

# PLANNING STATEMENT

**Including:**

Affordable Housing Statement

Heritage Statement

Planning Obligations Statement

Nile and Villiers

V 2.0

04/04/24

**TOWN.**

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## 1. INTRODUCTION AND EXECUTIVE SUMMARY

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- 1.1 This planning statement has been prepared on behalf of our client, Siglion Developments LLP (the 'Applicant'), to assist the Local Planning Authority ('the LPA') in the consideration of a full planning application for the *"Construction of two- to four-storey buildings to provide a mixed-use development comprising 75 dwellings (use class C3) and up to 10 units at ground floor for commercial, business and service (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2) including associated open space, drainage, communal refuse and cycling storage, and energy infrastructure"* at Nile Street (the 'site').
- 1.2 The Applicant is Siglion, the wholly owned development company of Sunderland City Council, which owns the site. Siglion has appointed TOWN as its development manager, client representative and planning Agent for this application.
- 1.3 This statement provides an assessment of the proposed development with regard to relevant nation and local planning policy, following the structure below:
- Section 2 – Site Description and Planning History
  - Section 3 – Proposed Development
  - Section 4 – Planning Policy Context
  - Section 5 – Assessing the Planning Balance
  - Section 6 – Heritage Statement
  - Section 7– Affordable Housing Statement
  - Section 9 – Planning Obligations Statement
  - Section 10 – Conclusions: Striking the Planning Balance
- 1.1 The planning statement should be read in conjunction with the documents outlined in Table 1, submitted as part of the application package.

**Table 1**

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DOCUMENT	AUTHOR
Application Form	TOWN
Submission Letter	TOWN
S106 Heads of Terms	TOWN
Location Plan	XSite
Site Plan	XSite

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Existing and proposed plans, including: Street Facing Elevations Housing typologies (list of drawing titles set out in submission letter)	XSite
Design and Access Statement	TOWN
Landscape Plan	Create Streets
Planning Statement incl. Affordable Housing Statement Heritage Statement Planning Obligations Statement	TOWN
Archaeology	TOWN has been advised that a desk-based assessment will not add any further knowledge to the site.  TOWN has provided a covering letter alongside correspondence with Tyne and Wear Archaeology Service.
Noise Impact Assessment	Apex
Air Quality Statement	Apex
Land Contamination and Coal Mining Risk Assessment	Shadbolt Group
Energy and Sustainability Statement	Clark Degnan
Flood Risk Assessment and Drainage Strategy	Civic Engineers
Ecological Assessment	The Environment Partnership
Shadow HRA	The Environment Partnership
Biodiversity Net Gain Assessment	The Environment Partnership
Biodiversity Metric	The Environment Partnership
Transport Assessment	Civic Engineers
Framework Travel Plan	Civic Engineers

## 2. THE SITE AND SURROUNDINGS

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### Site Description

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- 2.1 The application site is a 0.95-hectare previously developed site comprised of 13 Land Registry titles, all in the freehold ownership of Sunderland City Council. The main site is bounded to the north by High Street West, to the south by Coronation Street, to the east by Villiers Street and to the west by Nile Street. A secondary site is located across Nile Street at the former 19-21 Nile Street.
- 2.2 Current use comprises a temporary car park operated by Sunderland City Council with remaining area laid to grass following demolition of the properties on site with the exception of paved former rear lanes (including Little Villiers Street) which remain adopted highways and are proposed to be stopped-up.
- 2.3 The properties at 19-21 were demolished in June 2023 due to their structural integrity.
- 2.4 The surrounding area is comprised of:
- To the north, High Street West is a primary route to and from the city centre from the A1808 and High Street East. The existing temporary car park which forms part of the site is within the Older Sunderland Conservation Area;
  - Neighbouring the north-east corner of the main site is 177 High Street West, also known as "the Tyre Shop", which is in the process of refurbishment by the Tyne and Wear Building Preservation Trust. The north-west corner of the site, previously Liverpool House, is currently a green space however identified for future development;
  - To the east on Villiers Street, are semi-industrial and service uses including the 4.5-storey SCS office block and single-storey units;
  - To the south-east of the site there is a surface level car park. Opposite the main site is the 5-storey Biscop House, a mixed-use block with vacant commercial use at ground floor and residential above. To the west of Biscop House is a vacant site for future development and a surface level car park;
  - To the west is a mix of commercial uses, within purpose-built units and converted residential units from 15-18 Nile Street. Sunnyside Gardens is with 40m of the proposed site, a high-quality public square.
- 2.5 The temporary car park to the north is within the Old Sunderland Conservation Area and the properties at 19-21 Nile Street are adjacent to the boundary of the Sunnyside Conservation Area. There are no listed buildings within the site boundary, however the following are in close proximity:
- 176 High Street West - Grade II Listed;
  - The Bridge Hotel, 145 High Street West and 24-25 Sunderland Street - Grade II Listed;
  - 170/1 and 173 High Street West - Grade II Listed.
- 2.6 The Site is within the city centre, and well connected to public transport. The nearest bus stop is approximately 40m away on High Street West, and the frequently serviced bus stops on John Street are 400m away. Sunderland train and metro station is a 450m walk, with 2-3 train services an hour.
- 2.7 The Site is within Flood Zone 1 and therefore has a low probability of flooding. The Environment Agency flood risk from surface water map shows that the site is at very low risk of flooding from surface water, meaning there is less than 0.1% chance of flooding from

surface water each year. There is also low risk from flooding from groundwater, public sewers, highway drainage or infrastructure failure.

2.8 There are no trees or shrub on site.

## Planning History

2.9 The site comprises numerous titles which have been assembled by the current owner, Sunderland City Council, and has been subject in parts to over 20 planning applications, including multiple demolition applications which have produced the current cleared status of the site, over the past 30 years. The main development proposals are summarised in Table 2 below.

**Table 2**

Address	Proposal	Reference	Decision
178-185 High Street West	Demolition of existing 1 and 2 storey buildings and construction of new 6 storey building comprising 4 No retail units at ground floor and 5 storeys of apartments above, (62 apartments)	13/02962/LAP	Approved
	Demolition of existing 1 and 2 storey buildings and construction of new 6 storey building comprising 4 No retail units at ground floor and 5 storeys of apartments above, (62 apartments).	08/00905/SUB	Approved
	Demolition of existing offices and erection of six storey building to provide retail use to ground floor and five storeys of 62 apartments above with 31 car parking spaces.	06/04940/CON	Approved
181-186 High Street West	Change of use from vacant brownfield site to temporary car park	15/00275/LAD	Approved
55-64 Nile Street	Demolition of former commercial buildings.	15/00275/LAD	Approved
2-4, 45- 46, 47-50, 51, 52, 53-54	Demolition of various properties.	19/00504/DEM	Approved

Nile Street			
3-6 Villiers Street	Demolition of existing premises and erection of 5 storey apartment block to provide apartments to upper floors and studio workshops to ground floor.	04/00414/OUT	Approved
12-14 Villiers Street	Demolition of existing buildings and construction of six storey building, comprising of 42 apartments including eight work/live units at ground floor level.	06/02541/FUL	Withdrawn

2.10 Recent planning history speaks of the many attempts that have been made to redevelop parts of the application site and in turn this reveals the challenges to viability that exist in the area. Assembly of the entire site and comprehensive proposals for redevelopment offer the best opportunity to achieve much needed regeneration of this area of Sunnyside.

### **Draft Designation and Allocations Plan**

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2.11 The adopted Core Strategy and Development Plan 2020 promotes Sunnyside as an Area of Change in the Urban Core and for residential-led mixed use regeneration. The project will be developed in support of Policy SP2 Urban Core by diversifying the residential offer of the city centre and fostering a mixed community whilst prioritising high quality public realm and connectivity in support of sustainable transport options.

2.12 The Site is comprised of:

- A 0.91ha site allocated under the Draft Allocations and Designations Plan 2020 (A&D Plan) as Housing Allocation H8.3 for 75 units, and listed as the 'Sunnyside Central Area'. The site is also a registered on the Brownfield Land Register and identified as a deliverable site in Sunderland's SHLAA 2020.
- Properties 19, 20 and 21 Nile Street which are not allocated nor subject to any protective designations (save for adjacency to the Sunnyside Conservation Area as noted at paragraph 2.5 above).

### 3. PROPOSED DEVELOPMENT

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#### Background and Vision

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- 3.1 *Nile + Villiers* will be a residential-led development of 75 homes for market sale and rent, and up to 10 commercial units on a designated brownfield site in Sunnyside, Sunderland. The development is intended to contribute to the emergence of Sunnyside as a creative living and working neighbourhood in the city centre with a strong presence of artists and makers by offering high-quality new homes for sale and rent in the heart of the city.
- 3.2 This is a significant project for Sunnyside and the wider city centre, bringing forward a high-quality scheme with high levels of environmental and social sustainability. A key objective of the Proposed Development is to support Sunderland's City Plan in bringing a residential population back in to the city centre, offering good homes and a vibrant city life. Sunnyside is a large part of the city's urban core and it has an important part to play in the city reaching its potential.
- 3.3 In turn the City Plan supports the Council's Corporate Plan, which sets out the vision that *"Sunderland will be a welcoming, internationally recognised city where people have the opportunity to fulfil their aspirations for a healthy, safe and prosperous future"*.
- 3.4 The Proposed Development is an important part of the City Centre Housing Ecosystem alongside the Housing Innovation & Construction Skills Academy (HICSA) and the Vaux Neighbourhood, and is partially funded by Department of Levelling Up, Housing and Communities (DLUCH)'s Levelling Up Fund following the Council's successful bid in 2021.
- 3.5 The vision for *Nile + Villiers* as a new residential neighbourhood for a creative community originated with local charity Back On The Map, and has been co-created with local people through extensive engagement on the Sunnyside Masterplan.

#### The Proposed Development

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- 3.6 The proposed development seeks full planning permission for:
- 3.7 ***"Construction of two- to four-storey buildings to provide a mixed-use development comprising 75 dwellings (use class C3) and up to 10 units at ground floor for commercial, business and service (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2) including associated open space, drainage, communal refuse and cycling storage, and energy infrastructure"***
- 3.8 The proposed development comprises of:
- 3.9 On the part of the site bounded by Nile Street, Coronation Street, Villiers Street and Little Villiers Street:
- 60 no. two- and three-bedroom dwellings for private market rent in a mix of terraced houses and maisonettes; and
  - open space to the rear of the dwellings to provide communal space for residents incorporating paths, tree and ornamental planting, raised beds for food-growing, informal play space, communal storage for waste and refuse, and sustainable urban drainage (suds) infrastructure.
- 3.10 On the part of the site comprising the former 19-21 Nile Street:

- five (5no.) two- and three-bedroom dwellings for private market rent in a mix of terraced houses and maisonettes;
- a relocated electricity substation; and

3.11 On the part of the site bounded by High Street West, Nile Street, Villiers Street and Little Villiers Street:

- up to 10 units of retail, office or community space for flexible use appropriate to the 'high street' location and frontage;
- 10 two- and three-bedroom dwellings;
- a courtyard space for use by tenants of non-residential space and the adjacent 177 High Street West, incorporating hard and soft landscaping, storage and suds infrastructure.

### **Layout, Scale and Massing**

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3.12 The Proposed Development is laid out within the existing street pattern, and broadly restores the former building line and arrangement on site. The overall form is a perimeter block which creates a clear distinction between public front and private backs while allowing physical and visual permeability into and through the site at important points.

3.13 East-west pathways provide pedestrian and cycle access through the site at Little Villiers Street (south of the mixed-use block on High Street West) and mid-way through the site, connecting Villiers Street to Norfolk Street via an open green space on Nile Street.

3.14 The scale and massing of the Proposed Development responds to the surrounding context, including the neighbouring conservation areas. The variation of heights and across the scheme break the massing of the scheme down and add interest along street views, whilst the elevation design reflects the unity that can be found in the Sunnyside Conservation Area.

3.15 Further information on the layout, scale and massing can be found in the submitted Design and Access Statement.

### **New Homes**

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3.16 75 new homes for market sale and rent are proposed across the site, made of two-three storey houses and two-three storey maisonettes. Every dwelling has a private access, with the exception of the mixed-use block on High Street West, where dwellings share a gallery access.

3.17 The proposed residential mix is set out in the table below:

Unit Type		Total
2b4p	House	13
3b6p	House	26
2b4p	Maisonette	26
3b6p	Maisonette	10
<b>Total</b>		<b>75</b>

3.18 All dwellings with street-level front doors have level entry and meet the criteria for Building Regulation M4(2). Upper-level dwellings are accessed via private external staircase.

## Commercial Space

- 3.19 At the ground floor of the mixed-use block on High Street West, up to 10 commercial units are proposed across 575m<sup>2</sup>. The proposed uses include business and service (Use Class E), learning and non-residential institutions (Use Class F1) and local community uses (Use Class F2).
- 3.20 The commercial space(s) will provide an attractive frontage to High Street West and the corner to Nile Street, restoring the building line and contributing to the setting of Heritage Assets in close proximity to the site.

## Landscape Design

- 3.21 All residential dwellings have access to a semi-private communal garden which all residents can enjoy. Every house and ground floor maisonette will also have a private amenity space in the form of back gardens, which open onto the shared gardens.
- 3.22 Significant landscape works are proposed as part of the site's development, notably:
- a central communal garden including areas for sitting, socialising and play;
  - private back gardens for homes with ground floor access;
  - an urban square adjoining Little Villiers Street onto which the commercial space, and 171 High Street West can open on to.
- 3.23 Front gardens have been designed with a depth to provide defensible space to the dwellings on Nile Street and Villiers Street, whilst also re-instating the historic building line and high density of the streets and maximising the area to rear for the shared gardens and play space.
- 3.24 SuDS features proposed include rainwater butts, linear rain gardens to the front and rear of the terraces, permeable paving, two soft landscaped SuDS amenity basins within the communal gardens and one urban SuDS basin within the northern courtyard.
- 3.25 Further details on the Landscape Design can be found in the accompanying Landscape Plans, Design and Access Statement and Flood Risk and Drainage Strategy.

## Access, Servicing and Parking

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- 3.26 Dwellings on the first floor of the mixed-use block on High Street West are accessed via a shared deck that overlooks the urban courtyard at ground floor level.
- 3.27 Dwellings on Nile Street and Villiers Street have private access from the street. Houses and maisonettes have front doors at ground floor level, and maisonettes at second floor level have a private external staircase. All dwellings with street-level front doors have level entry and meet the criteria for Building Regulation M4(2). Upper-level dwellings are accessed via private external staircase.
- 3.28 Vehicular access for services and deliveries will be on-street on Nile Street, Villiers Street, High Street West and Coronation Street, with no parking within the site boundary.
- 3.29 Refuse collection will happen on-street, within 25m of bin stores at the centre of the site.
- 3.30 As a sustainable scheme in a highly accessible area, there will be no private parking spaces within the curtilage of the site. Sunderland City Council operate a city centre residents parking scheme which allows residents who live in the city centre to purchase a permit that allows parking at any time (subject to availability) in council operated multi-storey and off-street car parks. It is expected that residents of the proposed development who wish to own a car will take advantage of this parking scheme.
- 3.31 The submitted Travel Plan sets out the sustainable aims of the development and a framework for how the travel planning of the development will be implemented and managed to be effective. Measures to reduce single occupancy car journeys and promote walking, cycling and public transport include:
- Promotion of car sharing;
  - Explore car club opportunities;
  - Pedestrian and cycle friendly design;
  - Promotion of local walking groups;
  - Promotion of the health benefits of walking;
  - Secure, covered cycle parking;
  - Promotion of council-led cycling initiatives;
  - Providing up to date public transport information.
- 3.32 The Proposed Development provides 150 cycle parking spaces for residents, with secure cycle parking within their rear gardens. 5 cycle parking spaces are within the public landscaping of the scheme for short stay use.
- 3.33 The lane that currently runs through the middle of the site, parallel to Nile Street will be stopped up to allow the development to take place, the proposed adoption plan is included in the submitted Transport Statement.
- 3.34 Further details on access, servicing and parking can be found within the submitted Transport Statement and Framework Travel Plan by Civic Engineers.



## 4. PLANNING POLICY CONTEXT

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- 4.1 Section 38(6) of the Planning Compulsory Act 2004 requires that planning applications are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.
- 4.2 The Statutory Development Plan for the area comprises:
- Core Strategy and Development Plan (Adopted 2020);
  - Unitary Development Plan (adopted 1998 and policies retained in 2020);
  - Local Plan Part Three – International Advanced Manufacturing Park Area Action Plan (adopted in 2017)
  - The Local Plan Part Three does not cover the Site and therefore will not be referenced further in this Statement.

### National Planning Policy Framework

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- 4.3 The National Planning Policy Framework (NPPF, 2023) and the National Planning Policy Guidance (NPPG) are material considerations. The NPPF was revised in December 2023, with sections relevant to the proposed development summarised below:

#### **Section 2 - Achieving sustainable development**

- 4.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives. It sets out three overarching and interdependent objectives, stating that these should be pursued in mutually supportive ways:
- “An economic objective - to help build a strong and competitive economy through the sufficient supply of land of the correct type and, land which is available in the right place and time to support growth, innovation and improved productivity. The provision of infrastructure should also be identified and coordinated.
  - “A social objective - to support strong, vibrant and healthy communities through ensuring that a sufficient number and range of homes are available to meet the needs of present and future generations. A well-designed and safe built environment should also be fostered, alongside accessible services and open spaces which reflect current and future needs of communities.
  - “An environmental objective - to contribute to protecting and enhancing the natural, built and historic environment through the effective use of land, improvement of biodiversity, utilising natural resources prudently, minimising waste and pollution, mitigating and adapting to climate change and moving to a low carbon economy.”
- 4.5 Paragraph 10 of the NPPF states that at the heart of the Framework is a **presumption in favour of sustainable development**.
- 4.6 In applying this principle, Paragraph 11 goes on to require that plans and decision taking should apply this presumption in favour of sustainable development. For decision taking this means:
- “approving development proposals that accord with an up-to-date development plan without delay; or

- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

#### **Section 4 – Decision-making**

- 4.7 As well as applying the presumption in favour of sustainable development, the NPPF states (at paragraph 38) that:
- 4.8 *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

#### **Section 5 – Delivering a sufficient supply of homes**

- 4.9 Section 5 of the NPPF states that the aim is to significantly boost the supply of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF supports the Government’s objective of *“significantly boosting the supply of homes”* (paragraph 60). It notes that *“small and medium sized can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly”* (paragraph 70).
- 4.10 In delivering a sufficient supply of homes, the provision of affordable housing should *“be reduced to a proportional amount”* in support of the re-use of brownfield sites” (paragraph 65) and exempt to the minimum 10% requirement where the development *“provides solely for Build to Rent homes”*.
- 4.11 Local authorities are advised to identify and promote the development of sites no larger than one hectare to accommodate at least 10% of their housing requirement. Paragraph 70 states that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly”*.

#### **Section 7 – Ensuring the vitality of town centres**

- 4.12 Local planning authorities should *“support the role that town centres play at the heart of communities”* (paragraph 90) and take a positive approach to their management and adaptation. Planning policies should:
- *“promote [town centres’] long-term vitality and viability – by allowing them to grow and diversify, allowing a suitable mix of uses (including housing) and reflects their distinctive characters”;*
  - *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

## **Section 8 – Promoting healthy and safe communities**

- 4.13 Paragraph 96(a) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- “promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages”;
  - “are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas”; and
  - “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

## **Section 9: Promoting sustainable transport**

- 4.14 Paragraph 108 seeks development that realises “opportunities from existing or proposed transport infrastructure” and “opportunities to promote walking, cycling and public transport use” and where “patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.
- 4.15 Paragraph 108 seeks development that realises “opportunities from existing or proposed transport infrastructure” and “opportunities to promote walking, cycling and public transport use” and where “patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.
- 4.16 Paragraph 110(a) states that “[p]lanning policies should... support an appropriate mix of uses across an area”.
- 4.17 Paragraph 116 states inter alia that, in assessing specific applications for development, it should be ensured that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up” and that “the design of streets, parking areas [and] other transport elements... reflect current national guidance”. Paragraph 112 continues that applications, therefore, should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use” and “create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards”.

## **Section 11: Making effective use of land**

- 4.18 Paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.19 Further to this, paragraph 128 states that policies and decisions should, *inter alia*:

- “encourage multiple benefits from both urban and rural land, including through mixed use schemes”;
- “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”; and
- “promote and support the development of under-utilised land and buildings”.
- Paragraph 124 states that “[p]lanning policies and decisions should support development that makes efficient use of land”, taking into account inter alia:
  - “the identified need for different types of housing and other forms of development”;
  - “local market conditions and viability”;
  - “the availability and capacity of infrastructure and services... and the scope to promote sustainable travel modes that limit future car use”;
  - “the desirability of maintaining an area’s prevailing character and setting... or of promoting regeneration and change”; and
  - “the importance of securing well-designed, attractive and healthy places”.

## **Section 12: Achieving well-designed places**

4.20 Paragraph 135 states that planning decisions should ensure that developments:

- “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”;
- “are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”;
- “are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”;
- “establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”;
- “optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks”; and
- “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

4.21 Paragraph 132 further states that *“design quality should be considered throughout the evolution and assessment of individual proposals; that early discussion between applicants, the local planning authority and local community about emerging schemes is important; and that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community”.*

#### **Section 14: Meeting the challenge of climate change, flooding and coastal change**

- 4.22 Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate, shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 4.23 Paragraph 159 states that new development should “avoid increased vulnerability to the range of impacts arising from climate change” and “can help to reduce greenhouse gas emissions, such as through its location, orientation and design”.

#### **Development Plan**

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- 4.24 The Development Plan for the site comprises the Core Strategy and Development Plan (adopted in 2020) and the retained policies of the Unitary Development Plan (adopted in 1998, policies retained in 2020), and the Local Plan Part Three – International Advanced Manufacturing Park Area Action Plan (adopted in 2017). The Local Plan Part Three does not cover the Site and therefore will not be referenced further in this Statement.

#### **Core Strategy and Development Plan**

- The Core Strategy and Development Plan sets out the Council's long-term plan for development across the city to 2033. Policies relevant to this application are:
- Policy SP2 – Urban core
- Policy SP7 – Healthy and safe communities
- Policy HS1 – Quality of life and amenity
- Policy HS2 – Noise-sensitive development
- Policy HS3 – Contaminated land
- Policy SP8 – Housing supply and delivery
- Policy H1 – Housing mix
- Policy H2 – Affordable housing
- Policy BH1 – Design Quality
- Policy BH2 – Sustainable design and construction
- Policy BH7 – Historic environment
- Policy BH8 – Heritage assets
- Policy WWE3 – Water management
- Policy WWE5 – Disposal of foul water
- Policy ST3 – Development and transport
- Policy ID2 – Planning obligations
- The following saved policies from the Unitary Development Plan (1998 and 2007) are relevant to the application:

- Policy B4 – Conservation areas
- Policy T10 – Multi user routes

## The Development Management Supplementary SPD

4.25 The Development Management Supplementary SPD sets out additional planning guidance to assist applicants and decision makers when preparing and determining planning applications. Relevant sections are:

- Section 3: Residential design
- Section 4: Transport and parking standards

## Other Policy and Material Considerations

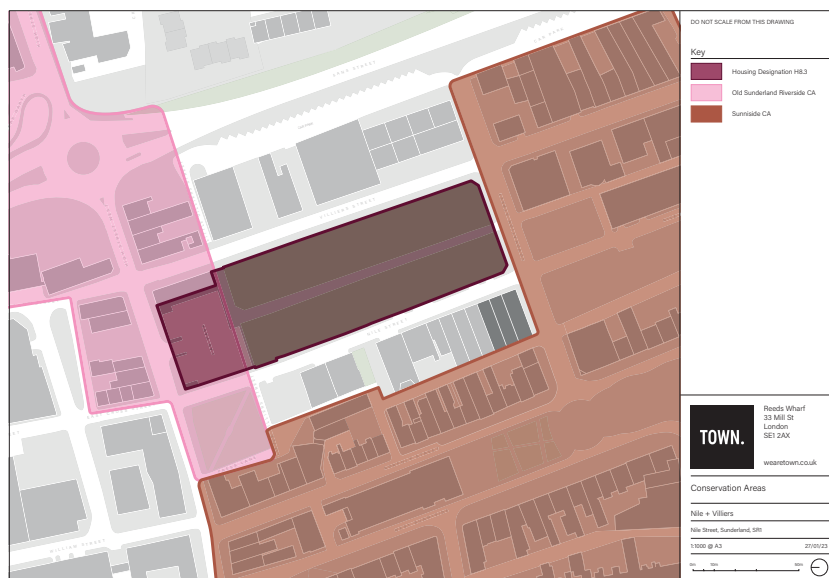
4.26 The Site is partially within the Old Sunderland Riverside Conservation Area Character Area and Heritage Action Zone, and adjacent to the Sunnyside Character Area to the west (Figure 2).

4.27 The Planning Obligations SPD supplements Policy ID2 of the Core Strategy in setting out the Council's approach to securing planning obligations from new development.

4.28 The application site (excluding the part comprising the former 18-21 Nile Street) is included on the Council's Brownfield Land Register under site reference 659 and the name "Sunnyside Central Area, Villiers Street".

4.29 The eastern part of the site, bound by High Street West, Villiers Street, Coronation Street and Nile Street, is allocated under the Draft Allocations and Designations Plan 2020 (A&D Plan) as Housing Allocation H8.3 for 75 unit units and listed as 'Sunnyside Central Area'.

**Figure 1 – Designations and Conservation Area Overlay Map**



## Overview of Key Planning Policy

- 4.30 A detailed review of relevant planning policy is provided below. As the site is allocated under the Draft Allocations and Designations Plan, the principle of residential development is deemed acceptable with a number of policy themes to assist in the consideration of development.
- 4.31 Issues such as housing, transport, the environment and climate change all contribute to the policy context for the scheme. These themes have been grouped together to structure the next section:

Theme	NPPF (2023)	Core Strategy and Development Plan (2020) & Unitary Development Plan (1998 and 2007)
<b>Housing</b>	Section 5 – Delivering sufficient supply of homes  Section 11 – Making effective use of land	Policy HS1 – Quality of life and amenity  Policy SP8 – Housing supply and delivery  Policy H1 – Housing mix  Policy H2 – Affordable housing
<b>Town centre and commercial use</b>	Section 7 – Enduring the vitality of town centres  Section 11 – Making effective use of land	Policy SP2 – Urban Core  Policy VC1 – Main town uses and retail hierarchy
<b>Design</b>	Section 8 – Promoting healthy and safe communities  Section 12 – Achieving well-designed spaces	Policy HS2 – Noise-sensitive development  Policy BH1 – Design Quality  Policy BH2 – Sustainable design and construction
<b>Environment and Climate Change</b>	Section 2 – Achieving Sustainable Development  Section 14 – Meeting the challenge of climate change, flooding and coastal change	Policy BH2 – Sustainable design and construction
<b>Sustainable Transport</b>	Section 9 – Promoting sustainable transport	Policy SP7 – Healthy and safe communities  Policy ST3 – Development and transport  Policy T10 – Multi user routes

<b>Ground conditions and pollution</b>	Section 11 – Making effective use of land	Policy HS3 – Contaminated land Policy WWE3 – Water management Policy WWE5 – Disposal of foul water
<b>Landscape and Ecology</b>	Section 15 – Conserving and enhancing the natural environment	Policy HS1 – Quality of life and amenity
<b>Heritage</b>	Section 16 – Conserving and enhancing the historic environment	Policy BH7 – Historic environment Policy BH8 – Heritage assets Policy B4 – Conservation areas
<b>Planning Obligations</b>	Section 4 – Decision Making	Policy ID2 – Planning obligations



## **5. ASSESSING THE PLANNING BALANCE**

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- 5.1 This section assesses the proposed development against relevant planning policy and other material considerations.

### **Principle of Development**

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- 5.2 The principle of residential development on the site is well-established and supported by local and national policy. This was recognised during pre-application discussions with the Council.
- 5.3 The adopted Core Strategy and Development Plan 2020 promotes Sunnyside as an Area of Change in the Urban Core and to be regenerated for residential-led mixed use. The project will be developed in support of Policy SP2 Urban Core by diversifying the residential offer of the city centre and foster a mixed community whilst prioritising high quality public realm and connectivity in support of sustainable transport options.
- 5.4 Our project proposes the delivery of 75 homes, achieving the target allocation of 75 units through the efficient use of land and good design,

### **Site Allocation and Guidance**

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- 5.5 The site has been allocated (H8.3) under the Draft Allocations and Designations Plan 2020 (A&D Plan) which has reached Regulation 18 consultation. As an emerging plan and following a recent appeal decision, limited weight will be given to the A&D Plan when determining the application. However, the draft supports the principle of development and provides guidance in the policy requirements.

### **Housing**

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- 5.6 The NPPF has a specific focus on sustainable development, and in particular a social objective "to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations". Further, housing is specifically covered in the NPPF at Chapter 5, where the aim is to significantly boost the supply of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 5.7 The Council's Core Strategy and Development Plan set out a commitment of 745 dwellings per year, with the majority of supply to be allocated in the Allocations and Designations Plan.
- 5.8 Policy H1 'Housing Mix', states that residential development should create mixed and sustainable communities by meeting housing needs, providing a mix of house types, tenures and sizes which are appropriate for its location, achieving density for its location and taking the character and accessibility of the area into consideration.
- 5.9 Housing Allocation H8.3 in the Draft Allocations and Designations Plan 2020, states that the Sunnyside Central Area is indicatively allocated for 75 units, with a requirement to provide a mix of house types and affordable housing (which is addressed at paras [XX] below).
- 5.10 As set out in the Design and Access Statement, all proposed dwellings are designed in accordance with Nationally Described Space Standards.
- 5.11 The proposed development therefore complies with policy, other than affordable housing.

## Town centre and commercial use

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- 5.12 The NPPF states that local planning authorities should “*support the role that town centres play at the heart of communities*” and take a positive approach to their management and adaptation. The LPA should also “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”
- 5.13 The Site is within the City Centre as shown on the Policies Map, and therefore a principal location for retail, leisure, entertainment and cultural facilities and services.
- 5.14 Housing Allocation H8.3 in the Draft ADP (2020) states that “commercial/community uses are provided at ground floor level onto High Street West to provide an active frontage”, which is widely supported as an appropriate response to the design and regeneration of Sunnyside.
- 5.15 The Proposed Development includes 575m<sup>2</sup> of commercial space on the ground floor of the mixed use block on High Street West.
- 5.16 In summary, the proposed scheme is consistent with policy seeking to support the town centre and will introduce new residents into a part of the centre which has lacked footfall (?)

## Design

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- 5.17 The NPPF notes how the creation of high-quality places is fundamental to planning and the development process. Paragraph 135 states that decisions should ensure that developments:
- function well and add to the overall quality of the area over the lifetime of the development;
  - are visually attractive;
  - are sympathetic to the surrounding built environment and landscape setting;
  - establish a strong sense of place;
  - optimise the potential of the site to accommodate; and
  - create safe, inclusive and accessible places.
- 5.18 The Core Strategy and Development Plan expands on this further in Policy BH1 ‘Design Quality’, stating that development proposals should achieve high quality design and positive improvement by (in summary and as relevant):
- Creating places which have a clear function, character and identity;
  - Maximise opportunities to create a sustainable, mixed-use development;
  - Be a scale, massing, layout and appearance which respects and enhances the qualities of nearby properties;
  - Promote natural surveillance and active frontages;
  - Clearly distinguishing between private and public spaces;
  - Create visually attractive and legible environments through provision of distinctive high-quality architecture, detailing, building materials;
  - Provide landscaping as an integral part of the development;

- Maximise the opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
  - From 1 April 2021, meet national spaces standards as a minimum (for residential).
- 5.19 Policy BH3 also outlines that proposed areas of public realm will:
- create attractive, safe, legible, functional and accessible public spaces;
  - be constructed of quality, sustainable and durable materials which enhance the surrounding context;
  - where appropriate, incorporate public art in development.
- 5.20 As set out in the accompanying Design and Access Statement, the proposals have evolved through an iterative design process, responding to the surrounding historic context and site constraints. Careful consideration has been put in to the design and articulation of the elevations within and neighbouring the conservation areas, with an appropriate scale and materiality.
- 5.21 The proposed development will create a high quality and attractive place through adopting positive scale, massing, layout and detailing as well as the choice of materials.
- 5.22 The scheme is therefore fully consistent with the design-related policies of Sunderland City Council and the NPPF and PPG.
- 5.23 Further details are explained in the submitted Design and Access Statement.

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## Sustainability and Climate Change

- 5.24 Sunderland City Council declared a Climate Emergency in March 2019, and will achieve its environmental priorities through delivering the City of Sunderland's Low Carbon Action Plan.
- 5.25 Priorities for the council include:
- **Low carbon and active transport** - *Developing low carbon and active transport modes such as walking, cycling, rail, Metro, electric and innovative technologies for buses and private vehicles, and help make public transport a more attractive choice;*
  - **An energy efficient built environment** - *Improving energy efficiency of existing homes and buildings and infrastructure and work towards zero carbon for new homes and buildings;*
  - **Renewable energy generation and storage** - *Developing renewable energy generation and storage, and renewable/district heating schemes;*
  - **Green Economy** - *Growing the city's green economy, and engage with businesses to work towards environmental sustainability;*
  - **Consumption and Waste** - *Reducing the volume of all consumption and waste, changing what we consume and how it is produced, continuing to avoid the disposal of waste by landfill and increasing opportunities to reuse materials and recycle waste wherever possible.*
- 5.26 The construction industry and the way we move around are two significant areas where we can take individual and collective action against the climate emergency in order to reach the UK's legal obligation to be carbon neutral by 2050, and the Council's target to be carbon
-

neutral by 2050. The proposed development sets out ambitious proposals in response to the Climate Emergency in these two areas which are summarised below.

### **Sustainable Homes**

- 5.27 Policy BH2 'Sustainable Design and Construction' of the Core Strategy and Development Plan sets out that major development should maximise energy efficiency integrating the use of renewable and low-carbon energy and reduce waste during construction and operation.
- 5.28 The design of homes at Nile + Villiers has been conceived to allow embodied, whole-life and in-use carbon emissions to be minimised by:
- Taking a DfMA (Design for Manufacture and Assembly) approach, the design team have maximised the use of standard building components to minimise construction waste;
  - The use of timber, a renewable material, for the primary structural strategy that allows for future re-use;
  - Using tile across the majority of the site, which has less embodied carbon compared to brick and having a lighter impact on foundations;
  - Design for thermally efficient homes that will have a low heating demand;
  - Space heating and hot water provided by ASHP (air source heat pumps).
- 5.29 It is also expected that the proposed development will be serviced by an on-site electricity micro-grid. Photovoltaic panels across the scheme will feed into a grid-tied central battery from which individual dwellings will be supplied.
- 5.30 The proposed development is therefore consistent with national and local policy on sustainability and climate change – indeed it seeks to go further than the great proportion of residential development today. Further details on the design of homes at Nile + Villiers are available in the submitted Design and Access Statement and Sustainability Statement.

### **Sustainable Transport**

- 5.31 There are significant overlaps between mitigating the climate emergency and providing sustainable transport options. Chapter 9 of the NPPF seeks to promote sustainable transport, with Paragraph 115 stressing that developments should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.32 The Council looks to mitigate impact on Climate Change and reduce CO<sub>2</sub> emissions through sustainable transport initiatives, as well as improving the quality of life of residents through promotion of active travel modes.
- 5.33 In the adopted Core Strategy and Development Plan, Policy ST2 Local Road Network states that proposed development should *"have safe and convenient access for sustainable transport modes relevant to its location"* and in Policy ST3 'Development and transport' that development should *"incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network"*.
- 5.34 As set out in the Transport Assessment, the site highly sustainable location with close proximity to local services and amenities lends itself to short journey distances on foot or by bicycle. This is consistent with national and local policy.

5.35 Further details on transport and parking are available in the submitted Transport Assessment from Civic Engineers.

### **Landscape**

5.36 Chapter 12, Paragraph 135 of the NPPF states that planning decisions should ensure that developments are *“visually attractive as a result of good layout and appropriate and effective landscaping”*.

5.37 The proposed landscape design has been designed to provide a wide range of amenity benefits through the provision of high-quality private and semi-private landscaped areas. The landscape design comprises of:

- Shared gardens which are a central part of the development proposals, which can be utilised by all residents of the project;
- An urban courtyard to the north of the site which the ground floor commercial space opens on to and is overlooked by the maisonettes above;
- A landscaped boundary on Coronation Street, with views into the shared gardens;
- A harder edge on the streetscape, which is more appropriate, with hardscaping and rain gardens to the front of houses and maisonettes. Dwellings are entered via a short path over the rain gardens.

5.38 The proposed landscape design incorporates a number of new trees, which will be specified for their suitability to the site, and the visual and ecological value they provide.

5.39 Further details are set out in the submitted Design and Access Statement and Landscape Plans.

### **Ecology and Biodiversity Net Gain**

5.40 In support of this planning application, please find submitted:

- Ecological Assessment
- Shadow HRA
- Biodiversity Net Gain Assessment
- Biodiversity Net Gain Calculator

5.41 Chapter 15 of the NPPF (Conserving and enhancing the natural environment), Paragraph 180 states that future developments should contribute to and enhance the natural local environment by minimising impacts on and protecting net gains for biodiversity, preventing contributions to unacceptable levels of soil, air, water or noise pollution or land instability.

5.42 The Environment Act 2021 includes a mandatory 10% biodiversity net gain on all developments, which came into effect on 12<sup>th</sup> February 2024.

5.43 Policy NE2 of the Core Strategy and Development Plan states that development must demonstrate how it will provide net gains in biodiversity and minimise adverse impact on biodiversity in accordance with the mitigation strategy. Local policy does not have any specific requirement and so the mandatory 10% net gain is adopted for this development.

- 5.44 The submitted Ecological Assessment includes a desktop study, alongside a Phase habitats survey and preliminary bat roost assessment following CIEEM guidelines for Preliminary Ecological Appraisal and the JNCC Handbook for Phase 1 Habitat Survey.
- 5.45 Condition assessment surveys were carried out on site in August 2023 by a suitably qualified ecologist during the optimum survey period and therefore no limitations were encountered.
- 5.46 The Ecological Assessment follows CIEEM guidelines and accepted best practice approach (BS42020:2013) of the mitigation hierarchy whereby impacts are firstly avoided, and where not possible, reduced or mitigated, or as last resort compensated for.
- 5.47 In summary, the Phase 1 Ecological Assessment concludes that the habitats on site are common and wide spread with the habitat of greatest value being the amenity grassland. Recommendations set out in the assessment advise that standard precautionary working measure be implemented during works on site.
- 5.48 The submitted Biodiversity Net Gain Assessment and Calculator show a baseline condition on-site of 1.02 units and post-development units at 0.93, resulting in a BNG net loss of - 8.75% for area-based habitats. (There is a net gain of 0.05 units for linear hedgerow, however will not contribute to the metric as there is no baseline for comparison).
- 5.49 Following a meeting with Sunderland City Council's Principal Ecologist, we have sought every opportunity to maximise the units provided on-site and will seek off-site mitigation for the remaining units. It is understood at the time of writing this statement, the Council are developing their mitigation strategy and we propose a continued dialogue with officers to establish the off-site requirements for the development during determination.
- 5.50 Proposals have been informed by the Ecological Assessment and Biodiversity Assessment, submitted as part of this application and should be referred to for further information.
- 5.51 A provision for Biodiversity Net Gain is included in the submitted S106 Heads of Terms and therefore the proposed development meets the requirements of national policy in this respect.

## **Other Environmental Considerations**

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- 5.52 The NPPF states in Paragraph 180(e) that planning decisions should contribute to and enhance the local environment, specifically relating to '*unacceptable levels of soil, air, water or noise pollution or land instability*'.

### **Noise**

- 5.53 The accompanying Noise Impact Assessment by Apex Consultants considers the existing noise sources which have been measured during the day and night, and sound insulation design suggested to mitigate and minimise noise risks to the proposed development.
- 5.54 Primary noise sources to the development include:
- Road traffic noise on High Street West, Villiers Street, Coronation Street and Nile Street;
  - Commercial Noise from the car workshop, south-east on Villiers Street;
  - Music noise from nearby music and entertainment venues.

- 5.55 These sources affect the proposed development at different times, with road activity and car workshop being the most significant in the day time and road traffic on High Street West being the most dominant source at night. Noise from 'Dance Lab' and 'Pop Recs' venues is significant during the evening (after 19.00) however this noise is sporadic and not every evening.
- 5.56 Due to these impacts, homes will require an alternative means of ventilation to opening windows, such as MVHR (Mechanical Ventilation with Heat Recovery). Consideration will also be given to the wall build ups on High Street West and dwellings to the north of Villiers Street, which we propose are covered by conditions.
- 5.57 Further information is set out in the accompanying Noise Assessment provided by Apex Acoustics.

### **Ground Conditions**

- 5.58 The accompanying Ground Investigation Interpretive Report by Shadbolt Group provides an assessment of the ground conditions encountered at site, with site works undertaken between Monday 11<sup>th</sup> September and Wednesday 20<sup>th</sup> September 2023. The report also contains a Coal Mining Risk Assessment.
- 5.59 In summary, made ground was found in all locations, mainly comprising of demolition infill and ash/slag. No significant groundwater was encountered during the works.
- 5.60 A total of 26 samples were submitted for analysis for a range of common contaminants, with results showing elevated concentrations of Lead and Benzo(a)pyrene along with 2 samples for positive identification of Asbestos fibres.
- 5.61 On the basis of chemical testing undertaken to date and the general prevailing ground conditions, it is unlikely that significant contamination will be encountered during potential development works.

### **Flood Risk and Drainage**

- 5.62 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.63 The application site is entirely located within Flood Zone 1 and therefore has a very low risk of flooding from rivers or sea making it a preferred area for residential development.
- 5.64 The accompanying Flood Risk Assessment and Drainage Strategy confirms that the proposed development is identified as at a low risk of flooding from all sources, with no mitigation required from a flood risk perspective. A range of SuDS techniques have been considered for inclusion within the scheme, and it has been demonstrated that surface water runoff from the development can be managed sustainably, while not increasing the flood risk on-site or elsewhere.
- 5.65 The proposed development therefore complies with the NPPF in respect of flood risk.

### **Air Quality**

- 5.66 The accompanying Air Quality Assessment by Apex considers the impacts of the proposed development on local air quality and identifies the air quality conditions that future residents will experience.

- 5.67 An air quality assessment had been undertaken to determine the baseline conditions on site, and consider suitability for the proposed end-use and assess potential impacts of the scheme.
- 5.68 The development has potential to cause air quality impacts associated with construction works, road traffic exhaust emissions that may increase with vehicles travelling to and from site, and the introduction of future residents to existing air quality issues on site.
- 5.69 The overall air quality effects of the proposed development are not considered to be a constraint on the development.

### **Archaeology**

- 5.70 We have consulted with the Tyne and Wear Archaeology team pre-application who have consulted their records in regards to the site in its entirety. We have been advised that there is currently sufficient information regarding the site to assess the site as having very low archaeological potential, and therefore a desk-based assessment is not required for planning submission. In summary, our correspondence with Tyne and Wear Archaeology concluded that:
- The site was developed for housing in the 19<sup>th</sup> Century, developed in the 20<sup>th</sup> Century and cleared in 2019.
  - Considerable work was undertaken at the Bethel Chapel site in 2007, which was excavated in 2010 and a post-excavation assessment report completed in 2018. The crypt was fully excavated, and four trial trenches also excavated in the former chapel gardens. It is the opinion of the Archaeology Officer that as much as possible has been done to clear the site of burials and there is no remaining archaeological potential.
  - If there is any remaining concern about human remains on site, an archaeological watching brief condition may be appropriate on any planning consent.
- 5.71 We have submitted a covering letter alongside correspondence with Tyne and Wear Archaeology Service to meet validation requirements.



## 6. HERITAGE STATEMENT

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### Introduction

- 6.1 The Nile + Villiers project will reinstate historic building lines and urban grain to a vacant site in the city centre and importantly restore the street pattern and built form on High Street West, which is within the Old Sunderland Riverside Conservation Area. The site is also within close proximity to listed buildings and heritage assets.
- 6.2 There is therefore the potential for the proposed development to cause harm to the setting of the conservation area and these assets.

### Heritage Legislation

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#### Planning (Listed Building and Conservation Areas) Act 1990

- 6.3 The Planning (Listed Building and Conservation Areas) Act 1990 governs how listed buildings and conservation areas should be dealt with through the planning process.
- 6.4 With respect to listed buildings and the exercise of planning functions: *'s.66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*
- 6.5 Section 72 requires Local Planning Authorities to pay attention to 'the desirability of preserving or enhancing the appearance' of conservation areas.
- 6.6 The local authority therefore has a legal duty to assess development proposals on the setting of listed buildings.

### Policy Context

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#### National Planning Policy Framework

- 6.7 Chapter 12 of the NPPF 'Achieving well-designed places' states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.8 Chapter 16 'Conserving and enhancing the historic environment' relates to the historic environment, and developments which may have an effect upon it.
- 6.9 Paragraph 200 requires applicants to assess heritage assets and the contribution made by their setting. The proposed development has heritage assets within its setting and has the potential to include heritage assets with archaeological interest. This Heritage Statement therefore:
- Assesses heritage assets within the context of the site;
  - Details correspondence with the Tyne and Wear Archaeology Service in regards to the history of investigations on site and desk-based information.

- 6.10 Paragraph 201 requires local authorities to identify and assess the significance of heritage assets that may be affected by a proposal, and take this into account when considering the impact of a proposal on a heritage asset.
- 6.11 Paragraph 203 states that in determining applications, local authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.12 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **Core Strategy and Development Plan**

- 6.13 Policy BH7 (Historic environment), sets out that the council will ensure that historic environment is valued, conserved and enhanced by supporting new development which make a positive contribution to the character and townscape quality of the historic environment.
- 6.14 Policy BH8 (Heritage assets) outlines that development affecting heritage assets or their setting should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the assets. To enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development should:
- Be in accordance with the objectives and proposals of the adopted Character Appraisal and Management Strategy for the conservation area;
  - Make a positive contribution to the character and distinctiveness of the conservation area;
  - Within and adjacent to conservation areas, be of high quality to respect and enhance the established historic townscape and built form.
- 6.15 Policy BH9 (Archaeology and recording of heritage assets) outlines that the council will support the preservation and protection, and where possible, enhancement of the city's archaeological heritage.
- 6.16 Policy NE11 (Creating and protecting views) outlines that development should take views into and out of the development into consideration.

### **Historic England Advice Notes**

- 6.17 The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3 (December 2017), sets out guidance on managing change within the settings of heritage assets, including archaeological remains, historic buildings, sites, areas and landscape.

## Site and Surroundings

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- 6.18 The site at Nile + Villiers comprises of two areas that are currently un-developed:
- The main site is bound by Nile Street, Coronation Street, Villiers Street and High Street West is predominately grassed area with the exceptions of surface car parking to the north on High Street West and to the south, on Villiers Street.
  - 19-21 Nile Street was previously occupied by a single-storey building used for creative workspace. This was demolished in the summer of 2022 due to concerns over its structural integrity and therefore safety.
- 6.19 The site in its entirety appears vacant and, in some parts, dilapidated, detracting from the appearance of the site and its surroundings.



**Figure 2 - View from the junction of Villiers Street and High Street West, looking west. July 1975. Source: Sunderland Echo**

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## Site Description and Identification of Heritage Assets

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6.20 There are a number of heritage assets impacting the setting of the site, including:

<b>Conservation Areas</b>	<p>The northern surface level car park is within the Old Sunderland Riverside Conservation Area.</p> <p>The site is adjacent to the Sunnyside Conservation Area to the west, and shares a boundary to the rear of 19-21 Nile Street.</p>
<b>Listed Buildings</b>	<p>There are no listed buildings on site.</p> <p>There are Grade II listed buildings within the wider setting, including:</p> <ul style="list-style-type: none"> <li>• 176 High Street West;</li> <li>• 145 High Street West and 24-25 Sunderland Street;</li> <li>• 170/1 and 173 High Street West;</li> </ul>
<b>Scheduled Monuments</b>	<p>There are no scheduled monuments on site.</p>

## Assessment of Significance

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6.21 The following section considers the significance of identified heritage assets and assesses any impact the proposed development has on their significances, including contributions made to their settings.

6.22 The NPPF defines the 'Setting of heritage' asset to be: *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

6.23 The NPPF defines the 'Significance' in terms of heritage-related planning policy as: *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

6.24 Historic England's Conservation Principles, Policies and Guidance (2008) provides an approach to assessing significance which takes a values-based approach. In summary, 'significance' is defined by the 'overall value of place' and the approach in the guidance considers:

- Understanding the fabric and evolution of place, and how it contributes or detracts to cultural and natural heritage value;
- Identifying the people and communities who attach heritage values to a place. This does not make it 'significant' but helps to define perceptions of heritage value;
- The relative importance of identified values in order to sustain the overall value of place;

- The contribution made by setting and context to a significant place, and how material changes can affect a place's significance.

6.25 The methodology of assessing the significance of heritage assets in this statement considers three heritage interests as set out in the definition of Significance in the NPPF and their settings. Commentary is also provided on their values as per Historic England's guidance.

### **The Old Sunderland Riverside Conservation Area**

6.26 Old Sunderland Riverside Conservation Area was designated in 1994. The conservation area derives its historical significance from a combination of its medieval origins and subsequent Georgian and Victorian developments that formed the historic High Street and Quays. The earliest settlement can be documented to the 7<sup>th</sup> Century and writings of Bede. Its heritage interest is somewhat fragmented due to redevelopment; however, it is the mix of building styles that generates its distinctive character.

6.27 The car park to the north of the Site is within the eastern end of High Street West, and contributes to the setting of this part of the Conservation Area. Buildings in the immediate vicinity, detailed below, have individual and collective heritage value and historic significance as evidence of the city centre's expansion to the east.

6.28 The Sunderland Historic High Streets Heritage Action Zone (established in 2017) covers the entirety of the Conservation Area, and therefore the development site. The Heritage Action Zone is a programme of regeneration that support's Sunderland's High Street heritage, connecting communities its history and heritage as well as defining new heritage values.

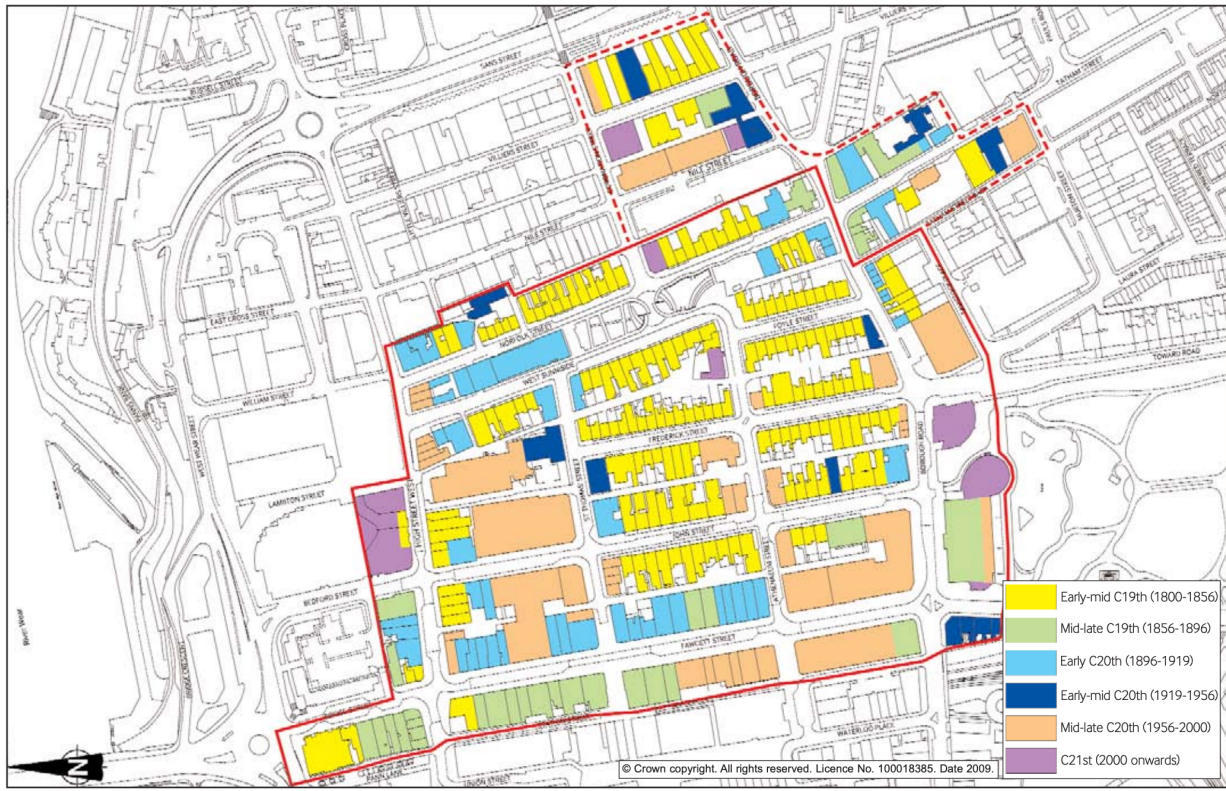
### **Sunniside Riverside Conservation Area**

6.29 The Sunniside Conservation Area is predominately development from the 19<sup>th</sup> century, including the Fawcett Estate. The middle-class residential area was gradually displaced by incoming commercialisation of the Sunniside area however its economic significance declined as the city core migrated west.

6.30 The urban grain of the area dates back to the early 19<sup>th</sup> Century development of the area, and with the exception of some developments that cover multiple plots, the terraced streets largely retain this grain and historic building line. The architectural site includes late Georgian and early Victorian terraces and individual buildings of both Classical and Gothic styles. Materials are generally a restrained palette of brick and slate, with sash windows and sandstone features.

6.31 Sunniside Gardens makes a significant contribution to the character of the area, as a formal garden framed by terraced housing. The gardens are in close proximity to the site, and the proposed development will be visible along Coronation Street. There is a positive view along Coronation Street to the gardens.

**Year of development map**



Sunnside Conservation Area - Character Appraisal and Management Strategy

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**Figure 3 - Map showing year development in Sunnside, from the Sunnside Character Appraisal**

**176 High Street West (Grade II)**

**6.32 List Entry Number: 1208538**

6.33 176 High Street West (58 Villiers Street) is a Grade II Listed building located north-east of the proposed development site. It is a late 18<sup>th</sup> Century building on High Street West with an early 19<sup>th</sup> Century house on Villiers Street.

6.34 The three storey building is built of red brick, with slate roof and brick chimneys. Its distinctive features include timber corbelling at the eaves and a projecting ground floor addition designed in Corinthian Order. Previously a bank, the building was restored in the 1990s to its 18<sup>th</sup>-19<sup>th</sup> Century appearance.

6.35 It is one of four buildings along this terrace on High Street West that define the character of this part of the Old Sunderland Conservation Area, and the high street.



Historic England Archive: dp033964

### **170, 171 and 173 High Street West**

**6.36 Listing entry number: 1207092**

6.37 These Grade II listed buildings (alongside unlisted 174-175 and the above at 176), form a terrace that defines the character of the conservation area and high street. Dating from the late 18<sup>th</sup>-19<sup>th</sup> centuries, these former townhouses were adapted into mixed-use buildings with the addition of shop fronts in the 19<sup>th</sup> Century.

6.38 The terrace is predominately red brick with slate tile, with the exception of render at 170-1. The proportions are Georgian,

6.39 Between 2012-16, 173 High Street West, previously a department store, received significant funding, including through Historic England's Heritage Action Zone and the Architectural Heritage Fund, to restore the building and now operates as a music and culture venue 'Pop Recs'. It is considered a building of high cultural significance as a key cultural location in the city centre and Sunniside, and because of the extensive community engagement led by the Tyne and Wear Building Preservation Trust including a community crowdfunding campaign.

### **The Bridge Hotel, 145 High Street West**

**6.40 Listing entry number: 1208524**

6.41 The property at 145 High Street West, referred to here as 'Lambton House', is a Grade II listed property in close proximity to the site. Originally a home to the Lambton Family, the property was converted to a public house in the early 19<sup>th</sup> Century. The building is a four-storey brick building with stucco detailing and brick and rendered chimneys. At ground floor level on High Street West and Sunderland Street, there are attractive patterned tiles below and between the ground floor windows. A two-storey extension on Sunderland Street had a pilastered shop front, and brick above.

6.42 Alongside the heritage assets listed above, Lambton House contributes to a cluster of impressive buildings at the junction of High Street West, Sunderland Street and Villiers Street.





Historic England Archive: dp071407

## Impact of Proposed Development

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- 6.43 The site is within the Old Sunderland Conservation Area, and in close proximity to the Sunnyside Conservation Area and listed buildings. The proposed development is therefore in a sensitive location and has the potential to impact these heritage assets.
- 6.44 The proposed development will develop a vacant site, allocated for residential development in the draft Allocations and Designations Plan. The current site detracts from the character and appearance of the Conservation Area, and its development will reinstate historic building lines and urban grain in this part of the historic city centre.
- 6.45 The two-storey terraced houses alongside 4-storey maisonette blocks across the majority of the site do not exceed local heights, and therefore should be seen as acceptable in scale. The three-storey mixed use buildings that front onto High Street West and Nile Street reference the height of neighbouring properties and will importantly frame western views in to the city centre from the east-end in the city.
- 6.46 As set out in the submitted Design and Access Statement, careful consideration has been given to the layout of scheme, the specification of materials and elevation design.
- 6.47 The proposed shop fronts on High Street West are important in enhancing the historic high street, and contribution to the Old Sunderland Riverside Conservation Area. The proposed shop fronts take design and material reference from local precedents and step up as levels rise along the high street to break the elevation up
- 6.48 This Heritage Statement outlines the baseline conditions of the site and appraises the harms and benefits of the proposed scheme. In conclusion, the development of the vacant site will introduce a high-quality and confident scheme that will re-establish the site's urban grain, and contribute to both Old Sunderland Riverside and Sunnyside's Conservation Areas.



## Conclusion

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- 6.49 The impact of the Proposed Development on the identified heritage assets would be negligible and have a positive impact on the area. We therefore draw the conclusion that it is not necessary for harm to be weighed against the wider public benefit of the scheme – which will be outlined in Section 5 of this Planning Statement ‘Assessing the Planning Balance’.

## 7. AFFORDABLE HOUSING STATEMENT

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- 7.1 Paragraph 65 of the NPPF states *“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”* whilst Paragraph 66 states that planning decisions should expect major developments to deliver 10% of the total number of homes for affordable home ownership, with exemptions including developments that *“provides solely Build to Rent homes”* (66a).
- 7.2 Policy H2 of the Core Strategy and Development Plan ‘Affordable Homes’ states that all developments of 10 dwellings or more should provide at least 15% affordable housing and outlines that a viability assessment *“should be submitted in line with the requirements of the PPG where it is not proposed to deliver the affordable housing requirement in full”*.
- 7.3 The proposed development does not include the provision of affordable housing, and a viability assessment has been submitted to support this. The viability of this site is challenging, with a number of contributing factors including but not limited to:
- As a brownfield site previously occupied by industrial buildings, the site has abnormal costs that are contributing to a higher build cost. To bring this site forward, remediation works are likely to be substantive;
  - Whilst targeting an affordable build cost to develop the site, the sustainable design of the scheme can contribute to a higher build cost (though lower costs in operation for future residents);
  - Low local values. This is a key regeneration project that will provide much needed housing in the city centre and therefore a catalyst for future development in the area.
- 7.4 For further information on the justification for not providing affordable housing, please refer to the submitted Viability Assessment by Sanderson Weatherall.

## 9. PLANNING OBLIGATIONS STATEMENT

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- 9.1 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise *“unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*
- 9.2 The Core Strategy and Development Plan, Policy ID2 states that Section 106 planning obligations will be sought by the local authority to facilitate the delivery of affordable housing and local improvements to mitigate the impact of development. It advises that where it is not possible to deliver the policy requirements in full, a full viability assessment should be submitted.
- 9.3 The Planning Obligations SPD (2020) states that planning obligations are to make *‘otherwise unacceptable development permissible by imposing controls that cannot be secured by planning conditions. These may be financial or non-financial and provide on or off-site’*.
- 9.4 As a residential development, The Planning Obligations SPD advises that the development meets the thresholds set out in the table below:

Infrastructure	Provision	Comment
Affordable Housing	10 dwellings or 0.5ha or more	Please refer to the Affordable Housing Statement in Section 7
Education	Case by case basis	See 9.8
Equipped Play Space	10 dwellings or more	See 9.6
Open Space (amenity greenspace and allotments)	10 dwellings or more	See 9.6
Sport and Recreation	Case by case basis	See 9.8
Allotments	10 dwellings or more	See 9.8
Highways	Case by case basis	See 9.8
Public Transport	Case by case basis	See 9.8
Other site-specific	Case by case basis	See 9.8

- 9.5 Alongside the above, the development will seek off-site mitigation for the nationally mandatory 10% biodiversity net gain.
- 9.6 With the efficient layout of the proposed development and management of parking on site, the design of the development has prioritised green space and amenity for future residents. The plans include high quality shared gardens, accessible to all households that can be used for play, socialising and gardening. Within the shared gardens, opportunity for informal play has been provided alongside more formal play with the provision of natural play equipment.
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Though it is recognised that the development has the potential to increase demand on local greenspace and playspace, the on-site provision is of high quality.

- 9.7 The Planning Obligations SPD sets out that *“Development assessed as having a likely significant effect on European Sites, through a Habitats Regulation Assessment (HRA), will be required to contribute in whole or part to mitigation measures specific to the impacts along with contributions required or agreed for any other ecological or geological mitigation and enhancement measures.”* The Sunderland Recreation Mitigation Strategy (2020), states that new residential development within 7.2km of the coast can contribute to the mitigation of adverse impacts with contributions set at £557.14 per dwelling.
- 9.8 Viability is a significant challenge for the development, and a viability assessment concludes that a total payment of £80,000 can be made to the local authority to make the development permissible. A suggested breakdown is provided below:

Infrastructure	Amount
Ecology (specifically the mitigation of adverse impacts on the Durham Coastline)	£41,785.50
Biodiversity Net Gain	[to be negotiated through determination]
Other obligations	[the remaining contribution once Ecology and BNG costs above have been agreed]

- 9.9 Section 106 Heads of Terms are submitted with this application, and we seek to work collaboratively with the Local Authority on S106 contributions through the determination period.

## 10. CONCLUSIONS: STRIKING THE PLANNING BALANCE

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- Section 38(6) of the Planning Compulsory Act 2004 requires that planning applications are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.
- This assessment requires that the decision-maker has to form view whether the scheme complies with the Development Plan **when considered as a whole**. In the case of the Proposed Development, in this Planning Statement (and the range of assessments accompanying the application) we have demonstrated that the development complies with all relevant national and local policies.
- The proposal would bring significant benefits in terms of delivery of new homes and the appropriate reuse of a brownfield site on a sustainable site close to the town centre. As a result of their sustainable design, the homes are likely to offer lower heating and other energy costs compared to existing or conventional new build homes.
- The development will bring further footfall to the area through the occupation of 75 homes and the provision of additional commercial space which will help to support the vitality and viability of the town centre. Significant weight should be given to these factors. There are no significant adverse impacts identified as a result of the proposed development and any impacts on designated or non-designated heritage assets will be negligible.
- Thus the proposal should be considered as fully complying with the Development Plan when considered as a whole and in accordance with the NPPF, it should be approved without delay.

TOWN

April 2024