

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

**AGENDA**

**Meeting to be held in Committee Room No. 2 on Tuesday 20<sup>th</sup>  
September, 2016 at 4.45p.m.**

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

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

Civic Centre,  
SUNDERLAND.

12<sup>th</sup> September, 2016



# Item 3

## Development Control (South Sunderland) Sub-Committee

20th September 2016

---

### REPORT ON APPLICATIONS

---

#### REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

#### PURPOSE OF REPORT

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

#### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 15/02375/FUL  
Site Of The Forge Neville Road Pallion Sunderland
2. 16/01247/FU4  
Mowbray Park Information Point Mowbray Gardens Burdon Road  
Sunderland SR1 1PP
3. 16/01255/VA4  
Former Fire Station Dun Cow Street Sunderland SR1 3HE
4. 16/01318/VA4  
Land East Of Silksworth Lane And North Of Dene Street New Silksworth  
Sunderland
5. 16/01353/FUL  
Eye Infirmary Queen Alexandra Road Sunderland SR2 9HP
6. 16/01354/ADV  
Eye Infirmary Queen Alexandra Road Sunderland SR2 9HP
7. 16/01411/FU4  
Ryhope Colliery Welfare Ground, Ryhope Street South, Sunderland

## **COMMITTEE ROLE**

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

## **DEVELOPMENT PLAN**

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

### **Unitary Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Alison Fellows  
Executive Director of Commercial Development

1.

South  
Sunderland

---

Reference No.: 15/02375/FUL Full Application

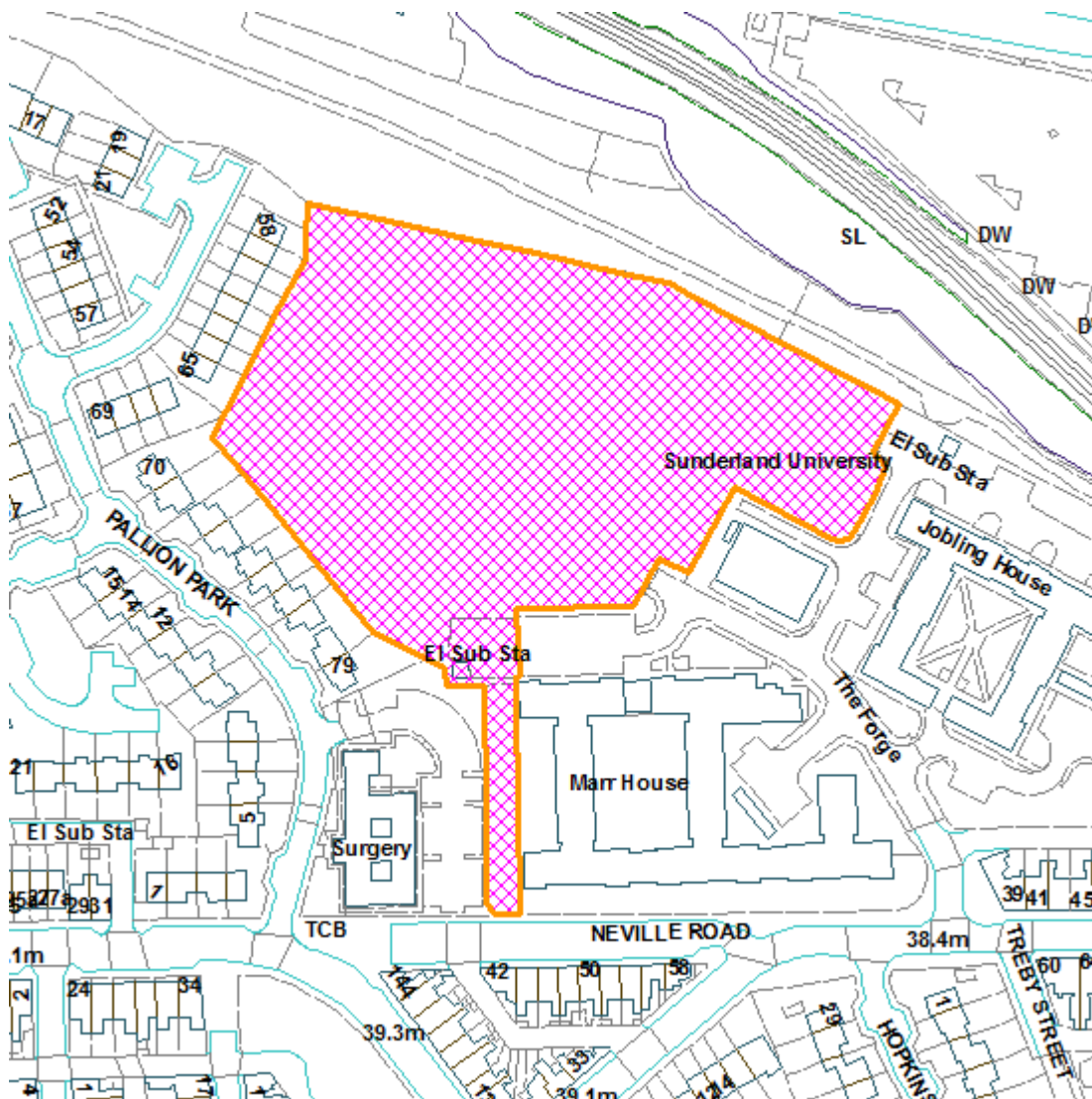
Proposal: **Erection of 43no. two storey dwellings with associated works. (Amended description 05.07.2016).**

Location: Site Of The Forge Neville Road Pallion Sunderland

Ward: Pallion  
Applicant: Gleeson Developments Ltd.  
Date Valid: 6 January 2016  
Target Date: 6 April 2016

---

### Location Plan



\*This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

At the Sub-Committee Meeting on 2 March 2010, outline planning permission was granted for the erection 66 dwellings on a presently undeveloped area of grass land at The Forge, Neville Road Pallion (Application reference 09/04379/OUT). The time limit for implementation of this consent was subsequently extended through approval of application 13/03253/EXT1 and as such, the outline consent remains extant until 27 February 2017. No application has been made for approval of the reserved matters application and the consent has not yet been implemented.

The current proposal is a full planning application and on original submission was for the erection of 48 dwellings with associated works. Access to the site would be taken from Neville Road to the west of Marr House, which is as per the previous outline planning permission. Of the 48 dwellings which are proposed, all are two storey, with a mix of detached, semi-detached and terraced properties. The properties comprise 13 two bedroomed dwellings, 30 three bedroomed dwellings and 5 four bedroomed dwellings. Each property would benefit from a parking space and a number have detached or integral garages.

The original quantum of development has been reduced from 48 to 43, following the need for further investigative work to be undertaken on the site with regards to the exact routing of a water culvert.

The site lies adjacent to two blocks of student accommodation (Marr House and Jobling House) which are built over four storeys. This accommodation has recently been refurbished and the site now comprises a secure student village enclosed by gates from Neville Road with on-site facilities by way of a meeting place and shop. The wider area is predominantly residential in character, with a mix of house types evident, including two storey, semi-detached and terraced properties the west in Pallion Park and single storey terraced cottage properties to the south of the site on Neville Road and the surrounding area.

To the north of the application site is a cycleway and footpath allocated in the Council's Unitary Development Plan as a Multi User Route, beyond which is the Sunderland to South Hylton Metro line.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Environmental Health  
Flood And Coastal Group Engineer  
Environment Agency  
Tyne And Wear Archaeology Officer  
Network Rail  
Nexus

Final Date for Receipt of Representations: **10.02.2016**

## **REPRESENTATIONS:**

- Neighbours

No representations have been received following the neighbour consultation or wider publicity processes.

- Consultees

### Network Management

The development should generally be built to an adoptable standard with 5.5 metre road widths, 1.8 metre wide footways, street lighting, turning head, highway drainage connection and provision for surface water run-off. The first section of the estate road should be built to a 5.5 metre width and should incorporate a footway to the west side. Section 278 works would be required for the new access and any required improvements to Neville Road. The remainder of the on-site layout could be constructed as a shared surface arrangement subject to the provision of visitor parking bays. Where the surface is 4.8 metres wide, an additional continuous 1.5 metre wide hard paved service strip should also be provided to carriageway standard as an overrun strip to allow vehicles to safely pass.

Visitor parking bays should be provided as part of the highway layout and shared private accesses should not serve more than three properties. Turning heads should accommodate turning movements of a large refuse vehicle (up to 11.6 metres long). Traffic calming should be designed to keep vehicle speeds below 20mph.

Consideration should be given to providing links to the adjacent multi-user route and existing desire lines and footpath networks.

The provisions of Sections 38, 219, 220 and 278 of the Highways Act may require the applicant to enter into agreements under this legislation.

### Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

All surface water and foul water drainage from the site should be directed away from Network Rail's retained land/structures into suitable drainage systems, the details of which should be approved by Network Rail. Water must not be caused to pond either during or after any construction related activity. Construction of new soakaways should not take place within 20 metres of the Network Rail boundary. Any new drains should be constructed and maintained so as to not have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. The construction of soakaways within any leased area would not be permitted. The construction of surface water retention ponds/tanks, SuDS or flow control systems



should not take place within 20 metres of the Network Rail boundary where they are to be below the existing track level or 30 metres where they are proposed above the existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works commencing on site.

There are existing railway drainage assets in the vicinity of the proposed works. No connection of drainage shall be made to these assets without Network Rail's prior consent and any works within 5 metres of these assets will require prior consent. The developer should contact Network Rail to ascertain the presence of such apparatus before work starts on site.

The developer should be aware that residential development adjacent to an operational railway line may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to ensure adequate soundproofing for each dwelling. In a worst case scenario, trains could be running 24 hours a day and a soundproofing scheme should take this into account.

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of any lighting must not give rise to the potential for confusion with the signalling arrangements on the railway.

The drainage, soundproofing and lighting matters should be conditions of any planning permission, the reasons for which can include the safety, operational needs and integrity of the railway.

## Nexus

Nexus has advised that the site is in a poor location with regards to accessing bus services. No part of the site is within a reasonable walking distance to a bus service with the nearest bus stop to access the City Centre being 600 metres away from the site entrance. This is beyond the recommended 400 metre guideline indicated by the IHT and Nexus Developers Guide. The nearest Metro station at Millfield is 700 metres away, which is considered to be an acceptable walking distance, although most of this direct route is along back lanes and is not the most attractive. The alternative route represents an 800 metre walking distance and is also considered to be acceptable.

Although the area is not served by buses, it is noted that Stagecoach has previously provided services close to this site in the past - numbers 11 and 26, but the introduction of these services met with considerable and very vocal opposition from some non-bus users and they were consequently withdrawn in 2001, meaning that the area has not been served since this time.

For this reason, it would not be appropriate for Nexus to request the diversion of a bus service closer to the site, though the promotion of public transport services should be encouraged with the offer of two, four week Network One tickets for each household.

## Public Protection and Regulatory Services

### Contaminated land:

The information submitted by the applicant in relation to land contamination has been assessed.

Public Protection and Regulatory Services are satisfied that the site is a low risk for the intended use residential properties, with buildings, hard standing and imported landscape material and that standard conditions regarding the submission of Phase I and II investigations and validation and verification works are appropriate for inclusion.

#### Noise:

The Applicant has submitted a noise assessment undertaken by LA Environmental (report reference GH/SU/001) in December 2015.

Monitoring was undertaken on the 10th December 2015 between 10:25-12:07 AM, at one monitoring point located on the south east boundary of the site providing a background noise level of 48LAf 90.

A previous noise assessment has also been carried out on the site by Dragonfly acoustics dated October 2009 (report number DACC0184v1), in relation to planning application 09/04379/OUT. A 2.1 metre high close boarded fence has been erected between the neighbouring site The Forge and its student meeting place. The rest of the surrounding area is predominantly residential. The Metro line runs alongside the bottom of the site.

The report assesses the proposed development against the criteria of BS8233:2014 and suggests that indoor values of 35dB shall not be exceeded during day time hours (07:00-23:00) and 30dB for night time hours (23:00-07:00). The noise report demonstrates this can be met with the installation of insulated glass units to the specification of 4mm/ (6-16mm)/4mm.

Consequently it is recommended that the development is afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate level of protection conducive to using outdoor garden areas and good sleeping or resting conditions. The Applicant shall have full regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:2014, Guidance on sound insulation and noise reduction for buildings.'

#### Vibration:

The Applicant has referred to a previous report (Dragonfly Acoustics, October 2009 report reference (DACC0184v1) which demonstrates that vibration levels at 20 metres from the railway would typically be below the maximum permitted levels for ground borne vibration. The proposed properties are 40 metres away from are therefore not anticipated to experience unacceptable levels of vibration. Public Protection and Regulatory Services accept this conclusion.

#### Construction:

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.

#### Environment Agency

The Environment Agency has no objection to the scheme.

#### Northumbrian Water

In commenting on planning proposals, Northumbrian Water assesses the impact of the proposed development on its assets and assesses the capacity of Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development.

In this context, it is noted that the application does not confirm the outfall for surface water from the proposed development site and in the absence of this information, Northumbrian Water has

requested the imposition of a condition requiring the submission and approval of a detailed scheme of surface water disposal from the site.

#### Lead Local Flood Authority

Further to a series of amendments to the Foul and Surface Water Drainage Strategy and the removal of plots 34 -38 from the scheme, the Council's Flood and Coastal Group Engineer has advised that the aforementioned strategy received 31.08.2016 is considered to be acceptable.

However, given that whole surface water drainage strategy is based on connecting to the culvert, it is recommended that should Members be minded to approve the proposal a conditions is imposed that states:

"No building works are to commence on site until teh culverted watercourse is accurately located on site and any proposal relating to the culvert is agreed with the Local Planning Authority and Lead Local Flood Authority."

#### Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer has advised that Archaeological Desk Based Assessments were produced for the site in 2008 and 2009. The site is of industrial archaeological interest due to the presence of Sunderland Forge, an iron foundry and pottery. However, site levels were lowered down to subsoil when the university buildings were built, so archaeological remains are unlikely to survive. On this basis, no archaeological work is required.

#### Tyne and Wear Fire and Rescue Service

The Fire Authority has no objections to the proposal subject to compliance with the Building Regulations.

#### Police Architectural Liaison Officer

The principles of Crime Prevention Through Environmental Design (CPTED) and the specifications set out in the police approved security scheme Secured by Design (SBD) have been considered.

SBD is a scheme devised by the police in the 1980s to combat the rise in crime at the time in particular burglary to dwellinghouses. The scheme has been shown to substantially reduce crime where it has been implemented.

With the implementation of Approved Document Q (ADQ) in October 2015, security of buildings moved under Building Control regulations and applies to all new buildings and recommends that all doors and windows should meet SBD specifications i.e. PAS 24: 2012.

Another part of SBD is the National Building Approval (NBA) where companies agree to build certain house types to SBD specification which guarantees that those house types will comply with Part 2 of SBD. The applicant is one of the companies which has signed up to this and on this occasion, 34 of the 48 houses will meet part 2, Physical Security, of SBD.

By building to the SBD specification and obtaining SBD certification, it will mean that building regulations will be met and therefore an SBD certificate will satisfy building control requirements. It is unfortunate that the scheme has not been designed so that all house types meet SBD NBA. It is also unfortunate that the applicant has not consulted the Architectural Liaison Officer prior to

submitting this application and therefore, the applicant should make contact to discuss general security of the layout and the house types in particular. Notwithstanding this, the layout shows several positive features in that there will be in curtilage parking and where possible there are back to back gardens, both of which are encouraged by SBD.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_24\_Appropriate provision for utility services in building development  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_1\_Improvement of the environment  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_7\_Proposals for residential development in the vicinity of railway tracks  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues to be considered in determining this application are:-

- 1) Principle of the Development.
- 2) Design and Amenity.
- 3) Highways and Transportation.
- 4) Noise, Vibration and Disturbance.
- 5) Ecology and Habitat Issues.
- 6) Drainage and Flood Risk.
- 7) Land Contamination.
- 8) Section 106 and Viability.

- 1) Principle of the Development.

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o Development proposals that accord with the development plan should be approved without delay;
- o Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  2. specific policies in the NPPF indicate that development should be restricted.

The development plan for this part of Sunderland comprises the saved policies of the City of Sunderland Unitary Development Plan (UDP), adopted in 1998.

The site lies within an area subject to policy EN10 of the Unitary Development Plan (UDP), which states that where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain, therefore proposals for development in such areas must be compatible with the principal use of neighbourhood.

In this regard, as the prevailing land use within the area is residential, with a mix of house types in evidence, the proposed residential development of the site is considered to accord satisfactorily with the aims of the UDP. In light of the above, the proposal is considered to accord with UDP policy EN10, and is considered to be acceptable in principle.

## 2) Design and Amenity.

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the adopted UDP seeks to ensure that large schemes relate harmoniously to their surroundings and retain acceptable levels of privacy.

Policy H4 states that housing development should normally at least reflect the density of the locality, consistent with protecting and enhancing the character of the area.

With regard to the siting of the proposed development in relation to surrounding dwellings, due regard has been given not only to the requirements of UDP policy B2 as detailed but also section 10C of the Residential Design Guide Supplementary Planning Document (SPD).

This document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard, a distance of 21 metres is recommended between main facing windows (habitable window to habitable window) for two storey properties this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties.

In considering the inter-relationship of the proposed development with existing adjacent properties, the key relationships to assess are the separation distances between the proposed dwellings and the existing properties on Pallion Park to the west and the existing U-Student complex to the east.

In respect of Pallion Park, these adjacent properties comprise two storey semi-detached and terraced properties. The rear elevations of the dwellings on plots 34-48 look towards the properties in Pallion Park with plots 34-42 broadly aligned with the rear elevations of numbers 58-66 Pallion Park. In this area of the site, the separation distances between the rear elevations of the proposed dwellings and the original rear elevations of the dwellings in Pallion Park accord with the SPD separation recommendations. Similarly, the rear elevations of plots 43-48 look towards the original rear elevations of numbers 73-79 Pallion Park and based on the submitted plans, the SPD recommendations in terms of separation between the dwellings are respected.

Due to the shape of the site, the alignment of proposed plot 42 is unusual and the effect of this is that the side elevation of the dwelling proposed on plot 42 stands facing the rear elevations of numbers 72 and 73 Pallion Park. The alignment is indirect and at their closest point, the buildings would be approximately 13 metres apart, increasing to 15 metres at the foremost part of the proposed dwelling. The 13 metre separation is marginally below the recommendations of SPD, but given the indirect alignment between the existing and proposed dwellings and the blank gable nature of the side elevation of the dwelling proposed to plot 42, it is not considered that this arrangement is likely to be unacceptably harmful to the amenities of occupiers of numbers 72 and 73 so as to warrant a refusal of planning permission. Similarly, the garages proposed to serve plots 42 and 43 are set away from the original rear elevation of 73 Pallion Park by approximately 12.3 metres, which is less than would be recommended by SPD. The positioning of the proposed garages is such that they are not directly aligned with the dwelling and their design is such that they are at their lowest height where they are closest to the shared boundary. As such, the relationship is considered to be acceptable on this occasion.

For the reasons set out above and notwithstanding the specific area of the site where SPD separation distances are not entirely adhered to, the relationship between the proposed dwellings and the existing properties to the rear of the site on Pallion Park is considered to be acceptable without prejudice to the amenities of residents of existing or proposed dwellings.

In respect of the relationship of the proposed dwellings with the U-Student complex which stands to the east and south, the side elevation of plot 1 faces the four storey Marr House and is approximately 20 metres away. Given the design of the dwelling proposed to plot 1 and its mainly blank gable elevation, this arrangement is considered to be acceptable in order to safeguard the amenities of the proposed property and the student accommodation in Marr House. Plots 6-9 share boundaries with the U-Student Meeting Place and shop building and the rear elevation of the dwelling proposed to plot 6 stands 18 metres away from the side elevation of this building.

This is the closest relationship of a main elevation in one of the dwellings to this commercial building and is considered sufficient in order to safeguard amenity. The side elevation of plot 9 is approximately 8 meters away from the rear elevation of the building and this is considered to be acceptable due to the design of the dwelling proposed on plot 9, the side elevation of which incorporates only secondary windows. The rear elevations of plots 9-12 face the four storey Jobling House and given that the existing building is the higher of the two, the separation distance of 22 metres is considered to be appropriate on this occasion.

Within the proposed development itself, the SPD spacing recommendations are generally adhered to, although there are areas within the courtyard areas around plots 19-22 and 31-36 where the interfacing distances are reduced to 20 metres and 13 metres instead of the SPD recommended 21 metres and 14 metres. Such arrangements are commonplace within more constrained areas of new development sites and on this occasion, as the marginally reduced distances are between proposed properties, would be buyers will be aware of the slightly constrained relationship in particular areas of the site.

For the reasons set out above, the inter-relationship between properties within the development with each other and with existing surrounding properties is considered to be appropriate in order to satisfactorily safeguard the amenities of existing and future occupiers.

In terms of visual amenity, the design and appearance of the dwellings is reflective of modern housing of its type. The palette of materials indicated on the submitted plans as proposed to be used is considered to be appropriate to ensure that the development sits appropriately within its surroundings where a mix of residential property types are already evident. The visual impact of the proposal on its surroundings is therefore considered to be acceptable.

For the reasons set out above, the proposal is considered to accord appropriately with NPPF paragraph 17, UDP policy B2 and SPD spacing recommendations so as to satisfactorily address design and amenity considerations.

### 3) Highways and Transportation.

Paragraph 32 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

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

During the application process, the application has been amended in order to reflect comments made by the Network Management Team. The changes include the widening of the main access road to 5.5 metres, narrowing to 4.8 metres beyond the first junction within the site. The extent of road and footpath provision is now such that no more than three properties are served by private drive/courtyard areas, whilst traffic calming has been introduced including a speed bump on the 5.5 metre carriageway into the site and a raised table at the first junction.

Following receipt of the amended site layout plan, the Network Management Team has noted that the proposal is considered to be acceptable in highway terms so as not to conflict with the aims of NPPF paragraph 32 or UDP policy T14.

#### 4) Noise, Vibration and Disturbance.

Paragraph 123 of the NPPF which states that planning decisions should aim to:

- o Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- o Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;
- o Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- o Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

In addition to the above, policy EN7 stipulates that proposals for residential development within 60 metres of any railway track shall include an assessment of the impact of vibration and shall incorporate any necessary preventative or precautionary measures as part of the scheme.

In respect of noise, as detailed above, it is noted that the Applicant has submitted a noise assessment undertaken by LA Environmental (report reference GH/SU/001), dated December 2015. This report sets out that monitoring was undertaken on the 10 December 2015 between 10:25-12:07 AM, at one monitoring point located on the south east boundary of the site providing a background noise level of 48LAf 90. A previous noise assessment was carried out on the site by Dragonfly acoustics dated October 2009 (report number DACC0184v1), in relation to planning application 09/04379/OUT. It is noted that in the intervening time between the 2009 noise assessment and the present day that a 2.1 metre high close boarded fence has been erected along the boundary shared by the application site and neighbouring site - The Forge. The rest of the surrounding area is predominantly residential, whilst the Tyne and Wear Metro line runs close to the site boundary.

The report of the most recent noise assessment assesses the proposed development against the criteria of BS8233:2014 and suggests that indoor values of 35dB shall not be exceeded during day time hours (07:00-23:00) and 30dB for night time hours (23:00-07:00). The noise report demonstrates this can be met with the installation of insulated glass units to the specification of 4mm/ (6-16mm)/4mm.

Such measures will serve to ensure that the development is afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate level of protection conducive to using outdoor garden areas and good sleeping or resting conditions, both from noise arising from the Metro line and the adjacent student Meeting Place building. Subject to the imposition of a condition requiring adherence to the recommendations noise assessment in respect of glazing, the proposal is considered to adequately address the implications of noise arising from the development. Whilst it is noted that Network Rail has requested a specific condition in respect of soundproofing of the development, the Noise Assessment, including proposed mitigation measures was available throughout the application consultation process and Network Rail offered no specific comments in respect of its contents. On this basis and given that the Council's Public Protection and Regulatory Services Team has confirmed that satisfactory living conditions can be achieved through use of suitable glazing, it is not considered reasonable



to impose a condition requiring further noise work to be carried out or soundproofing details to be submitted.

In respect of vibration, the applicant has referred to a previous report prepared by Dragonfly Acoustics in October 2009 (report reference DACC0184v1) which demonstrates that vibration levels at 20 metres from the railway would typically be below the maximum permitted levels for ground borne vibration. The proposed properties are 40 metres away from the railway line and are therefore not anticipated to experience unacceptable levels of vibration. On this basis, the Public Protection and Regulatory Services accept the conclusion that vibration from the adjacent Metro line will not adversely affect residents of the proposed development.

For the reasons set out above and subject to the imposition of a condition in respect of the measures specified in the noise assessment and associated glazing specifications, the proposal is considered to accord satisfactorily with the aims of UDP policies EN6 and EN7 as detailed above.

#### 5) Ecology and Habitat Issues.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

Policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

The application is accompanied by a Preliminary Ecological Appraisal and also a Screening Assessment pursuant to the Habitat Regulations 2010. These documents have both been revised during the application process.

The revised Ecological Appraisal concludes that the site consists mainly of poor, semi-improved grassland of low ecological value. There are few trees on site and as such, it is considered unlikely that there will be any significant adverse ecological effects from the proposed development. Notwithstanding this, a number of mitigation measures, including the timing of tree and scrub removal, inspection of trees with bat roost potential, nature and positioning of construction site lighting and provision of bat bricks and bird boxes are proposed. Subject to the inclusion of these measures in the development and construction working practices, which can be ensured by way of a suitable worded planning condition, the proposal is not considered to prejudice the interests of biodiversity.

The most recent Screening Assessment pursuant to the Habitat Regulations 2010 has been considered and in line with Article 6(3) of the Habitat Directive Regulation 61, the Local Authority as competent authority is satisfied with the information and conclusions contained within the Screening Assessment - reference EES15-186 Version 04 dated 6 June 2016. As such, it is not considered that the proposal will result in a significant impact upon the integrity of the European Protected Sites.

The proposal is considered to be satisfactory in terms of biodiversity implications and as such, accords appropriately with UDP policies CN18 and CN22.

#### 6) Drainage and Flood Risk.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

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

During the application process, a revised Drainage Strategy has been received. The conclusion of this is that a gravity connection can be achieved to the existing public foul sewer at manhole 9405.

In respect of surface water, the strategy proposes a limited infiltration solution using permeable paving on driveways to allow a discharge into the made ground similar to that prior to the development. The impermeable clay strata underlying the sandy made ground prevents infiltration for the whole development as the increased surface water could result in the water flowing over this layer causing spring lines to develop in the Metro railway cutting or through the high embankment below Pallion New Road. The strategy suggests that consideration should be given to permitting higher surface water discharge due to the proximity of the site to the River Wear and evidence that suggests there is little impermeable area now connected to the below ground culvert. The peak runoff rate for the 1 in 1 and 1 in 100 year event should not exceed the greenfield runoff rate from the development for the same rainfall event. The actual peak runoff rates are 5.30l/sec and 9.50l/sec for the 1 in 1 and 1 in 100 events respectively. These do not exceed the equivalent greenfield runoff rates.

The revised Drainage Strategy has been considered by the Lead Local Flood Authority and is considered to be acceptable and in compliance with policy EN12 of the UDP.

#### 7) Land Contamination.

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is

appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

As detailed above, the Public Protection and Regulatory Services Team is satisfied that the development of the site represents a low risk for the intended residential development in that it would comprise buildings, hard standing and imported landscape material. The application is accompanied by Phase I and Phase II investigations in respect of land contamination which inform this conclusion. On this basis, it is recommended that should Members be minded to approve the application that standard planning conditions requiring the submission and approval of validation and verification works are submitted should be imposed in order to ensure the safe development of the site and to accord with the aims of NPPF paragraph 120 and UDP policy EN14.

#### 8) Section 106 and Viability.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:-

- (a) they are necessary to make the development acceptable in planning terms;
- (b) they are directly related to the proposed development;
- (c) they are fairly and reasonably related in scale and kind to the development proposal.

Paragraph 173 also states that in pursuing sustainable development careful attention will be required toward viability and costs in decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner/ developer and enable the development to be deliverable. More specifically, paragraph 205 requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent the stalling of proposed development.

#### i) Affordable Housing

UDP policy H16 requires the Council to negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. Furthermore, the Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on housing development sites at a 75% social rented/ 25% intermediate split. This therefore equates to 5 affordable properties.

ii) Open Space/ equipped children's play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more policy H21 requires the provision of formal equipped children's play space. In-lieu of on-site provision a financial contribution for off-site play would need to be considered, at a current rate of £701 for each two bed (or more) unit i.e. £33,648.

- Viability Assessment

A Viability Assessment accompanies those planning applications where gaps occur between what a LPA requests in financial obligations and what the applicant considers the development is capable of supporting financially. The significance of viability has increased during the economic downturn as the delivery of new development has been stalled or threatened.

The applicant, in anticipation that affordable housing would be a material consideration, submitted an Affordable Housing Statement explaining that the inclusion of affordable homes on the site would seriously threaten the viability of developing this "difficult brownfield site in such a way that it would not be developed without significant grant support, or the land value would fall way below market value". The statement then explained that a residual valuation appraisal would be submitted in order to confirm that the provision of affordable housing would render the scheme unviable.

A viability appraisal in respect of affordable housing and play space contributions has subsequently been submitted for consideration. The conclusion of this is that the development of the site would be unviable were the Council to require contributions in respect of these matters. In order to objectively consider this part of the planning submission, the Council's Property Services section was requested to assess the submitted documentation.

Given the above and the implications of paragraphs 173 and 205 of the NPPF, which highlight that viability is a material consideration, each Section 106 request has been considered in respect of whether the scheme can viably meet the requested obligations. The submitted assessment has been independently verified by the Council's Property Services section who are, on balance, satisfied with its findings i.e. the scheme cannot meet the policy burdens being requested of it, whilst allowing the developer any profit from the development. It has therefore been necessary to consider whether the inability of the development to provide the necessary contributions warrants a refusal of planning permission.

In this regard it is noted that the scheme would provide low cost private sale housing; and whilst there is limited open space provision in the area, these particular aspects of the development are considered to be brought more sharply into focus when considering the implications of paragraph 49 of the NPPF, with its requirement to consider housing applications with a presumption in favour of sustainable development, and paragraphs 173 & 205, which require decision-takers to consider viability in the decision-making.

It is therefore considered that weight should be attached to the fact that the development proposal will regenerate this brownfield site, which although it has stood vacant for a significant period of time and a number of planning permissions have been granted for residential development thereon, none of these consents have been implemented due to the costs of developing the site considered against the ultimate value and profit which would be derived from any development. Consequently, on balance, it is considered that more weight should be attributed to the regeneration aspects of the development and that the lack of Section 106 contributions is not considered significant enough to warrant a refusal of planning permission on this occasion due to lack of compliance with UDP policies H16 and H21.

## Conclusion

In light of all material considerations, it is considered that the proposed residential development is acceptable, providing a modern house type, appropriate with surrounding residential properties. Subject to the imposition of relevant conditions, the proposal is considered to be acceptable and in accordance with the provisions of the National Planning Policy Framework (NPPF), and policies within the Unitary Development Plan (UDP) Members are recommended to approve the proposal subject to the conditions set out below.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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: Approve** subject to the conditions below.

**Conditions:**

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

- Location Plan - Drawing Number 1428.01.01, received 24 November 2015;
- Planning Layout - Drawing Number 1428.04.10 rev E, received 5 July 2016;
- 201 Dwelling Type - Drawing Number 201/1F, received 24 November 2015;
- 202 Dwelling Type - Drawing Number 202/1F, received 24 November 2015;
- 301 Dwelling Type - Drawing Number 301/1G, received 24 November 2015;
- 302 Dwelling Type - Drawing Number 302/1G, received 24 November 2015;
- 303 Dwelling Type - Drawing Number 303/1E, received 24 November 2015;
- 304 Dwelling Type - Drawing Number 304/1E, received 24 November 2015;
- 307 Dwelling Type - Drawing Number 307/1B, received 24 November 2015;
- 309 Dwelling Type - Drawing Number 309/1E, received 24 November 2015;
- 401 Dwelling Type - Drawing Number 401/1G, received 24 November 2015;
- 405 Dwelling Type - Drawing Number 405/1E, received 24 November 2015;
- 1800mm High Timber Fence - Drawing Number SD-100 rev D, received 24 November 2015;
- Post and Wire Fence - Drawing Number SD103 rev B, received 24 November 2015;
- Detached Garage Details Single - Drawing Number SD700 rev A, received 24 November 2015;
- Detached Garage Details Double - Drawing Number SD701 rev A, received 24 November 2015;
- Terraced Garage Details Standard Double - Drawing Number SD703 rev B, received 24 November 2015;
- Detached Garage Details Non-Standard Double - Drawing Number SD707 rev A, received 24 November 2015
- Garage Threshold/Gravel Drive Details - Drawing Number SD712 rev A, received 24 November 2015;

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

3 The external materials to be used in the carrying out of the development hereby approved shall be those specified in the schedule attached to the Planning Layout - Drawing Number 1428.04.10 rev B, received 12 May 2016, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 No building works are to commence on site until the culverted watercourse is accurately located on site and any proposals relating to the culvert are submitted to and approved by the Local Planning Authority in conjunction with the Lead Local Flood Authority. Thereafter, the development shall not be brought in to use until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policies B24 and EN12 of the Unitary Development Plan.

5 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

6 No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.

7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.

8 The development shall be carried out in complete accordance with the mitigation measures detailed in Section 9 and Appendices 4-6 of the Preliminary Ecological Appraisal prepared by Elliott Environmental Surveyors Ltd Project No: EES15-186, dated 9th May 2016 v6, which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

9 Prior to the occupation of any of the dwellings hereby approved, glazing comprising insulated glass units to the specification of 4mm/(6 to 16mm)/4mm, as specified in Section 7.1.8 of the Noise Assessment prepared by LA Environmental Consultants (ref GH/SU/001) dated December 2015, shall be installed to all windows. Once installed, glazing to the agreed specification shall be maintained as such at all times thereafter, in the interests of residential amenity and to accord with policy EN6 of the Unitary Development Plan.

10 No construction works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 Monday to Friday and 07.30 and 14.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.

11 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust and other airbourne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.



12 No development shall commence, other than that required to carry out remediation works, until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.

13 All planting, seeding or turfing comprised in the approved details of landscaping (as shown on the Planning Layout - Drawing Number 1428.04.10 rev B, received 12 May 2016) shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

14 The areas indicated on the submitted plans for the parking of vehicles (as shown on the Planning Layout - Drawing Number 1428.04.10 rev B, received 12 May 2016) shall be laid out in accordance with the approved plans before the dwellings hereby approved are occupied. The areas shall then be available for the parking of vehicles associated with the dwellings hereby approved at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.

15 Notwithstanding any indication of materials which may have been given in the application, the external materials to be used in the surfacing of the proposed driveways shall be permeable, in order to mitigate the risk of flooding locally and to accord with the requirements of policy EN12 of the adopted Unitary Development Plan.

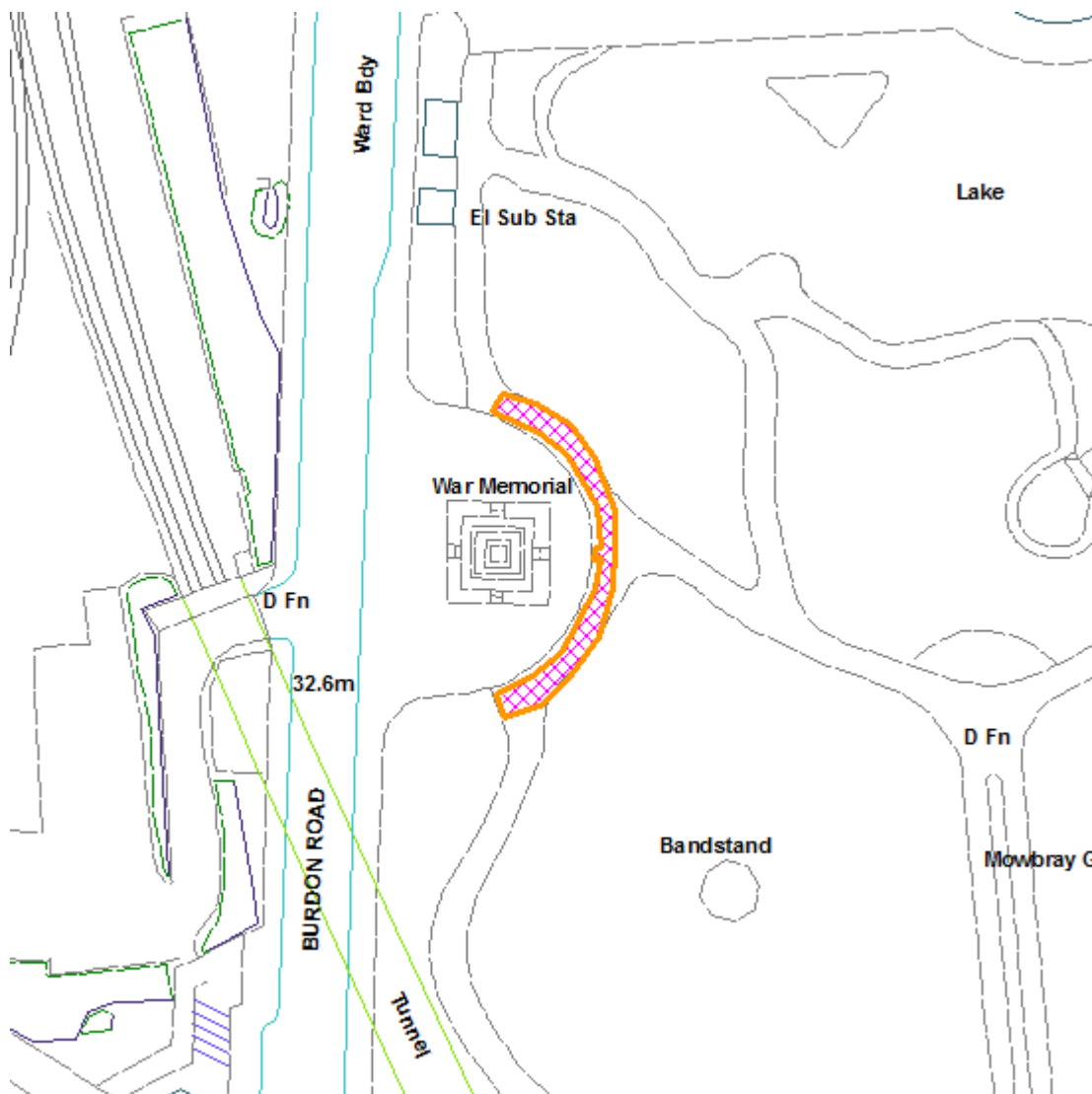
Reference No.: 16/01247/FU4 Full Application (Reg 4)

Proposal: **"Veterans Walk" consisting of engraved granite plaques embedded within the paths of Mowbray Park adjacent to Memorial Wall**

Location: Mowbray Park Information Point Mowbray Gardens Burdon Road Sunderland SR1 1PP

Ward: Hendon  
Applicant: Mr Rob Deverson  
Date Valid: 28 July 2016  
Target Date: 22 September 2016

**Location Plan**



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

### Application Site and History

The proposed development affects Mowbray Park, a large Victorian park situated in Sunderland City Centre which is currently a very popular and well-used attraction. The Park was developed in two stages, with the original southern section around Building Hill opened in 1857 and the northern extension opened in 1866. Mowbray Park is a Grade II entry on English Heritage's Register of Historic Parks and Gardens and features a number of Grade-II Listed buildings, including statues, footbridges, lodge buildings, walls and railings. Listed building consent (ref. 98/00934/LAL) and planning permission (ref. 98/00935/LAP) were granted in 1998 for the refurbishment of the Park, including the erection of ancillary buildings and new enclosures, including lockable gates, the change of use of public footpaths to controlled private footpaths and the felling/planting of trees.

The current application site comprises the area to the inside of a curved granite memorial wall (for which planning permission (ref. 10/02498/FUL) was granted in 2010) which borders the cenotaph to the western Burdon Road boundary of the Park; the Memorial, Cenotaph and 4no. surrounding lampposts are all Grade II listed. The application site has an area of approximately 135sq.m and is currently hard surfaced, forming part of the footway network of the Park, and slopes generally downward from west to east.

### Proposal

Planning permission is sought to create a "Veterans Walk" which would comprise a series of engraved black granite plaques to be embedded into the footpath. The plaques would be permanently engraved with the details of any person who has served the country in any capacity to serve as remembrance of servicemen and women. Each plaque would measure 250mm by 350mm, with a thickness of 50mm, be non-slip surfaced and surrounded by red tarmacadam.

## **TYPE OF PUBLICITY:**

Site Notice Posted

## **CONSULTEES:**

Hendon - Ward Councillor Consultation  
Network Management  
The Garden History Society

Final Date for Receipt of Representations: **15.09.2016**

## **REPRESENTATIONS:**

The Gardens Trust acknowledged receipt of its consultation, noting that the Garden History Society (to which the consultation was addressed) merged with the Association of Gardens Trusts in July 2015 to create the Gardens Trust, but did not provide any comments on the proposed development.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

## **POLICIES:**

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

B\_18\_Protecting the character/ setting of historic parks and gardens  
L\_5\_Ensuring the availability of Public Parks and amenity open space  
L\_7\_Protection of recreational and amenity land  
SA\_75\_Retention/enhancement of existing public open space

## **COMMENTS:**

As noted above, Mowbray Park is a Grade II entry on English Heritage's Register of Parks and Gardens of Special Historic Interest in England. Paragraph 131 of the National Planning Policy Framework (NPPF) requires new development proposals to sustain and enhance heritage assets (such as historic parks and gardens) and to contribute positively to local character and distinctiveness.

On a local level, policy B18 of the Council's adopted Unitary Development Plan (UDP) advises that the character and setting of historic parks and gardens be protected from adverse impact by development, whilst policy SA75 states that existing City Centre parks and other public open spaces, such as Mowbray Park, will be retained and enhanced. Furthermore, UDP policies L5 and L7 seek to ensure that new development does not detrimentally impact upon open space provision in the City.

The proposed installation is considered to be of high-quality design and finish which would not pose any significant visual impact, being sited adjacent to a granite wall and being set within the footpath, and would complement the existing memorial wall and Cenotaph whilst retaining accessibility served by the footpath and providing a positive cultural feature commemorating men and women who have served their country.

No details have been provided in respect of the pattern in which the plaques would be laid, existing and proposed levels and means of tying-in to existing features, including the adjacent wall / stonework, footpaths and landscaped areas. However, it is considered that a condition can reasonably be imposed, should Members be minded to approve this application, requiring the submission and agreement of such details prior to the commencement of works.

## **Conclusion**

For such reasons, it is considered that the proposal would be in-keeping with the visual amenity of the area and would enhance the appearance and cultural value of the affected section of the Park, in accordance with paragraph 131 of the NPPF and UDP policies B18, L5, L7 and SA75.

Accordingly, it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), 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:

Location Plan (1:1250) received 28.07.2016

Location Plan (1:500) received 28.07.2016

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

3 Notwithstanding the submitted plans, no development shall take place until full details of the pattern in which the plaques would be laid, existing and proposed levels and means of tying-in to the adjacent wall / stonework, footpaths and landscaped areas have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be implemented in accordance with such details, in the interests of the appearance of the Park and to comply with paragraph 131 of the National Planning Policy Framework and policies B18 and SA75 of the adopted Unitary Development Plan.

---

**Reference No.:** 16/01255/VA4 Variation of Condition (Reg 4)

**Proposal:** **Variation of condition 2 of planning permission ref. 15/02103/FU4 (Conversion of former fire station to mixed-use development comprising dance/theatre studios, cafe, bar/restaurant and exhibition space, demolition of training tower, western section of building excluding façade and including single-storey offshoot to west side and rear (former superintendent's house) and first floor rear offshoot, erection of three-storey extension to west side / rear, extension and replacement of balustrade of rear balcony and provision of balustrade to front of main building, lift shaft, chimney stacks, pitched roofs, rooflights, vents, plant and lighting to roof and associated elevational/roof alterations): minor material amendment comprising increase in footprint of three-storey extension to west side / rear, relocation and reduction in height of lift shaft, revised atrium rooflight and alterations to internal layout**

**Location:** Former Fire Station Dun Cow Street Sunderland SR1 3HE

**Ward:** Millfield

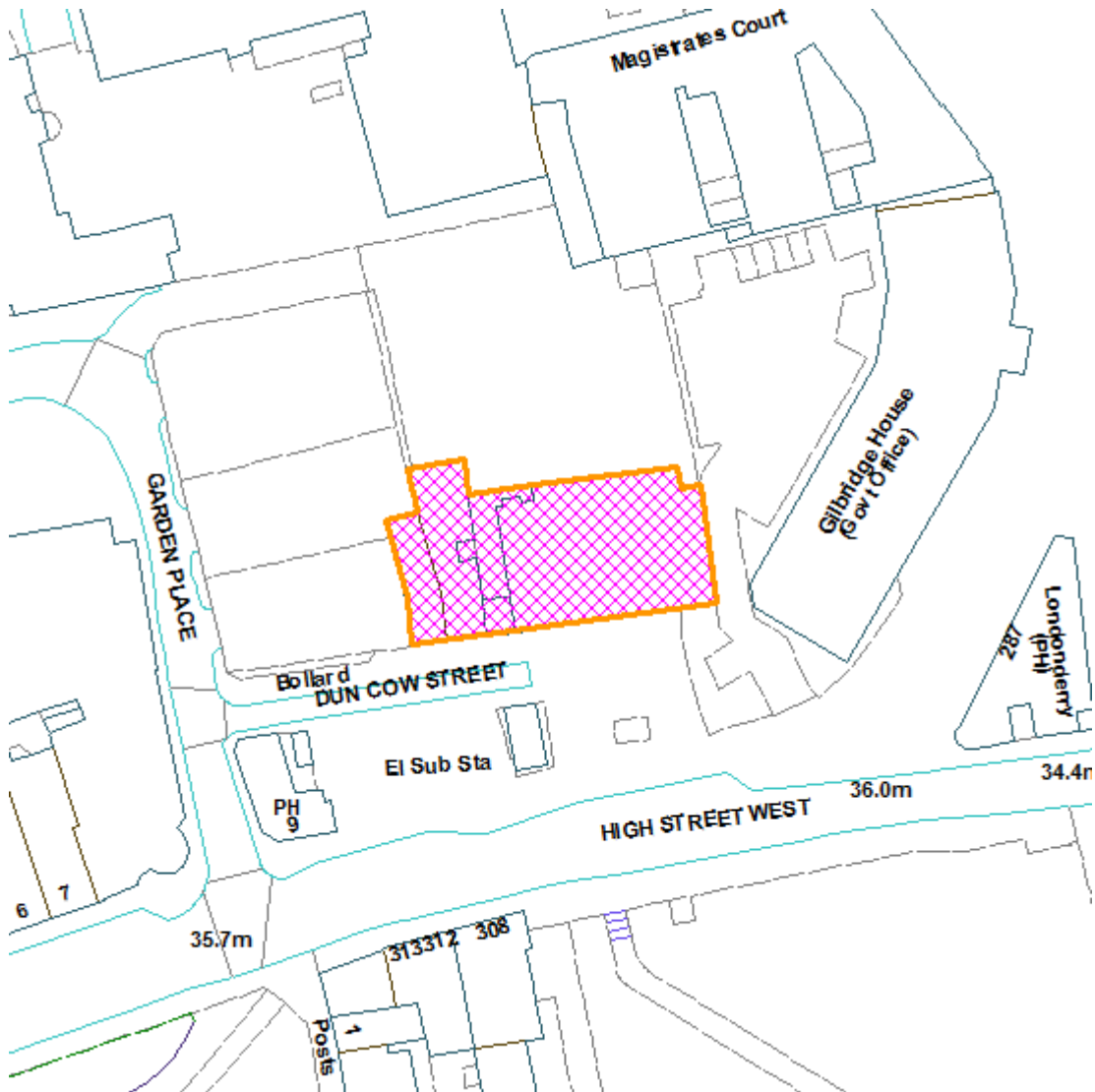
**Applicant:** Sunderland Music Arts And Culture (MAC) Trust

**Date Valid:** 25 July 2016

**Target Date:** 24 October 2016

---

## Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## PROPOSAL:

### Application Site

The host building is a prominent Edwardian former fire station which was constructed in 1907 and has remained vacant since 1992. The building is part two- / part three-storeys and of brick construction, includes a basement level and has been notably altered but retains a high proportion of its original external features including a hose tower to its rear in an albeit significantly altered form. The building includes an undercroft access which has been squared off from its original arched form and a later single-storey extension to its west side and rear which provided an addition to the former supervisor's house which was contained within the western section of the building beyond the undercroft access.

The site is situated within the Bishopwearmouth Conservation Area of the City Centre and the Centre's Theatre Quarter, as allocated by the adopted Alteration No. 2 to the Unitary Development Plan and Sunderland City Centre Evening Economy Supplementary Planning Document. The host building is not listed but there are a number of listed buildings within close



proximity including the Grade II\* listed Empire Theatre to the west and Grade II listed Dun Cow Public House to the west, Londonderry Public House to the east, Magistrates' Court (in part) to the northeast, terrace to the south of the Theatre and Sunderland Minster and Mowbray Almshouses to the south. The uses surrounding the site are varied but predominantly commercial in nature and include, in addition to the aforementioned buildings, shops, restaurants, offices, further public houses and Sunderland Police Station to the north beyond an existing car park. The building fronts onto Dun Cow Street and High Street West beyond from which the site is divided by a large electricity sub-station. There is a green and public on the opposite of High Street West on the site of the recently demolished Crowtree Leisure Centre which leads onto The Bridges Shopping Centre.

## Proposal and Background

Members may recall that it was deemed at the Sub-Committee meeting of 19 January 2016 that planning application ref. 15/02103/FU4 be approved, which comprised the development described as follows.

Conversion of former fire station to mixed-use development comprising dance/theatre studios, cafe, bar/restaurant and exhibition space, demolition of training tower, western section of building excluding façade and including single-storey offshoot to west side and rear (former superintendent's house) and first floor rear offshoot, erection of three-storey extension to west side / rear, extension and replacement of balustrade of rear balcony and provision of balustrade to front of main building, lift shaft, chimney stacks, pitched roofs, rooflights, vents, plant and lighting to roof and associated elevational/roof alterations

Consent is sought to make a "material minor amendment" under section 73 of the Town and Country Planning Act 1990 by varying condition 2 (list of approved plans) of this planning permission.

The proposed amendment comprises an increase in the footprint of the three-storey west side / rear extension, the relocation and reduction in height of the lift shaft, revisions to the design and size of the atrium rooflight and alterations to the internal layout.

The host building has a gross internal floor space of 1323sq.m and the host planning permission results in an increase to some 1360sq.m, divided into 105.3sq.m to accommodate plant and storage in the basement, 550.5sq.m of bar/restaurant and café space at ground floor level, 552.7sq.m for dance and theatre studios at first floor and 151.7sq.m of exhibition and office space in the second floor. The previously approved three-storey extension, to replace the former superintendent's house and sit behind the original façade, has a footprint of approximately 232sq.m, incorporates a lift shaft duct which would protrude some 2.2m higher than the flat roof and a glazed stairway would be incorporated to the rear.

It is currently proposed to increase the footprint of the previously approved three-storey extension to some 282sq.m by adding to its rear, to provide resultant floor areas for the whole building of 1575sq.m, comprising 108sq.m at basement level, 660sq.m at ground floor, 603sq.m at first floor and 204sq.m at second floor. The lift shaft would be relocated approximately 4.8m rearward and the height of its duct from the rooftop would be reduced to 1.5m, by 700mm from as previously approved.

The previously approved atrium rooflight is of box design measuring some 1.6m by 4.4m and protruding approximately 550mm from the rooftop. That currently proposed is of hipped roof design, measures approximately 2m by 4.1m and would protrude a similar height from the roof.

The proposed alterations to the internal layout pertain to what would be the newly-constructed western section of the building. Most notably, the stairway would be relocated westward to the west side / rear corner of the building and a lobby would be provided in the approximate previous location of the stairway affording access to the new stairway and rear of the site. The bar and office to be provided in the first floor have effectively been swapped over and an additional corridor has been added which would initially serve as a store and allow for future connection to a potential adjacent building, for which no application has been made to date. At second floor level, a meeting room would replace an office and an additional storage area would be provided. The layout retains the approved uses and broad layout of the building and essentially provides additional space to a number of areas across three floors.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

English Heritage  
Network Management  
Millfield - Ward Councillor Consultation  
Business Investment  
Environmental Health  
Flood And Coastal Group Engineer  
Southern Area Command - Police  
Fire Prevention Officer  
Tyne And Wear Archaeology Officer  
Nexus  
Theatres Trust

Final Date for Receipt of Representations: **12.09.2016**

#### **REPRESENTATIONS:**

The application has been publicised by means of site and press notices and letters to nearby occupants and no resulting representations have been received.

Historic England and Nexus confirmed that they do not wish to offer any comments in this instance.

The Theatres Trust confirmed its support for the scheme as well as the proposed changes to the layout which the Trust feels would be beneficial to the operation of the complex and allow for potential future additions to the rear and side of the building.

The Tyne and Wear Fire and Rescue Service confirmed that it has no objections to the proposal subject to satisfying specific Building Regulation criteria, which have previously been forwarded to the applicant.

The Council's Flood and Coastal Team advised that the proposed variation will not impact on the drainage implications of the scheme.

The Council's Network Management confirmed that no objections or recommendations are offered in this instance.

## **POLICIES:**

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

B\_4\_Development within conservation areas  
B\_6\_Measures to preserve and enhance conservation areas  
B\_10\_Development affecting the setting of listed buildings  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
B\_15\_Developments causing large scale ground disturbance (currently undeveloped areas)  
B\_16\_Assessing, recording and preserving historic sites discovered during development  
B\_24\_Appropriate provision for utility services in building development  
CN\_18\_Promotion of nature conservation (general)  
CN\_20\_Developments affecting designated/proposed SSSI's  
CN\_22\_Developments affecting protected wildlife species and habitats  
EC\_4\_Retention and improvement of existing business and industrial land  
EN\_1\_Improvement of the environment  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
HA\_1\_Retention and improvement of established industrial / business areas  
S\_11\_Restriction of non retail uses in parts of the city centre and Washington town centre  
S\_12\_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The National Planning Practice Guidance (NPPG) (Paragraph: 018 Reference ID: 17a-018-20140306 Revision date: 06 03 2014) states that there is no statutory definition of a "minor material amendment" but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

The current proposal comprises an increase in the footprint of the approved three-storey extension by 50sq.m, which equates to an increase of approximately 22% in the footprint of the three-storey extension. Whilst this constitutes a notable addition to the building, the proposed amendment must be considered within the context of the entire scheme. To this regard, the current proposal represents a 16% increase in the overall floorspace of the building as previously approved. This is not considered to be excessive within the scope of a "minor material amendment", however whether the proposal can be considered as such is dependent upon the material planning considerations it raises relative to the previously approved scheme.

The main issues which were considered in the assessment of the original application were:

- o Land Use;
- o Appearance, Conservation and Archaeology;
- o Amenity;
- o Highway Implications;
- o Flood Risk and Drainage;
- o Ecology; and
- o Ground Conditions / Contamination

Of these, it is considered that the currently proposed amendment would only materially affect the impact of the development on visual amenity and the character and appearance of the Conservation Area.

To this regard, the proposed amendment relates principally to the rear of the building which is not prominently visible, does not affect the façade and the historic layout of the former fire station would still be broadly retained.

The revised three-storey extension reflects the overall design concept as that previously approved, retaining render, metal sheeting and extensive glazing to provide a contrasting yet sympathetic and high quality contemporary addition to the historic building. The additional footprint currently proposed protrudes rearward where there exists an open yard, so would pose no greater impact on the street scene, nor would it be located nearer to any nearby listed building including the Dun Cow public house and Empire Theatre to the west, so their setting would not be compromised. Importantly, the route of the passageway through the reinstated archway from the front to the back of the building that historically separated the superintendent's house from the main Fire Station block and provided access to the Drill Yard is also retained.

In addition, it is not considered that the proposed relocation and reduction in height of the lift shaft or amendments to the atrium rooflight would pose any materially different impact than the previously approved scheme given that they would not appear prominently visible from any public vantage.

#### Other Issues

The host planning permission is subject to a total of 19no. conditions, none of which have been discharged, so it is recommended that all such conditions be imposed should Members be minded to approve this application. However, it is recommended that amendments be made to conditions 3, 4 and 15 to allow demolition to be carried out prior to the agreement of external materials, a specification / method statement for repair and restoration works and drainage details, in order to allow any unnecessary delays to the implementation of the scheme.

#### **Conclusion**

For the reasons given above, the proposal is considered to represent a "minor material amendment" to the consent which it seeks to vary and it is not considered that such amendments would be detrimental to visual amenity or the character or appearance of the Conservation Area.

The proposal is therefore considered to accord with the development plan and the local and national policies and guidance set out above and, having regard to all material planning considerations, it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

## Conditions:

1 This permission must be implemented within 3 years of the date of the original permission (20 January 2016) and does not extend the time period for implementation.

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

- Drawing no. 4164 (1) 050: Site Location Plan received 15.10.2015
- Drawing no. 4164 (1) 100: Existing Survey - Site and Location Plan received 22.10.2015
- Drawing no. 4164 (1) 102: Existing Survey - Ground Floor received 15.10.2015
- Drawing no. 4164 (1) 103: Existing Survey - First Floor received 15.10.2015
- Drawing no. 4164 (1) 104: Existing Survey - Second Floor received 15.10.2015
- Drawing no. 4164 (1) 105: Existing Survey - South and East Elevation received 15.10.2015
- Drawing no. 4164 (1) 106: Existing Survey - North and West Elevation received 15.10.2015
- Drawing no. 4164 (1) 107: Existing Survey - Sections received 15.10.2015
- Drawing no. 4164 (1) 108: Existing Survey - Roof Plan received 02.11.2015
- Drawing no. 4164 (1) 101: Existing Survey - Basement received 15.10.2015
- Drawing no. 4164 (3) 101 rev. F: Proposed Plans - Basement, Ground and First Floors received 12.07.2016
- Drawing no. 4164 (3) 102 rev. F: Proposed Plans - Second Floor and Roof received 12.07.2016
- Drawing no. 4164 (3) 103 rev. D: Sections as Proposed received 12.07.2016
- Drawing no. 4164 (3) 105 rev. E: Elevations as Proposed received 12.07.2016
- Drawing no. 4164 (3) 110 rev. A: Site Plan with Roof as Proposed received 12.07.2016

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

3 Notwithstanding any indication of materials which may have been given in the application, no development, other than demolition, shall take place until a full schedule and/or samples of the materials and finishes to be used for the following:

- Bricks for making up arched opening to Superintendents house, rear extension blocked openings, rebuilding gable wall and chimneys
- Stones: samples of blocks, balusters and coping for reinstated balustrade to front eaves, and any new stones required for piecing in surrounds to openings, lintels and cills and plinth to superintendents house
- Render for the extension
- Metal standing seam for the roof and new extension
- Full windows or timber window sections showing profiles/mouldings for timber sashes and casement
- 1:10 or 1:20 scale detailed elevation drawings of new sliding sash and casement windows and doors, showing dimensions and detailing of frames, glazing bars and horns
- 1:10 or 1:20 scale section drawings of sliding sash window and arched openings to front elevation with glazing inserted
- Sample section frames for glazing to rear extension and for doors to front arched openings
- 1:10 scale drawings of the balustrade to be reinstated to the front eaves, showing precise design and detailing of stone components, including blocks, balusters and coping

- Gutter and downpipe sections for any new rainwater goods
- Chimney pots

have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policies B4, B6 and B10 of the adopted Unitary Development Plan.

4 No development, other than demolition, shall take place until a specification and method statement prepared by an appropriately qualified/experienced conservation specialist has been submitted to and approved, in writing, by the Local Planning Authority for all repair and restoration works to be undertaken to the building, including the following:

- Re-pointing / bedding of brickwork and stonework
- Stonework repairs, including mortar repairs and indenting
- Timber window and door repairs, including a report on windows by a sash repair specialist
- Structural repairs to roof timbers, floors and walls
- Repairs to cast iron rainwater goods

in the interests of visual amenity, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policies B4, B6 and B10 of the Unitary Development Plan.

5 No development shall take place until a scheme of working has been submitted to and approved, in writing, by the local planning authority which shall include a demolition method statement for the tower and superintendent's house detailing how the remainder of the building and its features will be protected, days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic and measures to ameliorate noise, dust, vibration and other effects, including a method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network. All works shall be carried out in accordance with the submitted details, in the interests of the proper planning of the development and to protect the fabric of the host building and the amenity of the area and to comply with policies B2A of Alteration No. 2 to the Unitary Development Plan and policies B4, B6, EN5 and T14 of the adopted Unitary Development Plan.

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

7 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed, in writing, by the Local Planning Authority prior to groundworks

commencing, given that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken, in accordance with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

8 No use hereby approved shall commence until the report of the results of observations of the groundworks pursuant to condition 7 has been submitted to and approved in writing by the Local Planning Authority, given that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

9 The café and bar/restaurant hereby approved shall not be open to the public for the purposes hereby approved between the hours of 01:00 and 07:00 on any day, in order to protect local residents from exposure to excessive noise and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

10 No deliveries shall be made to the premises except between the hours of 07:00 and 22:00 on any day, in order to protect local residents from exposure to excessive noise and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

11 The development hereby approved shall be carried out in complete accordance with Recommendations 2 to 5 inclusive of the Preliminary Ecological Appraisal prepared by Penn Associates dated August 2015, no use shall commence until all such measures have been fully implemented and all installations shall be appropriately maintained thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

12 No use hereby approved shall commence until the bin storage area has been fully constructed in accordance with the proposed ground floor plan of drawing no. 4364 (3) 101 rev. D and this area shall thereafter be made available for the storage of refuse at all times and for no other purpose unless otherwise agreed, in writing, by the Local Planning Authority, in the interest of visual amenity, environmental health, highway safety and the free passage of traffic and to accord with policy B2A of Alteration No. 2 to the Unitary Development Plan and policies EN1, T14 and T22 of the adopted Unitary Development Plan.

13 No use hereby approved shall commence until full details of the cycle storage zone depicted on the proposed ground floor plan of drawing no. 4364 (3) 101 rev. D, including a specification of the type of cycle storage to be provided, have been submitted to and approved, in writing, by the Local Planning Authority and all storage units have been installed in accordance with the agreed details, in the interest of visual amenity, highway safety and the free passage of traffic and to accord with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy T9 of the adopted Unitary Development Plan.



14 No use hereby approved shall commence until all measures detailed in Table 1 of the Entertainment Sound Impact Assessment (Report Number 5065.1 Version A dated 12.10.2105) have been fully installed and all such measures shall be maintained in accordance with this specification thereafter, in order to protect local residents from exposure to excessive noise and to comply with policy EN5 of the adopted Unitary Development Plan.

15 No development shall take place, other than demolition and that required to carry out remediation works, until details of the foul and surface water drainage, including drawings and calculations to attenuate surface water flows, have been submitted to and approved, in writing, by the Local Planning Authority, in consultation with the Lead Local Flood Authority, and no use hereby approved shall commence until the facilities have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system and to comply with policy B24 of the adopted Unitary Development Plan.

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

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

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

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

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

17 No use hereby approved shall commence until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.

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

19 No use hereby approved shall commence until details of all necessary plant and machinery to serve the development, including a suitable ventilation/extraction/filtration system illustrating all external ducting and stacks as well as an appropriate noise assessment, have been submitted to and approved, in writing, by the Local planning authority and/or planning permission has been granted for such. All plant/machinery shall be fully installed in accordance with the agreed details before any use commences, in order to protect the amenity of local residents, the visual amenity of the area, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

---

**Reference No.:** 16/01318/VA4 Variation of Condition (Reg 4)

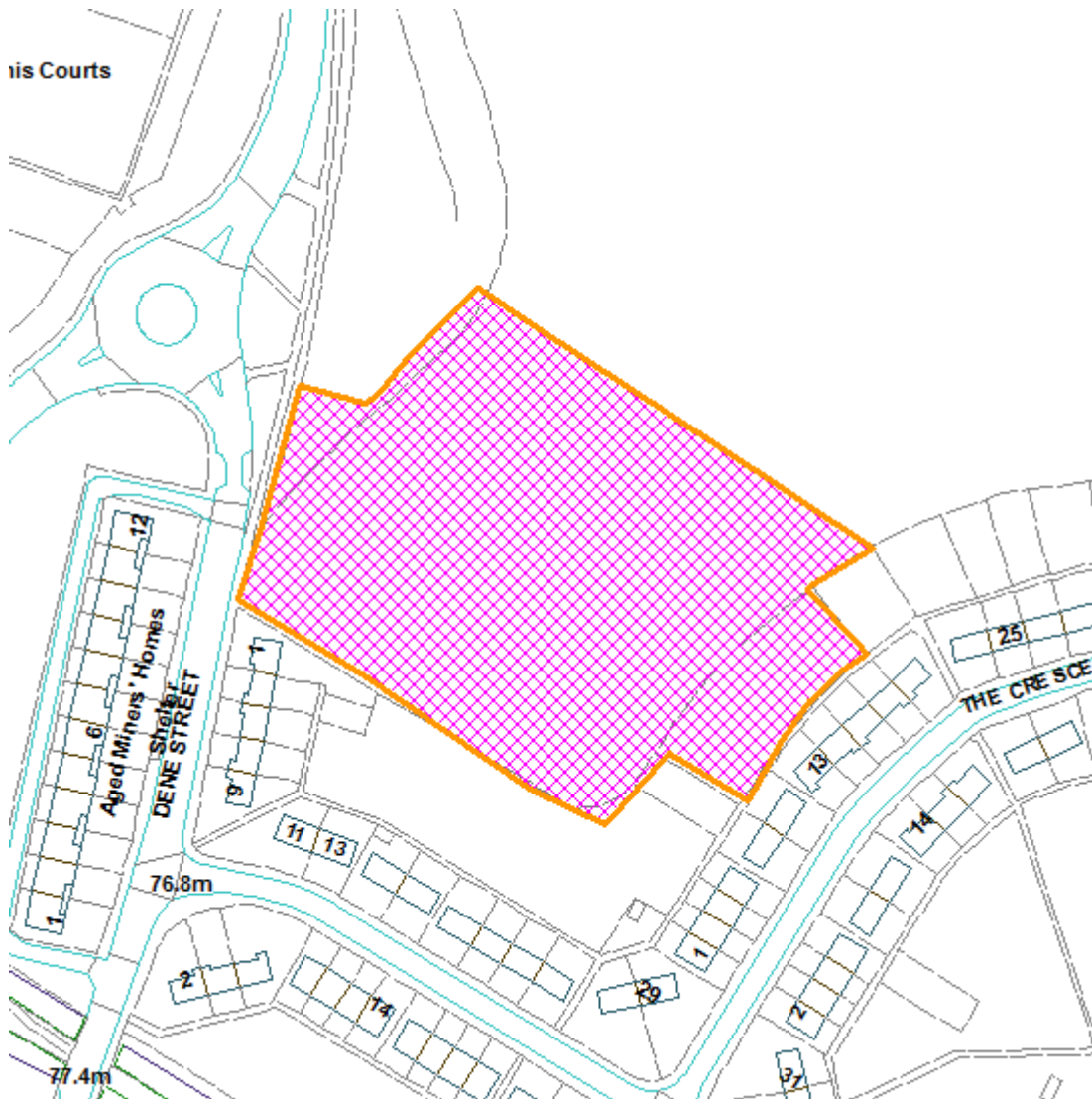
**Proposal:** **Variation of conditions 2 and 3 of planning permission ref. 15/01072/FU4 (Extra Care housing development comprising 38no. 1-bedroom apartments, 39no. 2-bedroom apartments, communal facilities including lounge, restaurant, shop, activity room, hair salon, laundry, offices and garden areas and associated car parking): Minor material amendment comprising reduction in number of apartments from 77no. to 75no. (38no. 1-bedroom and 37no. 2-bedroom), relocation of plant room, relocation of windows and doors and revision of approved brick to Carlton Wolds Autumn**

**Location:** Land East of Silksworth Lane and North Of Dene Street New Silksworth  
Sunderland

**Ward:** Silksworth  
**Applicant:** Mr Paul Walker  
**Date Valid:** 20 July 2016  
**Target Date:** 19 October 2016

---

## Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## PROPOSAL:

### Application Site

The application site has an area of 0.83 hectares and is situated on the northern edge of Silksworth to the east of Silksworth Lane adjacent to a roundabout with Dene Street. The site exists as grassed scrubland, having historically been used for agriculture, and generally slopes downward from west to east. The site encompasses part of a tree belt which runs along the east side of Silksworth Lane and Dene Street, separating these streets from the application site and wider agricultural land to the north. A single-storey terrace of Aged Miner's Homes is situated immediately to the west and residential streets, namely Dene Street and The Crescent, are situated to the west, south and southeast which accommodate two-storey semi-detached and terraced dwellings. A public footway and well-maintained area of open space separates these neighbouring dwellings and the application site.

## Proposal and Background

Members may recall that it was deemed at the Sub-Committee meeting of 27 October 2015 that planning application ref. 15/01072/FU4 be approved, which comprised the development described as follows.

Extra Care housing development comprising 38no. 1-bedroom apartments, 39no. 2-bedroom apartments, communal facilities including lounge, restaurant, shop, activity room, hair salon, laundry, offices and garden areas and associated car parking.

Consent is sought to make a "material minor amendment" under section 73 of the Town and Country Planning Act 1990 by varying condition 2 (list of approved plans) of the above planning permission and to vary condition 3 (external materials) to allow an alternative brick from as previously agreed to be used.

The proposed "material minor amendment" comprises a reconfiguration of the internal layout of the building which would result in a reduction in the total number of apartments from 77no. to 75no. (38no. 1-bedroom and 37no. 2-bedroom), in place of which staff/communal facilities and areas for plant and refuse storage would be provided. No alterations are proposed to the footprint or heights of the building, although a number of alterations to openings are proposed including the replacement of a window with a doorway in the east-facing elevation, the provision of an additional ground floor window in the southernmost part of the north-facing elevation and the provision of two additional windows in the west-facing elevation.

Condition 3 of the host planning permission required the submission and written approval of all external materials to be used and this was discharged in April 2016 through submission ref. 15/02584/DDI wherein a "Forterra Worcestershire Red Multi" brick was agreed. It is currently proposed to amend this condition to allow the use of a "Carlton Wolds Autumn" brick.

### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Silksworth - Ward Councillor Consultation  
Environmental Health

Final Date for Receipt of Representations: **24.08.2016**

### **REPRESENTATIONS:**

The application has been publicised by means of site and press notices and letters to nearby occupants and no resulting representations have been received.

The Council's Public Protection and Regulatory Services has considered the submitted details and confirmed that it has no objections to the proposal.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_23\_Measures to conserve/ improve wildlife corridors  
EN\_1\_Improvement of the environment  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_1\_Provision for new housing  
H\_15\_Encourage / negotiate for accessibility standards in housing developments  
H\_16\_Negotiation for affordable housing in major developments  
SA\_9\_Allocation of site for new housing (over 10 units)  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
R\_1\_Working towards environmentally sustainable development  
R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land  
R\_4\_Incorporation of energy saving measures

## **COMMENTS:**

The National Planning Practice Guidance (NPPG) (Paragraph: 018 Reference ID: 17a-018-20140306 Revision date: 06.03.2014) states that 'there is no statutory definition of a "minor material amendment" but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

The main issues which were considered in the assessment of the original application were:

- o The Principle of Development;
- o Education, Play Space and Affordable Housing Provision;
- o Residential Amenity;
- o Design, Scale, Massing and Appearance, Including Landscaping;
- o Ecology;
- o Highway Implications;
- o Archaeology;
- o Ground Contamination; and
- o Drainage and Flood Risk

Of these considerations, it is considered that the currently proposed amendments affect only residential amenity and the appearance of the building. To this regard, by reducing the total number of apartments it is considered that the overall level of amenity afforded to residents of the proposed facility would be enhanced through a reduction in density and an increase in communal areas whilst there would be no materially different impact on the amenity of neighbouring residents given that the footprint, height and position of the building would not be altered. The proposed "Carlton Wolds Autumn" brick is considered to be acceptable and it is not considered

that the remaining proposed alterations would significantly affect the appearance of the development.

Therefore, it is not considered that such alterations represent a significant amendment to the approved scheme relative to the overall development and the main planning considerations as set out above and, as such, are deemed to be "minor".

The host planning permission is subject to a total of 11 no. other conditions than those referred to above.

Condition 1 requires the development to begin within three years; given that development has now commenced, this condition is no longer necessary.

Conditions 4 (boundary enclosure), 5 (site levels) and 6 (scheme of working) (ref. 15/02584/DDI), as well as Condition 12 (highway works, including a camera system) (ref. 15/02583/EDI) have been formally discharged, so it is recommended that each of these conditions be re-worded to require adherence to the agreed details.

A suitable remediation scheme has been submitted through discharge of condition ref. 16/00370/EDI whilst satisfies Condition 9. The letter issued by the Council, as Local Planning Authority, discharging Condition 9 also erroneously discharged Condition 10, which requires the submission of a verification/validation report. However, it is not considered that there currently exists any real fall-back of the original consent being implemented, given that an alternative operator of the premises has now been identified who requires an alternative layout. As such, it is considered reasonable and necessary to impose a condition, should Members be minded to approve this application, requiring a verification/validation report to be provided following the completion of the remediation scheme and prior to the facility being brought into use.

The other conditions which were imposed on the host planning permission remain applicable and it is therefore recommended that these conditions also be imposed should Members be minded to approve this application.

## **Conclusion**

For the reasons given above, the proposal is considered to represent a "minor material amendment" to the consent which it seeks to vary and it is not considered that such amendments would compromise residential amenity or the appearance of the building.

The proposal is therefore considered to accord with the development plan and the local and national policies and guidance set out above and, having regard to all material planning considerations, it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

**Conditions:**

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

- Drawing no. S[00] 01: Location Plan received 20.05.2015
- Drawing no. S[00] 02 rev. A: Existing Site Plan received 20.05.2015
- Drawing no. D[50] 01 rev. R: Proposed Site Plan received 19.07.2016
- Drawing no. D[50] 02 rev. L: Proposed Ground Floor Plan received 19.07.2016



Drawing no. D[50] 03 rev. H: Proposed Upper Floor Plans received 19.07.2016  
Drawing no. D[50] 04 rev. J: Proposed Elevations received 07.09.2016  
Drawing no. D[50] 06 rev. A: Proposed Roof Plan received 24.09.2015  
Drawing no. D[50] 07 rev. B: External Works and Planting Schedules received 24.09.2015  
Drawing no. 01 rev. B: Proposed Drainage and HV Diversion received 26.08.2015

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

2 The development shall not be carried out other than in accordance with the external materials as detailed by drawings no. Drawing no. D[50] 04 rev. J and D[50]07 rev. C together with the sample of parchment (ref. 101) coloured Weber pral-m render received 04.04.2016, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

3 The facility hereby approved shall not be brought into use until the boundary treatment detailed by drawings no. D[50]07 rev. C and A[90]01, 02 and 03 has been installed in full accordance with such details, which shall be retained thereafter, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

4 The development shall not be carried out other than in accordance with the proposed site level details illustrated by drawings no. D[50]01 rev. R and D[50]08, relative to the existing site levels illustrated by drawing no. S[00]02 rev. A, in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

5 The development shall be carried out in full accordance with the measures set out by the Construction Method Statement / Scheme of Work prepared by Tolent Construction Limited (rev. A), which includes working hours of between 08:00 and 18:00 on Mondays to Fridays, with shorter typical core hours, and 08:00 and 13:00 on Saturdays with no working on Sundays or Bank Holidays, and drawing no. 14043 L[90]06, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and EN1 of the adopted Unitary Development Plan.

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

7 The building hereby approved shall not be occupied or brought into use until the foul and service water management measures detailed by drawing no. 01 rev. B: Proposed Drainage and HV Diversion received 26.08.2015 and email from SP and A Architects dated 26 August 2015 have been fully implemented in accordance with such details, which shall be maintained thereafter, in order to minimise the risk of flooding and to accord with policy EN12 of the adopted Unitary Development Plan.

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

Reasons: To ensure that the risks from land contaminated 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 policy EN14 of the adopted Unitary Development Plan.

9 The remediation scheme shall be carried out in accordance with the details agreed through discharge of condition submission reference 16/00370/EDI. Following the completion of all measures identified in the approved remediation scheme and prior to the development being brought into use, a verification report (referred to in the former PPS 23 as a validation report) that demonstrates the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, 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 policy EN14 of the adopted Unitary Development Plan.

10 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. An investigation and risk assessment must be undertaken and, when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 9 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 10 (Remediation/Validation Report).

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

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary Development Plan.

11 The facility hereby approved shall not be occupied or brought into use until the scheme of highway works, including directional signage, footway alterations and the provision and operation of a camera system to monitor vehicles travelling within the 'bus gate' on Dene Street, as agreed through discharge of condition submission reference 15/02583/EDI has been fully implemented and the approved scheme shall be maintained and operated in accordance with the approved details thereafter, in the interest of highway and pedestrian safety and the free passage of traffic and to comply with policy T14 of the adopted Unitary Development Plan.

12 The development hereby approved shall be carried out in complete accordance with the measures detailed in the sections 9 and 10 of the revised Ecological Baseline Survey Report (R1 dated 07.09.2015) unless first agreed, in writing, by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

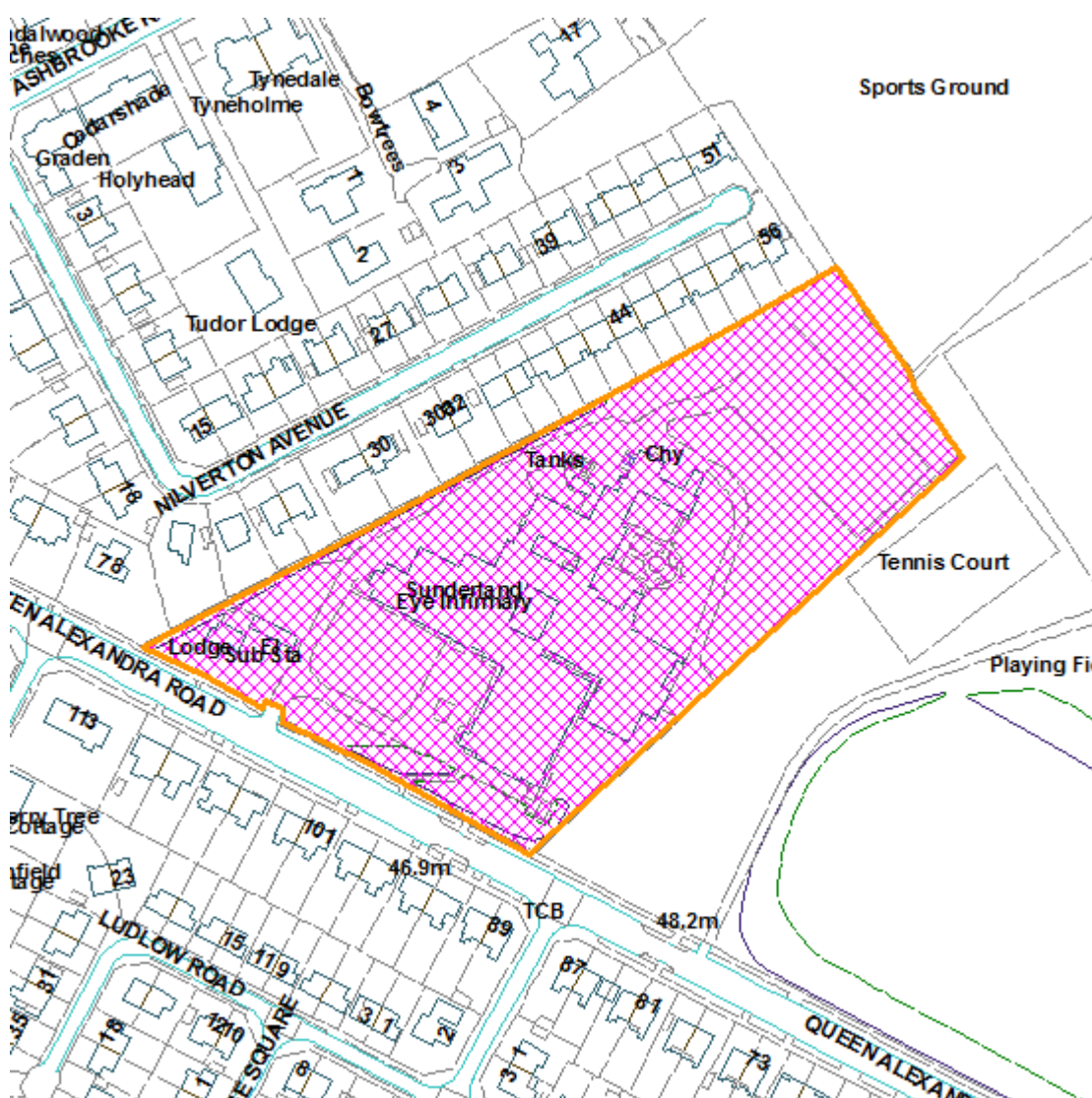
Reference No.: 16/01353/FUL Full Application

Proposal: **Erection of ANPR (automatic number plate recognition) cameras, pay and display machines and associated cabinets. (Retrospective)**

Location: Eye Infirmary Queen Alexandra Road Sunderland SR2 9HP

Ward: St Michaels  
 Applicant: ParkingEye Ltd  
 Date Valid: 29 July 2016  
 Target Date: 28 October 2016

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

Planning permission is being sought retrospectively for the erection of ANPR cameras, pay and display machines and associated cabinets at Sunderland Eye Infirmary, Queen Alexandra Road, Hill View, Sunderland, SR2 9HP.

The proposed development affects Sunderland Eye Infirmary, which occupies extensive grounds off Queen Alexandra Road in Hill View, Sunderland. The grounds are bordered by Queen Alexandra Road to the south-west, the rear gardens of dwellings fronting Nilverton Avenue to the north-west and the playing fields of Southmoor School to the south-east and north-east. The Infirmary occupies a complex of buildings situated centrally within the site, with the remainder affording public and staff car parking and areas of soft landscaping.

This application seeks retrospective planning permission for the erection of a series of ANPR (automatic number plate recognition) cameras, pay and display machines and associated equipment cabinets at various locations around the Eye Infirmary's grounds. No new development is proposed by the application.

The proposals comprise:

- 2 no. ANPR cameras, one at the vehicular entrance off Queen Alexandra Road and one at the car park behind the main complex of buildings. There are two types of camera, but both are mounted on 5 metre-high columns;
- 4 no. pay and display machines, three of which stand against external walls of the Eye Infirmary buildings and the fourth of which stands within the rear car park. The machines have dimensions of 1.8 metres height x 484mm width x 412mm depth;
- 2 no. equipment cabinets, one of which stands next to the pay and display machine at the south-west corner of the Eye Infirmary building and the second of which stands adjacent to the camera column and pay and display machine to the rear car park. The cabinets have dimensions of 942mm height x 305mm depth x 735mm width;

The abovementioned development is associated with the management of the Eye Infirmary's car parks by ParkingEye, on behalf of Hospitals Sunderland NHS Foundation Trust. Vehicle entry and exit to/from the car parks is monitored in order to reduce car park abuse and ensure that spaces are available for genuine users.

Planning permission is being sought retrospectively, with the applicant (ParkingEye) advising that the development was undertaken between December 2011 and January 2012. It is understood this application has been submitted after it was determined planning permission was also required for similar development recently undertaken at Sunderland Royal Hospital.

The current application has also been accompanied by an application for advertisement consent, which seeks to retain a range of advertisements displayed at the Eye Infirmary (application ref. 16/01354/ADV). The advertisement consent application is also an item on the agenda for this Sub-Committee meeting.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

## Neighbour Notifications

### **CONSULTEES:**

St Michaels - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **14.09.2016**

### **REPRESENTATIONS:**

Public consultation - no representations received to date, however the period for receipt of representations does not expire until 14th September 2016. Details of any representations received following the preparation of this report will be provided at the Committee meeting.

### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

### **COMMENTS:**

#### ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and take account of the different roles and character of different areas.

These core principles of the NPPF feed into policies EN10, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

#### 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific

land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The development for which planning permission is sought is designed to support the management of the Eye Infirmary's existing car parks and so does not give rise to any conflict with the established land use of the site. The proposals therefore accord with the objectives of policy EN10.

## 2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated.

In terms of visual amenity, the proposed development essentially involves apparatus and equipment which would be typically expected in car parks of this nature. The number of camera columns, pay and display machines and cabinets is not considered to be excessive for a size of this site and they are also generally well-spread around the site. Furthermore, the form of the proposed apparatus is also considered to be acceptable - the camera columns are of a reasonable height and are substantially lower than, for example, standard street lighting columns.

As such, it is considered that the proposed apparatus will not result in harm to the visual amenity of the locality. It is recognised that the apparatus will combine with the advertisements sought by application ref. 16/01354/ADV, however as a far greater number and range of advertisements are proposed, the issue of potential proliferation of apparatus and signage within the grounds of the Eye Infirmary is given closer consideration in the officer report for the advertisement consent application.

The proposed development does not give rise to any residential amenity concerns given the minor scale and nature of the proposed apparatus and the distances between the respective structures and neighbouring dwellings (the closest distance being 35 metres between two of the pay and display machines and the rear elevations of properties fronting Nilverton Avenue).

Although there have been no objections to the proposals in relation to privacy, it is considered worthwhile noting that the proposed cameras are designed to focus on the registration plates of vehicles entering and leaving the car park of the Eye Infirmary and as such, there does not appear to be any scope for filming of neighbouring residential properties. In any case, however, it must be noted that the operation of such cameras is subject to strict controls and working practices, with operators required to adhere to The Human Rights Act, The Data Protection Act, The Freedom of Information Act, The Data Commissioners Code of Practice, and The Regulatory and Investigatory Powers Act. Together, these forbid the misuse of such apparatus and any breach of these Acts would leave the operator liable to prosecution.

With regard to the above, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policy B2 of the UDP.

## 3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highways team has confirmed that the proposals raise no concerns in relation to highway and pedestrian safety. The development therefore accords with the requirements of UDP policy T14.

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity and visual amenity. To this end, the proposed development is considered to comply with the requirements of the core principles of the NPPF and policies EN10 and B2 of the UDP.

However, as noted above, the period for the receipt of representations from members of the public has not yet expired. Details of any representations received in response to public consultation, together with a recommended decision, will be provided to Members at the Committee meeting.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- 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:** In light of the consultation period that is still to expire Members are recommended to be minded to Approve, subject to the following conditions

**Conditions:**

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

the location plan received 26/07/2016,

the site plans received 26/07/2016,

the proposed camera, pay and display machines and cabinet elevations received 26/07/2016;

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

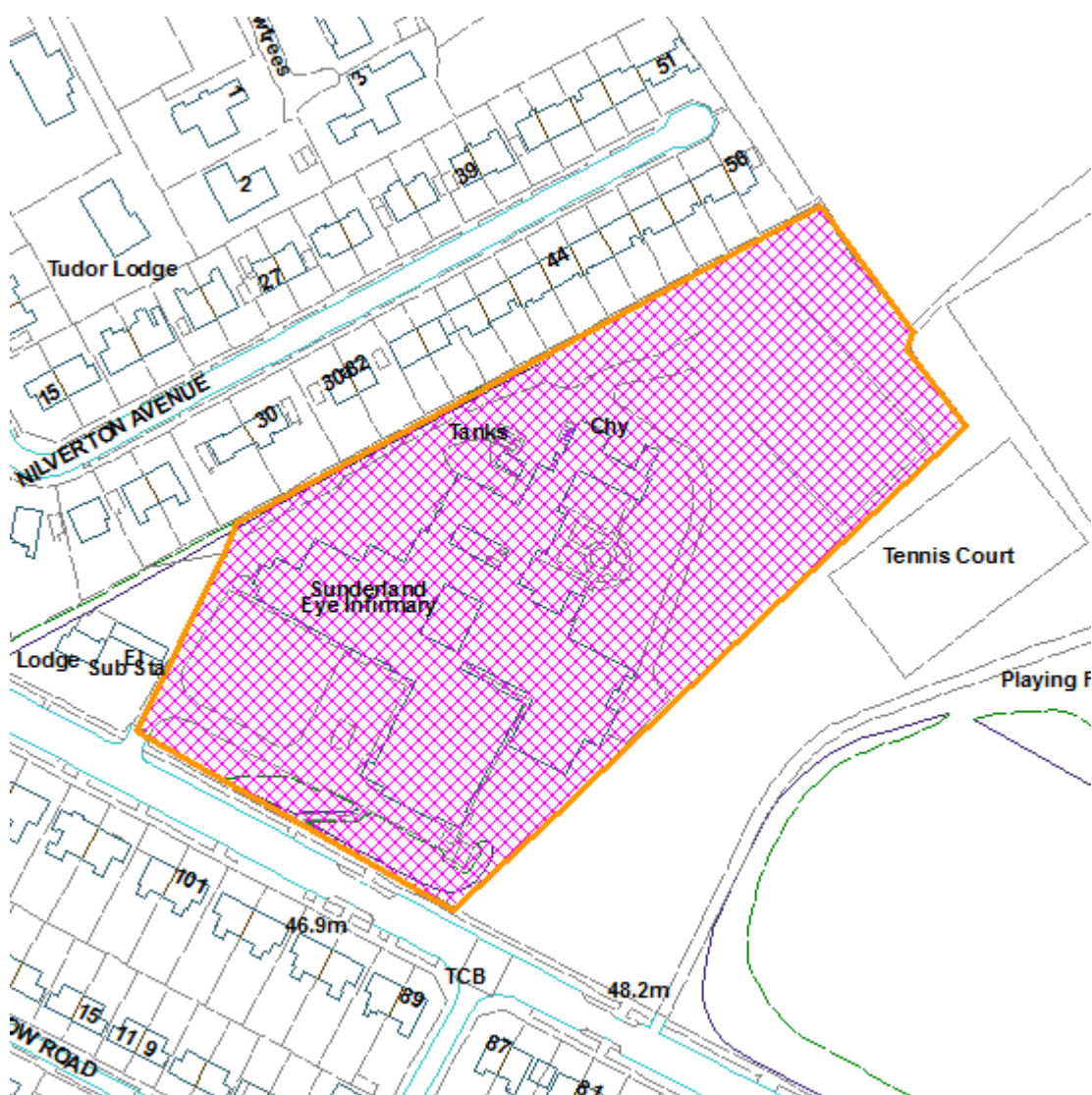
**Reference No.:** 16/01354/ADV Advert Application

**Proposal:** Retention of 12 no. non illuminated pole mounted parking signs and 8 no. non illuminated wall mounted signs (amended description to clarify application seeks to retain existing signage at the site).

**Location:** Eye Infirmary Queen Alexandra Road Sunderland SR2 9HP

**Ward:** St Michaels  
**Applicant:** ParkingEye Ltd  
**Date Valid:** 8 August 2016  
**Target Date:** 3 October 2016

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

Advertisement consent is sought for the retention of 12 no. non illuminated pole mounted parking signs and 8 no. non illuminated wall mounted signs at Sunderland Eye Infirmary, Queen Alexandra Road, Hill View, Sunderland, SR2 9HP.

The proposals affect Sunderland Eye Infirmary, which occupies extensive grounds off Queen Alexandra Road in Hill View, Sunderland. The grounds are bordered by Queen Alexandra Road to the south-west, the rear gardens of dwellings fronting Nilverton Avenue to the north-west and the playing fields of Southmoor School to the south-east and north-east. The Infirmary occupies a complex of buildings situated centrally within the site, with the remainder affording public and staff car parking and areas of soft landscaping.

This application seeks advertisement consent to retain a range of signage already displayed at the site. No new advertisements are sought by the application.

The advertisements proposed to be retained by the current application comprise:

- 12 no. non-illuminated pole-mounted parking signs. Each pole measures a maximum height of 2.8 metres and each sign measures 600mm x 800mm. The signs carry information for users of the Infirmary's car parks and are spread around the site, with 4 no. to the front car park, 2 no. to the parking at the side of the building and 6 no. to the rear car park;
- 8 no. non-illuminated wall-mounted signs, each measuring 600mm x 800mm. The signs are affixed to the front and north-west side elevations of the Eye Infirmary building and carry information for users of the car park;

The abovementioned signage is associated with the management of the Eye Infirmary's car parks by ParkingEye, on behalf of Hospitals Sunderland NHS Foundation Trust.

The current application for advertisement consent has also been accompanied by an application for planning permission, which seeks retrospective permission for the erection of cameras, pay and display machines and equipment cabinets within the car parks of the Eye Infirmary (application ref. 16/01353/FUL). Although this application for advertisement consent would normally be determined by officers under delegated powers, it is considered prudent to add it to the same Sub-Committee agenda as the planning application in order to allow Members to consider both applications together.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **12.09.2016**

## **REPRESENTATIONS:**

Public consultation - one letter of representation has been received, from a resident of Nilverton Avenue (no house number provided). The letter does not raise any concerns in relation to the advertisements sought by the application, rather it references a range of general concerns regarding the site and in relation to the position of pay and display machines and cameras. Issues relating to the impact of the development sought by application ref. 16/01353/FUL on the amenity of nearby residential dwellings is given further consideration in the report for that application.

The period for receipt of further representations does not expire until 12/09/2016. Details of any new representations received after the preparation of this report will be provided at the Committee meeting.

## **POLICIES:**

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

B\_21\_Advertisement & Control

## **COMMENTS:**

### CONSIDERATION OF APPLICATION

Applications for advertisement consent are subject to planning policy on both national and local levels. On a national level, paragraph 67 of the National Planning Policy Framework (NPPF) states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment...advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'. It also states that advertisements should only be subject to local authority control in the interests of amenity and public safety, taking account of cumulative impacts.

On a local level, policy B21 of the City Council's adopted Unitary Development Plan (1998) states that applications for advertisement consent will be determined on the basis of their effect on amenity and public safety. Large scale advertisement displays will be subject to particular scrutiny with regard to their effect on amenity.

The advertisements sought to be retained are spread around the extensive and busy car parking areas of the Eye Infirmary. Although the number of signs involved in the application is fairly high, it is considered that given this context and the size of the site, there will not be an unacceptable proliferation of signage, even in combination with the other existing directional and informational signs associated with the Eye Infirmary and other apparatus erected within the car parks (such as the cameras, pay and display machines and cabinets proposed by application ref. 16/01353/FUL). Furthermore, a number of the signs are located to the rear of the main Eye Infirmary building and are therefore screened from the main public views into the site from Queen Alexandra Road, whilst even the signage to the front of the Eye Infirmary building is set into the site, away from the boundary with the road.

Given the above, it is considered that the signage does not unacceptably affect the visual amenity of the area. In addition, the signage scheme is not considered to raise any residential amenity issues, whilst the City Council's Highways team has confirmed the proposals do not cause any concerns in respect of highway and pedestrian safety matters.

## **CONCLUSION**

With regard to the above comments, it is considered that the impact of the proposed advertisements on the amenity of the locality and public safety is acceptable. As such, the proposal complies with the requirements of paragraph 67 of the NPPF and policy B21 of the UDP.

However, as noted above, the period for the receipt of representations from members of the public has not yet expired. Details of any representations received in response to public consultation, together with a recommended decision, will be provided to Members at the Committee meeting.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- 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:** In light of the consultation period that is still to expire Members are recommended to be minded to Grant Advertisement Consent, subject to the following conditions

**Conditions:**

1 The consent hereby granted shall be for a period of 5 years from the date hereof in the interests of visual amenity and to comply with policy B21 of the UDP.

2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3 No advertisement shall be sited or displayed so as to:-

a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (Civil or Military)

b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair the visual amenity.

Reference No.: 16/01411/FU4 Full Application (Reg 4)

Proposal: **Relocation of spectator stands to south side of football pitch.**

Location: Ryhope Colliery Welfare Ground Ryhope Street South Sunderland

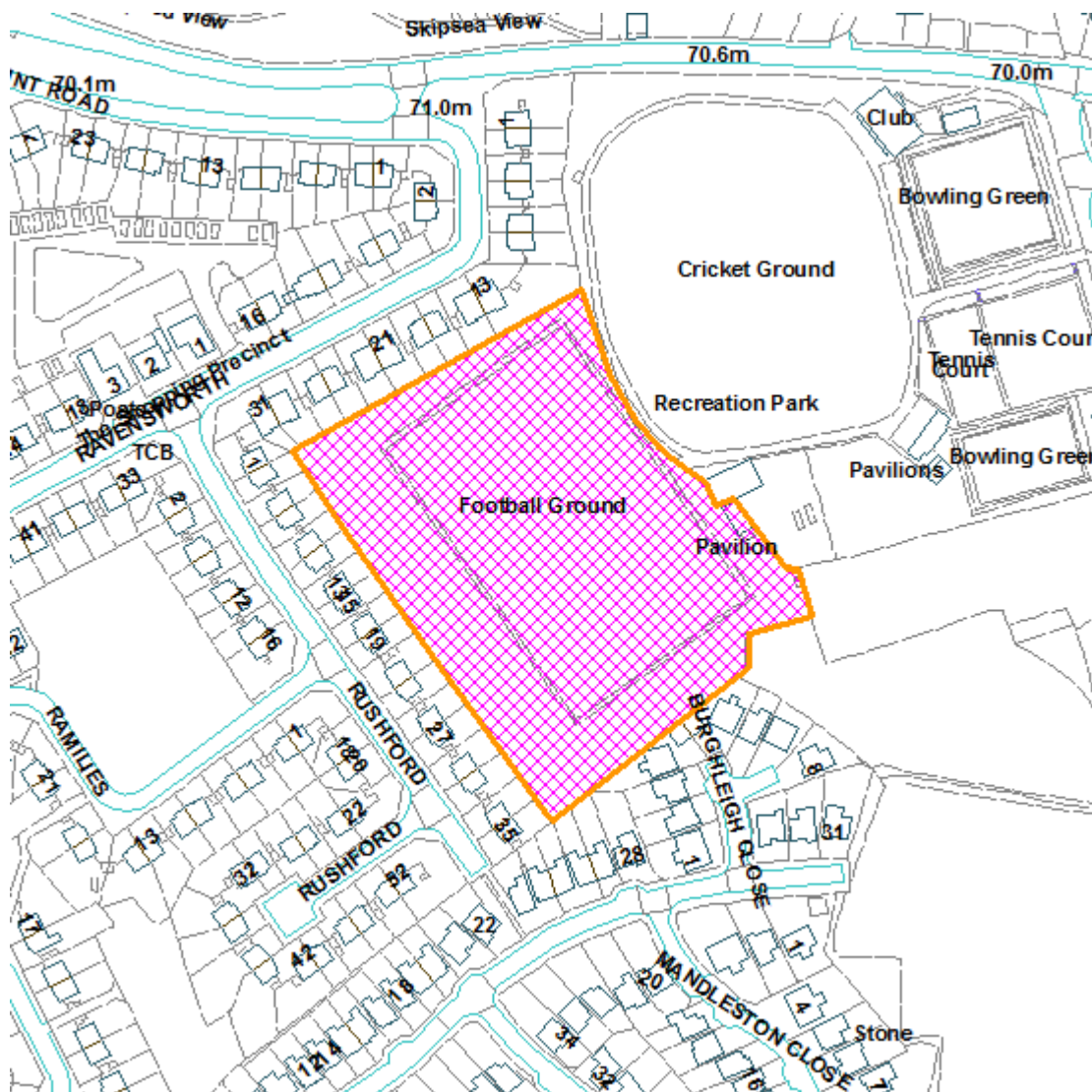
Ward: Ryhope

Applicant: Ryhope Colliery Welfare Football Club

Date Valid: 2 August 2016

Target Date: 27 September 2016

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

## **PROPOSAL:**

The proposal relates to the relocation of spectator stands to the south side of the football pitch at Ryhope Colliery Welfare Ground, Ryhope Street South, Ryhope, Sunderland.

The proposed development is associated with the football ground at Ryhope Recreation Park, a municipal park which also features a cricket ground, bowling greens, tennis courts, children's play area, landscaped gardens and a range of ancillary buildings, such as a cricket pavilion, changing rooms and a tea hut. The football ground occupies the westernmost part of the park and is flanked by the rear gardens of residential properties fronting Ravensworth, Rushford and Burleigh Close to its north, west and south respectively.

The wider Recreation Park is managed by the City Council in order to provide a public amenity space for the local community. The sports pitches within the Park are in turn rented out to local sports teams and clubs; to this end, the football ground is used as the home pitch of Ryhope Colliery Welfare Football Club, a semi-professional outfit currently playing in the Northern Football League Division One (level 9 of the English football league system).

Planning permission was recently granted for the erection of a 100-seater spectator stand, together with a single-storey changing room/toilet building, to the east side of the football ground (application ref. 12/02863/FUL, approved on 11/12/2012). The application was submitted by Ryhope C.W. Football Club, with the facilities proposed required in order for the Club to meet ground grading standards set by the Leagues Committee at the Football Association (FA). The approved spectator stand comprises two 50-seat modules adjoining one another, but to date, only one of the seating modules has been erected.

The current application seeks to erect the full 100-seat stand (i.e. the existing 50-seat module plus the additional 50-seat module) to the south end of the pitch, behind one of the goals. The stand is proposed to be erected on an existing concrete base, which is currently available for standing spectators. The Design and Access Statement submitted with the application indicates that the stand is proposed to be relocated from the east side of the pitch as spectators currently have difficulty watching matches when the sun is low to the west and that the current location of the stand presents problems for ground staff in manoeuvring equipment onto the playing area

As per the previous approval, the combined stand has a total footprint of 13.2 metres x 2.95 metres, and will feature a shallow pitched roof with a maximum height of 2.93 metres. The two modules, which are predominantly constructed of galvanised steel, are delivered to the site in one piece and will be affixed to the existing concrete base. The rear (south) elevation of the stand is to be situated approximately 15 metres from the southern boundary of the football pitch, beyond which are the curtilages of nos. 4 and 5 Burleigh Close. Both of these dwellings present their side elevations to the boundary and between the two is a shared garage block which presents its rear elevation to the boundary.

As noted earlier, the City Council manages the football pitch and wider Recreation Park and given the Council's interest in the site, the application cannot be determined by officers under Delegated powers and so has been referred to the Development Control (South area) Sub-Committee for determination.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications



## **CONSULTEES:**

Network Management  
Sport England  
Environmental Health  
Northumbrian Water  
Ryhope - Ward Councillor Consultation

Final Date for Receipt of Representations: **07.09.2016**

## **REPRESENTATIONS:**

Public consultation - two objections have been received, both from the occupiers of 5 Burleigh Close, to the south of the proposed stand. The objections raise the following concerns:

- noise from the football field already intrudes on the property's privacy and having the stand so close to dwellings will cause a significant increase in the noise experienced at the property;
- the existing permission was based on the seating being a 'minimum distance' from nearby dwellings and this should be maintained;
- it is believed the proposed position was always intended for the seating given that the concrete pad has already been installed;
- the concrete pad is not used much by spectators, who primarily stand to the side of the pitch;
- there is no good reason to relocate the stand and it will only bring it closer to residential properties;
- as the site is owned by the Council it should not approve the development against residents' wishes;

Members should note that the current planning application must only be determined on its planning merits and the role of the City Council as manager of the Recreation Park is immaterial to any decision made.

In addition, it should be clarified that there is no 'minimum distance' applicable between residential properties and spectator stands such as that proposed. Rather, in considering the merits of the development proposed by the previous application (i.e. application ref. 12/02863/FUL), the case officer simply observed that the distance between the stand and the nearest dwellings was such that it did not raise any significant amenity concerns. That is not to say, however, that this distance has to be maintained in the future; any fresh proposals have to be considered on their own merits.

Northumbrian Water - no comment to offer.

Sport England - no comments received to date. Details of any comments received subsequent to the preparation of this report will be provided ahead of the Committee meeting.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
L\_1\_General provision of recreational and leisure facilities  
L\_7\_Protection of recreational and amenity land  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

## **COMMENTS:**

### **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; take account of the different roles and character of different areas and take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 74 of the National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the land or buildings are surplus to requirements, the loss would be replaced by equivalent or better provision in a suitable location or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The thrust of para. 74 of the NPPF is echoed by policy L7 of the City Council's adopted Unitary Development Plan (1998), which states that land allocated for open space and outdoor recreation will be retained in its existing use.

Meanwhile, Ryhope Recreation Park is identified as an area of existing open space to be retained by the proposals map of the UDP; policy L1 therein states that the Council will seek to:

- (i) provide a range of high standard recreational, sporting, cultural and community facilities;
- (ii) develop the City's prestige and attractiveness;
- (iii) improve and extend opportunities for public enjoyment of the countryside;
- (iv) promote the dual use of community and educational facilities;
- (v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation requirements

The proposed seating modules will provide facilities which are ancillary to the football ground and wider park and assist Ryhope Colliery Welfare Football Club in meeting the ground grading standards set by the Football Association. It would appear that proposed development will not impact upon the quality, quantity and use of the football pitch, although confirmation of this is awaited from Sport England. Furthermore, it is considered that the proposed development will not adversely affect the recreational or amenity value of the wider park and as such, the proposal accords with the requirements of aforementioned policies L1 and L7 of the UDP and paragraph 74 of the NPPF. The principle of the proposed development is therefore considered to be broadly acceptable.

### **IMPACT OF DEVELOPMENT ON VISUAL AND RESIDENTIAL AMENITY**

In addition to the above, the proposal must be assessed against the requirements of policy B2 of the UDP, which states that new development must respect visual and residential amenity. The proposed spectator stand can only be readily viewed from within the park, for although it is in proximity to the boundary with Burleigh Close to the south, it is largely screened from the street by dwellings and the garages of nos. 4 and 5. In any case, given the modest scale of the proposed

spectator stand and it being primarily viewed within the context of the football pitch and wider park, it is considered that its erection will not result in any significant harm being caused to the visual amenity of the area, in accordance with the objectives of the NPPF's core principles and policy B2 of the UDP.

In terms of residential amenity, it is recognised that the stand is proposed to be located within 15 metres of the boundary with 4 and 5 Burleigh Close. Both of these dwellings present their side elevations to the boundary with the football pitch and as such, the development will not affect the outlook from any of their main living room windows. Furthermore, the limited scale and height of the stand, coupled with its distance from the boundary will ensure it will not dominate the rear gardens of nos. 4 and 5 and nor will it lead to any overshadowing given its position to the north. In addition, as the stand is designed so that spectators will face northwards towards the pitch, the development does not give rise to any privacy concerns.

The objector from 5 Burleigh Close has, however, raised concerns regarding the potential for the property to be affected by noise generated by spectators using the proposed stand. To this end, paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

In a similar vein, policy EN5 of the UDP states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise-sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

The potential for the development to give rise to adverse noise impacts in relation to nearby residential dwellings has been discussed with the Council's Public Protection and Regulatory Services (Environmental Health) officers. In giving consideration to this matter, it is recognised that the erection of the stand could encourage spectators to congregate in a particular location and that the site chosen by the Club is much closer to residential dwellings than the existing stand.

In order to establish whether a noise issue will arise, however, consideration must also be given to factors such as the existing arrangements at the site and to this end, it is acknowledged that spectators are already able to stand behind the goal at the south end of the pitch. Regard must also be given to the numbers of spectators likely to watch matches, the frequency of matches and the timing of matches, whilst it is also recognised that the enclosed nature of the stand will mean that any noise generated by spectators is likely to spill northwards towards the pitch, rather than southwards towards the nearby dwellings.

With regard to the above, it is considered that given the stand can only accommodate a maximum of 100 spectators and will only be used on an infrequent basis (i.e. for short periods of time on matchdays), the use of the stand is unlikely to give rise to a significant noise issue in relation to the amenity of nearby dwellings. The matter is, however, still being given further consideration in conjunction with the Council's Environmental Health officers and to assist in these considerations, additional information relating to the anticipated nature and frequency of the use of the stand has been sought from the applicant.

## HIGHWAY AND PEDESTRIAN SAFETY

The Council's Highways officers have confirmed that the development raises no concerns in relation to highway and pedestrian safety, in accordance with the requirements of policy T14 of the UDP.

### CONCLUSION

With regard to the above comments, it is considered that the principle of the erection of the spectator stand is broadly acceptable and that it will not undermine the Recreation Park's recreational and amenity value. In addition, it would appear that the development will not adversely affect the use of the football ground with which it is associated, although confirmation of this is awaited from Sport England.

In addition, the development raises no significant concerns in relation to visual amenity and highway and pedestrian safety, whilst its effect on the amenity of the nearest residential dwellings in terms of their outlook, overshadowing and privacy is considered to be acceptable. As detailed above, however, further consideration is being given to the implications of the development in relation to noise generated by the use of the stand and whether this will likely harm the amenity of nearby dwellings and to this end, additional information has been sought from the applicant.

It is anticipated that this matter will have been fully considered ahead of the Committee meeting and a final summary of the position in respect of this issue will be provided to Members on a Supplementary Report ahead of the meeting. Details of any comments received from Sport England in relation to the use of the playing field will also be provided to Members ahead of the Committee meeting, together with a recommended decision and full details of recommended conditions.

### EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- 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** - Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to final consideration of residential amenity issues and receipt of comments from Sport England and subject to the following conditions:

- condition requiring development to commence within 3 years of Consent being Granted;
- condition requiring development to be carried out in accordance with approved plans;
- condition requiring development to be constructed from materials specified within the application;
- any conditions requested to be imposed by Sport England;
- any additional conditions required in relation to noise issues.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/01360/ADV</b>	Miss Gemma Lang	Erection of 15 signs mounted on lighting columns, signage poles or on the wall of the buildings.	08/08/2016	03/10/2016
<b>Barnes</b>	City Hospitals Sunderland Childrens CentreDurham RoadSunderlandSR3 4AG			
<b>16/01359/FUL</b>	ParkingEye Ltd	Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets. (RETROSPECTIVE).	08/08/2016	07/11/2016
<b>Barnes</b>	City Hospitals SunderlandChildrens CentreDurham RoadSunderlandSR3 4AG			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/00748/FU4</b>	Mr Andrew Anderson	Erection of new six storey building comprising 54 studio, 1,2 and 3 bed apartments with commercial units on the ground floor (A1, B1 or D1 Use Class).	29/06/2016	28/09/2016
<b>Hendon</b>	42 - 45 Nile Street Sunderland SR1 1ES			
<b>15/01038/FU4</b>	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
<b>Hendon</b>	Site Of 40/41 Lawrence Street Sunderland			
<b>16/00892/FU4</b>	Pavilion Property Trustees Ltd And	Erection of a retail unit and associated car parking, access, public open space, service yard and stopping up of a public highway.	03/06/2016	02/09/2016
<b>Millfield</b>	Site Of Former Crowtree Leisure Centre Crowtree Road Sunderland SR1 3EL			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/01411/FU4</b>	Ryhope Colliery Welfare Football Club	Relocation of spectator stands to south side of football pitch.	02/08/2016	27/09/2016
<b>Ryhope</b>	Ryhope Colliery Welfare GroundRyhope Street SouthSunderland			
<b>16/01524/HYB</b>	Barratt Homes North East Ltd	Hybrid planning application comprising: Outline planning permission for up to 496no dwelling houses (use class C3). To include: Care village (up to 80no bed spaces) and/or up to 700 sqm of community facilities (use class A1 and/or A2 and/or A3 and/or A5 and/or A5). Landscaping works to mill hill and trig hill (All Matters Reserved Except Access). Full planning permission for: Demolition of existing buildings and erection of 304no dwelling houses (use class C3).	26/08/2016	25/11/2016
<b>Ryhope</b>	Land At Former Cherry Knowle HospitalBurdon Lane/Stockton RoadRyhopeSunderlan d			



<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/01502/OU4</b>	The Church Comissioners For	Outline planning application with means of vehicular access and emergency vehicular access from A1018 (Saint Nazaire Way) to be determined (all other matters reserved for subsequent approval), for the erection of upto 500 dwellings (Class C3); local centre including upto 500 square metres of floorspace (Class A1, A2, A3, A4, A5, C3, D1, D2 or Sui Generis); earthworks to facilitate surface and foul water drainage; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	17/08/2016	16/11/2016
<b>Ryhope</b>	Land South Of RyhopeSouthern Radial RouteSunderland			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/01050/FU4</b>	Ms Frances Barlow	Erection of 77no. dwellings for sale and affordable rent comprising 12no. 2-bedroom bungalows for sale, 8no. 2-bedroom dwellings for sale, 15no. 5-bedroom dwellings for sale, 34no. 2-bedroom apartments for affordable rent and 8no. 1-bedroom suites for people with learning difficulties in partnership with Grindon Mews and associated access and landscaping	27/07/2016	26/10/2016
<b>St Annes</b>	Land AtNooksideSunderland			
<b>15/02345/OUT</b>	Mr Phillip Jefferies	Outline application for demolition of existing public house, to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).	04/08/2016	29/09/2016
<b>Silksworth</b>	The Hunters LodgeSilksworth LaneSunderlandSR3 1AQ			