmed that the proposed development does not fall within its statutory or non-statutory consultation remit and therefore provided only its standing advice.

The Council's Built Heritage team confirmed that it has no objections to the proposal, for the reason which will be set out subsequently in this report.

The Council's Environmental Health section recommended the imposition of conditions requiring the mitigation measures set out in the submitted Noise Report to be implemented and a Construction Environmental Management Plan to be provided in addition to standard conditions pertaining to land contamination

The Council's Network Management section offered no objection, noting that consents would be required under the Highways Act 1980 in respect of works within the adopted highway and a traffic regulation order and that the proposal would be subject to the Advance Payments Code given that the site abuts a private street. Clarification was requested over whether any residents would be likely to own a car, whether any specific visiting times are proposed and the number of staff which would be present on site at any one time. The applicant subsequently confirmed that the proposal would afford supported living, so residents would not have access to a car, an open visiting policy would be adopted and, of the 25no. total members of staff, it is likely that no more than 15no. would be present on site at any one time. Network Management raised no concerns further to the submission of these additional details, noting that no staff parking should take place on Saint Paul's Terrace or within the proposed visitor car park.

POLICIES:

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

- B2 Scale, massing layout and setting of new developments
- B4 Development within conservation areas
- B6 Measures to preserve and enhance conservation areas
- B7 Demolition of unlisted buildings in conservation areas
- B10 Development affecting the setting of listed buildings
- B11 Measures to protect the archaeological heritage of Sunderland (general)
- B13 Sites and monuments of local importance affected by development
- B14 Development in areas of potential archaeological importance
- CN18 Promotion of nature conservation (general)
- CN22 Developments affecting protected wildlife species and habitats
- EN1 Improvement of the environment
- EN5 Protecting sensitive areas from new noise/vibration generating developments
- EN6 Limit exposure of new noise/vibration sensitive developments to existing sources
- EN10 Proposals for unallocated sites to be compatible with the neighbourhood
- EN12 Conflicts between new development and flood risk / water resources
- EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
- H1 Provision for new housing
- H15 Encourage / negotiate for accessibility standards in housing developments
- R1 Working towards environmentally sustainable development
- R2 Taking account of spare infrastructure / reduced travel / vacant & derelict land
- R4 Incorporation of energy saving measures
- T8 The needs of pedestrians will be given a high priority throughout the city.

T9 Specific provision will be made for cyclists on existing/new roads and off road
T10 Protect footpaths; identify new ones & adapt some as multi-user routes
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
T22 Parking standards in new developments
L7 Protection of recreational and amenity land

COMMENTS:

The main issues to consider in the assessment of this application are as follows:

- Demolition of Existing Building;
- Principle of Development;
- Residential Amenity
- Design, Scale, Massing and Layout and Setting of Listed Building;
- Highway Implications;
- Ground Contamination;
- Drainage and Flood Risk; and
- Ecology

Demolition of Existing Building

In determining the principle of the proposed development, regard must be had to chapter 12 of the National Planning Policy Framework (NPPF), in particular, as a starting point, paragraph 128 which is set out as follows:

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

Paragraph 132 of the NPPF sets out 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 133 states that, 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use'.

Paragraph 134 of the NPPF goes on to state that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

NPPF paragraph 141 requires 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. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Reflective of this approach, policy B7 of the adopted Unitary Development Plan (UDP) states that applications for demolition of unlisted buildings in a conservation area will be determined by the extent to which the integrity, character and appearance of the area is affected, taking into account any development proposals. In addition, UDP policies B11, B13 and B14 seek to protect the architectural heritage of the City and ensure that remains are either preserved or appropriately recorded.

In this instance, the Ryhope Village Conservation Area is considered to be the heritage asset which would be affected by the proposed development.

The Ryhope Village Conservation Area Character Appraisal and Management Strategy (CAMS) specifically identifies the former Village School as being of significance and social value to the Conservation Area, being a typically charming example of a small Victorian/Edwardian school that characterise colliery villages and, along with Saint Paul's Parish Church, is part of a group of civic and community buildings that were built over time to serve the expansion of the village and growing mining community. The former school is therefore a significant heritage asset that is representative of the latter stages of this key phase of the evolution of Ryhope Village.

It is acknowledged that the condition, vacancy and general dereliction of the school building has compromised its historic and architectural integrity and, in turn, the contribution it makes to the significance of the Conservation Area, however its historic value to the area could be enhanced through a restoration and conversion scheme. To this end Management Objective 3 of the CAMS seeks 'to secure the future of historic buildings at risk or in poor condition in the Conservation Area' and Management Proposal 3a states that the Council will seek to work with owners and prospective developers to address the repair needs of vacant historic properties and develop proposals for their restoration and return to beneficial use. The CAMS notes that the loss of heritage assets such as the former Village School will only be considered in exceptional circumstances and will require clear and convincing justification.

In accordance with the CAMS Management Objectives and Proposals, the Council's Heritage Protection Team has discussed options for the former Village school with the applicant, with a view to exploring whether a solution could be found that would secure its conservation and beneficial long-term re-use. Regrettably, a feasible solution could not be found to retain and re-use neither the whole nor part of the existing main school building whilst accommodating the proposed development given the constraints of the site together with the requirements of the developer.

The application is supported by a thorough Heritage Statement which addresses the requisite key issues, including the viability of bringing the school building back into use, details of the marketing of the site, the public benefit of the proposals and the design quality of the new care home development. The Heritage Statement also describes the significance of the heritage asset, as required by NPPF paragraph 128 as set out above, and concludes that the main school building is

of limited architectural interest, some historic interest, unknown architectural and artistic interest, some communal value and, overall, the building has only a limited positive contribution to the significance of the Conservation Area.

It is considered that the Heritage Statement underplays, to some extent, the significance of the former school building, especially in terms of the contribution it makes to the collective historic group value of the locality and its contribution to the settings of surrounding listed buildings such as Saint Pauls Church for the past 100+ years. Whilst its evidential and aesthetic values could perhaps be argued to be limited due to its poor condition and extent of alteration, it is considered that its historic and communal values are at least of medium significance rather than 'some'. Accordingly, it is considered that the proposal would lead to substantial harm to the significance of the designated heritage asset, namely the Conservation Area, and, as such, paragraph 133 of the NPPF is applicable, as set out above.

The submitted Heritage Statement seeks to justify the demolition of the former school building by addressing the four criteria set out in paragraph 133 and it is considered that sufficient information has been provided to demonstrate that it is not economically viable to convert and reuse the school building and that sufficient and appropriate marketing at a local level has been carried out over a suitable period to establish that no viable use could be found in the medium term, thus demonstrating the building's redundancy. However, satisfying these four criteria is not necessary if the proposal satisfies the first test set out by paragraph 133, namely, in this instance, whether the substantial harm is necessary to achieve substantial public benefits that outweigh such harm.

To this regard, it is acknowledged that there is a clear strength of feeling amongst the majority of the local community, including the local heritage group, Ryhope Heritage Society, for the building to be removed and the site redeveloped. It is apparent that the site is a target for antisocial behaviour which is having a detrimental impact on the local community and the appropriate marketing of the site has demonstrated that this issue cannot be resolved through the retention and conversion of the building alone. Evidence of public support for the proposal is provided in Appendix E to the Heritage Statement.

In addition, the proposed development will address a local and City-wide public need for residential and health care provision for the growing elderly population, in particular specialised need the mentally and physically infirm, contributing toward meeting the need to provide additional accommodation for the City's elderly population as identified by the Council's Enabling Independence delivery strategy summary (June 2011) as well as providing a social and community resource for the area. Furthermore, as will be elaborated upon subsequently in this report, the design quality of the proposed development will enable the loss of the school building to be mitigated by a new building that will enhance the Conservation Area.

For such reasons, it is considered that substantial public benefits would be achieved by the proposed development which outweigh the harm which would be caused to the designated heritage asset. On this basis, it is accepted that the demolition of the school building has been justified and, as advised by the County Archaeologist, an archaeological building recording would be appropriate prior to any demolition works.

Principle of Development

Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making, as set out

by Section 38(6) of the Planning and Compulsory Purchase Act (2004), and that proposed development that accords with an up-to-date Local Plan should be approved.

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development', paragraph 50 promotes the delivery of 'a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities' and paragraph 70 promotes the delivery of social, recreational and cultural facilities and services to meet the needs of communities.

Policy H1 of the UDP sets out general criteria for the provision of new housing, including the re-use of vacant and derelict land wherever possible, in accordance with the 8th core planning principle set out by paragraph 17 of the NPPF wherein it is indicated that such sites shall normally be 'brownfield' (i.e. previously developed). Reflective of the presumption on favour of sustainable development set out by paragraphs 11 to 16 of the NPPF, policies R1, R2 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, in terms of the re-use of vacant and derelict land, methods of construction and with respect to the functionality of a development.

In addition, UDP policy H15 encourages the design of new single-storey houses, ground floor flats and flats with lift access to appropriate mobility standards and, in larger residential developments (of 20 or more housing units), advises that the Council negotiate a percentage, according to local need and site suitability, to be specifically designed to be capable, without further structural alteration, of adaptation to 'wheelchair' standard.

In this instance, the application site is not allocated for any specific purpose on the proposals map of the UDP and is therefore subject to policy EN10. This policy states that all proposals for new development will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal land use of the neighbourhood. This site is also subject to the provision of UDP policy L7, which promotes the retention of land allocated for open space or outdoor recreation, however limited weight is given to this policy given that the site has been redundant for a significant period of time, offers limited amenity value in its current form, has little potential to accommodate amenity space and, as set out above, Sport England has confirmed that it does not consider any part of the site to constitute a playing field.

Given that the site is surrounded on three sides by residential properties and the local area is predominantly residential in nature, it is considered that the proposal accords with UDP policy EN10. It is noted that the proposal also includes non-residential uses including a library, cinema area and salon, however these would complement the wider principal residential function of the development by providing local services to its residents, as well as those of the surrounding area. In addition, the site is 'brownfield' (i.e. previously developed) and has been left vacant for a substantial period of time despite being actively marketed, so the proposal adheres to the 8th core principle of the NPPF as set out by paragraph 17.

One of the representations submitted by a neighbouring resident sets out that the proposal represents a density of some 160 dwellings per hectare, which exceeds the density of 30 to 50 dwellings per hectare recommended by the Council's Residential Design Guide SPD, however the current application proposes bedrooms with communal facilities as opposed to self-contained residential units, so this figure is incorrect.

Notwithstanding this, it is noted that the local area is characterised by predominantly single-family dwellings and the current proposal comprises residential accommodation of a form which is not

typical of the surrounding area. However, the proposed building has been specifically designed to cater for elderly residents and is fully accessible, incorporating two lifts serving the upper floor, level access, wide hallways and doorways and bathrooms designed in accordance with the Wheelchair Housing Design Guide, whilst providing on-site care bespoke to the requirements of each resident. Whilst it would house more residents per hectare than the existing pattern of development of the local area, this is a necessity of this particular type of necessary accommodation, where a degree of care is afforded to its residents, and the proposal would help to address an identified need of providing housing for the local area and wider City's elderly population.

Residential Amenity

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'.

Pursuant of policy B2 of the UDP, policy 10C of the Residential Design Guide Supplementary Planning Document (SPD) recommends the provision of a minimum distance of 21m between main facing windows of existing and proposed dwellings and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in such standards may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above matters are achieved.

In addition, UDP policy EN5 sets out that, where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, and in respect of policy EN6 where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, an assessment of the nature and extent of likely problems and incorporate suitable mitigation measures, where necessary, will be required; where such measures are not practical, permission will normally be refused.

Having regard to the impact of the proposal on the amenity of neighbouring residents, the proposed building would be situated just under 21m from the nearest semi-detached dwelling in Coronation Avenue and Saint Paul's Terrace and distances of some 20m would be afforded from the southwest-facing gable and 13m from the southeast-facing gable of the proposed dwelling, neither of which contain windows serving rooms, and no. 12 Marina Terrace. Given that the spacing is only marginally substandard from properties in Coronation Avenue and Saint Paul's Terrace and the proposed building would be set lower than these dwellings, the spacing which would be provided from these neighbouring properties is considered to be acceptable.

Most pertinently, it is noted that the proposed building would be set within close proximity to Ashburne Villa to the north; at its nearest point the care home building would be situated some 3m from the curtilage of this neighbouring detached dwelling where Juliet balconies serving a lounge and quiet room would be provided and the main external amenity space of this neighbour is afforded to the south side/front part of its curtilage. Ashburn Villa contains a ground floor glazed doorway which serves a living/garden room and a first floor window serving a bedroom (both of which are primary habitable rooms) in its southeast-facing elevation and a perpendicular distance

of some 14m would be provided from these windows; given that primary windows are proposed in the northwest-facing elevation of the care home building a distance of 21m should normally be provided so, whilst it is not considered that outlook would be unreasonably affected, substandard spacing would be afforded from this neighbouring dwelling which may have implications on privacy.

In order to address this concern, originally proposed gabled features accommodating Juliet balconies serving first floor bedrooms (rooms 112 and 114) have been omitted in place of angled windows (which would also be provided in the ground floor bedrooms immediately below for design consistency) and a proportion of the glazing of the bedrooms to be contained in rooms 110 and 116 would be obscured. Whilst such an arrangement would result in some overlooking of the garden of Ashburne Villa, the angled bays, together with the proposed partially obscurely glazed windows, would direct views away from / restrict outlook onto the affected windows and garden area immediately to the side of this dwelling. In addition, sufficient space would be afforded between the proposed care home building and site boundary for planting to be provided, which should be of sufficient height to mitigate any potential loss of privacy but not excessive in height so as to overshadow this neighbouring property. Therefore, on balance, it is considered that appropriately worded conditions requiring the submission of specific glazing details of all upper floor windows to be provided in the northwest-facing elevation would ensure that the proposal would not unacceptably compromise the privacy afforded to Ashburne Villa. In addition, should Members be minded to grant consent, a stipulation could be added to a landscaping condition requiring an impact assessment of the proposed planting on the stability of the boundary wall and paving of Ashburne Villa to be provided and, if necessary, mitigation measures detailed in order to protect the integrity of these features.

The proposed building would be situated immediately to the south of Ashburne Villa and, as such, would result in some overshadowing of this neighbouring property. However, it is noted that the adjacent site levels, and the proposed finished floor level of the building, are some 750mm lower than the garden area of Ashburne Villa and, whilst the proposed building has two storeys, the central section of the northwest-facing elevation (onto which the affected windows of Ashburne Villa would directly face) incorporates a mono-pitched roof with an eaves height of 6.3m; some 5.55m from the garden level of Ashburne Villa. Whilst constituting civil rather than planning legislation, Right to Light criteria provide a useful tool to assess such an impact of a proposal and, to this end, the proposal satisfies the 25-degree test (i.e. a 25-degree line taken perpendicularly from the horizontal relative to affected windows) when applied to the affected glazed door and windows of Ashburne Villa. For such reasons, it is not considered that the proposal would unduly compromise the daylight or sunlight afforded to this neighbouring property, nor would the proposal pose an oppressive impact on this dwelling, however given that the proposed levels are crucial to this assessment it is recommended that a condition be imposed requiring specific details of finished floor levels.

In respect of potential noise and disturbance, concerns have been raised by a local resident, as summarised above, that deliveries, refuse collection, the arrival and departures of ambulances and staff and visitor cars together with the operation of the proposed kitchen and laundry would adversely affect neighbouring residents. However, it is considered that any potential disturbance caused by deliveries and refuse collection can be minimised by the imposition of a condition requiring the submission of a management plan, to include hours and numbers of deliveries each day. The visitor car park would be accessed from Ryhope Street South and does not abut any existing residence, and, whilst the staff car park would be within close proximity to Ashburne Villa and the staff of the proposed facility would arrive and leave at various times of the day and night, given the limited anticipated number of car parking spaces required (as set out subsequently in the 'Highways Implications' section of this report), it is not considered that visits to the site would result in an excessive level of disturbance to neighbouring residents. It is not apparent that the

proposed laundry would include machinery which would generate an excessive level of noise and it is unlikely that the proposed kitchen would be operated during particularly early or late hours. In addition, it is not considered that the proposed communal facilities would be likely to generate excessive noise levels, so it is not considered necessary to restrict their operating hours.

It is noted that the proposed facility may require the provision of plant or associated equipment in respect of the proposed commercial kitchen and potential need for air conditioning, details of which are not currently known. Therefore, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring the submission of such details prior to the operation of the facility, which can be assessed against the background noise levels provided by the submitted noise report.

Concerns were also raised by this resident that dust, smells, particulates and diesel fumes would be dispersed toward Ashburne Villa. However, the application site is not situated within an Air Quality Management Area and, whilst the proposal would generate vehicular traffic to the site and a car parking area is proposed within close proximity to Ashburne Villa, the parking area adjacent to Ashburne Villa would accommodate 8no. spaces in addition to an ambulance pick-up and service/delivery area, which is not of sufficient scale to warrant the carrying out of an Air Quality Assessment. However, in accordance with the recommendation of the Council's Environmental Health section, in order to minimise such disturbance, in particular the generation of excessive noise, vibration and dust during construction works, it is recommended that conditions be imposed requiring the preparation of, and adherence to, a Construction Environmental Management Plan and restricting construction hours.

Turning to the level of amenity which would be afforded to residents of the proposed care home, the rooms of each unit are considered to be of an appropriate size relative to their function and each bedroom and communal lounge/dining area would be afforded windows providing natural light and outlook. Whilst four bedrooms (rooms 10, 12, 112 and 114) have been reduced in size and their Juliet balconies omitted in place of angled windows, their current size (16sq.m) is similar to a high proportion of other rooms of the building and it is considered that the angled windows would afford adequate outlook without unduly compromising the privacy afforded to Ashburne Villa, as set out above. In addition, rooms 110 and 118 would have a notable proportion of their windows fitted with obscure glazing, however their smaller glazed panels would afford a reasonable level of outlook and the overall size of their windows would ensure that a good level of natural light is afforded to these rooms; should Members be minded to approve this application it is recommended that a condition be imposed requiring the submission of full details of the windows of each aforementioned room. Furthermore, it is considered that the communal facilities to be provided within the building together with the generous external garden space would provide a high level of internal and external amenity space to residents.

The submitted noise report identifies road traffic as the only potential source of disturbance to residents of the proposed development and recommends the provision of noise amelioration measures which include additional sound insulation measures in the building envelopes at those facades affected by road noise. Subject to final definition and the subsequent provision of noise amelioration measures, the noise report concludes that the residents of the proposed facility will be provided with acceptable internal and external noise environments in private amenity areas. Upon consultation with the Council's Environmental Health section, such conclusions are accepted and, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring the submission of specific noise amelioration details, which must accord with the recommendations of the noise report.

Design, Scale, Massing and Layout and Setting of Listed Building

Paragraphs 56 and 57 of the NPPF highlight the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Expanding upon UDP policy B2, as set out above, the LPA has additional guidance in the form of the Residential Design Guide SPD which set out standards and examples of good design practice. Paragraph 2.4 of this documents sets out that 'design should reinforce and evolve local characteristics that are positive' and that 'new residential development should not have a negative impact on the features within the townscape and landscape which positively characterise the area'.

In addition, UDP policies B4 and B6 require development proposals to preserve or enhance the character and appearance of Conservation Areas.

Management Objective 4 of the Ryhope Village Conservation Area CAMS seeks 'to ensure that all development within and around the Conservation Area enhances its character and appearance' whilst Management Proposal 4a explicitly states that the Council will require all forms of new development in the Conservation Area to display high quality designs that will respect and enrich their historic context and fundamental character of the Village.

In accordance with the comments provided by the Council's Built Heritage section, the design of the proposed care home building is considered to be contextually appropriate and of good architectural quality. Appropriate regard has been had to the scale, massing and materials of surrounding historic buildings in a high quality contemporary design and the height of the proposed building is similar to adjacent properties; it is noted that Saint Paul's Terrace is typically single-storey, however this is raised above street level and the proposed building would be set significantly lower, so it is considered that the proposal would fit well within this context. The proposed frontage to Ryhope Street South would, in general terms, make a positive contribution to the historic street scene and the settings of nearby heritage assets, most notably the grade II listed Saint Paul's Church, whilst the variation of design elements and materials, within a general regard for the scale, form and vertical proportions of surrounding historic properties, adds architectural interest and quality to the street scene in a contemporary yet sensitive manner.

Whilst it would be preferred for the building to be orientated parallel with Ryhope Street South, matching the orientation of the existing school building, the building, as proposed, is considered to be satisfactorily aligned to the street and it is appreciated that the building could not be re-orientated any further without undertaking holistic changes to its design.

It is noted that the success of the scheme will, ultimately, depend on the quality of the external materials and finishes and, whilst the overall palette of materials proposed, namely, brick, artstone / masonry, render and aluminium windows and doors, is considered to be generally appropriate, in principle, the use of grey roof tiles is unlikely to be acceptable. However it is considered that this matter can be appropriately addressed by the imposition of a condition requiring the submission and approval of full details and/or samples of all external materials.

The proposed scheme of landscaping essentially provides indicative details of garden areas, trees and associated planting and it is considered that this demonstrates that an appropriate form of landscaping can realistically be achieved which would significantly enhance the site and compliment the proposed development. Accordingly, should Members be minded to grant

planning permission, it is recommended that conditions be imposed requiring the submission of a comprehensive scheme of landscaping and requiring its implementation, including any necessary re-planting during the establishment period of this planting.

Highway Implications

Paragraph 75 of the NPPF 75 states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

Policies T8, T9 and T10 of the UDP promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes. Policy T14 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 whilst policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

As reported previously, a total of 17no. car parking spaces would be provided (including 2no. disabled spaces), comprising 9no. visitor spaces and no. 8no. staff spaces. The number of spaces proposed is based on surveys carried out by the applicant of their existing care home facilities in Annitsford and Heaton, both of which are situated within residential estates. Such survey work suggests that the majority of residents and staff typically come from the local area and, based on ratios of car parking within these existing facilities, it is suggested that a total of 9no. car parking spaces would be sufficient in this instance; the additional spaces are proposed in order to provide some contingency and further reduce the likelihood of cars parking in surrounding streets.

In this instance, the site is well-served by bus links and the developer has provided details of a travel plan which would be circulated to members of staff promoting the use of public transport, car sharing, walking and cycling, the latter of which would be facilitated by the provision of secure covered storage facilities for up to 8no. bicycles. On this basis, as agreed by the Council's Network Management section, the proposed level of car parking is considered to be sufficient to accommodate the demand which would be generated by the proposed development.

A concern has been raised by a neighbouring resident that poor visibility would be afforded to the access/egress of the proposed staff car park from Saint Paul's Terrace. However, this access would be set forward of, and some 6m away from, the adjacent former cinema / bingo hall building and would be flanked by low boundary walls and railings, so it is considered that an acceptable level of visibility would be afforded in this area.

A local resident also noted that no electric vehicle charging points are proposed, however there is currently no adopted policy in place requiring such a provision and, in this instance, given the limited number of spaces proposed, it is not considered that it would be desirable to dedicate one of these solely for electric vehicles.

In addition, the proposal includes the provision of an appropriately located bin store which would ensure that all necessary refuse containers can be stored within the site and not on the public highway.

Ground Contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 states, in part, that the Council, in conjunction with the Environment

Agency and other interested parties, will seek to ensure that proposals would not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, 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 submitted Preliminary Contamination Risk Assessment recommends that an intrusive ground investigation be carried out which should including the extent, nature and chemical composition of made ground across the site, the ground conditions surrounding the historic above-ground tank, the extent and nature of the aluminium which exists in the northeast section of the site, the carrying out of gas monitoring for the migration of soil gas from potential made ground and organic aluminium across the site and the carrying out of pH and sulphate testing of the made ground and of the natural drift for design of in-ground concrete.

This Assessment has been considered by the Council's Environmental Health section who are broadly satisfied with its conclusions and have recommended that the standard land contaminations are imposed requiring the submission of a Phase 2 site investigation report, remediation strategy, verification plan and report and for further investigations to be carried out should any unexpected contamination be encountered. The phase 2 report should consider the potential re-use of soils, including topsoil and hardcore, and that consideration be given to the risk that buried surfacing may contain coal tar.

Drainage and Flood Risk

Paragraph 103 of the NPPF sets out that development does not result in the increase in flood risk elsewhere should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- 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; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Policy EN12 of the UDP, as alluded to above, dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

The application site is situated within Flood Zone 1, which carries the lowest risk of flooding, but is situated within a Critical Drainage Area. In such instances, as set out by footnote 20 of the NPPF, a site-specific flood risk assessment is normally required.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. This requirement is echoed by the Council's Local Flood Risk Management Strategy, which has recently been approved by Cabinet.

The application has been accompanied by an indicative surface water strategy which incorporates a SuDS layout. This submission sets out that, for the current site with an area of 0.43ha, of which 42% is impermeable, the greenfield run-off rate is calculated to be 2.8l/s/ha and, for a 30 year return storm, the required storage volume is 73sq.m. The submitted layout indicates that the parking areas would incorporate permeable paving and the provision of an underground attenuation tank adjacent to the Saint Paul's Terrace boundary of the site. Whilst insufficient details have been provided to ascertain conclusively whether the proposal would achieve the required greenfield run-off rate, it is considered that such details demonstrate that this can realistically be achieved. As such, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring the submission of a comprehensive drainage strategy.

Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

The site is located within 1km of the Northumbria Coast Special Protection Area (SPA and Ramsar site and the Durham Coast Special Area of Conservation (SAC), which are areas of designated international and European wildlife importance. Local planning authorities are required to follow the Habitat Regulations Assessment (HRA) procedures set out in the Conservation of Habitats and Species Regulations 2010 (as amended) when considering development proposal which could impact on the conservation status of these sites, either alone or in combination with other relevant plans or projects. A screening exercise should be undertaken to initially evaluate the proposals in order to determine whether a more detailed Appropriate Assessment or a full HRA is required.

The submitted Extended Phase 1 Habitat Survey concludes that no impacts on European or nationally protected species are predicted, other than possibly bats in that the existing buildings are considered as being moderate roost potential structures, and sets out that nesting birds will be an ecological constraint to the development in terms of timing and hedgehogs could utilise the site for foraging, however none were recorded when the site was surveyed.

In terms of indirect impacts, the Survey identifies the Northumbria Coast RAMSAR, SPA and Durham Coast RAMSAR, SAC, SSSI both located 660m to the east, Tunstall Hills and Ryhope Cutting SSSI situated 1.1km to the northwest and Tunstall Hills Local Nature Reserve 879m to the northwest in addition to five non-statutory sites within 2km of the site, however the Survey sets out

that none of these statutory and non-statutory sites have a functional ecological relationship with the site, so would not be negatively impacted.

The submitted survey recommends the carrying out of a bat survey during the bat activity season (May to August inclusive) and sets out various mitigation/enhancement measures including the retention of some wilder areas of garden area or an alternate provision to allow hedgehogs to hibernate, excavations be closed overnight or fitted with mammal ramps to allow escape, new habitat creation, the eradication of cotoneaster and Japanese knotweed from the site and the incorporation of hedgerows, native shrubs together with specific management measures.

The submitted survey has been forward to the Council's Natural Heritage section for assessment, however a response has yet to be provided and, as such, this matter is still under consideration. Therefore, in order to avoid any delays in determining the application it is anticipated that this issue will be addressed by a separate report to the Sub-Committee.

Conclusion

For the reasons given above, it is considered, on balance, that the proposal would bring about public benefits which outweigh the harm which would be caused to the Conservation Area by the demolition of the host former school building, the principle, including the land-use and density, of the proposal is considered to be acceptable and, on balance, it is not considered that the proposal would unacceptably compromise the amenity afforded to neighbouring residents whilst acceptable living conditions would be afforded to residents of the proposed facility. The design, scale, massing and layout of the proposal is considered to be acceptable relative to its position within / adjacent to the Ryhope Village Conservation Area and it is not considered that it would pose any significant impact on the setting of the listed Saint Paul's Church. In addition, the proposed level of parking is considered to be appropriate for the proposed development and it is not considered that the proposal would be detrimental to highway safety or the free passage of traffic, whilst any potential risk of exposure to contaminants and flooding can be addressed by the imposition of appropriate conditions. However, the ecological implications of the proposal are still under consideration.

It is therefore considered that, provided the proposed development is acceptable in terms of ecological impact, the proposal accords with the provisions of the UDP and, in lieu of any considerations which indicate otherwise, it is recommended that Members be minded approve the application, subject to the conditions listed below which are subject to change or addition in light of further ecological assessment.

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: Members be minded to approve the application, subject to the conditions listed below which are subject to change or addition in light of further ecological assessment.

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing no. A(00)EXS001 rev. 1: Existing Site Sections received 23.07.2015
- Drawing no. A(00)GAE001 rev. 4: Elevations (Overview) received 13.05.2016
- Drawing no. A(00)GAE002 rev. 2: Main Elevations 1 received 13.05.2016
- Drawing no. A(00)GAE003 rev. 2: Main Elevations 2 received 13.05.2016

Drawing no. A(00)GAE004 rev. 1: Courtyard Elevations 1 received 23.07.2015
Drawing no. A(00)GAE005 rev. 2: Courtyard Elevations 2 received 13.05.2016
Drawing no. A(00)GAP001 rev. 3: Site Plan (Buildable Area) received 23.07.2015
Drawing no. A(00)GAP101 rev. 9: Ground Floor Plan received 26.05.2016
Drawing no. A(00)GAP201 rev. 8: First Floor Plan received 26.05.2016
Drawing no. A(00)GAV001 rev. 3: Contextual Elevations and Sections received 26.05.2016
Drawing no. A(00)GAV004 rev. 1: Site Plan and Section Thro Ashburne Villa Sheet 1 received 26.05.2016
Drawing no. A(00)GAV005 rev. 1: Site Plan and Section Thro Ashburne Villa Sheet 2 received 26.05.2016
Drawing no. A(27)GAP001 rev. 4: Roof Plan received 13.05.2016
Drawing no. A(70)GAP001 rev. 3: Standard Room Type received 23.07.2015
Drawing no. A(70)GAP002 rev. 3: Premium Room Type received 23.07.2015
Drawing no. A(70)GAP003 rev. 3: Assisted Bathroom Layout received 23.07.2015
Drawing no. A(90)GAP001 rev. 2: Site Location Plan received 23.07.2015
Drawing no. A(90)GAP101 rev. 7: Site Plan Landscape received 26.05.2016
Drawing no. A(90)GAV002 rev. 1: Bin Store Layout

in order to ensure that the completed development accords with the scheme approved.

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place, other than site preparation or site investigation works, until samples of the materials and finishes to be used for the external surfaces, including bricks, masonry, artstone, roof slates, spandrel panel, curtain walling, window frames and sample panels of the bedded and pointed brickwork and masonry / artstone, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of visual amenity and the character and appearance of the adjacent Conservation Area and to comply with policies B2, B4 and B6 of the adopted Unitary Development Plan.

4 No development shall commence until details of all walls, fences or other means of boundary enclosure, including their precise position, design and materials, have been submitted to and approved, in writing, by the Local Planning Authority. The agreed boundary treatment shall then be fully installed before the dwelling whose curtilage would be defined by such boundary treatment is occupied unless otherwise agreed, in writing, by the Local Planning Authority, in the interests of visual and residential amenity, the character and appearance of the Conservation Area and highway safety and to comply with policies B2, B4, B6 and T14 of the adopted Unitary Development Plan.

5 No demolition/development shall take place until an archaeological building recording archive has been created, in accordance with a specification provided by the Local Planning Authority, and the results of such incorporated into a report which has been submitted to and approved, in writing, by the Local Planning Authority, in order to provide an archive record of the historic building or structure and to accord with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

6 The development shall not be brought into use until a management plan for servicing, deliveries and ambulance pick-up, including days and times of deliveries and refuse collection and measures to prevent disturbance to neighbouring residents, has been submitted to and

approved, in writing by the Local Planning Authority, and the agreed management plan shall be adhered to thereafter, in order to protect local residents from exposure to excessive noise and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

7 No development other than the site remediation works shall take place until full details of the management of foul and surface water, including a timetable for their implementation and a strategy for their maintenance, have been submitted to and approved, in writing, by the Local Planning Authority and the scheme shall be implemented in full accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and to comply with paragraph 103 of the National Planning Policy Framework and policies EN12 and B24 of the adopted Unitary Development Plan.

8 The development shall not be brought into use until full details of the external lighting to be installed in association with the approved development, including details of the lighting columns and illumination levels, have been submitted to and approved, in writing by the Local Planning Authority, in order to protect the amenity of the area and to comply with policies B2 and EN1 of the adopted Unitary Development Plan.

9 The development shall not be brought into use until fully noise amelioration details have been submitted to and approved, in writing, by the Local Planning Authority and such measures have been fully installed in accordance with the agreed details, which shall be retained thereafter, in order to protect local residents from exposure to excessive noise and to comply with policy EN6 of the adopted Unitary Development Plan.

10 No development shall take place until a scheme of working has been submitted to and approved, in writing, by the local planning authority which shall include a Construction Environmental Management Plan, days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic and measures to ameliorate noise, dust, vibration and other effects, including a method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network and all works shall thereafter be carried out in accordance with the submitted details, in the interests of the proper planning of the development and to protect the amenity of the area and to comply with policies B2 and T14 of the adopted Unitary Development Plan.

11 No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the submitted Preliminary Contamination Risk Assessment and comments provided by the Council's Environmental Health section, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.

12 The development shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.

13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to and approved, in writing, by the Local Planning Authority detailing with how this unsuspected contamination shall be dealt. The remediation strategy shall then be implemented in accordance with the approved details, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.

14 No development shall commence until full details of all first floor windows to be provided in the northwest-facing elevation of the care home building, including precise areas and grading of obscure glazing, have been submitted to and approved, in writing, by the Local Planning Authority, which shall be implemented in accordance with the agreed details and retained thereafter, in order to protect the privacy afforded to Ashburne Villa and to comply with policy B2 of the adopted Unitary Development Plan.

15 No use hereby approved shall commence until details of all necessary plant and machinery to serve the development, including a suitable ventilation/extraction/filtration system illustrating all external ducting and stacks as well as an appropriate noise assessment, have been submitted to and approved, in writing, by the Local planning authority and/or planning permission has been granted for such. All plant/machinery shall be fully installed in accordance with the agreed details before any use commences, in order to protect the amenity of local residents, the visual amenity of the area, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which

shall include indications of all existing and proposed trees and hedgerows on the land, details for the protection of all existing trees to be retained during the course of development, an impact assessment of the proposed planting on the structural integrity of the boundary wall and external paving of Ashburne Villa and, if deemed necessary by the Local Planning Authority, mitigation measures to protect the integrity of these features which shall be implemented and appropriately maintained. Thereafter, all planting, seeding or turfing of the approved details of landscaping shall be carried out in accordance with the agreed timetable 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, in the interests of visual amenity, to protect the biodiversity of the site and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

17 The development hereby approved shall be carried out in complete accordance with the recommendations of the Extended Phase 1 Habitat Survey prepared by AJT Environmental Consultants dated January 2016, and the development shall not be brought into use until all such measures have been fully implemented and all installations shall be appropriately maintained thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

18 No development shall take place, other than remediation works, until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of the care home building have been submitted to and approved, in writing by the Local Planning Authority, and the development shall thereafter be constructed in accordance with such details, in order to protect the amenity of neighbouring residents and to comply with policy B2 of the adopted Unitary Development Plan.

19 The development shall not be brought into use until full details of bin and cycle storage facilities to accommodate at least eight bicycles, including a specification of the type of cycle storage to be provided, have been submitted to and approved, in writing, by the Local Planning Authority and the storage units have been installed in accordance with the agreed details, in the interest of visual and residential amenity, the character and appearance of the Conservation Area, highway safety the free passage of traffic, to promote cycling and to accord with policies B2, B4, B6 and T9 of the adopted Unitary Development Plan.

20 The use hereby approved shall not commence until details of signage to direct staff and visitors to the respective car parking area have been submitted to and approved, in writing, by the Local Planning Authority and such signage is displayed, in full, in accordance with the approved details, which shall be retained thereafter, in the interest of highway safety and the free passage of traffic and to comply with policies T14 and T22 of the adopted Unitary Development Plan.

21 The development shall not be brought into use until all car parking spaces and ambulance pick-up and service/delivery areas have been demarked on site in accordance with the approved plans, which shall be retained in accordance with their function as detailed on such plans thereafter, in the interest of visual and residential amenity, the character and appearance of the Conservation Area, highway safety and the free passage of traffic and to comply with policies B2, B4, B6, T14 and T22 of the adopted Unitary Development Plan.

2.

South
Sunderland

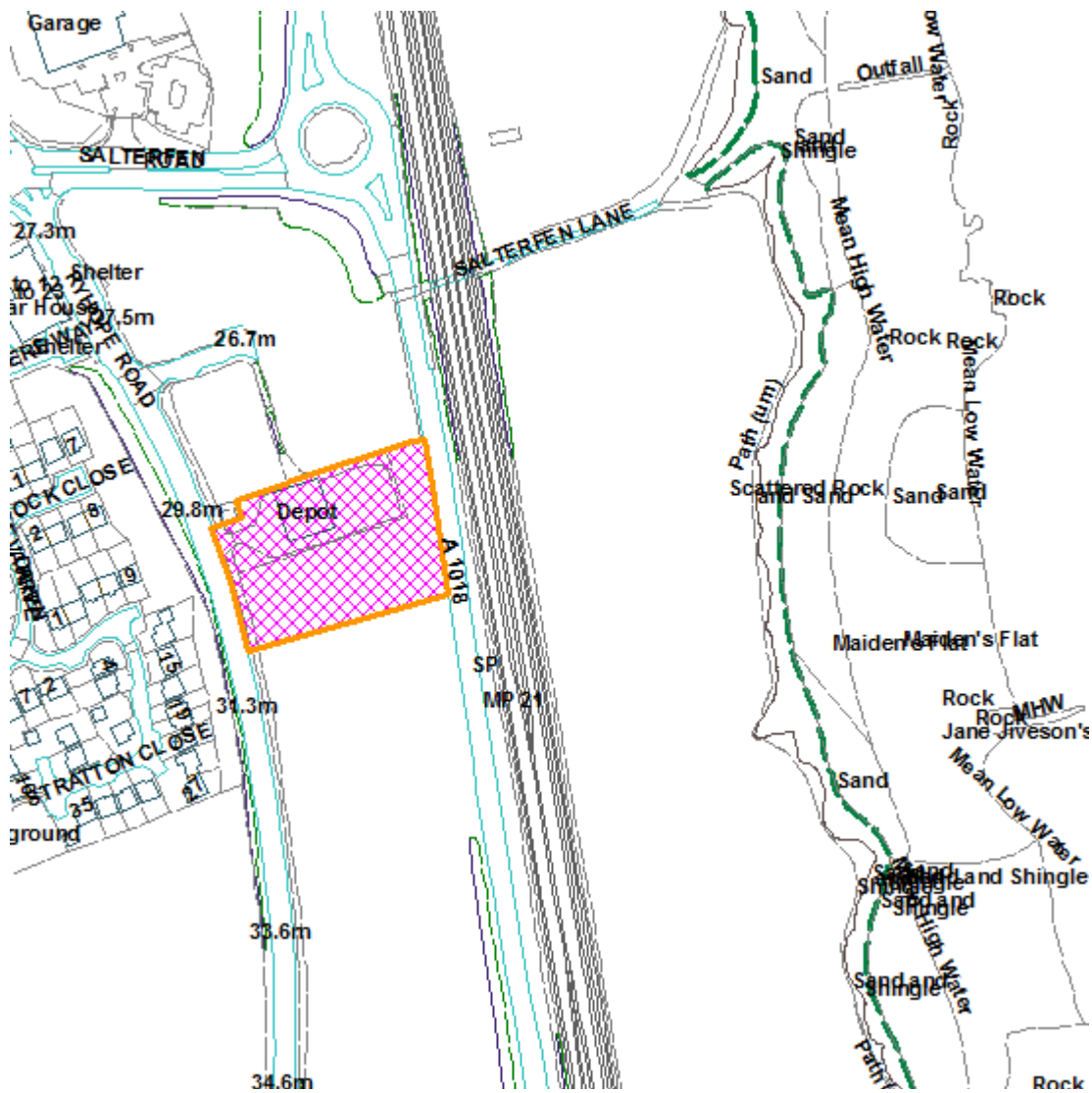
Reference No.: 15/01629/OU4 Outline Application Regulation 4

Proposal: **Demolition of existing buildings and development of up to 22 dwellings.**

Location: Land At Grangetown Autos Ryhope Road Sunderland SR2 0SP

Ward: Ryhope
Applicant: The Co-operative Group
Date Valid: 23 October 2015
Target Date: 22 January 2016

Location Plan



PROPOSAL:

SITE DESCRIPTION

The application site is an area of land situated to the east of Ryhope Road opposite the Shirley Banks housing estate. Approximately half of the site is occupied by the Grangetown Autos garage to the north; mainly comprising two adjoining single storey buildings with a forecourt to the front and a yard to the rear, whilst the southern half of the site comprises open space currently set to rough grass. The site is set at a lower ground level than Ryhope Road and to the east of the site the land slopes gently down to meet the A1018 Southern Radial Route. An electricity substation sits to the north eastern corner of the site and is excluded from the application site.

The application is for outline consent for the demolition of the existing buildings on the site and the erection of up to 22 residential dwellings. All matters are to be reserved for subsequent approval, however, the Design and Access Statement submitted with the application indicates that the dwellings will likely be 3-4 semi-detached/detached two plus storey houses arranged around a cul de sac layout accessed from Ryhope Road.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Network Management
Environment Agency
Fire Prevention Officer
Southern Area Command - Police
NE Ambulance Service NHS Trust
Director Of Childrens Services
Flood And Coastal Group Engineer
Environmental Health
Northumbrian Water
Ryhope - Ward Councillor Consultation

Final Date for Receipt of Representations: **23.02.2016**

REPRESENTATIONS:

NEIGHBOURS

No representations have been received.

CONSULTEES

The Network Management team have commented that there are no objections in principle to the development but have made recommendations detailed within the main body of the report to ensure that the proposal complies with highway safety requirements.

The Environment Agency has confirmed that they have no comments to make.

Natural England initially objected to the proposal on the grounds that the submission could not demonstrate that there would be no adverse impacts upon nearby protected coastal sites. An amended Habitats Regulations Assessment has now been submitted which, as detailed in the main body of the report, is satisfactory and Natural England has confirmed that the objection is withdrawn.

The Flood and Coastal Group Engineer has confirmed that the measures proposed within the final Drainage Strategy report are satisfactory and has no objections to the development in this respect.

The Public Protection and Regulatory Services team has considered the application and have made recommendations for suitable conditions which would render the proposal acceptable.

The Fire Authority has no objections to the proposal subject to compliance with relevant building regulations.

Northumbrian Water has confirmed no objections to the proposal subject to a suitable condition relating to the disposal of foul and surface water from the development.

The Planning Policy team has confirmed that the principle of the development is acceptable in land use terms.

The Natural Heritage team has confirmed that, subject to conditions relating to ecological mitigation and enhancement, and a section 106 agreement to secure the necessary mitigation measures relating to the impacts of the development upon European protected sites, as detailed within the main body of the report, there are no objections to the development.

Network Rail has commented that the development should not lead to any increased risk to the railway infrastructure from discharge of surface and foul water arising from the development. It is considered that the submitted Drainage Strategy discussed later adequately addresses this concern. Network Rail also raises the issue of potential noise disturbance to the occupiers of the proposed dwellings from the operational railway. It is considered that the noise attenuation measures detailed in the main body of the report adequately addresses this point.

POLICIES:

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

B1 Priority areas for environmental improvements

B2 Scale, massing layout and setting of new developments

CN23 Measures to conserve/ improve wildlife corridors

CN16 Retention and enhancement of existing woodlands, tree belts and hedgerows

EC5 Sites for mixed uses

EC9 Locations for Hotels and Conference centres.
S13 Resisting retail development on land allocated for industry
CN6 Retain / enhance important open breaks & wedges between / within settlements
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
T22 Parking standards in new developments
SA5 Retention and improvement of existing mixed use site
B3 Protection of public/ private open space (urban green space)
EN6 Limit exposure of new noise/vibration sensitive developments to existing sources
EN7 Proposals for residential development in the vicinity of railway tracks
EN12 Conflicts between new development and flood risk / water resources
EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
CN19 Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
H4 Density of housing development to at least reflect that of the locality
CN18 Promotion of nature conservation (general)
CN22 Developments affecting protected wildlife species and habitats

COMMENTS:

ISSUES

The main issues to consider in the determination of the planning application are:

- Principle of development
- Design and amenity issues
- Ecology and biodiversity
- Highway considerations
- Drainage and flooding
- Ground conditions
- Noise
- Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended)

Principle of Development

In considering the proposal for residential development it is important to consider both National and Local Planning Policy.

National Planning Policy

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

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. Sustainable development is about positive growth - making economic,

environmental and social progress for this and future generations. The policies within paragraphs 18-219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. However, para 119 of the NPPF states that the presumption in favour of sustainable development does not apply where appropriate assessment under the Habitats of Birds Directives is being considered, planned or determined.

Local Planning Policy

The site straddles two areas of different land allocation policies as defined by the proposals map of the City Council's adopted Unitary Development Plan (1998). The northern portion lies within an area subject to policies EC5 and SA5.3, which indicates that acceptable uses within the Salterfen mixed use employment site include food and drink (A3), light industry, office, research and development (B1), storage and distribution (B8), hotels (C1), bulky goods retailing and transport related businesses.

The southern portion is subject to policy CN6 which identifies the site as part of a larger area that forms an important open break/wedge within and between settlements which will be retained and enhanced.

The proposed use of the site for residential purposes is not in accordance with the above policies therefore the application has been advertised as a departure from the development plan.

Whilst it is accepted that the proposed development would be contrary to the safeguarding contained within policy SA5, evidence from the recent Employment Land Review (ELR) indicates that there is an oversupply of employment sites within the Sunderland South subarea.

A Strategic Land Review is currently underway to inform the emerging Local Plan, incorporating the Draft Settlement Break Review 2013 which is itself being revised. Early indications suggest that, although the Hollycarrside/Ryhope settlement break should be retained, this small section, which forms a small protuberance, may have potential for development without compromising the integrity of the remaining settlement break.

Principle of Development Summary

Given the above, and that the site is located within an area which includes a considerable amount of residential development, it is considered that residential development in this location would not adversely impact upon the required supply of employment land within the area or compromise the function of the settlement break. The principle of residential development is therefore considered to be acceptable in this case.

Design and amenity issues

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity. Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality.

In terms of the visual amenity of the locality, the site is situated opposite an existing residential estate on the edge of the built up area of Grangetown and straddling the mixed use employment site of Salterfen and the settlement break. Given this urban edge location and that the development will replace an existing commercial/garage use, it is considered that the

development would not unacceptably jar with the established pattern of built development in the area.

As noted at the outset of this report, all matters are reserved for future consideration. However, a suggested layout has been submitted showing the dwellings arranged around a cul de sac and shared drive scenario. This demonstrates that it is likely that an acceptable layout can be achieved that will afford prospective occupiers with a good standard of amenity, with all new dwellings afforded substantial areas of private external amenity space. In addition, spacing between the new dwellings will be required to comply with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations), an arrangement which ensures dwellings are afforded acceptable levels of privacy and main living room windows with a middle- to long-distance outlook.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that the separation distances between the new dwellings and existing properties is such that their living conditions will not be unduly harmed. The closest existing dwelling to the site is some 35m+, at Stratton Close and separated by Ryhope Road.

With reference to the above comments, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policies B2 and H4 of the UDP, the Council's Residential Design Guide SPD and the core principles of the NPPF.

Ecology and biodiversity

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

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

Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites.

There are two relevant designated sites within the vicinity of the proposal; the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. The potential source of impact in this case would be from increased recreational visits to the coastal areas as a result of the development.

The Habitats Regulations Assessment originally submitted with the application was found to be lacking in terms of its approach and conclusions. It could not be demonstrated that the development would not lead to adverse impacts upon the protected sites through the introduction of residents very close to the coast. The proximity to the coast and its easy access via a nearby footpath means that it is highly likely that dog walkers would regularly visit this sensitive area.

However, the LPA has endeavoured to work with the applicant and agent to secure a way forward. An amended, more robust HRA has now been submitted which it is considered proposes an acceptable means of mitigating the potential effects of increasing recreational use of the coast from increased resident numbers. The measures proposed comprise the provision of a financial contribution to fund a seasonal warden to work 7 months of the year over four years. This is considered to be acceptable and will complement the measures to be funded by developments within the South Sunderland Growth Area (SSGA) via the Strategic Access Management and Monitoring scheme (SAMM) which aims to educate and encourage visitors to use the clifftops for walking instead of the coast. These measures will be the subject of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

In terms of the impact of the development upon the biodiversity of the application site, the existing hedgerows along the east and west boundaries should be retained and improved as part of a landscaping plan for the scheme. Wildflower seeding and native tree planting are proposed within the Phase 1 Habitat Survey but would need to be detailed as part of the landscaping scheme.

The Phase 1 Habitat Survey and the Bat Presence/Absence Survey recommends measures to avoid impacting upon nesting birds and bats, which include a lighting scheme to prevent light pollution spillage, and the provision of bird and bat boxes within the new development.

Subject to the provision of further checking surveys and details including the number and location of bird/bat boxes and a method statement for demolition contractors, it is considered that these measures should be sufficient in this case to minimise potential adverse impacts and secure mitigation and enhancements to deliver a net increase in biodiversity, in accordance with policies CN18 and CN22 of the UDP and chapter 11 of the NPPF.

Highway considerations

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking.

The proposal is accompanied by a Transport Statement which concludes that overall the development proposals are accessible by sustainable transport, have satisfactory access arrangements and would generate few trips at peak times and would therefore not have any significant impact on the surrounding transportation network.

The Network Management Team has no objections in principle to the proposal but has commented that the existing access would not be inadequate for the proposed use; a further

speed survey was requested to inform the design of the junction arrangement. This was subsequently received and indicated that the existing 40mph speed limit within the vicinity of the site would need to be reduced to 30mph, which would need to be achieved through a Traffic Regulations Order to apply along the full stretch of Ryhope Road between Toll Bar and Ryhope Village.

As part of the reserved matters submission, a Transport Assessment will be required to demonstrate the vehicle movements for a safe access to the site/right turn into the site. The layout will need to be to an adoptable standard, incorporate at least one parking space per property, visitor parking at a standard of 1 space per 3 dwellings, turning heads to accommodate the turning movements of a large refuse vehicle (MFS up to 11.6m long), and shared private access serving no more than 3 properties.

The proposed development will entail the erection of buildings on a private road and will therefore be subject to the Advanced Payments Code of the Highways Act 1980 (section 219 and following sections). An agreement will be required to enable the construction and to secure the adoption of public highways under Section 38 of the Highways Act 1980.

With the above measures in place, the proposed development is considered unlikely to lead to conditions that are prejudicial to highway and pedestrian safety and complies with policies T14 and T22 of the UDP.

Drainage and flooding

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The site is within Flood Risk 1 (low flood risk) and is less than 1ha in size, therefore in accordance with the NPPF, no flood risk assessment is required. However, a Drainage Strategy was submitted with the application to demonstrate how surface water from the development will be dealt with sustainably. The Flood and Coastal Group Engineer identified some shortcomings with the initial report, which have been addressed within a final amended version subsequently submitted.

The drainage report concludes that the site is not suitable for the use of infiltration drainage and there are no open watercourses in the vicinity of the site. Consequently it is proposed that the surface water from the site will be attenuated and conveyed to an existing offsite connection to the Northumbrian Water adopted network.

In order to ensure that flood risk is not increased offsite, runoff from the proposed development will be attenuated on site (174 cubic metres volume storage) before discharge at a rate of 5l/s to the Northumbrian Water adopted network. Permeable paving on shared and private driveways will provide between 50 and 80 cubic metres of additional storage.

The Flood and Coastal Group Engineer has confirmed that this is acceptable and in compliance with policy EN12 of the UDP and the requirements of the NPPF in this respect

Ground conditions

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, 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.

- Paragraph 121 of the NPPF requires planning decisions to ensure that;
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that development.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and
- adequate site investigation information, prepared by a competent person, is presented.

The application was accompanied by a Geo-Environmental Investigation Report which sought to obtain information relating to the ground conditions beneath the site in order to determine suitable methods of design and construction for foundation slabs, access roads and car parking for the proposed development, and to identify any ground contamination in order to enable formulation of an appropriate remediation strategy for the proposed development if necessary.

On consideration of this report, Public Protection and Regulatory Services have advised that the site does not appear to contain levels of contamination which would render the site un-developable. However, it is recommended that, if the application is found to be acceptable, it should be subject to standard conditions for investigation and mitigation of contamination risk.

The proposal would therefore comply with policy EN14 and the NPPF and is acceptable in this regard.

Noise

Policy EN6 of the UDP states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from sources such as roads and railways, the applicant should carry out an assessment of the nature and extent of likely problems and to incorporate suitable measures in the design of the development. Policy EN7 requires proposals for residential development within 60m of a railway track to be accompanied by an assessment of the impact of vibration and to incorporate any necessary preventative or precautionary measures as part of the scheme.

- Paragraph 123 of the NPPF states that planning decisions should aim to;
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development,
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

The applicant has submitted a Noise and Vibration Assessment which seeks to assess the impact of noise and vibration on the proposed development arising from the two nearby roads, Ryhope Road and the A1018, as the dominant source of noise, as well as from the nearby railway.

The report concludes that it is unlikely that the residents will be significantly adversely affected by vibrations from passing trains. The report also concludes that for most of the site standard double glazing would be sufficient to achieve a suitable noise climate in the proposed dwellings according to relevant noise standards. However, in dwellings that have habitable rooms fronting onto the road network, a more robust standard of glazing and acoustic trickle vents is required in all of these rooms to afford these properties the same amount of protection as the rest of the development. Public Protection and Regulatory Services advise that any approval should be subject to a condition requiring the implementation of the recommended sound attenuation scheme as detailed in Table 5.1 of the report.

In addition it is recommended that an approval is subject to a condition requiring an adequate 2m acoustic barrier to be installed to the gardens on the eastern boundary of the site directly overlooking the A1018 to ensure the amenity of the gardens. The barrier shall be retained and maintained for the life of the development.

Subject to the relevant conditions outlined above, the proposed residential dwellings are unlikely to be exposed to unacceptable levels of noise or vibration; the proposal complies with policies EN6 and EN7 of the UDP, paragraph 123 of the NPPF and is considered to be acceptable in this regard.

Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended)

Play Space

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible.

However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers,

The developer has therefore agreed to provide a financial contribution, of (22 x £701) £15,422 as a Section 106 contribution, for the provision of new play facilities or the improvement of existing play facilities where appropriate at the play area on Spelter Works Road, adjacent to Grangetown Primary School, with funds being utilised to support on-going maintenance of the play facilities.

The proposed off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

Affordable Housing

In compliance with chapter 6 of the NPPF, which requires that local planning authorities should plan to deliver a wide mix of housing, including identified affordable housing needs, and policy CS4.3 of the draft Core Strategy relating to housing needs, 10% affordable housing will be provided as part of the scheme. This will equate to 2 units as affordable rented housing and will be provided on site. This will be secured through the Section 106 agreement.

Ecology

As detailed above, the development can only be considered to be acceptable if the potential effects of increasing recreational use of the coast from increased resident numbers can be mitigated. The measures proposed, entailing the funding of a warden for 7 months of the year over 4 years, is costed at a value amounting to £52,102.72. The calculation is based on the figure of £40,102.72 identified as being the total cost of the warden's salary, with an additional £12000 covering associated operational costs. The total amount divided by the number of dwellings

results in the proposed financial contribution amounting to £2368 per dwelling. This will be secured through the Section 106 agreement.

Conclusion

The fundamental issue in the consideration of the proposal is the impact of the development upon the European protected coastal sites. The NPPF states that the presumption in favour of sustainable development does not apply where appropriate assessment under the Habitats of Birds Directives is being considered, planned or determined. In this case, it is considered that the proposed mitigation measures as detailed above, to be secured by a section 106 agreement, will achieve a sustainable development in this respect. Without these mitigation measures, the development will be considered to be unacceptable.

Otherwise, the principle of housing development is considered to be acceptable in this location when assessed against the other impact tests set out in the NPPF.

Subject to the satisfactory approval of reserved matters and the imposition of the conditions suggested throughout the report, for the reasons set out above, the proposed development is considered to be acceptable in terms of urban design, visual and residential amenity, highway access and car parking, flood risk and drainage, ground conditions, ecology/biodiversity, play space and affordable housing. Given the above, the proposal is considered to be acceptable.

It is consequently recommended that the application is delegated to the Deputy Chief Executive, who is minded to approve the application, subject to the conditions set out at the foot of this report and also subject to the signing of an agreement under the provisions of section 106 of the Town and Country Planning Act, 1990.

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: Delegate to the Deputy Chief Executive who is minded to Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 subject to the conditions set out below and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

Conditions:

1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and 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 approved, 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 Approval of the appearance, means of access, landscaping, layout and scale of the development (hereinafter referred to as the "reserved matters") shall be obtained from the Local Planning Authority, in writing, before any development is commenced. Plans and particulars of the reserved matters shall be submitted utilising an appropriate planning application form and shall be carried out as approved. As the application is in outline only and no details have been submitted of the reserved matters set out above, they are reserved for subsequent approval by the Local Planning Authority.

3 The development hereby approved shall be carried out wholly within the application site as defined by the red line boundary of drawing number 5151(P)100 received 5/8/15, in order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

4 Prior to the commencement of works, the following details shall be submitted to and agreed in writing by the Local Planning Authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork,

demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.

5 All dwellings hereby approved shall be limited to no more than 2.5 storeys in scale, in order to ensure the development is respectful of the amenity of surrounding existing dwellings and to comply with the NPPF and policy B2 of the Council's adopted Unitary Development Plan.

6 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property, to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

7 No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures. All works shall be carried out in accordance with the agreed details, in the interests of visual amenity and to comply with policy B2 of the UDP.

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

9 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the recommendations within the Extended Phase 1 Survey received 14/8/15 and the Bat Presence/Absence Survey received 7/10/15. If any protected or other significant species, including amphibians and invasive or non-native species are found, works shall cease immediately on the affected part of the site, the findings shall be reported to the Local Planning Authority and works shall not recommence until agreed in writing by the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

10 Prior to any works commencing on site, the building shall be checked by a suitably qualified ecologist to ensure that the site is not being used by bats or nesting birds. If any such species are found during construction, works shall cease immediately, the findings shall be reported to the Local Planning Authority and works shall not recommence until agreed in writing by the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

11 Notwithstanding any details provided within the Extended Phase 1 Habitat Survey received 14/8/15 and the Bat Presence/Absence Survey received 7/10/15, and prior to works commencing on site, details of the specification of bat boxes and their precise locations on site, and/or a construction methodology to allow bats to gain access to and roost within suitable areas within the proposed buildings, shall be submitted to and approved in writing by the local Planning Authority. Thereafter the approved specifications/ methodology shall be implemented in accordance with the timings of the approved details unless otherwise agreed in writing with the local Planning Authority; in order to protect and enhance wildlife and its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

12 Notwithstanding any details provided within the Extended Phase 1 Habitat Survey received 14/8/15 and the Bat Presence/Absence Survey received 7/10/15, and prior to the commencement of works on site, a method statement that deals with birds, and includes details of the type and location of bird boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority in the interest of ecology and in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the UDP.

13 Prior to the installation of any external lighting, the exact siting, aspect and levels of lighting should be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not be carried out other than in accordance with the approved details; in the interest of protecting any existing and new bat roost sites and to comply with policy CN22 of the UDP.

14 Notwithstanding the submitted details, before the development hereby approved is commenced, a Transport Statement shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the statement shall demonstrate the vehicle movements for a safe access to the site/right turn into the site. All works shall be carried out in accordance with the agreed details, in the interests of highway safety and to comply with policy T14 of the UDP.

15 The development hereby approved shall not be occupied until the speed limit of Ryhope Road between Toll Bar and Ryhope Village has been reduced from 40mph to 30mph through a Traffic Regulation Order made by the Local Highway Authority, in the interests of highway safety and to comply with policy T14 of the UDP.

16 None of the dwellings hereby approved shall be occupied until the accesses to the site and internal road and footpath layout has been laid out to at least base course level, unless otherwise agreed in writing with the City Council as Local Planning Authority, in the interests of amenity and highway and pedestrian safety and to comply with the requirements of policy T14 of the UDP.

17 No construction works required for the development hereby approved shall be carried out outside the hours of 07:00 and 19:00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 07:30 and 14:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

18 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy of the UDP.

19 Before the development hereby approved is commenced details of the timetable and means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policies B2 and CN22 of the UDP.

20 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

21 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the details within the Drainage Strategy Report Version 4, dated 2/2/16 produced by Fairhurst, in order to prevent the increased risk of flooding, both on and off site, and to comply with policy EN12 of the UDP.

22 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 23 to number 25 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 24 has been complied with in relation to that contamination.

23 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

24 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

25 The remediation scheme approved under Condition number 24 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, 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.

26 In the event that contamination is found at any time when carrying out the confirmed development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 23 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 24 (Submission of Scheme of Remediation), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 25 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

27 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be constructed in accordance with the sound attenuation scheme as detailed in Table 5.1 of section 6 of the Noise and Vibration Assessment report dated 1/10/15 produced by ENS Ltd, and maintained as such thereafter, in order to protect the amenities of the occupiers of the development and to comply with policy EN6 of the UDP.

28 The detailed plans to be submitted as reserved matters shall include a 2m acoustic barrier to be installed to the gardens on the eastern boundary of the site directly overlooking the A1018. The barrier must be constructed from a material that has a mass per unit area of at least 10kg/m². The panels shall be rigidly mounted and there shall be no gaps between adjacent panels, or the barrier and the ground. The barrier shall be retained and maintained for the life of the development. Reason; in order to protect the amenities of the occupiers of the development and to comply with policy EN6 of the UDP.

Reference No.: 16/00883/LB3 Listed Building Consent (Reg3)

Proposal: **Erection of blue plaque to Western elevation.**

Location: 4 Saint Thomas Street Sunderland SR1 1NW

Ward: Hendon
Applicant: Mrs Alison Fellows
Date Valid: 17 May 2016
Target Date: 12 July 2016

Location Plan



PROPOSAL:

Listed Building Consent is sought to erect a blue plaque to the front elevation of the River Wear Commissioners' Building, 4 St. Thomas Street, Sunderland city centre, SR1 1NW.

This application for Listed Building Consent affects the River Wear Commissioners' Building, a three-storey, Grade-II Listed building standing at the south-east corner of the junction between St. Thomas Street and John Street in Sunderland City Centre. The building was constructed in 1907 as a central office for the River Wear Commissioners, the organisation responsible for transforming the Wear into a navigable river and delivering the infrastructure to allow shipbuilding to thrive on its banks from the early 18th century onwards. The building is constructed from red granite and sandstone and exhibits a range of highly impressive architectural features and examples of high quality finishes and craftsmanship to both the exterior and interior. The building is also located within the boundary of the Sunnyside Conservation Area.

The application seeks Listed Building Consent to mount an aluminium blue plaque on the west elevation of the building, which flanks John Street. The proposed plaque has a diameter of 35.5cm and will carry information regarding John Murray, one of the Commissioners' foremost engineers and responsible for making significant improvements to the river and its access, moving the lighthouse to the end of the North Pier and creating the South Docks at the river's mouth.

The Design, Access and Heritage Statement submitted with the application advises that the plaque is to be mounted 3.1 metres above ground level, at a position which is readily visible to passers-by. It will be positioned within the heart of one of the sandstone blocks, with its fixings drilled into the face of the stone. The Statement acknowledges that it would be preferable for the fixings to be drilled into the mortar joints between the stone blocks; in this case, however, the joints are very narrow and there is a risk that the edge of the blocks could be cracked and seriously damaged if such drilling were attempted. It is suggested that drilling the face of the block will be discrete, covered by the plaque and easily repaired in the event the plaque is removed.

The Statement advises that the plaque is intended to raise the public profile of an important historic building within the City Centre, in conjunction with its re-branding as the 'RWC Building' by its current owners, Siglion.

This application has been submitted by the City Council's Executive Director of Commercial Development, with notice served on Siglion as owners of the building.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **24.06.2016**

REPRESENTATIONS:

Public consultation - no representations received to date. The period for receipt of representations does not expire, however, until 24.06.2016. Details of any representations received following the preparation of this report will be provided at the Committee meeting.

Historic England - no comments; advise that application should be determined in accordance with national and local policy guidance and on the basis of the Council's own expert conservation advice.

COMMENTS:

CONSIDERATION OF APPLICATION

In considering the merits of the proposal, regard must be had to the guidance provided by the National Planning Policy Framework (NPPF), the overarching aim of which is for the planning system to deliver 'sustainable development. One of the core principles of the NPPF is that heritage assets (such as Listed buildings and Conservation Areas) should be conserved in a manner appropriate to their significance.

Also relevant is paragraph 131 of the NPPF, which requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets, whilst paragraph 132 states that great weight should be given to the asset's conservation; significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and any harm or loss should therefore be clearly and convincingly justified.

The City Council's Planning Implementation (Built Heritage) team has, in response to consultation, advised that proposals have been subject to detailed pre-application discussions with the property owner. It is considered that the installation of the blue plaque will assist in enhancing the public's understanding of the building's heritage significance, with the reference to John Murray particularly apt given his status as one of the most influential engineers in Sunderland's maritime history. It is accepted that it is not feasible to affix the plaque by drilling into the mortar between the stone blocks; in any case, the minor damage caused to the stonework will, it is considered, be outweighed by the public benefit of raising the profile of the building. As such, there is no objection to the proposal from a built heritage perspective.

With regard to the above comments, it is considered that the fixing of the plaque to the building in the agreed location will not result in any substantial harm to the significance of this Grade-II Listed heritage asset, with the very minor damage caused to the fabric of the building by affixing the plaque outweighed by its benefits in allowing the general public to better understand and interpret the significance of a building which is inextricably linked with Sunderland's former status as a centre of shipbuilding. It is therefore considered that the proposal satisfies the requirements of paragraphs 131 and 132 of the National Planning Policy Framework and is consequently acceptable.

However, as noted in the 'Representations' section of this report, the period for the receipt of representations from members of the public has not yet expired. Details of any representations received in response to public consultation will be provided to Members at the Committee meeting.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

RECOMMENDATION: Minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions.

Conditions:

1 The works to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning

and Compulsory Purchase Act 2004 to ensure that the works are carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

the location plan and proposed elevation received 17/05/2016 (drawing no. 01) and the plaque details received 17/05/2016

In order to ensure that the completed development accords with the scheme approved and to comply with paragraphs 131 and 132 of the NPPF.

3 The plaque hereby granted consent shall be affixed to the building in accordance with the details provided within the 'Design, Access and Heritage Statement' submitted with the application (received 17/05/2016), unless otherwise first agreed in writing with the City Council as Local Planning Authority, in order to ensure the plaque is mounted in a manner sensitive to the significance of the heritage asset and to comply with the requirements of paragraphs 131 and 132 of the NPPF.