

## **DEVELOPMENT PLAN**

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

## **DEVELOPMENT PLAN**

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

## **STANDARD CONDITIONS**

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

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Peter McIntyre

Executive Director City Development

**Reference No.:** 19/00392/FUL Full Application

**Proposal:** **Demolition of existing university building and erection of 2no. buildings containing retail at ground floor, with 258no. student bed accommodation on upper floors.**

**Location:** Forster Building Chester Road Sunderland SR1 3SB

**Ward:** Millfield

**Applicant:** Jaspia Ltd

**Date Valid:** 8 May 2019

**Target Date:** 7 August 2019

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## **PROPOSAL:**

### INTRODUCTION

This application seeks planning permission for the demolition of the existing University building and the erection of 2no. buildings containing retail at ground floor, with 258no. student bed accommodation on the upper floors at the Forster Building, Chester Road, Sunderland, SR1 3SB.

### THE SITE

The Forster Building was constructed in 1975 and is four storeys in total height with a large tarmac surfaced car park bounded by a palisade fence. Vehicular access to the car park is provided from Clanny Street and pedestrian access is provided from Chester Road. The property has been used for general teaching and studio facilities together with ancillary teaching based rooms for the University of Sunderland. The use of the building ceased in January 2017.

The building has been marketed by the University for disposal by way of tender which is subject to obtaining planning permission for the redevelopment of the site.

The application site is set within the defined boundary of the University of Sunderland's Chester Road Campus. The site covers an approximate area of 1.4 acres/0.57 hectares and it slopes from the north west corner to the south east corner, the difference in level ranges typically from 42 metres to 39 metres.

To the west of the building and within the curtilage there is a large car park, with residential properties beyond at Westbourne Road. To the north are residential properties on Clanny Street and to the south is the main highway thoroughfare of the A183 Chester Road. To the east of the site is the University Campus with the closest building being City Space with the Edinburgh building beyond.

Buildings surrounding the application site represent a variety of commercial and residential buildings of various scale, styles and ages.

### PROPOSAL

The proposal would include the erection of 2no. buildings each containing retail units (Use Class A1) at ground floor with a combined total of 258no. student bed accommodation on the upper floors.

For clarification purposes in April 2010 Part 3 of Schedule 2 of the GPDO defines a 'House in Multiple Occupation' (HMO) in line with the definition in the Housing Act except for a converted block of flats to which Section 257 of the aforementioned Act applies. An HMO is a house or flat occupied by 3 or more people who rent a property and are not related and share a kitchen, bathroom or toilet. Where between 3 and 6 unrelated people, who satisfy the criteria of an HMO referred to above the property will be classed under Use Class C4. In this instance both buildings will occupy a total number of 258 unrelated people who share basic amenities, therefore, it is classed as a 'Sui Generis' use.

The two proposed buildings would comprise 148no. student bed accommodation in Block 1 and 110no. in Block 2. The buildings would contain communal areas, kitchens, cycle storage, servicing areas and passenger lifts for each level.

Each student room would have an en-suite bathroom and all rooms would be serviced and managed by the establishment. The buildings would also provide leisure and entertainment facilities, 24-hour concierge, private secure parking and secure bike storage, daily housekeeping, on site management and maintenance team, secure door entry systems and CCTV. Large communal kitchens would be located on every floor and there would be a designated laundry room.

Block 1 would be L-shaped with the facade consisting of six storeys in total facing onto Chester Road (south) with the sixth level being set back from the front building line. The sixth level (fifth floor) would contain a communal area which would lead onto a roof terrace, which would be screened by a parapet detail and associated balustrade. The space between the balustrade and the parapet would include planting to provide privacy/screening/noise abatement. The submitted planning statement advises that the roof terrace would be controlled via a management plan and would only be in use during specific operating hours to respect amenity issues within the surrounding context.

The rear element of the building would have a tapering stepped level design, with a two-storey element to the rear of the site, with the remaining floors increasing in level upwards to the sixth storey.

Block 1 would have a width of 53.57m to the front and 17.4m to the 'L' shape to the rear. It would have total depth of 46.2m which would include 17.4m to the front and 28.8m to the rear. The total height of the building would be 19.94m.

Block 2 would be T-shaped with the main facade consisting of five storeys in total facing onto Chester Road (south) with the fifth level being set back from the front build line.

The rear part of Block 2 would be similar to Block 1 consisting of a tapering stepped level design, with a two-storey element to the rear edge of the site and the remaining floors increasing in level upwards to the fifth storey.

Block 2 would include a width of 38.9m to the front and 17.4m to the 'T' shape to the rear. It would have a total depth of 46.2m which would include 17.4m to the front and 28.8m to the rear. The total height of the building would be 16.94m.

The proposed retail units which would be located within the ground floor of each block would provide a floor space of 250 square metres with hours of opening between 8.00am and 10.00pm.

The proposed material finish for the whole building would consist of a mixture of coloured composite cladding with full length glazed units of aluminium profiles to ground and upper floors. The flat roof of the building would be finished in commercial GRP fibre glass roofing.

Some of the existing trees around the site to the front and eastern boundaries would be retained as part of the proposal with additional trees are proposed to be planted to the front, east and west with a landscaped area in the car park to the rear. Grass and shrub cover would also be provided as part of the proposal.

In total 54no. car parking spaces would be provided to the rear of the site with access from Clanny Street to the north. A total of 33no. secured cycle stands would be incorporated within the proposal and would be split between both buildings. The rear yard would provide access for servicing and refuse collection points.

The application has been supported by the following plans documents:

- o Architectural Drawings and Visuals
- o Planning Supporting Statement
- o Design and Access Statement
- o Statement of Need for Student Accommodation
- o Retail Sequential Test and Impact Assessment
- o Noise Assessment
- o Drainage Strategy
- o Flood Risk Assessment
- o Desktop Phase 1 Contamination Study
- o Ecology Impact Assessment
- o Habitat Regulations Assessment
- o Transport Statement
- o Travel Plan
- o Daylight and Sunlight Assessment
- o Soft Landscape Plan

## **SITE HISTORY**

89/02110/10 - Erection of 1.5m diameter radar dish on roof - Approved.

91/02133/AD - Erection of free standing signs - Approved.

94/00490/AD - Car parking signs - Approved.

03/01894/FUL - Erection of single storey extension and external lift shaft to west elevation.- Approved.

06/02582/ADV - Erection of 12 no. non-illuminated freestanding signs - Approved.

06/03233/FUL - Erection of 2 no. 8 metre CCTV columns and cameras - Application Withdrawn.

08/01881/FUL - Installation of aluminium louvers, removal and bricking up of fire escape door and window and erection of 2 external chiller units to west elevation - Approved.

## **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

## **CONSULTEES:**

Network Rail  
Millfield - Ward Councillor Consultation  
Environmental Health  
Northumbrian Water  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Network Management  
Nexus  
Director Of Childrens Services  
Flood And Coastal Group Engineer  
Northumbria Police  
Tyne And Wear Archaeology Officer  
North Gas Networks  
Northern Electric  
The Highways England  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **23.04.2020**

## **REPRESENTATIONS:**

Neighbour Consultation Responses

In total the occupiers of 63 properties in close proximity to the site have been notified of the proposal by letter, site notices have been posted and the application has been advertised in the local press.

Six separate representations have been received from U Student Group who have operated around 500 student beds in Sunderland since 2010.

First letter received 06.06.19 states:

- The Interim Student SPD requires proposals for student accommodation to demonstrate that there is an identified need both in quantity and quality.
- Paragraph 6.28 of the CSDP clearly states that student accommodation numbers need to be managed in line with projected student numbers to ensure that the City does not end up with an oversupply of accommodation.
- Between October 2014 and October 2016, student numbers and full-time students requiring accommodation has fallen in numbers.
- Concern that if this application is approved there will be a significant oversupply of student accommodation.

Second letter received 24.09.19 outlines:

- Significant concerns that there are substantial voids across the purpose-built student accommodation sector within the City for this new academic year. Therefore, if this application is approved there will be an even greater oversupply of student accommodation.

Third letter received 02.04.20 states:

- The position remains that during this academic year there continues to be voids across the whole of the student accommodation sector, despite the closure of the Universities Precinct site.
- There is no problem to be remedied or additional need to be met.  
It is maintained that the applicant has not identified a need for the development as required by Policy H3 of the CSDP.

Fourth letter received 15.05.20 includes:

- To touch upon need and demand is not sufficient to meet Policy H3 requirements.
- Proposal must meet all the criteria set out in Policy H3.
- Does not satisfy paragraph 6.10 of the Council's Interim Student Accommodation SPD which requires existing and projected numbers of students likely to require accommodation in the city. Also, the level of demand for the types of accommodation and demonstrate where this demand comes from and how it offers clear 'added value' to the city has not been provided.
- There is a downward trend in student numbers and this is expected to continue and this is in conflict with the suggestion that demand exists.
- Student numbers could be significantly impacted by the Coronavirus pandemic. No certainty regarding medium to long term impact.
- There are substantial voids across the purpose-built student accommodation sector across the city.
- Approval of the application would result in an even greater oversupply of student accommodation contrary to Policy H3.

Fifth letter received 20.05.20 contains the following:

- Objection relates specifically to the failure of the applicant to submit evidence that there is need for the proposed development as required under Policy H3.
- Planning Policy have confirmed that all criteria must be met to comply with the Policy.
- If need is not just about numbers why does Policy H3 clearly contain a criterion for the demonstration of need alongside other specific criteria concerning location and quality.
- Quantity was removed from the Policy and quality and location were added.
- Voids are undoubtedly key to the consideration of need.
- Over 10 years experience suggests no demonstrable need for additional purpose built student beds in Sunderland.
- Following the Coronavirus pandemic it could be argued that sufficient and considerable time should be afforded to Universities to adapt and re-determine their long-term strategies which may include some element of distance learning for certain course that could then in turn impact their long-term accommodation requirements.

Sixth letter received 03.08.20 outlines:

- Student figures based on predicated student growth rather than need.
- Aspirations and expectations that there may be growth not relevant.
- Location should not be confused with having to demonstrate need.

- Faculty of Health Sciences and Wellbeing is offering free accommodation to first year medical students and 50% discount to second year students to reside in University accommodation.
- Conversion of HMO's in Pallion and Millfield further evidence of lack of demand and not a shift towards purpose-built accommodation.
- Despite the mothballing of Clanny House and the closure of The Precinct there has been consistently voids illustrating a current oversupply.
- Need for the development remains to be demonstrated.

## Internal Consultees

## Lead Local Flood Authority

### Initial Response

- Flood Risk Assessment and Drainage Strategy should be separated.
- Green field run off rate should be re-calculated.
- Details of pipe sizes, type, falls, levels and details of proposed attenuation required although with section of permeable paving and section of attenuation tank.
- MD files are required to allow checks for flooding on return events.
- Further information is required on ground conditions.
- Calculations to confirm amount of source control within the landscaping are required.
- Updated discharge agreement is necessary.
- Development management and construction phasing plan is required.

## Final Comments

In relation to flood risk and drainage it is suggested that the application can be approved.

## Transportation Development

### Initial Comments

Pedestrian provision / new footway - There is no pedestrian provision adjacent to the site on Clanny Street, to the north of Plot 1. A footway with street lighting provision must be provided. Any works within the existing highway would require Section 278 Works.

New access points - The three new access points to the car parking areas on Clanny Street would require Section 278 Works and any redundant access points would require to be re-instated to footway.

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

Existing restrictions / CPMS - Existing Restrictions on Clanny Street to be extended, double yellow lines should cover the extent of the site. This would include an amendment to an existing Traffic Regulation Order. There is also a Car Park Management Scheme around the premises whereby vehicles require a permit to park on street.

Traffic Regulation Order (TRO) - A TRO is required to extend existing double yellow lines. The TRO would require a statutory consultation process, the outcome of which cannot be pre-determined. The estimated cost of a TRO is approximately ?8,000.00, excluding any physical works. The actual cost of the TRO and the required physical works, such as kerbing, provision of new lining and signage would need to be met by the applicant. For further information please contact Peter Graham Engineer (0191) 561 1621.

Servicing and deliveries - Servicing and deliveries to be clarified, along with the turning movements of large vehicles.

Electric charging - The development should include measures to encourage sustainable transport initiatives and would be of benefit to make provision for electric vehicle charging points.

Cycle shelter - The provision of a covered secure cycle storage shelter is recommended, to promote sustainable travel.

#### Final Comments

No objections to the amended and additional information provided.

Pedestrian provision / new footway - The amended layout proposes a footway along the southern side of Clanny Street at a minimum width of 2m. Footway provision is already in place along the northern side of Clanny Street.

Servicing and deliveries - deliveries will be from Clanny Street and delivery vehicles are legally allowed to park on the double yellow lines if they are loading.

Electric charging - 1 charging point would be required within each parking area.

Cycle shelter - a secure cycle shelter will be required for the development.

#### Environmental Health

No objections to the proposal have been raised but the following comments have been made with regard to the proposal.

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

#### Land Contamination

A Phase 1 Desk Top Study has been provided with the application and it does not appear that land contamination will pose a serious constraint to the development however it is recommended that a Phase II Investigation, Remediation Strategy/Verification Plan and Verification Report be provided for the development. A standard Condition for unexpected contamination is also recommended.

#### Noise

A Noise assessment has been provided with the application. It is recommended that the following conditions are included:



Prior to occupation of the proposed development, the noise insulation specification in Table 1 and in Figure 1 of the Noise Assessment shall be installed and maintained for the lifetime of the development.

Currently the proposed ground floor retail uses are unknown and as such details of any plant/ventilation systems are also unknown at this stage. A condition to provide this information and to demonstrate that the noise limits for fixed plant within table 6 of the noise assessment can be met (with mitigation if necessary) shall be provided before occupation of the retail units.

## CEMP

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

## Education

Given that this is student accommodation it is not anticipated that this will lead to an increased 0-19 school place requirement. Therefore, no education contribution will be sought.

## Ecology

### Initial Response

Further information is required to enable the Local Planning Authority to make a fully informed decision with regard to likely significant effects of the proposed development, alone or in combination with other developments, on European (Natura 2000) sites and associated features.

### Final Comments

No objections to the proposal subject to the following:

1. The recommendations in the Ecological Impact Assessment 24.11.17 Report by Naturally Wild should be adopted and delivered as specified in the report.
2. Regarding the letter report 'Scoping Response for Habitats Regulations Assessment for Development of the Forster Building,' 19th February 2020; the information submitted is an improvement on previous iterations, but with certain assumptions and limited in detail, however, the broad conclusion no likely significant effects on European Sites is accepted and the proposed development can be screened out of further scrutiny through Appropriate Assessment, subject to the following conditions.
3. The residential element of the whole development is for use as student accommodation only, with any future change of use subject to reassessment with regard to biodiversity and in particular Habitat Regulation Assessment.
4. The student accommodation is strictly controlled whereby pets, specifically dogs (except guide dogs), are not permitted on the premises.
5. The applicant should confirm no significant increase in student numbers to Sunderland as a result of the development, and the means of ensuring student visitors to the coast will

adhere to public footpaths to avoid negative impacts on designated sites; as recommended in the HRA scoping response letter.

## Planning Policy

The site is located within the defined Urban Core, outside the defined Primary Shopping Area of Sunderland City Centre.

CSDP Policy SP2: Urban Core (criterion 3) provides support for development of higher and further education facilities at University Campus. It is considered that the proposal would partly align to this criterion as the proposal would further support the function of the University.

CSDP Policy H3: Student Accommodation sets out that development of student accommodation should be located within the Urban Core and must demonstrate the following:

1. there is a need for additional student accommodation;
2. it is of a scale and appearance appropriate to its surroundings;
3. it is located within close proximity to local facilities and is accessible to the University by foot, cycle and by public transport;
4. it provides high quality living accommodation in terms of design, layout and facilities provided within the development in accordance with the Student Accommodation SPD; and
5. the layout of the accommodation is designed in such a way that it is capable of being re-configured through internal alterations to meet general needs housing in the future.

It is acknowledged that the applicant has touched upon the need and demand for the accommodation within the submitted 'Planning Support Statement'. The applicant refers to a previous planning application (former Joplings, 17/01201/FUL) which indicates that students currently living in Newcastle may be influenced to live in Sunderland if sufficient high-quality purpose-built accommodation was available.

However, the same source also sets out that the overall current trend indicates that a downward trend in numbers of students enrolling at the University, which is expected to continue in the short term with the University consolidating its offer and reducing the number of courses on offer. The 'Planning Support Statement' sets out additional evidence regarding the claimed proposed quality of the scheme and how this relates to need. The decision maker will need to take a view of whether the evidence provided by the applicant is sufficient to meet the need requirement set out in criterion 1.

With respect to criterion 2 and 4, the decision maker should carefully review the design quality of the scheme, including its scale and appearance.

It is considered, given the location of the site within the Urban Core (as well as the University Campus), that the site is within close proximity to local services and is accessible to the University by foot, cycle and public transport in line with criterion 3.

With regard to criterion 5, the applicant should demonstrate that the accommodation can be reconfigured through internal alterations to meet general needs housing, should this change be required in the future. Where this information has not been provided, the applicant should provide it as way of supporting documentation.

With regards to the retail component of the proposal it is noted that the site is outside of the Primary Shopping Area CSDP Policy VC3. In addition, CSDP Policy VC1 is relevant to main town

centre uses and retail hierarchy, at criterion 6, sets out that main town centre uses (of which retail is included) will be focused within existing designated centres as set out within the retail hierarchy. A similar requirement is set out in the NPPF at paragraph 86 and 87.

Where a proposal for a main town centre use is located outside of a designated centre, a Sequential Assessment is required, and it is noted that this has been submitted by the applicant. The decision maker should come to a view on the merits of this assessment and whether it demonstrates that the sequential test has been met.

The Case Officer should also consider the following policies:

CSDP Policy BH1: Design Quality - regarding quality of the proposed development.

CSDP Policy BH2: Sustainable Design and Construction - regarding sustainability and design of the proposed development.

CSDP Policy ST3: Development and Transport - regarding the impact on the transport network and parking standards.

In conclusion, the principle of the student accommodation aspect of the development would be considered to be acceptable subject to the proposals meeting the criteria set out within CSDP Policy H3. With regard to the retail component of the development the principle of this would be acceptable subject to the Council being satisfied that the sequential assessment has been adequately met.

External Consultees

Northumbrian Water

Have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy". In this document it states that foul and surface water flows will discharge to the public sewer at manhole 9701 or within close proximity, with surface water being restricted 3.7l/sec.

Would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Northern Gas Networks

No objections to the proposal.

Tyne and Wear County Archaeology Officer

The western end of the site was once occupied by Mount Tabor Methodist Church. This Methodist New connexion Chapel was built in 1894 and demolished in 1948. Presumably it did not have a churchyard. No archaeological work is required.

Highways England

Offer no objection.

Tyne and Wear Fire and Rescue Service

No objections to the proposal. Further comment will be made on receipt of a Building Regulations submission.

## Nexus

Nexus has no objection to this as the section of line is owned and maintained by Network Rail and it is therefore essential that their views are sought.

## Network Rail

No objection in principle to the development subject to conditions being attached to any grant of planning permission in relation to Method Statement/OPE, soundproofing, lighting and landscaping.

## **POLICIES:**

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

Unitary Development Plan Alteration No. 2

SA55B.3 - Strategic Location for Change

Core Strategy and Development Plan

SP1 - Development Strategy  
SP2 - Urban Core  
HS1 - Quality of Life  
HS2 - Noise-Sensitive Development  
HS3 - Contaminated Land  
SP8 - Housing Supply and Delivery  
H1 - Housing Mix  
H3 - Student Accommodation  
VC1 - Main Town Centre Uses and Retail Hierarchy  
VC2 - Retail Impact Assessments  
VC3 - Primary Shopping Areas and Frontages  
BH1 - Design Quality  
BH2 - Sustainable Design and Construction  
BH5 - Shop Fronts  
NE2 - Biodiversity and Geodiversity  
WWE2 - Flood Risk and Coastal Management  
WWE3 - Water Management  
WWE4 - Water Quality  
WWE5 - Disposal of Foul Water  
WWE6 - Waste Management  
ST2 - Local Road Network  
ST3 - Development and Transport

## **COMMENTS:**

## PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are

assessed against the 'saved' Policies contained within the Unitary Development Plan (UDP) and the Policies contained within the adopted Core Strategy and Development Plan (CSDP).

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authority's may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

One of the core principles of the NPPF is that planning should always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Members should be aware that the Council has adopted a new Core Strategy and Development Plan (CSDP), which becomes the strategic development plan for the City for the period up to 2033. Relevant to the consideration of the current application are Policies SP1, SP2, SP8, H1, H3, HS1, HS2, HS3, VC1, VC2, VC3, NE2, BH1, BH2, BH5, ST2, ST3, WWE2, WWE3, WWE4, WWE5 and WWE6. Policy SP1 of the CSDP sets out the overarching goal of the Plan, which is to 'support sustainable economic growth and meet people's needs' by delivering new housing, jobs, employment land, retail space and physical, social and environmental infrastructure.

Whilst the adopted CSDP replaces much of the Council's Unitary Development Plan (1998), some non-strategic and allocating policies have been retained ahead of the future adoption of an Allocations and Designations Plan. In this case, retained Policy SA55B.3 of Alteration No. 2 to the UDP remains relevant.

## ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of the proposal include the following:

- o Principle
- o Need for Student Accommodation

- o Retail Impact
- o Character and Appearance
- o Residential Amenity
- o Highway Safety
- o Ecology
- o Flood Risk and Drainage
- o Noise
- o Contaminated Land

## Principle of Proposal

The application site is situated within Sunderland University's Chester Road Campus, which is included within the adopted UDP Alteration No. 2 as part of a Strategic Location for Change. Policy SA55B.3 is relevant to this area and states that the City Council will support the growth and role of the University Campus primarily for education purposes supported by ancillary uses including C3: Housing for student accommodation only.

The principle of the proposal to provide student accommodation on the University Campus would satisfy an ancillary use as identified in Policy SA55B.3 of the adopted UDP Alteration No. 2.

The application site is also located within the Urban Core as identified within the adopted CSDP. Policy SP2 is relevant in this instance and outlines that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by 3. Supporting the development of higher and further education facilities at University Campus and 6. Diversifying the residential offer to create sustainable mixed communities.

Policy SP2 further states that it is important that the Urban Core is not purely focused on employment uses but also accommodates a wide range of good quality residential provision. This will help to support the vibrancy of the Urban Core and to support the evening economy.

The proposal would support the development of accommodation associated with higher and further education facilities at the University Campus and the proposal would therefore support the function of the University. The proposal would assist in providing good quality student accommodation within the Urban Core and it is consequently considered that the principle of the proposal would also satisfy Policy SP2 of the adopted CSDP.

Student accommodation is identified as being an acceptable use within a Strategic Location for Change and within the Urban Core. The site is located within a highly sustainable location being located directly adjacent to the University Campus and close to the City Centre with excellent public transport links. Therefore, the principle of the proposed student accommodation development is considered to be acceptable subject to satisfying the details matters which will be discussed below.

In terms of the acceptability of the retail element of the proposal, this will be discussed further under the section entitled Retail Sequential Test and Impact Assessment below.

## Need for Student Accommodation

Policy H3 of the adopted CSDP is specifically relevant to student accommodation proposals and states that development of student accommodation should be located in the Urban Core. The application site satisfies this requirement as is discussed above since the site is located within the Urban Core.

Policy H3 further states that as well as being located within the Urban Core development of student accommodation must demonstrate that it satisfies 5 criteria each of which will be discussed below:

1. there is a need for additional student accommodation;
2. it is of a scale and appearance appropriate to its surroundings;
3. it is located within close proximity to local facilities and is accessible to the University by foot, cycle and by public transport;
4. it provides high quality living accommodation in terms of design, layout and facilities provided within the development in accordance with the Student Accommodation SPD; and
5. the layout of the accommodation is designed in such a way that it is capable of being re-configured through internal alterations to meet general needs housing in the future.

## Need

The Student Accommodation SPD draft Policy required the demonstration of need in relation to quantity and quality. However, the adopted CSDP Policy H3 which was adopted in January 2020 and which forms part of the statutory development plan for Sunderland simply states that there should be a need for additional student accommodation, and it does not specify whether this need is in relation to quantity or quality.

Therefore, it is considered that justification of need does not solely have to be from a quantitative perspective. Need for student accommodation should be justified in relation to quantity and quality.

## Quantity

With regard to quantity Policy H3 of the CSDP states that notwithstanding other requirements, student accommodation numbers need to be managed in line with projected student numbers to ensure the City does not end up with an oversupply of accommodation, which cannot be easily converted to other uses.

During the assessment of the planning application six letters of objection to the proposal have been received from U Student Group to the proposal. These letters have been summarised in the representations section above. However, the objections principally relate to:

- o Between October 2014 and October 2016 student numbers and full-time students requiring accommodation had fallen.
- o If approved there will be an oversupply of student accommodation.
- o There are already substantial voids across the purpose-built student sector despite the closure of the Universities Precinct site.
- o No existing and projected numbers of students likely to require accommodation in the City have been provided.
- o Level of demand for types of accommodation has not been demonstrated.
- o There is no additional need to be met.
- o No certainty for student numbers following Coronavirus pandemic. Time should be afforded to Universities to adapt and redetermine their long-term strategies which may include distance learning.

The agent on behalf of the applicant has provided an initial Planning Statement in relation to the need for the accommodation and two further rebuttal letters to address the concerns raised in the

objection letters. Also, a letter in support of the proposed development has been received from Sunderland University Executive Chief Operating Officer.

The Statement and rebuttal letters include the following comments regarding need:

- o There has been a reduction in demand for private rented accommodation.
- o Proposal meets an identified need for the type of student accommodation proposed.
- o The initial statement acknowledged that between October 2014 and October 2016 student numbers had fallen however, the more recent statistics suggest that there has been an increase in students with an increase in demand.
- o Statistics show that during 2019/2020 the University has received an increase in students with demand for student accommodation increasing by 6.4% (87) on the 2018/2019 position with the number of students living in their own property reducing by 2.5% (215). This supports that more students are seeking to reside in halls/purpose designed student accommodation for all of their University life.
- o Need is not just about numbers to 'quantify' but is also based upon 'quality'.
- o Void issues include the present state of the housing stock in these void areas, locational issues, personal choice and financial reasons.
- o The 'One Campus Masterplan' provides a strong preference of the University for student accommodation to be adjacent to or within the One Campus boundary.
- o A national survey has been undertaken by Alterline Research Ltd in 2019, the University of Sunderland together with 11 other UK Universities commissioned a survey of 16 to 19 year olds and their expectations, preferences, hopes and concerns for accommodation when they become a University student. Results suggest that there is clear evidence that students favour accommodation on campus or near to the University.

The agent has set out demand for residential student accommodation of 2,716 for the 2019/2020 academic year which includes 1,207 owned and marketed directly by the University and the 1,509 renting elsewhere. The agent then sets out that the demand for accommodation is increased by 6.4% on previous academic years. The increase is in contrast to the original data supplied which indicated that between October 2014 and October 2016 student numbers had fallen.

The supporting evidence provided by the applicant argues that the benefits of the proposed development which would provide a high standard, value for money, purpose-built student accommodation immediately adjacent to the University City Campus whilst providing students with a local retail/leisure offer to encourage students to stay on Campus, enhancing its vibrancy justifies the proposed development in terms of need.

The letter of support from the University outlines that projected figures show a strong growth in numbers of students which will be focused at the City Campus. The number of new students in the Faculty of Health Sciences and Wellbeing is predicted to rise.

The letter further advises that the University currently houses students in accommodation at Clanny House, Panns Bank, Scotia Quay and the University have a marketing agreement with the owners of The Forge.

It is the University's intention to terminate their leasehold interest in Clanny House and to remove this accommodation from the University portfolio. It is considered that the accommodation no longer meets the expectations of students regarding quality and location which has been demonstrated in year-on-year voids leading to the decision to mothball over 50% of this accommodation.



Also, the University accommodation strategy has explored the feasibility of refurbishing Panns Bank to incorporate en-suite facilities and better social spaces which would, in turn, see a reduction in bed spaces of around 30% at this location to enable the alterations to take place.

Since Clanny House currently holds 391 beds and 30% of Panns Bank is 81 beds, then this accommodation would need to be found elsewhere in the market in years to come. Consequently, the University is working with the private sector to meet future student demand for a better standard of accommodation in Sunderland.

The University state that it is committed to developing further the City Campus and School of Medicine to meet the increasing demand on the part of prospective students to study health related disciplines.

Given that the projected figures for the number of students are increasing year-on-year together with the mothballing of older dated stock that is not considered an acceptable standard to potential occupiers and the rationalisation of accommodation provided which is identified in the letter of support from the University it is considered that a sufficient quantitative need for additional accommodation within the University Campus has been demonstrated.

### Quality

In terms of quality of accommodation proposed, the applicant notes in the supporting Planning Support Statement that the developer is a well-established provider of high-quality student accommodation within the northeast and the submitted plans illustrate a high quality of life for future occupants, in-keeping with the applicant's business model.

Similar to other University cities across the UK, many current students reside in private rented accommodation which is predominantly HMO's within established residential areas such as Barnes, Hendon, Millfield, St. Michaels and St. Peters which partly reflects Sunderland's current student accommodation offer.

The development of new, high quality and bespoke student accommodation facilities will provide students with greater choice in terms of the accommodation offer when starting University and initially could lead to a housing decline in the traditional student areas of the City, should students choose new purpose-built facilities over the more traditional residential stock. However, such a change should be considered in the context of the Council's wider housing strategy. The decline and subsequent potential release of HMOs back onto the open market could enable these properties to be converted back to single dwellings or flats for families and professionals, which would assist in meeting Sunderland's objectively assessed housing requirement.

Whilst it is essentially a commercial decision (and therefore not a material planning consideration) for the applicant to invest in Sunderland with this form of development, the level of investment proposed clearly reflects a commercial perception that there is potential for growth within Sunderland's student housing market and is a vote of confidence in favour of the recent and on-going regeneration in and around the City.

In terms of the quality the proposed accommodation would provide contemporary student living with high quality furnishings, dedicated study areas and communal spaces. There would be leisure and entertainment facilities giving students social areas, 24-hour concierge, private secure parking and secure bike storage, daily housekeeping, on site management and maintenance team, secure door entry systems and CCTV. High speed broadband/internet and gaming facilities would be included within the accommodation.

Policy H3 of the adopted CSDP also outlines that the Council will seek to provide choice in accommodation and ensure that students reside in the City and do not feel isolated from the University and its activities, which will help to create the qualities and characteristics of a 'University City'.

The proposal would provide quality accommodation for students to reside in the City and given the proximity to the University Campus it would ensure that students do not feel isolated from the University and its activities.

There is also a qualitative argument that the bespoke student accommodation would allow the City to compete with the likes of Newcastle and Durham whilst also helping to ensure a vibrant and successful City.

It is considered that the proposal meets an identified need in terms of quality by offering an alternative form of bespoke accommodation in a particularly well-connected sustainable City Centre location on the University Campus which accords with the Council's aspirations to provide an enhanced student experience.

### Scale and Appearance

The scale and appearance will be discussed in more detail under the section below entitled Character and Appearance. This section will consider the design of the proposal in relation to scale, massing and appearance in respect of the surrounding street scene.

### Proximity to Local Facilities

The application site is located within the Urban Core which is considered to be a highly access location. It is a sustainable location situated within the Chester Road University Campus which is in close proximity to the City Centre, it has good walking and cycling links to the University Campus at St. Peter's; Metro and the Central Railway Stations and bus stops are all in close proximity of the site.

Therefore, it is considered that the application site is positioned within close proximity to local facilities and is accessible to both University Campuses by foot, cycle and by public transport.

### High Quality Living Accommodation

In terms of the quality of the living accommodation proposed, the bedrooms are well sized being 24 sq.m with en-suite bathrooms which would be serviced and managed. The bedrooms would provide room for a double bed, desk, fridge and dressing area. All bedrooms would also have at least one window which can be opened. The accommodation would also provide leisure and entertainment facilities, 24-hour concierge, private secure parking and secure bike storage, daily housekeeping, on site management and maintenance team, secure door entry system and CCTV. Large communal kitchens would be located on every floor and there would be a designated laundry room. Retail would be provided at the ground floor of each building and Block 1 would provide a roof terrace.

It is considered that the proposed accommodation would provide high quality living accommodation in terms of design, layout and facilities provided within the development which would accord with requirements of Policy H3 of the adopted CSDP.

### Accommodation can be Re-Configured

The development has been designed to be built with a steel frame structure which is a steel modular construction. This would allow internal walls to be removed at a later stage to allow the floorspace to be reconfigured to provide residential flats or HMO occupation and requisite floorspace to meet the housing needs in the future if required. The building could be converted without impeding the built form.

Consequently, it is considered that the layout of the accommodation has been designed in such a way that it is capable of being re-configured through internal alterations to meet general needs housing in the future.

### Conclusions in relation to Policy H3

Policy H3 of the adopted CSDP seeks to provide a choice in accommodation to ensure students reside in the City and do not feel isolated from the University and its activities and this will help to create the qualities and characteristics of a 'University City'. The Policy also states that the Council will support proposals for purpose-built student accommodation.

However, the Policy also states that student accommodation numbers need to be managed in line with projected student numbers to ensure the City does not end up with an oversupply of accommodation, which cannot be easily converted to other uses.

It is considered that the proposed development would broaden the choice of accommodation providing purpose-built accommodation to ensure that students reside in the City and are an integral part of the University and its activities to assist in the creation of the qualities and characteristics of a 'University City'.

Also, it is considered that an adequate justification of the proposal in relation to need both in terms of quantity and quality has been provided to satisfy the Policy requirements in this regard.

### Retail Sequential Test and Impact Assessment

The proposed development includes two retail units located at the ground floor of each of the proposed accommodation blocks. It is proposed that one unit would accommodate a convenience shop (A1 Use) and the second would most likely accommodate either an A1/A3 use such as a coffee chain.

In terms of town centre and retail policies contained within the NPPF, these are set out at paragraphs 85 to 90 inclusive. Paragraph 85 advises that it is important that needs for all main town centre uses are met in full and not compromised by limited site availability. It goes on to note in paragraph 86 that Local Planning Authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. In undertaking such an assessment paragraph 87 states that applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

In terms of retail impact, paragraph 89 advises that for retail outside of town centres (which is not in accordance with an up-to-date plan) Local Planning Authorities should:

- o Require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres).

Paragraph 90 of the NPPF confirms that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations it should be refused.

## Sequential Test

Planning Policy requires that the sequential approach to site selection be applied for town centre uses that are not in an existing centre and not in accordance with an up-to-date plan. Whilst the sequential approach seeks to focus new retail floorspace in town centres, it does not preclude sites coming forward elsewhere if no in-centre or edge-of-centre opportunities exist.

Policy VC1 of the adopted CSDP establishes the network and hierarchy of centres throughout Sunderland and seeks to maintain and enhance their vitality and viability. Thus, Policy VC1 seeks to ensure that the City and Town Centres are the principal locations for major retail, leisure, entertainment and cultural facilities and incorporates the sequential test.

Policy VC2 of the adopted CSDP confirms that the Council will refuse planning permission where there is evidence that the proposed development is likely to have a significant adverse impact upon vitality and viability of a designated centre.

Sequentially alternative locations assessed included 29 streets within the City Centre. The assessment undertaken to support the application demonstrates that there is no sequentially preferable site that is available, suitable, and viable that can accommodate the application proposal or a flexible interpretation of it.

The supporting material has been assessed and it is considered that the retail components of the application pass the sequential tests set out in paragraphs 86 and 87 of the NPPF. There are no sites or premises available within the City Centre, or in Chester Road District Centre, which can be considered to be both 'available' and 'suitable' for the retail premises proposed at the application site. There is also a strong argument that suggests a location-specific requirement for the retail facilities being put forward in the application proposal.

The Council's Retail Consultant has concluded that the application proposal passes the sequential test. There are no other sites or premises located within and on the edge of existing centres within the catchment area of the application site that would be both suitable and available for the broad type of development which is proposed in the application by approximate size, type and range of goods.

It is considered that the proposal is consistent with the sequential approach and with the broad objectives of Policies VC1 and VC2 of the adopted CSDP and the requirements of the NPPF, despite the fact that the application proposal will do little to sustain and enhance the vitality and viability of existing centres.

## Retail Impact Assessment

Policy VC2 of the adopted CSDP sets retail impact assessment thresholds for local and district centres of 500 square metres and 750 square metres respectively.

The most relevant retail centres within the catchment area of the application site include Sunderland City Centre and Chester Road District Centre.

The amount of retail to be incorporated within the application proposal is below the relevant threshold set out in Policy VC2 of the adopted CSDP.

The application site is located within the Central Sunderland boundary and within the City Centre boundary. However, the application site is out with the Retail Core boundary. The Forster Building site is considered to be an edge-of-centre location for retail purposes.

It is not considered that the proposal will have a negative impact on the vitality and viability of the City Centre. It is considered that the provision of the additional student accommodation, together with small-scale retail on the ground floor of the two blocks will actually serve to strengthen the function of the Retail Core.

Each of the blocks provides 250 sq.m GIA for a convenience store and coffee shop uses classes A1/A3. It is considered that the application site itself would generate some on-site needs that can only meaningfully be met on site.

Chester Road is a healthy district centre which would not be significantly impacted by the proposed development.

In terms of the predicted turnover and trade draw of the proposed development taking into account the location of the proposals and the size and health of nearby centres which have significantly increased likelihood of linked trips, the diversion from the Retail Core and District Centre cannot be classed as significant. The proposed development is not stand-alone retail development. The retail element of the proposed development is ancillary.

It is highly unlikely that the application proposal will cause any 'significant adverse' impact on existing committed and planned investment, either in the City Centre or in Chester Road District Centre. The application proposal is also highly unlikely to have a 'significant adverse' impact on the vitality and viability of the City Centre or Chester Road District Centre, or any 'significant adverse' impact on consumer choice. The overwhelming proportion of the turnover of the retail elements of the application will be derived from existing and new students and staff, and through pass-by trade.

There is no retail policy reason for refusal, either in relation to National Policy, or the adopted CSDP Policies. Although the application proposal is unlikely to positively sustain and enhance the vitality and viability of these centres, assessment of the retail impact assessment suggests that the degree of conflict with Policy is very slight.

## Character and Appearance

Chapter 12 of the new NPPF places emphasis upon achieving well designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities. Also, paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It further states development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The NPPF goes on to state at paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

At a local level, Policy BH1 of the CSDP states that to achieve high quality design and positive improvement development should be of a scale, massing, layout and appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Whilst Policy SA55B.3 of UDP Alteration No. 2 advises that development proposals within the Chester Road Campus should present an active frontage to the inner ring road and maintain/encourage an active frontage onto Chester Road.

The Chester Road Campus occupies a large prominent gateway location to the west of the City which is highly visible from all sides. The existing building which is four storeys' in total height dates back to the 1970's and is reflective of that era in its design and materials.

The proposed buildings when viewed as part of the street scale of Chester Road step down from east to west by one storey to reflect the change in scale from the larger University buildings (Edinburgh building) to the residential scale 2 and 3 storey dwellings. The top of Block 1 would be in line with the height of the Edinburgh building which takes account of the elevated position of the application site.

Also, the stepping back of the proposals as they face onto Clanny Street ensures that the visual impact of the proposals is reduced to the rear.

The proposal would create two contemporary tall buildings, which have been designed so that there is clear definition between the bottom, middle and top with a stepped design to add visual interest.

The west elevation of Block 2 has been designed to present an active elevation which will serve as the introduction to the campus when approached from the west along Chester Road.

Open, predominantly glazed ground floor, articulated facades to the main floors and a stepped back upper floor would minimise the impact of the building.

It is considered that the proposed buildings are well designed to respect the existing University buildings. The development would function well as part of the University Campus and would improve the quality of the area when compared to the existing 1970's building on the site. The stepped design of the buildings would add visual interest and subject to the submission of details of the materials for approval the character and appearance of the buildings is considered to be acceptable.

The development would provide a high-quality design and a positive improvement to the character and appearance to the area. The scale, massing, layout and appearance would respect the existing buildings on the University Campus and the development would provide both an active frontage to the inner ring road and Chester Road.

The proposal would therefore satisfy Policy BH1 of the adopted CSDP, Policy SA55B.3 of the UDP Alteration No. 2 and the requirements of the NPPF in terms of the character and appearance of the proposed development.

## Residential Amenity

The NPPF is clear in requiring new development proposals to provide a high standard of amenity to occupiers of new housing, whilst maintaining an acceptable standard of amenity to existing surrounding properties. Policy BH1 of the adopted CSDP states that acceptable levels of privacy

should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

#### Impact on residential amenity of neighbouring occupiers

An extensive pre-application process was completed regarding the proposed development during which the buildings were redesigned in order to minimise the impact of the development on the neighbouring residential properties.

Block 1 consists of an 'L' shaped block with the northern most part of the 'L' sited alongside Wharncliffe which is adjacent to the City Space University building. Whilst Block 2 includes a 'T' shaped footprint with the leg of the 'T' facing the space and rear lane between the properties in Rosedale Street and Westbourne Road.

There are six properties closest to the application site and which would potentially be affected by the proposed development. These properties include 1, 36 and 37 Westbourne Rd., 24 and 25 Clanny St. and 3 Wharncliffe Street.

The application has been supplemented with a 'Daylight and Sunlight Study' to support the application. The aim of the study is to assess the impact of the development on the light receivable to the neighbouring properties following the completion of the proposed development. Four individual factors have been assessed as part of the study including:

- o Vertical sky component - which assesses the percentage of the sky visible from the centre of the window.
- o Daylight distribution - which is found by plotting the 'no skyline' in each of the main rooms. The no-skyline is a line which separates areas of the working plane that can and cannot have a direct view of the sky. Daylight may be adversely affected if after the development the area of the working plane in a room is reduced to less than 80% of its former value.
- o Sunlight availability to windows - sunlight tests should be applied to all main living room and conservatories which have a window which faces within 90 degrees due south.
- o Overshadowing to garden and open spaces - at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March.

#### Vertical Sky Component and Daylight Distribution

The results of the assessment concluded that all but one of the relevant neighbouring windows pass the Building Research Establishment (BRE) daylight tests. A living room window at 24 Clanny Street will suffer a reduction in vertical sky component daylight of 22%. The BRE guide states that beyond a 20% reduction, the loss may be noticeable. However, to offset this reduction, the demolition of the existing building on the site and the location of the new development would result in daylight distribution to this room experiencing an improvement. At present, the room can see sky over 77% of its room area but after the development this would improve to 84%. Therefore, overall the room would experience an adequate level of daylight.

#### Sunlight Availability to Windows

Also, of the windows tested only 2 did not pass the direct sunlight test. Out of the 2 that do not meet the BRE sunlight tests, only 1 of the windows misses both total and winter sunlight targets at no. 37 Westbourne Rd. The reason for this is that the window is a south-east facing window in a bay. The other 2 windows in the bay do not face within 90 degrees of due south and because of this do not need to be tested for sunlight. If the property did not have a bay window and had a casement window orientated in line with the front face of the building, the window would no longer

face within 90 degrees of due south and would not require testing because the room itself is north-east facing.

The south-east facing window cannot access 100% total sunlight hours at all due to its orientation. 39% of sunlight availability is obscured from the south to west by the southern part of the same property. Other obstructions to sky and sunlight come in the form of the same property having a further southern bay window, and a projecting canopy over the entrance door.

Whilst the window does not meet the BRE recommendations it would only be 1 window from the bay and not all the windows within the bay. The impact would therefore be classed as minor adverse.

Overall the pass rate of 88% of windows tested for sunlight is considered to be good for a development proposed in a built-up location.

### Overshadowing to Garden and Open Spaces

One yard to 24 Clanny Street will suffer a 33% reduction in sunlight availability. This yard has poor sunlight capability to begin with, largely caused by obstructions from the yard walls and the house itself. The other yards tested passed the sunlight to gardens test.

The assessment concludes that the proposed development will have a very low impact on the light receivable by neighbouring properties. The development design satisfies the majority of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. Overall, the proposed development will have a very low impact on the light receivable by the neighbouring properties.

The proposed layout includes an offshoot which respects the windows of adjacent residential properties in Clanny Street and the massing of the development, especially Block 2, would fit well within the street scene whilst appropriately minimising impact on neighbouring residents. The submitted daylight/sunlight assessment justification is considered to robustly demonstrate that the proposal would not result in an excessive loss of light to neighbouring properties and the spacing of the development from dwellings would ensure that an adequate level of outlook and privacy would be retained whilst avoiding overbearing effects.

### Level of amenity afforded to prospective residents

In terms of the amenity afforded to the prospective residents, the development would comprise purpose-built student accommodation. Each room would be of a good size with an en-suite bathroom and the rooms would have an area for a double bed, desk, fridge and dressing area with at least one window which can be opened.

Facilities that would be provided within the accommodation include leisure and entertainment, 24-hour concierge, private secure parking and secure bike storage, door entry system and CCTV. Large communal kitchens and a laundry room would be provided on each floor along with retail at ground floor and a communal roof terrace to the roof of block 1.

It is therefore considered that an adequate level of amenity would be provided to the future occupiers of the buildings proposed.

The proposal is considered on balance, to comply with Policy BH1 of the adopted CSDP and the requirements of the NPPF in that a good standard of amenity for all existing and future occupants of the buildings would be ensured.



## Highways Implications of the Development

Paragraph 111 of the NPPF advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development.

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

At a local level Policy ST2 of the adopted CSDP states that proposals should have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal. Also, Policy ST3 of the adopted CSDP requires development to provide safe convenient access for all road users and include appropriate levels of vehicle parking and cycle storage.

## Sustainability

The submitted Travel Plan outlines that the existing pedestrian infrastructure in the vicinity of the site is of a very good standard. All local facilities can also be readily accessed by bicycle. There are several bus stops within a 400 metre walk of the site with Park Lane Bus Station within a 700 metre walk. Cycle storage will be provided for both buildings and a condition has been suggested to be attached to the permission to require further details of this cycle storage. Also, the Metro station is within a 200 metre walk from the site.

A travel information welcome pack will be provided to new students and it is proposed to recruit a Travel Plan Co-ordinator prior to the opening of the accommodation and to implement the Travel Plan.

Therefore, it is considered that the application site is in a highly sustainable location within the City Centre close to excellent public transport links with a wide range of local services and facilities that can be accessed on foot and by cycle.

## Access

Three accesses would be provided to the development and each access point would be 6 metres in width and would have a 6 metre radii. Therefore, acceptable vehicular access would be provided in terms of safety and capacity. The three new access points to the car parking on Clanny Street would require S278 works and any redundant access points would require to be re-instated to the footway and an informative has been suggested to be added to the permission in this regard.

## Impact on Highway Network

The adjacent highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity. Predicted traffic from the proposed development would have no material or significant impact on any of the junctions assessed. The proposals would not have a material or significant impact on the safe operation of the local highway network.

The development can be accommodated on the adjacent highway network without any significant negative impact and therefore there are no highway capacity or safety concerns associated with the proposal.

## Parking

A total of 54no. parking spaces would be provided with three separate access points from Clanny Street to the parking areas adjacent to each building which is considered to be satisfactory.

## Refuse and Servicing

The rear yard would provide access for servicing and refuse collection points for accommodation and commercial entities.

It is considered that the proposal takes account of opportunities for sustainable modes of transport, safe and suitable access to the site can be achieved, internal circulation/turning arrangements are acceptable and appropriate levels of vehicle parking and cycle storage would be provided in line with Policies ST2 and ST3 of the adopted CSDP and the objectives of the NPPF.

## Ecology

Chapter 15 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process, including minimising impacts and providing net gains in biodiversity. Paragraph 175 sets out that planning permission should be refused for development resulting in significant harm to biodiversity which cannot be adequately mitigated or, as a last resort, compensated for; or the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

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

### Impact on Protected Species

The submitted Ecological Impact Assessment advises that the surveyed area was found to be of low ecological value. The building and trees on site were considered to be negligible potential for roosting bats given the lack of potential roosting features and the ecological value of the building was considered to be limited to nesting and foraging birds, which may utilise the young cherry trees on site.

The Council's Ecologist considers that provided the development is completed and delivered in accordance with the recommendation in the Ecological Impact Assessment 24.11.17 Report by Naturally Wild the proposal would be acceptable regarding the potential impact on protected species. A condition has been suggested to be attached to the permission to require that the development is completed in accordance with the Ecological Impact Assessment.

## Habitats Regulation Assessment

A report has been submitted to substantiate the application 'Scoping Response for Habitats Regulations Assessment for Development of the Forster Building,' 19th February 2020. The broad conclusion of the report is that there are no likely significant effects on European Sites and the Council's Ecologist has confirmed that the development can be screened out of further scrutiny through Appropriate Assessment.

No further Appropriate Assessment would be required subject to the residential element of the whole development is for use as student accommodation only, with any future change of use subject to reassessment regarding biodiversity and Habitats Regulation Assessment and potential contributions to Strategic Access Management and Monitoring (SAMM).

The Council's Ecologist has further advised that the student accommodation should be strictly controlled whereby pets, specifically dogs (except guide dogs), are not permitted on the premises.

In order to address the Habitat Regulation Assessment issue, a condition has been suggested to be attached to the permission to restrict the use to student accommodation only along with a condition to restrict the keeping of dogs within the accommodation.

Therefore, any change of use including any changes to permitted development rights would be covered and planning permission would be required to change the use of the building. Any future change of use of the premises to residential accommodation requiring planning permission in the future would require Habitat Regulation Assessment at that stage.

Also, a further condition is suggested to restrict the use of the accommodation for 'ordinary' guests during the end of term holidays.

It is considered that subject to the suggested conditions to be attached to the permission the proposal would be acceptable in relation to ecology and biodiversity and it would therefore comply with the objectives of Policy NE2 of the adopted CSDP and the requirements of the NPPF.

#### Flood Risk and Drainage

Paragraph 155 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy WWE2 of the adopted CSDP states that development will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment that development will not increase flood risk on site or elsewhere. Whilst Policy WWE3 outlines that development must consider the effect on flood risk, on and off-site commensurate with the scale and impact.

In terms of drainage Policy WWE4 of the adopted CSDP states that the quantity and quality of surface and groundwater bodies will be protected and Policy WWE5 states that development should utilise the drainage hierarchy.

The City Council is the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment and a Drainage Strategy for the proposed development.

## Flood Risk

The site is located within Flood Zone 1 which includes land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. Also, the LLFA have no records of flooding at the application site.

## Drainage

Surface Water - The submitted Drainage Strategy focuses on the management of surface water. The impermeable area of the proposed development has been calculated as 0.41ha and recent schemes within the local area have identified stiff clay ground conditions. Direct infiltration techniques have therefore been identified as unsuitable for primary discharge of surface water due to the extensive presence of these impermeable soils.

The hierarchy then promotes the use of a local watercourse. The watercourse is 170 metres to the south, a connection to this watercourse would not be financially viable due to the cost associated with laying of the pipe through the public/private land underneath the railway line.

As a result of poor infiltration and no local watercourse, the proposed method of surface water disposal will be made via the NWL combined sewer. The point of connection will be made at NWL manhole 9701 or within close proximity.

In relation to the storage attenuation and SuD's features for the surface water the proposal provides two main components including:

- o Permeable paving to be used on parking bays.
- o An underground storage tank which would be sealed with impermeable membrane to prevent any ingress of groundwater and the tank would be located beneath the car parking spaces to the rear of Block 2.

Foul Water - The Drainage Strategy confirms that the foul water will be discharged into the NWL manhole 9701.

The LLFA have confirmed that following the submission of additional information including the updated Flood Risk Assessment and Drainage Strategy the application is considered to be acceptable with regard to Flood Risk and Drainage.

NWL have also raised no issues regarding the proposal provided that the development is carried out in accordance with the Drainage Strategy. NWL have requested that a condition is attached to the permission to ensure that the development is carried out in accordance with the Drainage Strategy and a condition has been suggested in this regard below.

Based on the information provided, it is not considered that the proposal would increase flood risk on site or elsewhere. Therefore, the proposal would satisfy Policies WWE2 and WWE3 of the adopted CSDP and the requirements of the NPPF in relation to flood risk.

Also, it is considered that the proposal protects the quantity and quality of surface and groundwater bodies and that the drainage hierarchy has been considered as part of the proposal in accordance with Policies WWE4 and WWE5 of the adopted CSDP.

## Noise

Paragraph 180 of the NPPF states (in part) that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and the quality of life.

In addition, Policy HS2 of the adopted CSDP outlines that development sensitive to noise or affected by existing sources of noise should submit an appropriate noise assessment where necessary, and a detailed schedule of mitigation and development should include measures to reduce noise within the development to acceptable levels, including external areas.

The application has been supported by a Noise Impact Assessment which assesses noise levels affecting the proposed development from road traffic which have been measured during the day and night, and the facade noise impact calculated. The noise levels affecting the proposed development have been measured and the highest noise impact calculated and minimum facade sound insulation provision has been advised.

The Council's Environmental Health Team have considered the submitted Noise Impact Assessment and have advised that there are no objections with regard to the noise impacts of the proposed development subject to conditions being attached to the grant of planning permission to ensure that the noise insulation is installed as specified in the Assessment and details of plant/ventilation for the proposed ground floor retail units should be submitted to ensure that noise limits can be met in accordance with the Noise Impact Assessment. Conditions have been suggested to be attached in accordance with the advice received from Environmental Health.

It is considered that the proposal would not give rise to significant noise impacts subject to the measures being implemented in accordance with the submitted Noise Impact Assessment. The proposal would therefore satisfy Policy HS2 of the adopted CSDP and the objectives of the NPPF in this regard.

## Contaminated Land

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

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

A Phase 1 Desk Study has been submitted as part of the planning application. This study advises that the site was developed for mixed use timber yard and housing in 1857. At the end of the nineteenth century the timber yard had disappeared with development of further housing and a church. In the post WWII period the site went through a period of further development with demolition of housing in the south west corner and development of linked buildings on the eastern side. After some further clearance in 1969/1970, the current buildings were constructed for Sunderland Polytechnic.

The Council's Environmental Health Team have concluded that the land does not appear to pose a serious constraint to the development however, it is recommended that a Phase II Investigation, Remediation Strategy/Verification Plan and Verification Report should be provided for the development along with any unexpected contamination.

Subject to the submission and subsequent approval of the above it is considered that site would be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment in accordance with Policy HS3 of the adopted CSDP and the details of the NPPF.

## CONCLUSION

It is considered that the principle of the proposed development is acceptable given the location of the proposal within the University Campus and in a sustainable location close to the City Centre. The accommodation would provide high quality student living accommodation which would represent an opportunity to be converted into alternative residential accommodation in the future should this be required.

Members should also note at this point that restricting the occupancy of the accommodation to students only will ensure the development does not place additional pressure on infrastructure such as schools and play parks and means a contribution to affordable housing is not required. In the event the owner of the property wishes to lift this restriction, an application would have to be made to vary the relevant condition and the implications of the proposed alternative use in respect of infrastructure and affordable housing can be considered again at that point.

There are no retail policy reasons to refuse the application. Also, the proposal would be acceptable in character and appearance and would help to regenerate the site which provides a prominent gateway into the City. The impact of the proposal in relation to the residential amenities of the occupiers of nearby properties is considered to be, on balance acceptable and there are no issues associated with the highway implications of the development, ecology, flood risk and drainage, noise, and contamination.

Also, following the submission of additional information including a letter of support for the proposal from the University it is considered that the proposal satisfies the requirements of all the relevant adopted CSDP Policies in all respects including demonstrating a need for the student accommodation in relation to both quantity and quality.

## 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: -

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

## **RECOMMENDATION:**

For the reasons elaborated within the report it is recommended that consent should be APPROVED subject to the conditions set out below.

## **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

To ensure that the development is carried out within a reasonable period of time.

- 2 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:
  - o Proposed site plan Drg No. 180-01 received 01.03.19.

- o Proposed floor plans, Block 1, Drg No. 180-02 received 01.03.19.
- o Proposed floor plans, Block 2, Drg No. 180-03 received 01.03.19.
- o Proposed elevations, Drg No. 180-04 received 01.03.19.
- o Streetscape elevations Drg No. 180-05 received 01.03.19.
- o Landscape plan, Drg No. 1904.01 received 01.03.19.
- o Lounge and kitchen typical layout, Drg No. 180-SK01 received 01.03.19.
- o Typical bedroom layout, Drg No. 180-SK03 received 01.03.19.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 4 The hereby approved development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated December 2017. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 9701 (or in close proximity) and ensure that surface water discharges at a maximum of 3.7l/sec.

To prevent the increased risk of flooding from any sources in accordance with the NPPF and to comply with Policies WWE2, WWE3, WWE4 and WWE5 of the adopted Core Strategy and Development Plan.

- 5 No development shall commence on site, apart from demolition, until a Phase II: Site Investigation Report which ascertains whether the land is contaminated has been submitted to, and approved in writing by, the Local Planning Authority. The Phase II Report shall be based upon the findings of the approved Phase I Report and the additional comments provided by the Local Planning Authorities Environmental Health Team on the 04.04.19 and shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
  - a. human health (including from Unexploded Ordnance)
  - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
  - c. adjoining land
  - d. groundwaters and surface waters
  - e. ecological systems
  - f. archaeological sites and ancient monuments



- iii) a site specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS3 of the adopted Core Strategy and Development Plan and paragraph 178 of the National Planning Policy Framework.

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

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS3 of the adopted Core Strategy and Development Plan and paragraph 178 of the National Planning Policy Framework.

- 7 Following completion of measures identified in the approved Remediation Strategy, a Verification Report, that demonstrates the effectiveness of the remediation carried out should be submitted to, and approved in writing by, the Local Planning Authority prior to the site being occupied.

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS3 of the adopted Core Strategy and Development Plan and paragraph 178 of the National Planning Policy Framework.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to, and approved in writing by, the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details.

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS3 of the adopted Core Strategy and Development Plan and paragraph 178 of the National Planning Policy Framework.

- 9 Prior to occupation of the proposed development, the noise insulation specification in Table 1 and in Figure 1 of the Noise Assessment completed by Apex Acoustics, dated 02.01.19 and received on 01.03.19, shall be installed and maintained for the lifetime of the development.

In order to achieve a satisfactory standard of development, in the interests of residential amenity and to comply with Policy HS2 of the adopted Core Strategy and Development Plan.

- 10 Prior to the first occupation of the retail units at the ground floor of both hereby approved buildings details of plant/ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. The noise limits for fixed plant should meet the noise limits in table 6 of the Noise Assessment completed by Apex Acoustics, dated 02.01.19 and received on 01.03.19. The plant/ventilation systems shall then be installed in accordance with the approved details and maintained for the lifetime of the development.

In order to achieve a satisfactory standard of development, in the interests of residential amenity and to comply with Policy HS2 of the adopted Core Strategy and Development Plan.

- 11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the building shall not be used for any other purpose than student accommodation. For the avoidance of doubt, student accommodation shall be defined as any person enrolled onto a course of higher education.

To ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation (such as affordable housing, sensitive ecological sites, education provision and equipped play space); in accordance with Policy ID2 of the adopted Core Strategy and Development Plan.

- 12 An annually updated register of students occupying the accommodation hereby approved shall be maintained at all times for the inspection of the Local Planning Authority. The register shall include details of the higher education course and institution (inclusive of offer letter from the institution and subsequent letter from the student accepting the offer).

To ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation (such as affordable housing, sensitive ecological sites, education provision and equipped play space); in accordance with Policy ID2 of the adopted Core Strategy and Development Plan.

- 13 The hereby approved student accommodation shall not be let to any other guests during the end of term holidays without a subsequent application for planning permission having submitted to and approved by the Local Planning Authority.

To ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the

accommodation (such as affordable housing, sensitive ecological sites, education provision and equipped play space); in accordance with Policy ID2 of the adopted Core Strategy and Development Plan.

- 14 No occupier of the student accommodation hereby approved is permitted to keep a pet dog (other than guide dogs) at the accommodation at any time.

In order to ensure no significant effects on European sites and species and to comply with the objectives of Policy NE2 of the adopted Core Strategy and Development Plan.

- 15 No development shall take place until a Construction Environmental Management Plan which should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated has been submitted to, and been approved in writing by, the Local Planning Authority. The construction works shall then be carried out in accordance with the approved Management Plan.

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 BH1 of the adopted Core Strategy Development Plan.

- 16 The development hereby approved shall be carried out in complete accordance, be delivered in full and maintained in perpetuity with the Ecological Impact Assessment Recommendations completed by Naturally Wild, dated 27.11.17 and received on 01.03.19.

In order to ensure a satisfactory form of development with regard to biodiversity and ecology and to comply with Policy NE2 of the adopted Core Strategy Development Plan.

- 17 No development, apart from demolition, shall take place until a landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority which shall include indication of all existing trees to be retained and details of their protection during the course of development. The landscaping scheme shall then be completed in accordance with the approved details.

In the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy BH1 of the adopted Core Strategy and Development Plan.

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

In the interests of visual amenity and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 19 No development, apart from demolition, shall take place until details of the electric charging points in each parking area have been submitted to, and approved in writing by,

the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

To provide adequate facilities to charge electric vehicles and to comply with ST2 of the adopted Core Strategy and Development Plan.

- 20 No development, apart from demolition, shall take place until details of the cycle shelters have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

To provide an adequate level of cycle storage and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

- 21 No development, apart from demolition, shall take place until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the railway undertaker. The statement should include an outline of the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan. The development shall then be carried out in accordance with the approved details.

In order to ensure a satisfactory standard of construction adjacent to Network Rail land and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

**Reference No.:** 19/01697/FUL Full Application

**Proposal:** **Erection of a two storey car showroom with associated access and vehicle parking**

**Location:** Land At Castletown Way Sunderland

**Ward:** Southwick

**Applicant:** Stoneacre Motor Group

**Date Valid:** 28 November 2019

**Target Date:** 27 February 2020

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## **PROPOSAL:**

### INTRODUCTION

This application seeks planning permission for the proposed construction of a two storey car showroom with associated access and vehicle parking at Land at Castletown Way, Sunderland.

### SITE DESCRIPTION

The application site is located within an area containing a mix of uses including commercial, retail and residential uses. Riverside Road is located to the south, Castletown Way to the west and Riverside Road to the north.

The site is located at an elevated position when viewed from Riverside Road and it is bounded by an embankment and row of trees along this road. Sainsbury's supermarket is located on the opposite side of Riverside Road to the south.

The site is currently vacant brownfield land, a cleared site, having previously been utilised for manufacturing, warehousing and ancillary offices, prior to the buildings on site being demolished around 6 years ago. The site has an overall area of 0.69 hectares and contains a large area of hardstanding bordered by palisade fencing.

### PROPOSAL

The application has been submitted on behalf of Stoneacre Motor Group to provide a new Volvo car showroom. The development would provide 1,685 sq.m. total gross new internal floorspace. The building would comprise a car showroom with associated workshop and offices which would be partially accommodated within the first-floor area. The proposal would provide 119 car parking spaces for sales, staff and customer vehicles.

The new building would include an external facade of insulated panels and glazing in clear glass and the roof would be composite panels concealed behind cladded parapets. The windows would include aluminium curtain walling and the doors would also be aluminium. The building would have a modern appearance.

Access to the site would be from Castletown Way onto Riverbank Road to the north of the site and there would be two accesses provided including a service entrance and a showroom entrance. The existing trees located along Riverside Road and Castletown Way would be retained as part of the proposal with additional landscaping including grassed areas on the Riverbank Road and

Castletown Way frontages to be provided as part of the development. Soft landscaping would include planting strips with low level shrubs along some of the boundaries.

The application has been supported by the following documents:

- o Design and Access Statement.
- o Planning Statement.
- o Flood Risk Assessment.
- o Drainage Details.
- o Transport Assessment.
- o Noise Survey.
- o Tree Report.
- o Phase 1 Qualitative Contaminated Land Desk Study and Risk Assessment.
- o Phase 2 Intrusive Site Investigation Quantitative Contamination Report.

## **SITE HISTORY**

The following site history includes applications relevant to the application and wider site.

- o 14/00292/OUT - Erection of 140 dwellings and associated access, approved. This application relates to the site adjacent to the current application site.
- o 14/00429/DEM - Demolition of former manufacturing and warehouse building, approved. This application included the application site.
- o 18/00823/REM - Reserved matters to previously approved outline application 14/00292/OUT, approval sought for appearance, landscaping, layout and scale for 118 dwellings, approved.
- o 19/00035/DEM - Reserved matters to previously approved outline application 14/00292/OUT, approval sought for appearance, landscaping, layout and scale for 118 dwellings, withdrawn.
- o 19/01834/FUL - Development of 14no. residential units, approved. This permission included the amendment to the central section of the housing site. The proposal also resulted in the reduction in housing numbers to 114.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Southwick - Ward Councillor Consultation  
Network Management  
Environmental Health  
DC North Chair And Vice Chair Consultation  
Flood And Coastal Group Engineer  
Environmental Health

Final Date for Receipt of Representations: **19.08.2020**

## **REPRESENTATIONS:**

Publicity associated with the application included individual letters being sent to the occupiers of 6 properties in close proximity to the application site and the application has been advertised as a departure by way of site notices being displayed and an advertisement being placed in the local press.

In response to the publicity exercise no letters of representations have been forthcoming to the proposal.

#### Internal Consultees

#### Environmental Health

Contaminated Land - It is recommended that a relevant and up to date Phase 1 Report is submitted in support of this planning application. A relevant Phase 2 Report should also be submitted detailing suitable and sufficient conceptual site model detailing with features within the current site boundary only, referencing a car showroom end-use.

Case Officer Comment - Environmental Health has considered the revised Phase 1 and 2 report. It was understood from the applicant's consultant that further ground investigation was to be undertaken but this does not appear to be the case. The Phase 1 report is sufficient to support the application. It is recommended that conditions in relation to ground investigation and risk assessment, remediation scheme, verification report and the reporting of any unexpected contamination are attached to any consent.

Noise - It is accepted that the extent of the current noise assessment was limited and the conclusions, whilst valid were based only upon day-time hours and presumably limited knowledge of the extent of the neighbouring residential site layout. It is suggested that the noise assessment is revisited to examine in detail the exact location, separation distances and relative site levels. It should also identify noise criteria for any external fixed plant and identify any measures necessary to the boundary with the neighbouring housing site.

Case Officer Comment - Further information was submitted with regard to noise and Environmental Health have confirmed that the noise consultant's response would be sufficient. The noise assessment using BS 4142:2014 is acceptable and is based on the existing layout of the housing development, workshop operations on a daytime basis only, upgraded sound insulation provided to the structure and external door, and no external fixed plant being located in this area. On that basis there is no justifiable requirement for a significant noise barrier.

Odour and Exhaust Emissions - Emissions from the workshop area should be extracted to sufficient height and positions to minimise any odour or other impacts upon neighbouring housing.

Construction Environmental Management Plan - A suitable plan should be provided to support the application to identify the impacts of construction and any site strip and to identify suitable mitigation measures.

#### Ecology

No objections to the proposal.

#### Lead Local Flood Authority

Additional information would be required to determine whether the details of flood risk and the drainage strategy are acceptable. These details would include:

- o Updated drainage strategy.
- o Detailed flood risk and drainage design drawings.
- o Maintenance of drainage.
- o Flood risk management strategy.
- o Surface water run-off risks during early construction with regard to flood risk and water quality.
- o Source control details.

Case Officer Comment - additional information has been provided and the LLFA have concluded that with regard to flood risk and drainage the updated flood risk assessment is acceptable. It is suggested that a standard condition is placed on the application to ensure that SuD's are constructed as approved.

### Transportation Development

Parking - It would appear that no dedicated staff car parking provision has been provided. The number of staff to be employed at the facility is requested together with dedicated staff parking provision allocated accordingly.

Case Officer Comment - a revised site plan has been provided which shows a dedicated area for staff car parking. Staff numbers have also been confirmed.

Servicing - The Transport Assessment submitted in support of the planning application states that access for car transporters and other servicing vehicles will be via the most easterly access which has a wider junction to accommodate the swept paths of these larger vehicles.

However, no swept paths have been submitted with the Transport Assessment. Swept paths are therefore requested to satisfactorily demonstrate that all large vehicles, including car transporters, can enter, unload, turn around within the site and exit in a forward direction. This is to ensure that road safety will not be compromised. This is particularly important given the approved residential development to the east of the site.

Case Officer Comment - a swept path plan has been provided and Transportation Development have confirmed that the manoeuvres within the site would be acceptable.

However, Transportation Development have confirmed that the transporter would use the whole of the carriageway when exiting the site which may cause conflict with other vehicles on the road. It is acknowledged that car transporters will not visit the site on a regular basis and therefore the operator will be required to utilise a 'banksman' to ensure that it is safe for the vehicle to leave the site and not create unsafe conditions for other road users. In addition, car transporters should not wait/park on the carriageway prior to entering the site.

It is requested that a planning condition is imposed with respect to these requirements to ensure that road and pedestrian safety is not compromised.

### Planning Policy

Case Officer Comment - The original Planning Policy response was provided prior to the formal adoption of the CSDP and referred to UDP Policy. Since the response was provided the CSDP has been adopted and the Policy referred to in the UDP has subsequently been deleted. Also, there have been a series of responses received from Planning Policy in relation to additional



information submitted and therefore the comments below are a summary of all the relevant comments provided.

The Policy response focuses exclusively on the principle of development, which includes the development of the car showroom, considered sui generis use on allocated employment land.

Policy EG2 of the adopted CSDP allocates the site as a Key Employment Area, retaining the site for employment use (B1 (excluding B1A), B2 and B8). Subpoint two of the policy sets out criteria regarding the release of vacant land or premises setting out four factors where sites can be released (summarised in bullet points below):

- o site is recommended for release within the Councils Employment Land Review or it can be demonstrated through alternative evidence to the Councils satisfaction that the site is no longer needed;
- o the integrity function and operation of the remaining key employment area is not adversely affected;
- o the site is of an insufficient quality/suitability to accommodate existing types of industrial demand;
- o the site has been unused for employment uses for at least 24 months.

All four components are needed to be met (above) to trigger release of the site in alignment with the Policy EG2.

In relation to the submitted additional information the following comments would be relevant in relation to each of the points within the Policy.

The council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated to the Council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;

In terms of need within the most recent Employment Land Review, there is a need of some 11 to 14 hectares within Sunderland North (over the plan period), and there is currently a deficit of employment land supply within Sunderland North against this need. The current Employment Land Review does not therefore recommend its release to an alternative use.

Notwithstanding the above, the applicant's reference to capability within the Planning Statement that employment development would be inhibited by the adjacent permitted housing development and that the employment development is incompatible near housing development is noted. However, given that the employment designation has been in place for many decades (via the UDP) the planning application for the housing development would have needed to consider the impact of adjacent employment land on the residential development and any necessary mitigation be secured as part of that permission.

It is however recognised that the delivery of the housing site is at an advanced stage with reserved matters approved and delivery expected to commence soon. It is also noted that site is relatively small and surrounded by non B Use class development on all sides, so that the character of the immediate area has changed considerably in recent years, although that does not necessarily mean that a B use class on this site is no longer capable of being developed.

The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;

The Planning Statement mentions this at paragraph 5.6. Given the loss of employment use to the adjacent Sainsburys, housing development and Lidl on the opposite side of the road, the character of the immediate area has already changed and the proposals would not adversely affect the integrity, function and operation of the remaining KEA.

The site is of an insufficient quality and/or suitability to accommodate existing types of industrial demand;

The applicant sets out in the Planning Statement the issue of quality and suitability and that this has been demonstrated with regards to capability. The change in the character of the immediate area is acknowledged.

The site has been unused for employment uses for at least 24 months, despite having been properly marketed on reasonable terms.

In terms of the requirements of the CSDP regarding marketing information required (at paragraph 7.10) requests the statement to provide the following:

- o evidence it has been widely marketed
- o marketed by agent/surveyor dealing in commercial property
- o continuous for 24 months
- o reasonable price and for B use land.

#### Widely Marketed

The letter sets out the use of various methods, mailshots, websites, marketing brochure and this appears sufficient to be considered widely marketed. This can be considered sufficient regarding this aspect.

#### Marketed by Agent/Surveyor Dealing in Commercial Property

The letter is authored by a chartered surveyor who has been involved in the sites marketing for over a decade. In addition, the marketing appears to have been undertaken by Frew Pain and Partners who specialise in commercial property. This can therefore be considered sufficient on this aspect.

#### Continuous for 24 Months

It is reasonable to imply that it has been marketed for more than two continuous years.

#### At a Reasonable Price for B use Classes

At no point does the letter set out that the marketing efforts were restricted to B uses.

The advertisement which includes the sales particulars sets out that the site is 'Suitable for a variety of use, subject to planning permission'. Arguably, suggesting it was marketed beyond B Use Class. By marketing the site for beyond specifically B Use Classes, this was likely to distort the likely values and interest.

#### Conclusion

Taking into account the above, it is not considered that the information submitted satisfies all of the criteria set out within Policy EG2 to justify the loss of employment land, particularly in relation to the marketing of the site for B use classes at an appropriate price for such uses.

However, notwithstanding this, it is recognised that there are site-specific considerations regarding the proposals and the location, which in this instance could justify a departure from the policy.

Firstly, the character of the immediate surroundings of the site no longer reflect those of a KEA. The site is bounded by a proposed residential development to the north/east, by a supermarket to the south and by a main road to the west. At this stage the residential proposals are well advanced with reserved matters approved and development activity anticipated in the near future. Due to the small-scale nature of the site, this may make it difficult to bring the site forward for B Use class development.

Secondly, the proposed use as a car showroom would be broadly compatible with the adjacent uses and location on a main road, subject to appropriately addressing any necessary amenity considerations with the adjacent residential site. This was recognised by the former UDP allocation which permitted car showrooms in this location, albeit this no longer forms part of the adopted development plan.

Therefore, in this particular instance, it may be possible to justify a departure from the development plan policy due to site-specific material planning considerations. This departure is for site-specific material planning considerations and will not set a precedent for future releases of KEA land to alternative uses that do not comply with the policy requirements set out within Policy EG2.

## **COMMENTS:**

### **PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the 'saved' Policies contained within the Unitary Development Plan (UDP) and the Policies contained within the adopted Core Strategy and Development Plan (CSDP).

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated

- heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authority's may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

One of the core principles of the NPPF is that planning should always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Members should be aware that the Council has adopted a new Core Strategy and Development Plan (CSDP), which becomes the strategic development plan for the City for the period up to 2033. Relevant to the consideration of the current application are Policies BH1, BH2, EG2, HS2, HS3, NE2, NE3, ST2, ST3, WWE2, WWE3, WWE4 and WWE5.

## ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of the proposal include the following:

- o Principle
- o Siting and Design
- o Residential Amenity
- o Highway Safety
- o Trees
- o Ecology
- o Flood Risk and Drainage
- o Noise
- o Contaminated Land

### Principle of Proposal

The application site is allocated as part of the wider Key Employment Area in the adopted CSDP, KEA8, North Hylton Road. Policy EG2 of the adopted CSDP seeks to retain such sites for employment use (B1 (excluding B1A), B2 and B8). Subpoint two of the Policy sets out criteria regarding the release of vacant land or premises setting out four factors where sites can be released (summarised in the bullet points below):

- o Site is recommended for release within the Council's Employment Land Review or it can be demonstrated through alternative evidence to the Council's satisfaction that the site is no longer needed.
- o The integrity function and operation of the remaining key employment area is not adversely affected.
- o The site is of an insufficient quality/or suitability to accommodate existing types of industrial demand.
- o The site has been unused for employment uses for at least 24 months.

### Employment Land Review/Site No Longer Needed

The Council's most recent Employment Land Review identifies a need of some 11 to 14 hectares of employment land within Sunderland North over the plan period and there is currently a deficit of employment land supply within Sunderland North against this need. The current Employment Land Review does not therefore recommend the release of the site to an alternative use.

In terms of alternative evidence, the submitted Planning Statement identifies that any future employment development would be inhibited by the adjacent permitted housing development and that employment development is incompatible near housing development. However, given that the employment designation has been in place for many decades via the UDP the planning application for the adjacent housing development would have needed to consider the impact of the adjacent employment land on the residential development and any necessary mitigation would have been secured as part of that permission.

Nevertheless, it is recognised that the delivery of the housing site is at an advanced stage with reserved matters approved and delivery expected in the near future. It is also noted that the site is relatively small and surrounded by non B Use class development on all sides, so that the character of the immediate area has changed considerably in recent years.

It is acknowledged that the site was not recommended for release from its current employment allocation in the Employment Land Review. However, as part of a former furniture manufacturing and warehouse operation, the site has a long-standing association with the land adjacent that formed part of that operation and which now has planning permission via a number of different approvals for the development of 114 houses.

#### Integrity, Function and Operation of the Remaining Key Employment Area

The submitted Planning Statement advises that there are existing vacancies within the KEA8 boundaries. Workshops and industrial units are being marketed at Riverside Road Industrial Estate, and industrial units and factories are being marketed on the Southwick Industrial Estate. It would therefore appear that there are already a supply of B uses within the KEA such that the loss of the site would not impact upon the integrity, function and operation of the employment allocation as a whole.

Also, any future manufacturing, industrial or warehouse uses would need to take account of the proximity to the approved residential development which could restrict the types of B use and the amount of the site that could be utilised for B uses.

Part of the site, approximately a quarter is within an area of land that was approved for residential development in outline in 2014.

Given the loss of employment use to the adjacent Sainsbury's, the housing development and Lidl on the opposite side of the road, the character of the immediate area has already changed and the proposals are not likely to adversely affect the integrity, function and operation of the remaining Key Employment Area.

#### Site is of an Insufficient Quality and/or Suitability to Accommodate Industrial Demand

The change in the character of the area has been outlined and it has been noted that an industrial use would be constrained by the approved residential development to the east of the application site. Therefore, the suitability to accommodate industrial demand has been diminished by development that has been approved in close proximity to the site.

#### Unused for Employment Uses for at Least 24 Months Despite Marketing

The adopted CSDP advises that the following marketing information would be required:

- o Evidence it has been widely marketed.
- o Marketed by agent/surveyor dealing in commercial property.
- o Continuous for 24 months
- o Reasonable price and for B land use.

#### Widely Marketed

The site has been marketed when the original building was in situ and since the demolition of the building over the last 14 years. It has been marketed by way of a marketing brochure, agency marketing board, mailshots and on the website.

No credible tenants/purchasers have been secured during this period for traditional employment uses on either a freehold or leasehold basis.

Amazon rented the site as an emergency oversupply during for 6 weeks during the Christmas period 2019 but this has not turned into any long-term commitment.

It is considered that the site appears to have been sufficiently and widely marketed.

#### Marketed by Agent/Surveyor Dealing in Commercial Property

The marketing information has been submitted by a chartered surveyor who has been involved in the marketing of the site for over a decade. In addition, the marketing appears to have been undertaken by Frew Pain and Partners who specialise in commercial property. Therefore, it is considered that the site has been adequately marketed by an agent/surveyor dealing in commercial property.

#### Continuous for 24 Months

The site has been unused for employment purposes for considerably longer than the 24 months in Policy EG2. The buildings on site were demolished in 2014 and before that the site had been dormant since 2006. The site has been extensively marketed since 2006.

It is considered that the information submitted sufficiently demonstrates that the site has been marketed for 24 months continuously.

#### At a Reasonable Price for B Use Classes

The sales particulars provided set out that the site is 'suitable for a variety of uses, subject to planning permission', which indicates that the site was marketed beyond B use classes. This could be due to the fact that the aspiration for the site when the residential use was approved on the adjacent site was for an alternative use. Therefore, it cannot be confirmed that the marketing was restricted to B uses.

Also, given that the marketing information was not restricted to solely B uses the asking price for the site could reflect the aspirations for an alternative development on the site.

The marketing of the site for beyond specifically B use class may have distorted the likely value of the site and also potential interest in the site. Consequently, it cannot be categorically concluded, based on the information submitted that the site was marketed at a reasonable price for B uses.

## Conclusion in Relation to the Principle of the Proposal

Taking into account the above, it is not considered that the information submitted satisfies all of the criteria set out within Policy EG2 to justify the loss of employment land, particularly in relation to demonstrating that the site is no longer needed for an employment use and that it has been marketed for B uses at a reasonable price.

However, notwithstanding this, it is recognised that there are site-specific considerations with regard to the proposals and the location which would justify a departure from the Policy.

Firstly, the character of the immediate surroundings of the site no longer reflects those of the Key Employment Area. The site is bounded by a proposed residential development to the north/east, by a supermarket to the south and by a main road to the west. At this stage the residential proposals are well advanced with reserved matters approved and development activity anticipated in the near future. Also, due to the small-scale nature of the site, this may make it difficult to bring the site forward for B use class development.

Secondly, the proposed car showroom use would be broadly compatible with the adjacent uses and location on the main road and as was recognised by the former UDP allocation which permitted car showrooms in this location, albeit that this no longer forms part of the adopted development plan.

Therefore, due to the site-specific material planning considerations discussed above it is considered that the departure from the development plan policy would be acceptable and it would not set a precedent for future releases of KEA land to alternative uses that do not comply with the policy requirements set out within Policy EG2.

For the reasons elaborated above the principle of the proposed development is considered to be appropriate for the site subject to the detailed matters below also being considered to be acceptable.

## Siting and Design

Chapter 12 of the National Planning Policy Framework (NPPF) places emphasis upon achieving well designed places with paragraph 124 stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

Policy BH1 of the adopted CSDP reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect visual amenity and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposed car showroom building would be set back by approximately 26 metres from the front of the site facing Castletown Way and around 19 metres from Riverside Road to the south of the site. Therefore, the building would be set back into the site limiting the impact of the proposed development when viewed from Castletown Way and Riverside Road. Also, the trees along these boundaries would be largely retained and additional landscaping would be incorporated as part of the proposal which would further screen the site.

Sainsbury's Supermarket is located to the south of the site and any views of the proposed car showroom from the A1290, Wessington Way would be obscured by Sainsbury's given the overall height of this building and albeit that the application site is located at an elevated position.

The building would be of a modern design however, it is considered that given the mixed nature of the surrounding land uses the building would not be out of keeping with the character and appearance of the surrounding area.

It is considered that given the position of the building set back into the site and since the existing trees and tree groups bordering the site would be retained and enhanced as part of the proposal and given the mixed nature of the area the proposal would be acceptable in terms of the siting and design which would satisfy Policy BH1 of the adopted CSDP and the objectives of the NPPF.

### Residential Amenity

Policy BH1 of the adopted CSDP requires that development should provide an acceptable standard of amenity for all existing and future occupiers of land and buildings. Policy HS1 also requires that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation arising amongst other things noise, odour and land contamination and instability.

Paragraph 180 of the NPPF also requires that development should be appropriate for its location taking into account the likely effects including cumulative effects of pollution on health and living conditions as well as the sensitivity of the site or the wider area to impacts that could arise from the development.

It has been confirmed within the information submitted to support the application that the site was excluded from the residential development since it was anticipated that an alternative operation would be best suited for the front of the site, which would be complemented next to Sainsbury's supermarket and the residential scheme to the east, with the elevated visual frontage.

The layout for the approved residential development, reference 18/00823/REM shows that a landscape buffer of between 5m and 10m would be provided adjacent to the boundary with the application site. Beyond this landscape buffer plot 44 at the nearest point would be located around 10m from the boundary of the application site. This property would have a gable elevation closest to the boundary. The gable elevation would contain one window however, this window would be to a landing area. Also, plot 44 would have a 3m high acoustic fence around the side and rear garden closest to the boundary with the application site.

Plots 41 - 43 would also be located close to the site boundary with the application site. These dwellings would have rear gardens facing the application site and the dwellings would be located approximately 17m from the boundary of the site. The gardens would be bounded by 1.8m high close boarded timber fencing with the landscaping buffer area beyond.

The proposed north elevation of the car showroom building would be located facing the proposed houses to the east. This elevation would have 1 vehicular access and 1 pedestrian access and it would contain no windows. The proposed windows to the first-floor office within the mezzanine area would face Riverside Road to the south. Therefore, it is not considered that the proposed car showroom would cause any issues of overlooking or loss of privacy to the properties proposed to the east of the site.

The car showroom would have a maximum height of 6.65m nearest to the boundary with the residential properties. At the nearest point the showroom would be located 6m from the boundary



which increases up to approximately 10m. The area between the proposed building and the boundary with the residential properties would be a tarmac access road.

Given the distance of the proposed showroom from the proposed properties to the east it is not considered that the development would cause a significant loss of outlook or be over dominant to these properties. Also, due to the location of the proposed building and the distance to the proposed properties it is not considered that the development would cause significant loss of daylight or overshadowing to the properties proposed.

Access to the dry and wet valet bays within the workshop to be located to the rear of the building would be from the south elevation of the building. Also, proposed parking spaces associated with the car showroom are mainly set away from the proposed housing to the east. Activity associated with the workshop would be kept away from the proposed properties to the east with the main showroom entrance to the west of the building. Therefore, it is considered that the activity associated with the proposed development would be set away from the boundary with the proposed residential properties to the east.

It is considered that due to the proposed location of the car showroom within the site and the since the activities associated with the proposed use would be kept away from the site boundary with the proposed residential properties to the east, that the impact of the proposed development in relation to the nearest residential properties would not be significantly detrimental and to warrant the refusal of planning permission in this regard.

The proposal would therefore accord with the objectives of Policy BH1 of the adopted CSDP and the requirements of the NPPF with regard to the impact on the residential amenities of the properties proposed to the east of the application site.

### Highways and Pedestrian Safety

Paragraph 111 of the NPPF advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy ST2 of the adopted CSDP outlines that safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal should be achieved and Policy ST3 of the adopted CSDP outlines that development should provide safe and convenient access for all road users and include a level of vehicle parking in accordance with the Council's standards.

The site is located in a highly accessible location, to the north of Hylton Road which has excellent public transport links to the wider Sunderland area. The site also has good transport links by private car being located on the A1231 and next to the A19 trunk road.

In terms of the access to the site no objections have been received to the proposal from the Council's Highways Officer.

With regard to circulation/turning arrangements within the site a swept path plan has been provided and the Council's Highways Officer has confirmed that the manoeuvres within the site would be acceptable. However, the transporter would use the whole of the carriageway when exiting the site which may cause conflict with other vehicles on the road. It is acknowledged that

car transporters will not visit the site on a regular basis and therefore the operator will be required to utilise a 'banksman' to ensure that it is safe for the vehicle to leave site and not create unsafe conditions for other road users. Also, car transporters should not wait/park on the carriageway prior to entering the site.

It has been requested by the Council's Highways Officer that a planning condition is imposed with respect to these requirements to ensure that road and pedestrian safety is not compromised. A condition has been suggested to be added to the permission with regard to the use of a 'banksman' to ensure that it is safe for the vehicle to leave the site and it is therefore considered that the access to the site and the circulation/turning arrangements within the site are acceptable in terms of highway safety subject to the suggested conditions being satisfied.

The Council's parking standards state that for such a Sui Generis use of the site parking would be determined on an individual basis. Considering a high level of parking requirement at 1 space per 20 sq.m. a total of 84 spaces would be required for the proposed development. The proposal would provide 119 spaces and therefore it is considered that the level of parking would be adequate for the proposed use.

The Council's Highways Officer requested that the number of staff to be employed at the facility together with dedicated staff parking provision to be allocated is provided.

The agent has confirmed that it is anticipated that there would be 9no. sales staff, 9no. vehicle technicians and parts staff, 3no. admin and 2no. valet staff which would be 23no. staff in total. The site plan has been amended to show 8no. parking spaces for staff and it has been further confirmed that the sales staff and managers will use the demonstrator cars for daily use.

It is considered that the parking provision proposed for the development would be acceptable and a condition has been suggested to be attached to the permission to ensure that the parking spaces are clearly marked out prior to the first operation of the car showroom and workshop.

The site plan as proposed also shows that provision would be made for cycle storage bays within the car park area. A condition has been suggested to be added to the permission to provide further details of the cycle storage and to ensure that the storage is provided in accordance with the approved details.

It is considered that the proposal would satisfy Policies ST2 and ST3 of the adopted CSDP in terms of the access, circulation/turning arrangements and the level of parking to be provided. The proposal would also accord with the requirements of the NPPF in terms of highway safety.

## Ecology and Biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gain for biodiversity.

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

The Council's Ecologist has reviewed the submitted information and has confirmed that there are no objections to the proposal. It is therefore considered that the proposal would have no

detrimental impact upon ecology and biodiversity and would comply with Policy NE2 of the adopted CSDP and the requirements of the NPPF as a consequence.

## Flood Risk and Drainage

Paragraph 155 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy WWE2 of the adopted CSDP states that development will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment that development will not increase flood risk on site or elsewhere. Whilst Policy WWE3 outlines that development must consider the effect on flood risk, on and off-site commensurate with the scale and impact.

In terms of drainage Policy WWE4 of the adopted CSDP states that the quantity and quality of surface and groundwater bodies will be protected and Policy WWE5 states that development should utilise the drainage hierarchy.

The City Council is the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application site is located within Flood Zone 1 with the flood risk from most sources as being low.

Surface water flood risk will be managed as part of the new development drainage system which will mitigate the potential surface water flood risk by reprofiling the site and providing a new foul and surface water drainage system.

It is proposed to discharge surface water from the proposed development to the existing 225mm surface water sewer located southwest of the site in Castletown Way. The surface water drainage hierarchy has been considered as part of the proposal. The discharge rate is to be limited to 3.5 l/s and the surface water drainage designed such that there is no external flooding for the 1 in 30 year event and all flows retained on site for up to 1 in 100 year plus 30% climate change event. The 1 in 100 plus climate change event is to be stored within the underground attenuation storage.

All foul water flows from the development will discharge to the existing 375mm diameter combined crossing the site.

It is proposed for both the foul and surface water drainage networks to remain private. Therefore, the long-term maintenance will be the responsibility of Stoneacre Motor Group Management Company.

The Council as LLFA have confirmed that the flood risk and drainage as outlined in the updated flood risk assessment are acceptable but have suggested that a standard condition is placed on the approval of planning permission to ensure that the SuD's are constructed as approved. A condition has been suggested to be attached to the permission in this regard. The proposal therefore satisfies the relevant policies contained within the adopted CSDP and the requirements of the NPPF in relation to flood risk and drainage.

### Trees and Landscaping

Policy NE3 of the adopted CSDP states that development proposals should consider the impact on trees in relation to both individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting.

The application has been supported by an Arboricultural Report and Impact Assessment. The report advises that the site contains 7 individual trees and 7 tree groups. Of the trees on site, 1 tree group has been surveyed as being Category B and 13 trees and tree groups are Category C. The report further outlines that the species diversity at the site is relatively poor with Hawthorn, Willow, Ash, Sycamore and Birch the only trees present. The trees are predominantly semi-mature to early mature with only 1 mature tree on site.

The sites most significant trees comprise woodland situated along the southern site boundary. The trees in this group are located on banking between Riverside Road to the south, and the large area of hardstanding to the north. Individually the trees within this group are of limited value, but collectively they provide a significant landscape feature of moderate amenity and excellent screening value. The trees are generally in good condition and the proposal includes the retention of trees along this boundary.

Along the site's western boundary is a dense group of Willow considered as a whole, these provide significant amenity value.

The removal of 2 trees, 1 tree group and sections of 2 tree groups would be required to facilitate the proposed development. In terms of the trees to be removed 3 of the trees and tree groups identified to be removed as part of the proposal are of low retention value with limited value and prospects and their removal would only have negligible negative arboricultural impact to the site.

A further 2 tree groups would have a moderate loss of amenity and screening in the short term. This screening could be replaced in the longer term with robust new landscape planting on the banking at the site's south west corner.

It is considered that the trees and tree groups to be removed from the site would not be of high amenity value and the most significant trees on the site and to the southern and western boundaries would be retained as part of the proposal. The proposal would also include additional landscaping to the site.

Therefore, it is considered that the proposal adequately considers the impact of the development on the existing trees and tree groups on the site both in relation to individual merit as well as their contribution to amenity as part of a group within the broader landscape setting in accordance with Policy NE3 of the adopted CSDP.

## Noise

Paragraph 180 of the NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and the quality of life.

In addition, Policy HS2 of the adopted CSDP outlines that development sensitive to noise or affected by existing sources of noise should submit an appropriate noise assessment where necessary, and a detailed schedule of mitigation and development should include measures to reduce noise within the development to acceptable levels, including external areas.

A Noise Assessment has been provided to support the planning application along with confirmation that no external plant would be provided as part of the proposal.

The Council's Environmental Health Team have confirmed that the additional information provided by the Noise Consultant is sufficient. The Noise Assessment is also considered to be acceptable and is based on the existing layout of the housing development to the east of the site, workshop operations on a daytime basis only, upgraded sound insulation being provided to the structure and external door, and no external fixed plant being located in this area.

On the basis of the submitted information there is no justifiable requirement for a significant noise barrier to be installed as part of the development proposal. Therefore, subject to the development being completed and operated in accordance with the submitted Noise Assessment and additional supplementary information provided by the Noise Consultant the proposal would satisfy Policy HS2 of the adopted CSDP and the objectives of the NPPF with regard to potential noise disturbance from the proposed development.

## Ground Conditions

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

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

As set out in the representations section of this report, the proposals have been assessed by the Council's Environmental Health Team who have concluded that subject to appropriate conditions being attached to the permission in relation to the submission of a ground investigation and risk assessment, remediation scheme, verification report and the reporting of any unexpected contamination the proposed site would be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment in accordance with Policy HS3 of the adopted CSDP and to satisfy the requirements of the NPPF.

## CONCLUSION

The character of the immediate locality to the application site no longer reflects the Key Employment Area, since the site is bounded by proposed residential development to the north/east, by a supermarket to the south a main road to the west. Also, due to the small-scale nature of the site and the constraints with the adjacent residential development it may be difficult to bring the site forward for B use class development.

Furthermore, the proposed car showroom would be broadly compatible with the adjacent uses and location on a main road. Therefore, it is considered that the departure from the development plan in relation to the Key Employment Area plan policy designation would be broadly acceptable and the principle of the proposed development would also be appropriate to the site.

The siting and design of the proposed building is also considered to be acceptable given the mixed nature of the surrounding area, the set back of the building into the site, the retention and enhancement of the trees bounding the southern and western sides of the site and the proposed materials to be used for the development.

Also, the impact of the proposal in relation to the residential amenities of the future occupiers of the adjacent properties is considered to be acceptable along with pedestrian and highway safety, ecology and biodiversity, flood risk and drainage, noise and ground conditions.

It is for the reasons elaborated above that the proposal is considered to be an acceptable form of development and is recommended for approval subject to the conditions listed below.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

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

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

### **RECOMMENDATION:**

For the reasons elaborated within the report it is recommended that consent should be APPROVED subject to the conditions set out below.

### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

To ensure that the development is carried out within a reasonable period of time.

- 2 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:
  - o Proposed section plan Drg No. 019/061/PS received 09.10.19.
  - o Proposed floor plans Drg No. 019/061/PFP received 09.10.19.
  - o Proposed site and roof plan Drg No. 019/061/PSP/A received 18.08.20.
  - o Proposed elevation plans Drg No. 019/061/PE Rev A received 18.08.20.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and



ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

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

Within six months of the completion of measures identified in the Approved Remediation Scheme, 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.

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

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

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

- 8 No development shall take place until a Construction Environmental Management Plan which should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated has been submitted to, and approved in writing by, the Local Planning Authority. The

construction works shall than be carried out in accordance with the approved Management Plan.

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 BH1 of the adopted Core Strategy Development Plan.

- 9 No development shall take place until a landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority which shall include indication of all existing trees to be retained and details of their protection during the course of development. The landscaping scheme shall then be completed in accordance with the approved details.

In the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy BH1 of the adopted Core Strategy and Development Plan.

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

In the interests of visual amenity and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 11 Prior to the first occupation of the hereby approved car showroom and workshop any odour extraction details for the workshop shall be submitted to, and approved in writing by, the Local Planning Authority. The odour extraction system shall then be installed in accordance with the approved details and maintained for the lifetime of the development.

In order to achieve a satisfactory standard of development, in the interests of residential amenity and to comply with Policy HS2 of the adopted Core Strategy and Development Plan.

- 12 Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to, and approved in writing by, the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
- o As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
  - o Construction details (component drawings, materials, vegetation).
  - o Health and Safety file.
  - o Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to comply with Policies WWE2, WWE3, WWE4 and WWE5 of the adopted Core Strategy and Development Plan.

- 13 The areas indicated on the proposed site plan, Drg No. 019/061/PSP/A, received 18.08.20, for the parking of vehicles shall be laid out in accordance with the approved plan before the hereby approved building is first occupied. The parking areas shall then be made available for such use at all times thereafter.

In the interests of highway safety and in accordance with Policy ST3 of the adopted Core Strategy and Development Plan.

- 14 A "banksman" shall be used whenever a car transporter enters or leaves the development hereby approved, to ensure that it is safe for the vehicle to leave the site and not create unsafe conditions for other road users.

In the interests of highway safety and in accordance with Policy ST3 of the adopted Core Strategy and Development Plan.

- 15 The development hereby approved shall be completed in accordance with the Noise Assessment completed by S & D Garritt Ltd, dated 15.11.19 and received on 25.11.19 and in accordance with the additional information submitted on 06.06.20.

To ensure the acceptable noise levels will be achieved in accordance with Policy HS2 of the adopted Core Strategy and Development Plan.

- 16 Prior to the first occupation of the hereby approved building, details of the cycle shelters to be provided within the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

To provide an adequate level of cycle storage and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

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**Reference No.:** 20/00535/FUL Full Application

**Proposal:** **Change of use from financial & professional services (A2) for the conversion upper floors to 15 apartments (C3) and alterations to ground floor to provide retail unit and new bin store**

**Location:** Former H S B C 14 Fawcett Street Sunderland SR1 1SW

**Ward:** Hendon

**Applicant:** X8 Properties Ltd

**Date Valid:** 25 March 2020

**Target Date:** 24 June 2020

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### **PROPOSAL:**

The application seeks full planning permission for a change of use from financial & professional services (Use Class A2) to a retail unit (Use Class A1) and 15 apartments (Use Class C3) at 14 Fawcett Street, Sunderland.

The proposed development includes the provision of a new shopfront and doorway to the southern elevation and a doorway to the proposed refuse store on the eastern elevation.

The building has a Grade II listing and the site lies within a Conservation Area. The building immediately to the south also has a Grade II listing (no. 53).

The applicant has also, given the Grade II status of the building, submitted an application for listed building consent (ref: 20/00536/LBC).

### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Environmental Health  
Network Management  
Environmental Health  
Hendon - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Tyne And Wear Archaeology Officer  
Director of Children's Services  
Flood and Coastal Group Engineer  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Northumbria Police

Final Date for Receipt of Representations: **26.08.2020**

**REPRESENTATIONS:**

None received.

**POLICIES:**

The site is subject to the following policies;

Core Strategy and Development Plan (2015-2033): SP2, HS2, BH7, BH8, NE2, WWE3 and WWE5

Alteration No. 2: SA55B.1

Sunniside Conservation Area Character Appraisal and Management Strategy

**COMMENTS:**

Principle of the Development

The site, within Alteration No. 2, has been identified as forming part of a "Strategic Location for change". The associated policy, SA55B.1, states that

"The following uses already contribute significantly to the character of the Sunniside area, as defined on the Proposals Map, and should remain predominant.

A2 Financial and professional services

A3 Restaurants and cafes

A4 Drinking establishments

B1 Business

C3 Housing

Additional acceptable uses

A1 Retail

C1 Hotels

D1 Non-residential institutions (restricted to art galleries and exhibition space)

D2 Assembly and leisure (restricted to health and fitness on upper floors only)"

The proposal, given the inclusion of both retail and residential, would accord with the above policy.

The site, within the Core Strategy, has been identified as forming part of the "Urban Core". The associated policy, SP2, states that

"The Urban Core will be regenerated and transformed into a vibrant and distinctive area by:

- concentrating retail development in the Primary Shopping Area?
- promoting mixed use development in the Areas of Change?
- Sunniside - residential led mixed use?"

The proposal, given the inclusion of both retail and residential, would accord with the above policy.

In the absence of any material considerations to the contrary, the principle of the proposal accords with the development plan.

#### Amenity

The proposed apartment would receive natural day light through the reuse of the existing window openings. They would also provide a reasonable level of internal space; ranging from 29 through to 84 square metres.

The proposal would reuse the existing windows which means there would not be a greater degree of overlooking than already exists.

The submitted Noise Assessment states that

"Subject to final definition and the subsequent provision of noise amelioration measures, the residents of the proposed apartments will be provided with acceptable internal and external (private amenity areas) noise environments, in line with all current guidance."

The Environmental Health Officer has advised that they have

"examined the submitted Noise Assessment" and considers the methodology and conclusions acceptable.

It is recommended that a condition is attached to any consent requiring the submission of a specific glazing and ventilation scheme which meets with the acoustic consultant's recommendations."

The agent has subsequently submitted amended drawings showing the recommended glazing and ventilation scheme. The Environmental Health Officer has recently been consulted which means that the matter will either be resolved by these drawings being noted within the planning permission or a condition will be recommended ensuring the submission of further details.

In the absence of any material considerations to the contrary, the proposal accords with policy HS2 (noise sensitive development).

#### Drainage

The submitted application form states that foul sewage and surface water would both be disposed of to the mains.

The Lead Local Flood Authority have advised that

"as the proposed design includes no significant alteration to the external function of the existing building it is suggested that the application could be approved."

Northumbrian Water have advised that

"at this stage we would have no comments to make".

In the absence of any material considerations to the contrary, the proposal accords with policies WWE3 (water management) and WWE5 (disposal of foul water).

## Ecology

The Council's Ecologist has advised that

"If works include repairs or alterations to the exterior of the building or loft spaces, the applicant and their agents and successors should be mindful of legislation pertaining to protected species such as bats and nesting birds."

Officers consider that the above can be included as an informative on any planning permission.

The Council's Ecologist has also identified that, in terms of Habitats Regulations Assessment, there could be impacts on key features of coastal European Sites, especially where an increase in residential provision is proposed within 6 km of the coast. The Ecologist has advised that likely impacts in this instance would be indirect through increased recreational disturbance and damage, alone and in-combination with other similar developments coming forward in the area.

The applicant has subsequently agreed to make a financial contribution, via Section 106 agreement, to provide the above mitigation.

In the absence of any material considerations to the contrary, the proposal accords with policy NE2 (biodiversity and geodiversity), ID1 (delivering infrastructure) and ID2 (planning obligations).

## Heritage

The submitted Heritage Statement says

"The current building has been vacant for number of years and is showing signs of falling into disrepair. Internal there are signs of damp and water ingress to upper floors. The proposed alteration will have minimum visual impact on the street scene. Any building work will be within the existing building. We would also look to take this opportunity to carry out external repairs such as recommended by stone masons report. This will help safe guard the building and improve the appearance of the street."

The Tyne & Wear Archaeologist has advised that

"If this application is approved, Historic Building Recording is required. This should be undertaken as a phased approach that will involve the building being recorded prior to works commencing to create a comprehensive record of the building."

The Council's Conservation Officer has advised that they have discussed the proposal with the Tyne & Wear Archaeologist and are "comfortable with the condition".

In the absence of any material considerations to the contrary, the proposal accords with policies BH7 (historic environment) and BH8 (heritage assets).

## Highway

The submitted plans show pedestrian accesses for the retail unit from Fawcett Street and for the apartments from St Thomas' Street. The plans also show a bin store to the rear off the building and a cycle store in the basement.

The Local Highway Authority have advised that

#### "CITY CENTRE PARKING

No parking provision is proposed for the development and it is noted that the existing use also has no parking provision.

However, the development site is within the S2 City Centre parking zone, whereby parking requirements can be relaxed. In addition, the site has excellent links to public transport, with rail/metro station, bus stops within close walking proximity.

Taking this into account it is considered that no parking on the site is acceptable in this instance.

#### CITY CENTRE RESIDENTS PARKING SCHEME

There is a City Centre Residents parking scheme available for residents with cars. The applicant to contact Amanda Dowell, Parking Services (0191) 561 7836 for further information.

#### CYCLE STORAGE

The provision of secure cycle storage is required for the proposed apartments.

#### BIN STORAGE

The location of refuse storage within the curtilage of the property and the collection point is considered acceptable. Refuse bins should not be stored on the highway.

#### TEMPORARY WORKS

For any temporary works on the highway such as skip or scaffold permits the applicant should contact Ruth Harman Network Operations (0191) 561 8490 to arrange consents.

#### SCHEME OF WORKING

A scheme of working is required for the operation and management of the site including, construction site traffic, contractor parking and building material deliveries & storage to ensure the amenity of adjacent properties is not adversely impacted."

Officers would draw to attention that the plans have recently been amended to include cycle storage in the basement.

In the absence of any material considerations to the contrary, the proposal accords with policies ST2 (local road network) and ST3 (development and transport).

#### Obligations

The provision of more than ten apartments means that consideration should be given to potential planning obligations; in addition to the ecology contribution noted above. Officers would advise these are usually affordable housing (policy H2), education (policies ID1 and ID2) and open / play space (policy NE4).

The agent has, however, drawn to attention that there are costs associated with the proposed development which are "Critical - Building conservation part of main development"; including "remove external netting and facade cover, clean stone".

Officers would draw to attention that the building currently has a fabric covering which harms the character and appearance of the Conservation Area. The proposal would restore the building, so that the building would enhance the Conservation Area. The restoration would be important given that the Sunnisde Conservation Area Character Appraisal and Management Strategy, within the townscape analysis, identifies the building as being "positive".



Officers therefore consider that the items noted above comprise material considerations that outweigh the development plan policies which seek planning obligations (other than the ecology contribution noted above).

## Conclusion

The principle of the development accords with the relevant development plan policies.

The details of the proposed development also accord with the relevant development plan policies; subject to the suggested conditions and a financial contribution towards coastal protection to be made via Section 106 agreement.

The exception to the above would be that officers consider there are material considerations - in the form of the costs associated with restoring the building and the subsequent enhancement to the Conservation Area - which outweigh the development plan policies which would otherwise seek potential contributions towards affordable housing, education and open / play space.

Officers therefore recommend approval; subject to the successful completion of a Section 106 and the draft conditions below.

**RECOMMENDATION:** Approve subject to the completion of a Section 106 agreement and the draft conditions set out below.

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Proposed basement plan (Drawing No 19 \*)
  - Proposed mezzanine floor plan (Drawing No 09 \*)
  - Proposed first floor plan (Drawing No 10 \*)
  - Proposed second floor plan (Drawing No 11 \*)
  - Proposed third floor plan (Drawing No. 12 \*)
  - Proposed roof plan (Drawing No 13 \*)
  - Proposed east elevation (Drawing No 18 \*)
  - Proposed south elevation (Drawing No 17\*)

Reason: In order to ensure that the completed development accords with the scheme approved.

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

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

- 4 No apartment shall be occupied until the refuse store (shown on the proposed ground floor plan, Drawing No 08 \*) and bike store (shown on proposed basement plan, Drawing No 19 \*) have been fully provided. The refuse store and bike store shall thereafter be retained.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan 2015-2033, the development hereby approved ensures the free flow of traffic and includes cycle parking.

