

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **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 City Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre  
Executive Director City Development

1.

North Sunderland

**Reference No.:** 23/02018/FUL Full Application

**Proposal:** **Proposed demolition of existing detached garage, and single storey west (front) and north (side) extensions. Construction of one and a half storey extension with dormer windows to west (front), part first floor part two storey extension to north (side), single storey extension to south (side), 2 storey extension to east (rear) including an external balcony terrace at first floor level, and a further terrace at ground floor level. Replacement of existing materials with roof tiles to match existing, dark grey window frames, and mix of existing brick with some render to the north and east elevations. (amended plans received 19/3/24)(amended description 22.05.24).**

**Location:** 7 Rock Lodge RoadSunderland SR6 9NX

**Ward:** St Peters  
**Applicant:** Ailish Doran  
**Date Valid:** 27 September 2023  
**Target Date:** 22 November 2023

#### **PROPOSAL:**

#### **SITE**

The application property is a detached dwelling house situated at the head of a cul-de sac, it has a single storey projection to the front and a detached garage beyond this. To the north of the garage, is an area of grassed open space.

The property sits on a large plot and is set forward in relation to the properties on the south side of the cul-de-sac. The property benefits from a large rear

garden area and overlooks the coast road to the rear.

## PROPOSAL

The original application proposed single storey extensions to the front and side, two storey extensions to the front, sides and rear and use of roof slate, grey window surrounds, painted brickwork/white render, grey brickwork and dark grey cladding.

It was considered that the proposed works were an overdevelopment of the site and that the extensions would subsume the host dwelling and appear uncharacteristic within the existing streetscene. The use of materials would also be wholly uncharacteristic in relation to the host property and existing streetscene. Additionally, the separation distance between the proposed rear extension and the habitable room to the front of the neighbouring property was considered to be sub-standard at only 10m.

An amended scheme was submitted on the 02.02.24. This amendment removed the two-storey extension to the south and provided a single storey extension, it set the rear extension in from the neighbouring dwelling no.9 a further 1.5 metres, reduced the rear ridge height so that it would be the same height as the existing property and changed the material to the front extension, to provide buff brickwork.

There was still a concern with regard to the size of the two-storey extension to the rear and the use of materials and so a final amendment was submitted on the 19.03.24, along with a planning statement supporting the proposed development.

This amendment reduced the ridge line to the rear extension by a further 300mm and set the extension in a maximum of 12.4 metres from the window within the projection to the front of no.9 and 5.8 metres from the blank side elevation of no.9.

With regard to materials, it proposed that the roof tiles be more in keeping with existing material palette and matching brick work be utilised for all elevations apart from part of the north extension which ties in with the existing house and part of the east elevation, both of which will utilise render.

The final amended proposal provided on the 19.03.24 will be considered within the following report.

An application of this nature would normally be determined by officers under delegated powers, however, it has been referred to the Sub-Committee at the request of Ward Councillor Joshua McKeith

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Cllr Lynn Vera  
Cllr Joshua McKeith  
Cllr David Newey  
Network Management  
Natural Heritage

Lyndore Peareth Road Sunderland SR6 9NN  
18 Rock Lodge Gardens Sunderland SR6 9NU  
5 Rock Lodge Road Sunderland SR6 9NX  
9 Rock Lodge Road Sunderland SR6 9NX  
The Bungalow Peareth Road Sunderland SR6 9NN

Final Date for Receipt of Representations: **05.06.2024**

## **REPRESENTATIONS:**

Following the original round of consultations objections were received from the occupants of 1, 3, 5, 9, 11, 15, and 17 Rock Lodge Road, 15, 16, 17 and 18 Rock Lodge Gardens and the Trustees of Rock Lodge Road. The following was raised:

- Removal of garage and impact on congestion within street, given size of proposal;
- Loss of light in relation to 9 Rock Lodge Road, given proximity of extension to property;
- Loss of privacy in relation to 9 Rock Lodge Road, due to overlooking via new windows;
- Proposal out of character with existing properties within estate in terms of design and materials;
- Overdevelopment;
- Risk of subsidence;
- Severe disruption during build;
- Impact on outlook, natural light in relation to 16 Rock Lodge Road;
- Impact on property values.

Letters of support were received from the occupiers of 26 Roker Park Road, 8 Broadmeadows, 4 Side Cliff Road, 32 Vicarage Road, 1 Parkside South, 36 Beechwood Terrace, 1 Parkside South and 51 Neale Street. The following was raised:

- Design of home undeniably impressive;
- Development accords with parking requirement and ample parking at end of street;
- Increase property values;
- Terrace will look impressive from seafront;
- Numerous extensions within estate;
- Eco friendly render;

- Difficulty matching existing materials;
- Colours and materials will match other executive and impressive homes along seafront;
- House is set back from street and does not obviously appear as part of the estate.
- Following receipt of the letters of support further objection was received from occupiers of no.15 Rock Lodge Road and 9 Rock Lodge Road, the following was raised:
  - Supporters letters accepted after closing date for public comment;
  - It appears that most of the supporters are friends and family of the applicants and do not live within the vicinity of the proposal;
  - Objectors comments are not personal to applicant;

An amended plan was submitted on the 02.02.24 and objections were received from the occupiers of 1, 3, 5, 9, 11, 15, and 17 Rock Lodge Road and 15, 16, 17 and 18 Rock Lodge Gardens. The following was raised:

- Updated design still results in loss of characteristic design;
- Still and overdevelopment and will have an overbearing effect on no.9 given the 1-3 metre distance;
- Access to and from the development will cause huge disruption for many months and plan is for five bedroom home with only 2no parking spaces and no garage;
- Subsidence within area;
- Velux windows will overlook no.9;
- Impact on sea views;
- Overshadowing;
- Overdevelopment of site;
- Detrimental visual impact.

Letters of support were received from occupiers of 14 Benedict Road, Flat 1 South Lodge, 73 Bright Street 26 Roker Park Road, 4 Side Cliff Road, 1 Parkside South, 36 Beechwood Terrace, 1 Parkside South and 51 Neale Street. The following was raised:

- Houses on estate do not look the same;
- Use of multiple different materials within estate;
- Estate not part of conservation area;
- From seaview design in keeping with adjacent house;
- No.7. least developed plot on road and proposal now subordinate;
- Proposed development compliant with parking requirement;
- Disruption not grounds for objection;
- Subsidence would be covered by building regulations;
- Ridge height and velux positioning adjusted to avoid privacy infringement;
- Extension to south side has been removed;
- Given position of no.7, it should be viewed in relation to properties on

coast road.

The final amendment was received on the 19.03.24 and was supported by a planning statement provided by the agent. Objections were received from the occupiers of 1, 3, 5, 9, 11, 15, and 17 Rock Lodge Road and 15, 16, 17 and 18 Rock Lodge Gardens. The following was raised:

- Overdevelopment;
- Overshadowing;
- Loss of privacy;
- Poor visual impact;
- Poor access;
- Insufficient parking;
- Nothing has significantly changed on the revised plans;
- No.7 should not be treated separately from the rest of the estate;
- 60s architecture does have architectural value;
- Comparisons made to houses outside of the estate are irrelevant ;
- Threat of demolition to sidestep planning regulations a concern;
- Report that has been provided by Architect is incorrect and misleading.

1no. final round of consultation was carried out on the 22.05.24, to provide the correct proposal description and to inform the neighbours and contributors that the application has been called into committee.

With regard to the objection relating to house value:

It should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can, on occasion, be difficult to distinguish between public and private interests but this may be necessary in some instances. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land and buildings which ought to be protected in the public interest.

With regard to the objection relating to loss of view:

Views across other peoples land are not a landowners right and therefore cannot be protected through planning legislation.

With regard to the objection relating to potential disruption during build:

Some disruption during building would be expected however, should any construction work be considered to unacceptably impact the neighbouring dwellings residential amenity, this would need to be reported to the Councils Environmental Health Team, who will investigate.

With regard to the objection relating to the potential for subsidence:

The method of construction does not fall within the remit of planning and

would be something that would be dealt with as part of any building regulations application.

In light of the above, house value, loss of view, disruption during build and subsidence cannot be given material weight in the determination of this planning application. All other material considerations will be addressed below.

## **POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

## **COMMENTS:**

### CONSIDERATION

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible Paragraph 139 states that planning permission should be refused for development of poor design where it fails to reflect local design policies and government guidance on design.

As of the 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP).

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

The Council's 'Development Management' SPD which was adopted in June 2021, provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy BH1's requirement that visual amenity and the amenity of existing dwellings is respected.

The DMSPD sets out that extensions should not have a negative impact on the amenity of neighbouring dwellings with regard to overshadowing, appearing overbearing or increasing overlooking. With regard to visual impact

extensions should be designed to be subordinate to the property and should not dominate the dwelling. Their design should respect and reflect the host property, with the materials used and features such as windows, doors and roof design all matching the existing dwelling as closely as possible.

In assessing the proposal, the main issues to consider are the impact of the development upon the appearance of the host property and the street scene in general, the effect upon the residential amenities of the neighbouring properties, effect with regard to ecology and highway safety.

## **VISUAL AMENITY**

As has been set out earlier within the report, the original proposal was considered to be an overdevelopment of the host property which would be visually intrusive within the streetscene given its design and the proposed materials to be used. The subsequent amendment on the 02.02.24, still provided concerns with regard to the size and position of the rear extension and use of materials.

With regard to the amended proposal provided on the 19.03.24, it is noted that the materials to be used within the proposal will now largely match the host dwelling with matching brick work and use of tiles rather than slate. This will ensure that the proposal will sit more comfortably within the existing streetscene. The use of grey for the tiles, window and door surrounds would not be considered to detract from the host dwelling or existing streetscene to an extent that would warrant a refusal of permission, in this instance.

With regard to the use of render this would be to the north and east elevations of the property and given the render that is evident on the properties along the Coast Road to the north, it would not be considered that the use of this material would be inappropriate in these locations.

The single storey extension to the south side and part ground part first floor extensions to the north, are small scale additions that would not appear overly obtrusive within the existing streetscene to the front or rear.

The existing garage and projection to the front of the property is already visible when entering the cul de sac, the infilling of the area in between and addition of the first floor and dormers would increase the size of this built form, but given that the current arrangement is read in conjunction with the built form to the north of the site, the proposal would not be considered to appear visually intrusive. The dormers are small in scale and although not a normal feature within the street, would not be considered to appear overly obtrusive.

With regard to the rear extension it will be visible when viewed from within the cul de sac however, it would be partially screened via the projection and garage to the front of no.9 and the extension itself has been amended over the course of the application so that it now sits down from the main roof line and is a smaller scale.



It is acknowledged that this is still a large extension to the rear however, it is also noted that a two-storey rear extension projecting 3 metres, could have been submitted without requiring planning permission and this would have had a similar impact to the proposed extension when viewed from the cul-de-sac.

With regard to the impact of the rear extension when viewed from the coast road, as has been noted the host dwelling sits forward of the properties to the east side of the street, this means that when traveling along the coast road from south to north the proposal will be largely screened from view.

It is acknowledged that the proposal will be more visible when traveling from north to south however, given the position of the property it would not break the building line of the existing properties to the south and as has been stated earlier given the use of render on properties to the north, the use of render would be considered to be acceptable in this instance.

With regard to the design of the extension, it would not be considered inappropriate for a property along the coast to have a balcony overlooking the sea view.

On balance, although it is acknowledged that this is a large extension to the rear, it has been amended to appear more subordinate and given the position of the property and site circumstances would not be considered to appear overly obtrusive within the streetscene.

For the reasons set out above, the design, siting and appearance of the proposal is considered acceptable, as it would have no adverse impact on the visual amenity of the host property or wider streetscene and as such complies with the NPPF, policy BH1 of the CSDP and the DMSPD.

## **RESIDENTIAL AMENITY**

The extension to the front of the property would be some approx. 33.5 metres from the rear elevation of no18. Rock Lodge Gardens and would not be considered to appear overbearing or to increase overshadowing in relation to this dwelling or any other dwelling within Rock Lodge Road or Rock Lodge Gardens. The dormer windows would look onto the front of the properties within Rock Lodge where a degree of surveillance is expected.

With regard to the single storey side extension to the south, it is small in scale and would not be considered to increase appear overbearing or increase overshadowing in relation to the nearest neighbour at no.9.

The rear extension has been amended so that it is set further away from the neighbouring dwelling, no.9. It is acknowledged that a distance of 14 metres is recommended between extensions with blank elevations and main living windows and the distance on the amended plan is less than that at 12.4 however, this is still considered to be a significant distance and the fact that a two storey extension could be constructed without requiring permission within the same location also needs to be taken into account.

The proposal would not appear overbearing or increase overshadowing in relation to no.9s blank side elevation and the small scale roof lights to the south, would not be considered to increase overlooking in relation to no.9 or any neighbouring dwelling.

With regard to nearest neighbour to the north (The Bungalow), the proposed extensions to the front and side of the host dwelling, would be set in approx. 12 metres from this properties blank side elevation and would not be considered to appear overbearing or to increase overshadowing in relation to this property.

Given the size of the garden associated with this property the extensions to the front and rear would not impact negatively on this property's outdoor amenity space to a degree that would warrant a refusal of permission in this instance.

With regard to privacy windows and balcony to the rear will overlook the Coast Road and sea beyond. It is acknowledged that the balcony would also overlook the front garden area of The Bungalow. but as this is to the front of this property, a degree of surveillance would be expected and it would not be considered that the existing levels of privacy in relation to this dwelling would be negatively impacted

For the reasons set out above the proposal is considered acceptable, as it would have no adverse impact on the residential amenity of neighbouring properties and as such complies with the NPPF, policy BH1 of the CSDP and the DMSPD.

## **ECOLOGY**

CSDP policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

A bat survey and risk assessment, dated August 2023, was submitted with the application. The report confirmed that no bat roost was identified within the building and suggested a range of mitigation measures to ensure no bats would be effected by the proposed works.

With regard to biodiversity enhancement, it was suggested that 2no, sparrow terraces should be erected on the western elevation of the property.

Following consultation, the Councils Ecologist confirmed that they were in agreement with the findings of the report and subject to the mitigation section of the report being conditioned, they would have no objection to the proposal, which would comply with policy NE2 of the CSDP.

## **HIGHWAY ISSUES**

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

Although concern has been expressed with regard to the removal of the existing garage and the size of the dwelling, it is noted that the 2no. parking spaces that will be provided to the front of the property are the minimum required for a residential property such as this, and are in line with the guidance within the Councils DMSPD. Further to this the Councils Highway Engineers have viewed the application and provided no objection to the scheme.

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with policy ST3 of the CSDP.

## **CONCLUSION**

The proposal is in accordance with CSDP policies BH1, NE2 and ST3 and the NPPF. It is considered to be an acceptable form of development which would not cause unacceptable harm to the amenities of the occupiers of the adjoining properties the street scene in general, protected species or pedestrian and highway safety, it is therefore considered acceptable and recommended for approval subject to the following 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: Approve subject to the conditions listed below:-**

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
  
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - LOCATION PLAN, AL (90) 0010, received 20.09.23
  - EXISTING GROUND FLOOR 00 PLAN, AL (00) 0100, received

- 20.09.23
- EXISTING FIRST FLOOR 01 PLAN, AL (00) 0101, received 20.09.23
  - EXISTING SIDE ELEVATION NORTH, AL (00) 0120, received 20.09.23
  - EXISTING REAR ELEVATION EAST, AL (00) 0130, received 20.09.23
  - EXISTING SIDE ELEVATION SOUTH, AL (00) 0140, received 20.09.23
  - EXISTING FRONT ELEVATION WEST, AL (00) 01500, received 20.09.23
  - PROPOSED GROUND FLOOR PLAN, AL (00) 0200 REV B, received 19.03.24
  - PROPOSED FIRST FLOOR PLAN, AL (00) 0201 REV B, received 19.03.24
  - PROPOSED SIDE ELEVATION NORTH, AL (00) 0220 REV B, received 19.03.24
  - PROPOSED REAR ELEVATION EAST, AL (00) 0230 REV B, received 19.03.24
  - PROPOSED SIDE ELEVATION SOUTH, AL (00) 0240 REV B, received 19.03.24
  - PROPOSED FRONT ELEVATION WEST, AL (00) 0250 REV B, received 19.03.24
  - PROPOSED ROOF PLAN , AL (00) 0270 REV B, received 19.03.24
  - PROPOSED SITE PLAN, AL (90) 0030 REV C, received 19.03.24

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

3 Notwithstanding any indication of materials which may have been given in the application; the materials to be used, shall be in accordance with those stated on the following approved plans:

- PROPOSED SIDE ELEVATION NORTH, AL (00) 0220 REV B, received 19.03.24
- PROPOSED REAR ELEVATION EAST, AL (00) 0230 REV B, received 19.03.24
- PROPOSED SIDE ELEVATION SOUTH, AL (00) 0240 REV B, received 19.03.24
- PROPOSED FRONT ELEVATION WEST, AL (00) 0250 REV B, received 19.03.24

Unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the CSDP.

- 4 The development hereby permitted shall be undertaken in strict accordance with all ecological mitigation measures recommended within Section 4 of the Bat survey and risk assessment dated August 2023.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

2.

South Sunderland

**Reference No.:** 23/02498/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of new primary school with nursery provision, new car parking, outdoor play facilities and associated landscaping**

**Location:** Site Of Former Sunningdale Primary School Shaftoe Road SunderlandSR3 4HA

**Ward:** Sandhill

**Applicant:** Together For Children

**Date Valid:** 15 December 2023

**Target Date:** 15 March 2024

### **PROPOSAL:**

Full planning permission is sought for the erection of a new primary school with nursery provision, new car parking, outdoor play facilities and associated landscaping on land comprising the former Sunningdale School site, Shaftoe Road, Sunderland.

Located within the Springwell area of the city, the site is situated within a residential area, being bound by dwellings to the north on Sunningdale Road, to the west in respect of Shaftoe Road and to the south and east in terms of Strathmore Road/Strathmore Square.

The host site comprises a 2.6ha parcel of land which is now vacant following the demolition of the former school in 2023. Members may recall that the replacement facility for Sunningdale School has been relocated to a site at Doxford Park following an approval at the Planning and Highways Committee of 28 March 2022 (see ref: 21/00038/LP3).

The topography of the site falls gradually on a north-south axis with a steep embankment sitting just beyond the southern curtilage of the site. The land is home to a number of trees with the majority providing a good level of boundary screening to the south and southwest of the site.

The proposals will create a new replacement school for Thorney Close

Primary school which currently lies within a mile of the host site. The submission confirms that the existing primary school will remain operational during the construction period before being demolished following completion and occupation of the new school.

The rationale for the relocation is contained within the supporting documentation which sets out that Thorney Close Primary is an older school and, whilst well maintained, is lacking in the specialist teaching provision which the newer primary schools can offer. The new school has been developed to enable a capacity to support up to 315 primary age pupils with an additional 39 nursery places and 12 places for 2-3-year old provision. It is also anticipated that over the next 5 years current demand on educational facilities may increase as a result of a rising population within the local vicinity to meet the housing development needs of the area.

Consequently, the scheme proposes a new one and half form entry school. Although currently designed to accommodate the 315 places plus nursery provision as set out above, the proposed layout does provide scope to increase to a two-form entry in the future if required.

The school building will be developed with new and improved facilities, including specialist teaching rooms, rooms for teaching smaller groups, rooms to cater for SEN and hearing impairment needs and appropriate staff facilities to broaden the existing curriculum.

The application has been accompanied by a range of supporting information and technical surveys and reports, including the following:

- Planning Design and Access Statement;
- Statement of Community Involvement;
- Flood Risk Assessment and Drainage Strategy
- Air Quality Assessment
- Noise Report
- Odour Assessment
- An Ecological Impact Assessment, Biodiversity Report and Metric
- A Bat Survey
- A Tree Survey;
- A Desk Top Study and Phase 2 Site Investigation

Members should note that the application has been submitted by the City Council on land owned by the City Council.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Flood And Coastal Group Engineer  
Chief Fire Officer  
Northern Powergrid  
Northern Gas Networks  
Network Management  
Land Contamination  
Flood And Coastal Group Engineer  
Network Management  
Cllr Margaret Crosby  
Cllr Stephen Obrien  
Cllr Paul Edgeworth  
Planning And Highways  
Network Management  
Planning Policy  
Northumbria Police  
Sport England  
Environmental Health  
Land Contamination  
Flood And Coastal Group Engineer  
Landscape  
Northumbrian Water  
Environmental Health  
Network Management  
Flood And Coastal Group Engineer  
Natural Heritage

49 Sunningdale Road Sunderland SR3 4HE  
19 Strathmore Square Sunderland SR3 4AY  
62 Shaftoe Road Sunderland SR3 4EZ  
9 Shaftoe Road Sunderland SR3 4HA  
58 Southend Road Sunderland SR3 4AZ  
62 Southend Road Sunderland SR3 4AZ  
64 Southend Road Sunderland SR3 4AZ  
66 Southend Road Sunderland SR3 4AZ  
68 Southend Road Sunderland SR3 4AZ  
60 Southend Road Sunderland SR3 4AZ  
7 Shaftoe Road Sunderland SR3 4HA  
4 Strathmore Square Sunderland SR3 4AY  
18 Shaftoe Road Sunderland SR3 4EZ  
16 Shaftoe Road Sunderland SR3 4EZ  
11 Shaftoe Road Sunderland SR3 4HA  
3 Shaftoe Road Sunderland SR3 4HA  
12 Strathmore Square Sunderland SR3 4AY  
14 Shaftoe Road Sunderland SR3 4EZ  
7 Sunningdale Road Sunderland SR3 4HE  
8 Strathmore Square Sunderland SR3 4AY  
9 Strathmore Square Sunderland SR3 4AY  
52 Southend Road Sunderland SR3 4AZ  
54 Southend Road Sunderland SR3 4AZ  
56 Southend Road Sunderland SR3 4AZ  
16 Strathmore Road Sunderland SR3 4EY



19 Sunningdale Road Sunderland SR3 4HE  
41 Sunningdale Road Sunderland SR3 4HE  
21 Sunningdale Road Sunderland SR3 4HE  
29 Sunningdale Road Sunderland SR3 4HE  
26 Shaftoe Road Sunderland SR3 4EZ  
60 Shaftoe Road Sunderland SR3 4EZ  
42 Shaftoe Road Sunderland SR3 4EZ  
36 Shaftoe Road Sunderland SR3 4EZ  
28 Shaftoe Road Sunderland SR3 4EZ  
30 Shaftoe Road Sunderland SR3 4EZ  
5 Shaftoe Road Sunderland SR3 4HA  
9 Sunningdale Road Sunderland SR3 4HE  
15 Sunningdale Road Sunderland SR3 4HE  
2 Strathmore Square Sunderland SR3 4AY  
17 Sunningdale Road Sunderland SR3 4HE  
31 Sunningdale Road Sunderland SR3 4HE  
11 Sunningdale Road Sunderland SR3 4HE  
17 Shaftoe Road Sunderland SR3 4HA  
72 Shaftoe Road Sunderland SR3 4EZ  
68 Shaftoe Road Sunderland SR3 4EZ  
51 Sunningdale Road Sunderland SR3 4HE  
12 Shaftoe Road Sunderland SR3 4EZ  
37 Sunningdale Road Sunderland SR3 4HE  
35 Sunningdale Road Sunderland SR3 4HE  
20 Strathmore Road Sunderland SR3 4EY  
5 Sunningdale Road Sunderland SR3 4HE  
7 Strathmore Square Sunderland SR3 4AY  
66 Shaftoe Road Sunderland SR3 4EZ  
39 Sunningdale Road Sunderland SR3 4HE  
15 Strathmore Square Sunderland SR3 4AY  
70 Shaftoe Road Sunderland SR3 4EZ  
24 Shaftoe Road Sunderland SR3 4EZ  
20 Shaftoe Road Sunderland SR3 4EZ  
74 Shaftoe Road Sunderland SR3 4EZ  
64 Shaftoe Road Sunderland SR3 4EZ  
58 Shaftoe Road Sunderland SR3 4EZ  
56 Shaftoe Road Sunderland SR3 4EZ  
54 Shaftoe Road Sunderland SR3 4EZ  
21 Shaftoe Road Sunderland SR3 4HA  
46 Shaftoe Road Sunderland SR3 4EZ  
52 Shaftoe Road Sunderland SR3 4EZ  
44 Shaftoe Road Sunderland SR3 4EZ  
40 Shaftoe Road Sunderland SR3 4EZ  
38 Shaftoe Road Sunderland SR3 4EZ  
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48 Shaftoe Road Sunderland SR3 4EZ  
50 Shaftoe Road Sunderland SR3 4EZ  
25 Sunningdale Road Sunderland SR3 4HE  
33 Sunningdale Road Sunderland SR3 4HE  
23 Sunningdale Road Sunderland SR3 4HE

43 Sunningdale Road Sunderland SR3 4HE  
53 Sunningdale Road Sunderland SR3 4HE  
47 Sunningdale Road Sunderland SR3 4HE  
27 Sunningdale Road Sunderland SR3 4HE  
15 Shaftoe Road Sunderland SR3 4HA  
17 Strathmore Square Sunderland SR3 4AY  
10 Strathmore Square Sunderland SR3 4AY  
45 Sunningdale Road Sunderland SR3 4HE  
50 Southend Road Sunderland SR3 4AZ  
18 Strathmore Road Sunderland SR3 4EY  
14 Strathmore Road Sunderland SR3 4EY  
22 Shaftoe Road Sunderland SR3 4EZ  
25 Shaftoe Road Sunderland SR3 4HA  
19 Shaftoe Road Sunderland SR3 4HA  
23 Shaftoe Road Sunderland SR3 4HA  
6 Strathmore Square Sunderland SR3 4AY  
5 Strathmore Square Sunderland SR3 4AY  
Training Rooms Former School House Shaftoe Road Sunderland SR3 4HA  
1 Shaftoe Road Sunderland SR3 4HA

Final Date for Receipt of Representations: **16.01.2024**

### **REPRESENTATIONS:**

Public consultation - the application has been publicised via letters sent to nearby residential properties, the posting of site notices in the area and the publishing of a press notice in the Sunderland Echo newspaper.

As a result of the publicity carried out, a total of 2 representations have been received. The objections which have been received from the occupiers of nearby residential properties. The following has been raised;

- The development will cause disruption to the residents in this area by way of additional footfall and cars. When Sunningdale school was there this was not an issue at all.
- Will there be enough car parking spaces to accommodate staff in the proposed plans?
- Parent pick up was not an issue for Sunningdale school as it was taxi's/mini bus pick-ups.
- There are concerns that the existing carpark / school entrance will still be used when the new school is built. The concerns relate to the amount of new traffic on Shaftoe Road.
- A better entrance for the traffic would be on Strathmore Road where there's little to no homes.
- The application states there is further room for expansion once the building is built. Do you think the residents of this area want to be in the middle of building works all the time?
- We had to endure disruption when the previous school was demolished, and it was not a quiet/clean process.
- There are not enough litter bins around this area, and I have previously

seen people littering outside of Thorney Close Primary.

The Statement of Community Involvement (SCI) - The SCI submitted with the application qualifies that the proposals were the subject of a letter drop to residents surrounding the site (i.e. within the perimeter of Sunningdale Road/Springwell Road/Southend Road and Shaftoe Road). These residents received a letter including information pertaining to the proposed redevelopment of the site. This letter also included a link to review the scheme and comment. Only 1 no response was received following this exercise.

The community engagement meeting was held at the existing Thorney Close Primary School and took place on 11th December 2023. This was attended by 2 of the local councillors, 1 parent and representatives of the school.

The scheme was discussed alongside a presentation of the drawings, and an informal Q&A session with positive responses given. Full details of the community engagement carried out by the developer is held on the planning file.

### **External consultees**

Northumbrian Water - No response offered

Tyne and Wear Fire and Rescue Service - no objections to the proposed development.

Northumbria Police (Designing out crime Officer) - No objections to the proposed development of the old school site, recommendations offered with regard to the security via Secured By Design.

Sport England - The rebuilding of the school on a more compact footprint creates the opportunity to provide the school with playing fields that offer the capability of accommodating formal sport for the first time. Sport England welcomes this aspect of the proposal but considers it imperative that the playing field is constructed in accordance with the processes and methodology set out in our guidance document 'Natural Turf for Sport' so that it is capable of accommodating use all year long.

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle. Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'.

This being the case, Sport England offers its support for this application, as it is considered to meet Objective 3 as set out above. Sport England recommends, based on our assessment, that if the Council is minded to

approve the application, the above condition be attached to the decision notice.

Northern Powergrid - No objections

Northern Gas Network - No objections

### **Internal consultees**

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - considers that sufficient information has been submitted to allow the application to be approved, subject to a verification condition to ensure the sustainable drainage scheme is constructed as approved.

Council's Environmental Health team - The applicant is seeking consent for the redevelopment of the currently vacant former Sunningdale Primary School site with a new primary school. The submitted documentation demonstrates that the Shaftoe Road access associated with the previous school would remain in use. The application site is largely encircled by existing residential dwellings, with the nearest Sensitive Noise receptors (existing dwellings) being on Shaftoe Road. Access/exit from the car park would be via an existing access on Shaftoe Road, this is opposite existing dwellings on Shaftoe Road. It is noted that the submitted Landscape Layout dated, 12.05.2023, indicates a pickup/drop off area will be present close to this access. It is noted that the development will introduce more vehicles to the area which could negatively impact upon local air quality.

The submitted Location Plan document, indicates that a Plant Room would be present at ground floor level towards the Western boundary of the site and existing sensitive receptors on Shaftoe Road. The submitted Apex Acoustics Noise Survey Report (11095.1) dated 25th September 2023, details a completed BS 4142 assessment, this concludes that the proposed plant noise limits would not exceed existing background levels and indicates a likelihood of low noise impact from plant at the proposed development. It is however noted that the detail of the mechanical plant is not yet known, and so positioning and specification is to be continued to be assessed with ongoing advice provided around location and acoustic mitigation.

With regard to the playing pitch and MUGA, the initial response from Public Health (dated 11 January) indicated that an acoustic scheme and management plan for the MUGA would be required if it was to be used outside of typical school hours/weekends, to ensure noise resulting from its operation would not be detrimental to nearby residents. However, following receipt of further information from the agent, a second consultation response has been received dated 1 May from Public Health which states;

It is understood that it is proposed to operate the outdoor junior pitch on occasion into the evening up to 8pm under school supervision, and that there is no intention to provide the facility as a general community asset. It is also noted that pitch floodlighting is omitted, which in itself limits the hours of use.

When this application was assessed it was recognised that the pitch would be located in the north east sector of the site, relatively close to properties in Sunningdale Road (approx. 20m) and Strathmore Square (approx. 15m), but with the retention of (limited) boundary trees and vegetation. This is rather a limited or tight sector of the school site, and our view was that it was advisable to restrict such a use to only school related events and avoid or minimise its use late into the evening; the impact of any other options would best be addressed by a noise assessment. I think it is reasonable to consider that the established use of the site as a primary school with the inherent retained level and character of activities would not adversely affect the acceptability of the mode of use of the proposed new school. The main noise sources arising from the use of any such MUGA tend to be loud children's voices and rebound noise if low level solid fencing is provided. Experience indicates that the potential for disturbance tends to arise where a MUGA is not adequately supervised and is left open for general use into the late evening.

The proposal to properly manage the facility for only school use with a limitation on times, and no site lighting, suggests that the requirement for a noise condition on any permission may be avoided. The remaining suggested conditions would however be retained.

An Odour Impact Assessment (11095.4) has been completed by Apex Acousitcs/Apex Air. The report details the assessment which was completed through applying EMAQ+ (Control of Kitchen Odour) Guidance. Based upon kitchen size, dispersion, sensitive receptor proximity, and effectiveness, the odour risk was determined to be high. Due to this high score, section 7 of the assessment has detailed odour mitigation suitable for a high level of odour risk. The report recommends such mitigation as grease filtration, electrostatic/fine filtration, an activated carbon filter or UV Ozone system, and a dispersion stack of no less than 1 metre (positioned at least 2 metres from an openable window. A condition will be required to ensure that the method utilised for the kitchen extraction /odour abatement is agreed in writing prior to first occupation of the development.

Prior to the undertaking of an air quality assessment, Apex Acousitcs/Apex Air advised that the projected vehicles to the development would be 438 LDV and 40 HDV AADT. As this is below the IAQM criteria for a detailed assessment (500 LGV/100 HGV) it was agreed that an Air Quality screening report would be appropriate rather than a detailed AQ assessment as originally recommended. The submitted report (11095.3) has been considered and is acceptable in both its methodology and findings that the impact of the proposed development is not considered significant in accordance with EPUK/IAQM guidance.

The Air Quality Assessment appropriately assesses the risk of dust during the construction phase of the development. Whilst the human health impact is assessed as low, the risk of dust soiling is assessed as medium (see Table 8). The report recommends several mitigation measures to control fugitive dust generated during the construction phase. These are detailed in 7.23 of the report and should be incorporated into the site's Construction

Environmental Management Plan which will need to be conditioned.

Ground contamination - Further to updated information being received from the agent in response to the Ground Contamination Officers initial response of 16.01.2024, the officer has stated;

The Phase 2 report has addressed the concerns raised previously and is considered acceptable.

The groundwater level readings within the gas risk assessment report indicate that one of the monitoring wells (BH1) was flooded across all six monitoring visits, and that the monitoring well at BH2 was also flooded on one occasion. However, this doesn't appear to have been considered within the body of the report, and further discussion is considered necessary as to what effect, if any, this has on the findings of the risk assessment.

Additionally, the conceptual site model identifies both made ground and the former sand pit as potential sources of ground gas generation, however the monitoring wells appear to have been installed with the screen sections targeting the former sand pit, with none being located within the made ground. Confirmation should therefore be provided that the findings of the risk assessment are also relevant to the potential gas risk from made ground.

Further to additional information provided to address the above comments, the Council's Ground Contamination Officer has confirmed that all outstanding matter have been addressed and that only a single condition to deal with any unexpected contamination that may be encountered during the construction phase need be imposed.

Council's Ecology team - The Council's ecologist has confirmed the following;

A lighting design sensitive to bats will need to be secured by condition.

The framework of national and local policy requires development to provide ecological enhancements, which include but are not exclusive of a measurable biodiversity net gain (BNG). Enhancements should include the creation of opportunities for Priority species, which are not considered within the habitat-based Biodiversity Metric used in BNG calculation.

In order to secure the proposed biodiversity enhancements a biodiversity and ecological management plan will need to be secured by condition.

No objection subject to the imposition of recommended conditions.

Council's Highways team - The Council's Highway Engineer initially advised that;

The applicant should clarify whether the proposed parking provisions are for staff only or whether this will accommodate visitors and parents of pupils when required.

A plan should be provided to show 73 cycle parking spaces for children and 4 cycle parking spaces for staff, this should be in the form of a secure covered and overlooked cycle shelter.

The development should include measures to encourage sustainable transport initiatives and make suitable provision for electric vehicle charging points.

An updated Travel Plan is required to include the changes to the development. It is advised that a planning condition is used to ensure that the monitoring and review of the travel plan objectives are carried out.

A scheme of working is required for the operation and management of the site including, construction site traffic, contractor parking, building material deliveries and storage, site compound layout and temporary access points.

### **POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

### **COMMENTS:**

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

plans and the applications of the policies within the NPPF.

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

In terms of the more detailed planning policies of the NPPF, of importance in considering the current application are those which seek to:

- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);

These core principles of the NPPF feed into the local saved policies contained within the Unitary Development Plan (UDP) and the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033.

The policies are relevance to the consideration of this proposal are SP1, SP7, HS1, HS2, HS3, BH1, BH2, VC5, NE2, NE3, WWE2, WWE3, WWE4, WWE5, ST1, ST2 and ST3.



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

1. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity and design considerations;
4. The impact of the development on highway and pedestrian safety;
5. The impact of the development in respect of ecology, biodiversity and trees;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions and land contamination.

### **1. Land use considerations**

The school is considered a 'community facility' in planning terms. Consequently, CSDP Policy VC5: Protection and Delivery of Community Facilities and Local Services is relevant. It sets out community facilities will be protected and enhanced by (inter alia) supporting development of new and extended community facilities. Development for new community facilities should be located in accessible neighbourhood and centre locations. In this regard the site will bring forward a new educational facility within an accessible and sustainable location. The proposal is therefore considered to fully accord with the provisions of Policy VC5.

The site is identified through saved UDP Policy as a School Playing field and is in part classified in the Greenspace Audit (2020) as School Playing Fields and Grounds.

In this regard, saved UDP Policy L7 states that land allocated for open space will be retained in its existing use, with alternative uses only acceptable if certain circumstances apply. To this end, policy NE4 of the CSDP makes it clear that the Council will refuse development on greenspaces (including school playing fields) which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that:

- i. The application demonstrates that the provision is clearly surplus to requirements;
- ii. An acceptable replacement facility is provided;
- iii. Where replacement by the developer is not practicable, securing a financial contribution to enable the Council to deliver new greenspace or sports provision or improvements to existing provision at an appropriate off-site location.

Policy NE4's requirements essentially mirror those of paragraph 103 of the NPPF, which also seeks to protect existing open space and playing fields from development unless circumstances similar to those set out by policy NE4 are applicable.

The former layout of the school buildings dictated that the external use of the open space within the site was inefficient and not able to be fully realised. As set out within the consultation response from Sport England, the rebuilding of the school on a more compact footprint has created the opportunity for the school to better utilise the open space, with the associated playing fields now having the capability to accommodate formal sport for the first time. Within this context, the proposals are considered to be fully compliant with saved UDP Policy insofar that the amount of useable open space within the site will be improved both in terms of the formal/informal play areas and from an ecological perspective (as discussed later in the report).

Paragraph 99 of the NPPF sets out that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice for education.

As set out earlier, the current Thorney Close Primary is an older school, lacking in the specialist teaching provision which newer primary schools can offer. Its relocation to the proposed site will provide improved educational opportunities by way of bringing forward an efficient and effective modern education facility designed to enable it to become a one and a half form entry incorporating early years provision with improved open space and playing fields.

This aspiration accords with the principles of CSDP Policy VC5 and NPPF Paragraph 99 and great weight should be given to the community benefits of delivering a new educational establishment at this site.

Notwithstanding this conclusion, in order to determine the acceptability of the proposed development, consideration must be given to all other relevant material considerations; this exercise is undertaken below.

## **2. Residential amenity considerations**

Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Meanwhile, policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust,

odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

In contrast to the position of the previous school building which occupied an elongated central position within the site, the footprint of the new building has been rationalised and will be sited further towards the south-west of the site. The arrangement provides substantial spacing of around 57m between the new build and the existing properties on Sunningdale Road at the closest point.

The nearest residential properties to the new building (No's 23 and 25 Shaftoe Road), are located some 30m away to the west. Due to their orientation, these properties would not look directly on to the new building, with hardstand and staff parking located beyond their rear respective gardens. This is the same arrangement that was in place as part of the previous school layout.

Within this context the size, scale, massing and position of the new school building does not raise any undue concern with regard to its impact on the residential amenity of any nearby residential occupier when considering impact on day/sunlight, overshadowing or visual intrusion.

A new 9v9 playing field is to be positioned towards the northeastern corner of the site, whilst a smaller Multiuser Games Area (MUGA) is to be created to the north of the main school building. The school has confirmed that both the pitch and MUGA will be for the use of the school only, with no floodlighting proposed as part of this scheme. Whilst some after-hours use by the school is proposed, this would not be conducted beyond 8pm and, due to the absence of the aforementioned floodlighting, this would dictate that use of these facilities would be curtailed in the winter/darker months.

In light of the above and as set out in the consultation section earlier in this report, the Council's Environmental Health Section are satisfied that the operation, of what will essentially be school activities to be conducted within an established school site, should not be of undue detriment to nearby residential occupiers from a noise and disturbance perspective subject to the typical school management/oversight of the activities from members of staff. It has however been advised that a noise assessment be conditioned to deal with the new fixed plant that is to be installed on site.

In terms of odour, an assessment has been provided (undertaken by Apex Acoustics). The assessment determined the potential future odour risk to be high and has recommended appropriate mitigation measures to deal with the odour. As is highlighted in the consultation section of this report, the Council's Environmental Health Section have reviewed the assessment and are satisfied that suitable mitigation can be put in place to ensure that food odour from the school kitchen should not be of detriment to the amenity of nearby residential occupiers. A condition will however be required to ensure that the chosen method of extraction provides the requisite high level of odour abatement that has been detailed in Section 6 of the odour assessment.

With regard to air quality the Council's Environmental Health Section advised that an Air Quality Screening report should be provided given the projected increase in vehicles visiting/parking at the site in terms of emissions and with regard to the localised impacts of the construction works. The Air Quality Report has been subject to review and based on the findings of the report the impact of the development is not considered to be significant and is in accordance with EPUK/IAQM guidance.

The impacts of dust have also been considered and whilst the human health impacts are low, the risk of dust soiling has been assessed as medium. The Environmental Health Officer has therefore advised that suitable mitigation measures are put in place to control dust generated during the construction phase. These have been detailed in Section 7.23 of the report but will be required to be incorporated into the sites Construction Environmental Management Plan (CEMP) which will be subject to a planning condition for future approval.

It is noted that one of the objections has cited concerns over the potential noise and disruption that could occur both as a result of operation of the school and during the construction process. In terms of the school's operation, it is evident that the new school will likely generate more comings and goings by way of footfall and vehicles than the previous school due to the increase in pupil numbers and the associated operational differences. However, as has been established, this land is allocated for educational use and the size of the site dictates that the use can be comfortably accommodated within its confines (highway activities are discussed later in this report). The potential for some noise and disturbance to occur during the construction period is unfortunately a necessary by-product of any new development, however the impacts can be mitigated to some extent through the provision of a suitably prepared CEMP. As noted above, the Council's Environmental Health Section has advised that this should be conditioned as part of any recommendation to approve.

Given the above and subject to the conditions set out, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, whilst the school will also provide future pupils with a high-quality learning environment, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 135 of the NPPF.

### **3. Design and visual amenity implications**

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

Paragraph 135 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other

objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 136 thereafter makes particular reference to the important contribution trees can make to the character and quality of the urban environment, qualifying in part that existing trees should be retained wherever possible.

In terms of layout, the site will utilise the existing access from Shaftoe Road, whilst the existing car parking areas and the former school yard will all be retained. The layout has also been designed to enable all year groups to either have private open space such as nursery and reception classrooms or larger yard and playing field areas dedicated to both Key stage 1 and 2 pupils.

The new school building will be a combination of one and two storeys which will allow it to sit comfortably within the context of the existing built environment. The public face of the building will be orientated to the south overlooking the access, car parking and wetland areas with a mix of brick work and modern cladding assisting in breaking up the mass of the building. The materials to be utilised include, buff stock brick and plinths, a combination of vertical rainscreen cladding in 'metallic' and 'stone effect', aluminium windows and doors and sections of fascia in grey and grey PPC parapet capping.

From a landscaping perspective the design for the school grounds has been influenced by a comprehensive consultation programme with the School and the Local Authority's Education, Planning, Ecology, Highways and Health and Safety Departments. The proposed site layout has been developed to maximise the sites potential as an educational resource whilst seeking to retain and build on the existing landscape features of value wherever possible.

Within this context the application has been accompanied by a Tree report which provides a comprehensive evaluation of all of the 65 individual trees and 5 groups of trees located throughout the site. The report confirms that 7no trees are category A trees (Trees of very high quality and value and with good life expectancy, 35no fall within category B (Trees of good quality and value and of significant life expectancy, 23no are category C (Trees of low or average quality and value and in adequate condition to remain until new planting can be established), whilst 2no trees are category U (Trees are of a condition that any existing value would be lost within 10 years).

Further to the above, the Tree Survey, recommends that only 5no of the on-site trees be removed. These being category C trees due to poor structural condition, physical defects and in one instance, potential Ash dieback. This approach corresponds with the qualifications offered within the Design and Access Statement which sets out that the proposals have been specifically developed to ensure that the majority of the existing mature tree coverage will be retained, with specific reference made to the screening provided around the perimeter of the site. However, since the undertaking of the Tree Survey, the proposed footprint of the new building has now been established and it is evident that the building does conflict with the position of two existing trees.

These trees are listed within the Tree Survey as being T33 and T34, a Silver Birch and a Himalayan Birch falling within categories B and A respectively. The loss of the two trees is regrettable particularly with regard to the category A tree. However, it is acknowledged that the proposed scheme will bring forward a significant level of new tree planting which will serve to enhance the amenity of the area.

Due to the proximity of some trees to areas of future hardstanding, it will be necessary to condition that a tree protection plan is prepared and submitted for approval prior to the commencement of any development taking place. This will ensure that none of the retained trees are adversely impacted during the construction phase.

To the front of the school a large entrance plaza is proposed which will incorporate specimen tree and shrub planting. This is considered to provide an attractive frontage and gathering venue for pupils, parents and staff to congregate.

To the south of the new car park a series of wetlands and ponds are proposed. The wetlands are part of the drainage strategy for the site but will also serve to maximise ecological diversity with their shallow banks and native wetland planting. The wetlands are to be located within a larger area of native wildflowers bound by the existing trees.

To the rear (north) of the site a new junior football pitch is proposed which has been designed to Sport England standards. Early years and KS1 playgrounds are proposed which offer a range of features including hard surfaced areas, equipped play areas and a kitchen garden. The KS2 playgrounds are to be connected and will provide access to a forest class on site with additional woodland being provided. The MUGA will enable all round play across all age groups and will be secured by a high fence.

In terms of sustainability, paragraph 162 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The 'Sustainability' section of the submitted Design and Access Statement sets out that the following measures have been incorporated into the design of the new school to maximise its sustainability:

- Maximisation of insulation within the external envelope by increasing thermal mass and aiming for a very high air tightness rating to reduce heat loss;
- Designing the building so that additional renewable

technologies/measures can easily be incorporated in the future. (i.e. the roof has been designed to be able to accommodate the weight of solar panels that are required plus space for additional panels if funding permits in the future;

- Energy supplied to the building will be monitored on a half hourly basis and actual energy use will be provided both by regular reports from the Council's Energy Services Team and through the production of the annual Display Energy Certificate.;
- Using recycled materials and incorporating good water economy and energy management systems;
- All surface water from the building is to be gathered and distributed into a number of SUD's basins that form the wetlands area along the Southern boundary. This will enable the water to permeate back into the ground, as would happen if the site was left undeveloped. All hard standing will be permeable, and a new drainage system will be installed to minimise impact on the existing drainage systems that surround the site.

It is considered that the Design and Access Statement submitted with the application demonstrates that the development has been informed by a sustainable approach to construction practices, building design and the use of materials and internal fixtures and fittings.

Given the above, Officers are satisfied that the design of the new school and its grounds is acceptable, that the development will have a positive effect on the visual amenity of the locality and that the school has been developed in accordance with sound sustainability principles. The proposals therefore accord with the requirements of the NPPF and the Council's adopted CSDP in respect of these matters.

#### **4. Impact of the development on highway and pedestrian safety**

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

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise

the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

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

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users;
- the design of the streets, parking areas, other transport elements and the content of the associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

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

In terms of vehicular access, the new development is seeking to utilise the original school access/egress point on Shaftoe Road which previously served Sunningdale School. In this respect, one of the objections has questioned why the access could not be taken from Strathmore Road to the east where there are fewer houses. Based on the nature of the site this alternative approach would appear to be particularly problematic due to both the rise in ground levels at this juncture and the presence of a significant tree belt which runs along the southern perimeter. It is evident that the Council's Highway Engineers have offered no objection to the retention and reuse of the existing access egress point, and this would be considered to be the logical approach. The existing pedestrian access point located to the north of the vehicular access on Shaftoe Road will also be retained and made available for use.

Concern over drop-offs and parking in and around the area has also been raised within an objection. In this regard, the internal layout has been specifically designed to provide an internal loop for a parent drop off facility. This was considered to be a high priority due to the fact that the current Thorney Close School has limited parking and no drop off areas for parents which has led to side roads becoming congested. This approach is seen as a way of appropriately managing the drop offs and it is noted that no objection or observations to this proposed arrangement has been offered by the Council's Highway Engineers.

In terms of on-site parking, the new centrally located car park will provide 36 regular spaces for teaching staff and visitors, and 4 accessible bays for staff and visitors. Electric charging bays are to be provided for 4 vehicles and



further to discussions with the Council's Highway Engineers, a total of 80 on-site bike racks will now be provided to promote more sustainable methods of transport. The Highway Engineers are satisfied that this arrangement provides appropriate capacity for the new development.

A travel plan has been included as part of the submission and this will be conditioned accordingly.

With regard to accessibility and access within the school grounds, the development has been designed to be step free, provide Equality Act compliant routes to all the main facilities, and meet the requirements of the Building Regulations and BS8300. Accessible toilet facilities are to be provided throughout the school with all rooms, circulation areas and accesses appropriate for wheelchair usage.

On the basis of the above, it is considered that the implications of the proposed development in respect of access, parking, highway and pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 114, and 115 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

## **5. Implications of development in respect of ecology, biodiversity and trees**

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 186 advises that the following four principles should be applied by Local Authorities in the determination of planning applications;

- a) if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve

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

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Policy NE3, meanwhile, supports the retention and protection of valuable trees within development proposals and NE9 states that proposals should incorporate high quality landscape design, implementation and management.

In looking at the ecological implications of this development both the NPPF and local policy, through NE2, require development to provide ecological enhancements which include, but are not exclusive of a measurable biodiversity net gain (BNG). Members should note at this point that the Environment Act 2021 has introduced a requirement within the Town and Country Planning Act that new development delivers a mandatory net gain in biodiversity of at least 10%. This mandatory requirement does, however, only apply to certain forms of development for which an application for planning permission has been made after 12th February 2024. The current application was submitted in December 2023 and so the mandatory BNG requirements introduced by the Environment Act would not apply in this instance. Notwithstanding, the submitted BNG report does identify that BNG of over 10% will be provided on site and this has been welcomed by the Council Ecologist.

In addition to the biodiversity and ecological management plan as discussed above, a further three planning conditions have been recommended by the Council's Ecologist; these relate to ensuring that no trees, hedgerow, shrubs or brambles are removed during the nesting season unless first checked by an ecologist, that details of new bat and bird boxes to be installed on building and trees are provided to the LPA for agreement in writing and that a lighting design strategy is worked up for all of the on-site buildings.

A new comprehensive landscaping scheme will be delivered which will include significant new planting throughout the site with the wetlands, which form part of the drainage strategy for the site, having been designed to maximise their ecological benefits with shallow banks and native wetland planting proposed. As noted within Section 3 above, this will include additional areas of new tree planting which will notably exceed the limited number of trees which are earmarked for removal. A full planting schedule will be conditioned for future approval in writing.

Subject to the above conditions, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity at the site and

that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 186 of the NPPF and policies NE2, NE3 and NE9 of the CSDP.

## **6. Implications of development in respect of flooding/drainage**

In relation to flooding, paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 167 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

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

With regard to the above, the application has been accompanied by suite of documents which includes a Flood Risk Assessment (FRA), a Drainage Philosophy, a SuDS Management Plan and drawings relating to the SuDS detention basin and permeable paving.

It has been confirmed that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding)

and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

In accordance with the NPPF, the hierarchy for the disposal of surface water has been followed with the only practicable solution deemed to be into the nearby sewer network as per the existing arrangement. The submission confirms that discharge rates will be as close to Greenfield rates as achievable with the site designed to provide surface water attenuation for storm events up to an including the 1 in 100 year + 45% climate change event. This storage is confirmed to be provided in the form of a sustainable detention basin which will be located within an area of soft landscaping to the south of the site. This will bring multiple benefits in terms of wetland habitat creation, educational interest and an attractive landscaped setting for the school, as well as satisfactorily addressing the practicalities of minimising flood risk.

Further and in order to provide a level of source treatment, all surface water flows from the car parking area will be collected and treated at source within permeable paving, passing through a silt trap before entering the main system.

There are no objections to the development from the Lead Local Flood Authority subject to the standard verification condition to ensure that the submitted drainage strategy is implemented as planned and is effective once imposed.

Subject to the condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 165, 167 and 169 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## **7. Implications of development in respect of land contamination**

Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation.

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

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Ground Investigation which have been reviewed by the Council's

Land Contamination Officer. As can be observed from the consultee section of the report, the Officer is satisfied that site conditions are not an impediment to the development subject to the inclusion of a single condition to deal with any unexpected contamination that may be encountered.

It is therefore considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

### **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.

## **Conclusion**

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed educational establishment will utilise a former school site and will result in a scheme which will deliver a good standard of development which will have an acceptable impact on the amenity of the locality.

The implications of the development relative to highways matters have been considered and are acceptable relative to highway and pedestrian safety. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage, trees and ground conditions and land contamination.

The proposals are consequently considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 99 of the NPPF, great weight should be given to the overriding positive benefits of delivering a new replacement educational establishment at this sustainable location.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining saved policies of the UDP. It is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

**RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- The proposed elevations as amended received 17.04.2024 (Plan ref: 0518023-SCC-01-XX-DR-A-3001 Rev P07.01);
- The proposed floor plans as amended received 27.03.2024 (Plan ref's 0518023-SCC-01-GF-DR-A-2001 Rev P12 and 0518023-SCC-01-01-DR-A-2001 Rev P12);
- The roof/drainage plan received 01.12.2023 (Plan ref: 0518023-SCC-01-R1-DR-A-2001 Rev P07)
- The landscape layout as amended received 08.04.2024 (Plan ref: LS22001\_001 Rev P08;
- The MUGA fencing detail sheet received 06.03.2024 (Plan ref: LS00000\_100);
- The SuDs Detention Basin GA and Details plan received 08.03.2024 (Plan ref: 236097-BGP-01-ZZ-D-C-01136 Rev 3);
- The SuDs permeable Paving GA and Details plan received 12.02.2024 (Plan ref: BGP-01-ZZ-D-C-01137 Rev P01;
- The Swept Path Analysis received 12.02.2024 (Plan ref: 236097-BGP-01-ZZ-D-C-01900)
- The External Works GA plan received 16.05.2024 (Plan ref: 236097-BGP-01-ZZ-D-C-01110 REV P04)
- The Proposed Drainage GA plan received 16.05.2024 (Plan ref: 236097-BGP-01-ZZ-D-C-01130 REV P06)
- The location plan received 01.12.2023.

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

3 The external materials to be used in the development hereby approved shall be those specified by the submitted plans and supporting documents (including the materials listed within the submitted planning application form) unless the Local Planning Authority first agreed any variation in writing.

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

4 Prior to the operation of any fixed external building services plant and equipment, a noise assessment shall be submitted for approval in writing

by the Local Planning Authority. For the avoidance of doubt, the noise assessment shall demonstrate that noise levels generated by fixed external building services plant and equipment (including any kitchen extract ventilation) shall not exceed typical measured background levels (day and night) at the nearest sensitive receptors.

Reason: In the interests of ensuring the amenity of the locality is not adversely affected by plant/equipment noise and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

- 5 The new school building shall not be occupied until final details of the odour control and extraction system to be installed within the proposed school kitchen have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the extraction/ odour abatement scheme will be expected to provide a high level of odour abatement and provide all elements as detailed within in section 6 of the report (Odour Impact Assessment (11095.4) by Apex acoustics/ Air. The system shall then be installed in accordance with the approved details prior to first use of the kitchen and maintained as such thereafter.

Reason: In the interests of ensuring the amenity of the locality is not adversely affected by odour and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

- 6 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:

- Working hours.
- Identification of sensitive receptors.
- Communication and complaints management proposals to assist neighbouring occupiers and to identify site contact arrangements.
- Location of site access and compound.
- Noise and vibration control measures, including consideration of guidance within the code of Practice for noise control on construction and open site BS5228:2009 +A1:2014.
- Measures to prevent or minimise the generation of dust from site preparation and construction works.
- Management of HGVs and deliveries.
- Prohibition of burning of waste and vegetation on site.
- Site flood lighting.
- Protection of the highway from track out of dust and mud.

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



- 7 No development shall take place until a scheme of soft landscaping has been submitted to and approved in writing, by the Local Planning Authority. For the avoidance of doubt the soft landscaping scheme shall include a full schedule of all planting including numbers/densities and species and be informed by Section 5.3.2/Proposed Habitats of the EclA and Biodiversity Net Gain report undertaken by Eco North dated 15 December 2023.

The approved landscape works shall be completed no later than the end of the first planting season following the first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with Policies BH1 and NE2 of the Core Strategy Development Plan.

- 8 The development hereby approved shall be carried out in accordance with the Ecological Mitigation and Compensatory Strategy as outlined in Section 7 of the EclA and Biodiversity Net Gain report prepared by Econorth 15 December 2023, with all recommended measures adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

- 9 No vegetation clearance works (inclusive of hedgerows, trees, shrubs, brambles, ivy and other climbing plants) shall take place during the bird nesting period (1st March - 31st August inclusive) unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for agreement in writing prior to the removal of vegetation.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.

- 10 The development hereby approved shall not commence until details relating to the placement and specification of the bird and bat boxes to be placed on the building(s) and trees within the site shall be submitted for agreement in writing with the Local Planning Authority. Where the nature of the building(s) dictates that it is not possible to attach bat/bird boxes or install them at a suitable height, the corresponding number of woodcrete boxes will instead be required to be installed on retained trees within the survey area. Thereafter, the bird and bat boxes shall be installed as agreed and be in situ prior to first occupation of the building.

Reason: In order to ensure the ecological enhancements are sustainably secured and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

- 11 Prior to first occupation of the building, a "lighting design strategy for biodiversity" for all on-site buildings shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to first occupation and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of Policy NE2 of the Core Strategy Development Plan.

- 12 Within 3 months of this permission, a biodiversity and ecological management plan (BEMP) shall be submitted to, and thereafter be approved in writing by, the local planning authority. The content of the BEMP shall include the following:

- a) Description and evaluation of features and habitats to be managed for biodiversity net gain (enhancement and creation).
- b) Ecological trends and constraints on site that might influence

management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The BEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.
- j) The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details and all features shall be retained and maintained in accordance with such details thereafter.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 174 of the National Planning Policy Framework.

- 13 The erection of fencing for the protection of all retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority in writing, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy NE3 of the Core Strategy Development Plan.

- 14 Work on the development of the playing field shall not commence unless and until:

- a. A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b. Based on the results of this assessment to be carried out pursuant

to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy NE4 of the Core Strategy Development Plan.

- 15 Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

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

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

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 180f and 189..

- 17 Within three months of the development being brought into use, a School Travel Plan shall be submitted to the Local Planning Authority for its written approval. The School Travel Plan shall include a named Travel Plan coordinator and details of proposals including targets, timetables and monitoring mechanisms. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To assist in reducing reliance on the use of private cars for employees and pupils and to minimise impact on traffic and transportation in accordance with Policy ST3 of the CSDP.

- 18 The areas indicated on the submitted plans for the parking of vehicles and bicycles shall be laid out in accordance with the approved plans with all surfaces sealed and electric charging infrastructure and cycle provision installed prior to first occupation of the building.

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

3.

**Reference No.:** 23/02499/FUL Full Application

**Proposal:** **Proposed change of use of former car sales / showroom to a retail convenience store / supermarket, plus alterations to existing shop front and introduction of two chiller condensing units. (Part Retrospective) (amended plan, detailing parking arrangement recieved 01.05.24).**

**Location:** Hetton Car Sales Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB

Hetto

**Ward:** Hetton  
**Applicant:** Mr. Ramalingham Sutheswaran  
**Date Valid:** 6 December 2023  
**Target Date:** 31 January 2024

**PROPOSAL:**

UPDATE TO MEMBERS:

As Members will recall, this planning application was previously considered by the Planning and Highways Committee at a meeting held on 4th March 2024. At the meeting, it was resolved that a decision on the planning application would be deferred to enable a visit to the application site to be carried out. The site visit was undertaken on Friday 22nd March 2024 and so the application is now being returned to the Committee for the consideration of Members.

It was noted during the site visit that the parking area to the front of the unit had been marked with parking bays and bollards had been inserted to the front of the shop. Concerns were also raised regarding the extent of the public consultation carried out on the application, particularly in respect of the occupiers of the properties to the rear of the site.

Following discussion with the Council's Highway Officer, it was determined that no dedicated bays should be marked on site and the bollards should be removed, as they would both limit manouvability on site. The agent submitted an amended plan on 01.05.24 confirming no dedicated parking areas and with 'sleeping policemen' replacing the bollards. The Highway Officer has confirmed that this would be an acceptable arrangement.

Further public consultation was subsequently carried out, and this included the additional addresses to the rear of the site that had been provided via the Council's Council Tax team. A further site notice was also posted to the front of the site.

To date, three further objections have been received, from a Mr Stephen Hughes and the occupier of Slater (Newsagent) 61 Station Road and the occupier of the flat to the rear of 61 Station Road. They confirmed that their original objections to the scheme still stand. The last date for receipt of comments is the 29th May 2024. Details of any further representations received will be provided to Members ahead of the Committee meeting.

There have been no other relevant changes in site circumstances or in respect of other material planning considerations since the publication of the previous officer report, or since the previous meeting of the Committee. The previous report is reproduced below as Appendix 1 to this report.

**RECOMMENDATION: Approve subject to the draft conditions below, the conditions relating to the amended existing and proposed plan have been updated accordingly.**

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

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

- Existing plans and location plan, drawing number 1031/UTH/1, received 01.12.23
- Proposed plan, drawing number 1031/UTH/2B received on the 01.05.24.

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

3 Prior to the retail use hereby approved commencing, the 2no. condenser units shall be installed in accordance with the proposed plan, drawing number 1031/UTH/2B, received 01.05.24 and shall be retained in this location for the lifetime of the development.

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

4 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Sunday 8:00am to 9:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

5 Deliveries and servicing to the premises shall be restricted to the following times:

Monday to Sunday 8:00am to 7:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

6 All delivery, servicing and refuse collection, to take place from within the site boundary / car parking area to ensure no congestion on the local highway network, to the detriment of highway safety .

Reason: In accordance with policy ST3 and in the interest of highway safety

- 7 The premises shall be used for the use within class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy BH1 of the CSDP.
- 8 The parking area to the front of the site shall be made available for the use of customers prior to the approved use commencing. It shall accord with the amended parking plan, drawing number 1031/UTH/2B received on the 01.05.24 and shall remain informal and not be set out with dedicated bays, to ensure manouvability on site. This parking arrangement shall be maintained as such thereafter and for the lifetime of the development.

Reason: to ensure that adequate and satisfactory provision is made for parking and manouevring of vehicles on site and to comply with policy ST3 of the UDP.

- 9 Subject to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority, deliveries to the business premises shall only be undertaken using a rigid based light goods vehicle with a maximum loading of 7.5 tonnes / 7500kg. Delivery vehicles will be required to enter the site in forward gear and park in a dedicated bay for loading and unloading. All reversing and turning manoeuvres will need to be supervised and take place within the site boundary, before exiting in a forward gear.

Reason: In accordance with policy ST3 and in the interest of highway safety

## **APPENDIX 1 - REPRODUCTION OF REPORT PRESENTED TO PLANNING AND HIGHWAYS COMMITTEE MEETING ON 4th MARCH 2024.**

### **SITE AND SURROUNDINGS**

The site in question faces onto A182 Station Road and the building in question is the single storey former Hetton Car Sales Showroom. The building is situated within a mixed use area with residential properties to the rear, adjacent to and opposite the site and a social club to the north, a dental practice within the terrace opposite and tanning salon to the south.

Access to the site is from Station Road, it is noted that there is a parking area to the front of the building, set behind a low brick wall, and large parking area adjacent to the social club for the use of its staff and customers.

Access for the club and residential properties to the rear of the site is also taken from Station Road.



## **PROPOSAL**

The part retrospective proposal relates to the provision of a new retail unit within part of the former Hetton car sales building. A section of the building is not included within this proposal.

As part of the proposal, 2 no. chiller condensing units are installed to the side of the building.

Following comments from the Council's Public Health Team with regard to noise, it was proposed that these units be relocated to the middle of the building and a screening fence be added to the existing boundary wall with the property of St. Austell, increasing the overall height to 2 metres.

An amended plan to this effect was provided on the 02.02.23 and further public consultation was carried out.

It is set out within the submitted Design and Access Statement that refuse storage for the unit would be on the right-hand side of the building, where there is ample space available for both general waste and recycling.

There is a parking area to the front of the unit and it is proposed that that 5 no. parking spaces will be provided, one of which will be for disabled parking. 2 no. 'Sheffield' cycle hoops will also be provided.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Cllr Iain Scott  
Cllr James Blackburn  
Cllr Claire Rowntree  
Hetton Town Council  
Network Management  
Environmental Health  
Planning Policy  
Cllr Iain Scott  
Cllr James Blackburn  
Cllr Claire Rowntree  
Hetton Town Council  
Network Management  
Environmental Health  
Planning Policy  
Cllr Iain Scott  
Cllr James Blackburn  
Cllr Claire Rowntree

Hetton Town Council  
Network Management  
Environmental Health  
Planning Policy

76 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Aquila House Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Saint Austell Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Arnside Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
82 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
76A Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
78 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
86 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
72 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 1 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 2 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 4 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Hetton Social Club Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
31 Hollowdene Houghton-le-Spring DH5 9NQ  
74 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
S Farnell 84 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
2 Station Avenue Hetton-le-Hole Houghton-le-Spring DH5 9HE  
Showmans Guild Site Mobile Dwelling 3 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Showmans Guild Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Studio S Vertical Tanning Station Road Hetton-le-Hole Houghton-le-Spring  
DH5 9JB  
Hetton Social Club Ltd Station Road Hetton-le-Hole Houghton-le-Spring DH5  
9JB  
Gordovia Station Avenue Hetton-le-Hole Houghton-le-Spring DH5 9HE  
70 Station Road Hetton-le-Hole Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 5 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 6 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Showmans Guild Site Mobile Dwelling 7 Station Road Hetton-le-Hole  
Houghton-le-Spring DH5 9JB  
Toogoods Caravan Site Site 2 Station Road DH5 9JB  
Toogoods Caravan Site Site 3 Station Road DH5 9JB  
Toogoods Caravan Site Site 4 Station Road DH5 9JB  
Toogoods Caravan Site Site 5 Station Road DH5 9JB  
Toogoods Caravan Site Site 6 Station Road DH5 9JB  
Toogoods Caravan Site Site 7 Station Road DH5 9JB  
Toogoods Caravan Site Site 1 Station Road DH5 9JB

Final Date for Receipt of Representations: **29.05.2024**

## REPRESENTATIONS:

A total of 20 no. objections and 3 no. representations have been received, and the following issues were raised:

### \* Increase in noise and disturbance

- Increase in volume of traffic and lack of adequate parking, increasing risk of accidents
- The road outside the building is very busy everyday and traffic goes into a dip before reaching the top outside the building
- The proposed weekly deliveries involve reversing onto the shared access road, even with the aid of a banksman, introducing potential safety risks and disrupting local traffic flow. The fixed once a week schedule may not be adaptable to unforeseen circumstances, potentially causing logistical challenges.
- The attraction of youths gathering at this place is asking for trouble
- Deliveries to the site by large vehicles will also create difficulties with access
- Premises will impede neighbouring right of way to their property
- Customers blocking neighbouring driveway will stop access for emergency vehicles
- Light pollution
- Effect on environment of cars idling on site
- More alcohol available in hotspot for crime and antisocial behaviour
- Increase in amount of litter
- Operating hours 6am to 11pm seven days a week will cause disturbance
- Property devaluation
- Pedestrian safety, pavements will be blocked
- Applicant has converted premises before applying for permission
- Customer entrance is dangerous as it is situated on the main car park with no barriers for safety
- Impact of noise from chiller units on neighbouring property
- Multiple convenience stores in vicinity
- Bollards installed at entrance of car park and part of wall taken down for access, also parking bays have not been implemented
- ATM installed without planning permission
- Adverts installed without planning permission

Following further consultation, the following comments/objections were received:

- \* Increasing the boundary wall to a height of 2m to reduce the noise level and increase screening, this would have no effect at all as the wall is already at the height of 1.8m high. to make the area aesthetically pleasing for the adjoining property an outdoor vented AC cover which went to the ground would be required this is a normal practice

- \* Please note studios tanning operates Mon-Sat, closed Sundays, these are not studios customers cars, as the picture was taken on Sunday 4.2.2024 when the Sunderland match was showing, studios tanning has CCTV recording of all activities that day! Furthermore we have operated for 20 years with no external problems. As for go local's car parks new plan turning the customer parking position is like spinning a plate, at the end of the day it's still a plate! No difference to highways concerns.
- Increase in Short Stay Parking and Vehicle Movements
- Inadequate Accommodation for Large Deliveries
- Will impede neighbours right of way
- No car parking
- Mini market 3 minutes walk away
- Customers parking in front of driveway will block ambulances or fire brigade

It is noted that an objector also provided photographs (dated 05.02.24), of Golocal stores within the area which he stated had ample parking facilities unlike Imperial House. He also provided photos dated 04.02.24 and the week ending the 2nd of February, purporting to show the traffic issues within the area, including parking on pavements, vehicle crossing central line of road to exit, no marked parking bays, section of wall that has been removed, existing parking on site and lack of pedestrian path for customers.

Hetton Town Council have also provided the following objection:

Members of the Town Council concurred unanimously with the strong views articulated by the local community. Accordingly, the Town Council submits an objection on the following grounds:

- Over supply of retail outlets in the vicinity;
- Inadequate site access - leading to congestion,
- obstruction of areas with shared access,
- impeding of access for emergency service vehicles;
- Road safety concerns arising from increased vehicular traffic;
- Compounded access problems to the driveways of nearby residents;
- Noise nuisance due to long business hours;
- Potential increase in littering.

With regard to the number of retail units within the vicinity, competition between business would not be a material planning consideration.

With regard to the impact on house value it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another; the value of property is a private matter and not material to the consideration of this planning application.

Finally, it is noted that an ATM and signage has been installed at the property, the current application relates to the change of use of the premises and external alterations only. The ATM and signage require separate consent

and the Council's Planning Compliance Team have requested that this be submitted.

## **POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

## **COMMENTS:**

### **POLICY**

National planning guidance is provided by the National Planning Policy Framework, which requires the planning system to contribute to the achievement of sustainable development.

To this end Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible Paragraph 139 states that planning permission should be refused for development of poor design where it fails to reflect local design policies and government guidance on design.

As of 30th January 2020, the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered pertinent to the determination of this application are policies VC1, NE2, BH1, HS1, ST2 and ST3 of the CSDP.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. Principle of development;
2. The impact of the proposal on visual amenity;
3. The impact of the proposal on residential amenity;
4. The impact of the development on highway safety.

### **1. Principle of use**

It is noted that the unit is located within a Wildlife Corridor and therefore policy NE2 is relevant. This policy sets out that development that would adversely affect a Local Wildlife Site, either directly or indirectly, will demonstrate that: i. there are no reasonable alternatives; and ii. the case for

development clearly outweighs the need to safeguard the intrinsic value of the site.

It is not considered that the change of use of this unit from car sales to retail, would have a negative impact on the wildlife corridor and the proposal therefore complies with policy NE2

The site is also located within Hetton District Centre and as such CSDP Policy VC1 is relevant. This policy sets out broad support for the vitality and viability of designated centres and that district centres will have a role in providing key services including shopping, commercial, leisure, public and community facilities. 'Town centre uses', such as retail uses, should be directed towards District Centres such as Hetton.

The proposed retail unit would be located within a mixed commercial and residential area and would be in line with the requirements of policy VC1 which, as noted above, directs retail uses to centres such as Hetton District Centre. The proposed change of use is therefore considered to be acceptable in principle.

However, all other relevant planning issues must be considered before the acceptability of the overall scheme can be determined.

## **2. The impact of the proposal on visual amenity**

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

As has been noted, an ATM machine and signage has been installed on site, these require separate planning permission and advertisement consent and the acceptability of these elements will be considered as part of those applications.

The current application relates to the external works to convert the unit for retail and these include the new shop front, condenser units and screening fence.

With regard to the shop front, this is a minor alteration which would not be considered to appear inappropriate in relation to the existing unit or within the wider area.

As noted earlier, following consultation with the Council's Public Health Officer the condenser units' position was amended to the centre of the side elevation, facing St Austell. A screening fence is also proposed along the existing boundary adjacent to St Austell and it is noted that the existing boundary is 1.2 metres in height and will be increased to 2 metres with the screen.

A 2 metres high boundary in this location would constitute permitted development under Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The condenser units are small in scale and would not be readily visible from Station Road and the fencing would be positioned so that it would be largely screened by St Austell and the unit itself.

Given the above, the proposal would not be considered to negatively impact the visual amenity of the area and would comply with the NPPF and policies BH1 and BH7 of the CSDP.

### **3. The impact of the proposal on residential amenity**

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

Policy HS1 of the CSDP sets out that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

It is noted that there have been a number of objections to the proposal relating to the potential for noise and disturbance and increased littering and anti-social behaviour, these concerns will be addressed below.

It is acknowledged that there would have been comings and goings from site generated by the use as a car sales business. However, it was originally proposed that the operating hours for the unit would be Monday to Sunday 6am to 11pm.

Given the proximity to residential neighbours, it was considered that this would generate disturbance early in the morning and late in the evening over and above what would have been experienced previously and this would be unacceptable within this mixed residential location.

The Environmental Health Officer also acknowledged that noise and disturbance could be an issue but went on to suggest conditions that could protect the amenity of residential neighbours.

To ensure that the operation of the site would not impact negatively on the surrounding residential neighbours, it was therefore considered appropriate to limit the opening times to ensure customers will not be coming and going from site early in the morning or late in the night when it would reasonably be expected to be quieter.

Following further consultation with the Council's Environmental Health Team, the following opening hours and delivery times, were suggested to the agent and accepted on the applicant's behalf:

8am - 9pm Monday-Sunday  
Delivery times 8am-7pm Monday to Sunday

With regard to the condenser units to the side of the building, given their position and proximity to the neighbouring residential dwelling, the Council's Environmental Health Team had concerns that noise from the plant equipment could have a negative impact on the residential amenity of St Austell.

They suggested that this could be resolved by moving the units to the middle of the building so they would face onto the blank elevation of St Austell and by increasing the height of the existing intervening boundary wall, to 2m.

An amended plan was received on the 02.02.24 and following further consultation with Environmental Health, it was agreed that the relocation of the condenser units would ensure that the residential amenity of St Austell would not be negatively impacted. The Environmental Health Officer confirmed that although the increase in the height of the boundary wall would aid with screening the rear of the premises and the waste area, the fence would not be required with regard to noise attenuation.

Following this amendment the Council's Environmental Health Officer stated that they were satisfied that moving the condenser units would ensure the residential amenity of the neighbouring dwelling would not be negatively impacted. They also confirmed that although the fence would help screen the bin area, it is not an essential requirement with regard to noise mitigation.

With regard to littering there is nothing to suggest that there will inevitably be an increase as a result of the operation of this unit and ultimately, it is the responsibility of customers and others to ensure waste is disposed of properly. It is also noted that secure waste storage is provided to the rear of the site.

In terms of anti-social behaviour, it is not considered that the proposed use as a retail unit would inherently encourage this type of behaviour and should anti-social behaviour issues occur, then it is considered that these could be



appropriately dealt with by other agencies, such as the police.

Given the above and subject to appropriate conditions, it is considered that the proposal would not cause unacceptable harm to residential amenity and would accord with the NPPF and policy HS1 of the CSDP.

#### **4. Highway Issues**

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

It is noted that there have been a number of concerns with regard to access and egress, parking on site and pedestrian and highway safety.

Following consultation with the Council's Highway Engineers, it was noted that the proposal will lead to an increase in short stay parking and associated vehicle movements to and from the location, and the existing access is private and appears to be shared use.

It was originally considered that there would be insufficient space within the site under the control of the applicant to provide servicing and turning manoeuvres. Typically, retail convenience stores receive daily / regular deliveries from large HGV or articulated vehicles which would need to be accommodated fully within the site with no HGV parking or reversing manoeuvres taking place on public highway.

The Highways team confirmed that unless the above could be satisfactorily addressed, they would have objections to the proposal.

The agent responded to the Highways team's comments and set out that the shared access has been long established over time and the applicant has full rights to use it to access the site for both customer parking and deliveries. They confirmed that parking provision is policy compliant for a retail use such as this and the policy does not differentiate between short or long stay and merely sets out the number of spaces required.

The agent went on to confirm that Go Local stores use LGV vehicles up to a maximum of 7.5 tonne, but normally only a 3.5 tonne 'Luton' van. These vehicles are 8.35m long x 2.5 metre wide and 3.5 metres high, with a turning wheelbase of 4m. They confirmed that the owner will collect and deliver small loads himself with a smaller van.

The intention is for vehicles to park to the front of the building for deliveries, which will only be once a week, and will be reversed using a banksman onto the shared access road and out of the site. No reversing will be necessary onto the public highway and there would be no need for vehicles to park on the public highway or social club car park.

The agent confirmed that the owner will manage deliveries to ensure that they will not be carried out during peak or anti-social times.

The Highway Officer considered the submitted detail and provided the following response:

The applicant has provided further information to address highway concerns raised previously.

The proposal will lead to an increase in short stay parking and associated vehicle movements to and from this location, however, this is likely to be a nominal increase and spread throughout the course of the day. The existing access is private and appears to be shared use with unrestricted visibility in both directions along Station Road.

The proposal provides five parking spaces within the site boundary, one of which is widened to accommodate an accessible parking bay. Two stands are provided for cycle storage. There is no segregated footpath for pedestrians, however, this is a common arrangement for small local retail stores.

Typically retail convenience stores receive daily / regular deliveries from large HGV or articulated vehicles which would need to be accommodated fully within the site with no HGV parking or reversing manoeuvres taking place on public highway. The previous use of the building was a car sales showroom. It is assumed delivery vehicles and car transporters were able to access and load / unload within the site boundary.

The applicant has provided additional information to confirm that there is sufficient space within the site under the control of the applicant to provide servicing and turning manoeuvres. However, it is recommended that a planning condition be included to restrict delivery vehicles from parking on public highway.

They also suggested a condition to limit the size of delivery vehicles.

Based on the above, they had no objections to the proposal on highway grounds.

Following discussion, the Highway Officer further confirmed that the parking area to the front was sufficient for a maximum of 5 no. spaces and these parking spaces would not need to be formally laid out, to allow for manoeuvrability on site.

Subject to appropriate conditions the proposal would not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with policy ST3 of the CSDP.

**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.

## **CONCLUSION**

For the reasons given above, the principle of the proposed retail unit is considered to be acceptable and subject to appropriate conditions the proposal would not compromise visual amenity, residential amenity, ecology or highway safety.

The proposal therefore accords with the requirements of the NPPF and policies VC1, NE2, BH1, HS1, and ST3 of the Core Strategy and Development Plan and is recommended for approval subject to the conditions set out below.

**RECOMMENDATION:** Approve 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Existing plans and location plan, drawing number 1031/UTH/1, received 01.12.23
  - Proposed plan, drawing number 1031/UTH/2B received on the 01.05.24.

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

- 3 Prior to the retail use hereby approved commencing, the 2no. condenser units shall be installed in accordance with the proposed plan, drawing number 1031/UTH/2B, received 01.05.24 and shall be retained in this location for the lifetime of the development.

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

- 4 The premises shall not be operated for the purposes hereby approved

outside the following hours:

Monday to Sunday 8:00am to 9:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

5 Deliveries and servicing to the premises shall be restricted to the following times:

Monday to Sunday 8:00am to 7:00pm

In order to protect the amenities of the area in accordance with the NPPF and policies BH1 and HS1 of the CSDP.

6 All delivery, servicing and refuse collection, to take place from within the site boundary / car parking area to ensure no congestion on the local highway network, to the detriment of highway safety .

Reason: In accordance with policy ST3 and in the interest of highway safety

7 The premises shall be used for the use within class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy BH1 of the CSDP.

8 The parking area to the front of the site shall be made available for the use of customers prior to the approved use commencing. It shall accord with the amended parking plan, drawing number 1031/UTH/2B received on the 01.05.24 and shall remain informal and not be set out with dedicated bays, to ensure manouvrality on site. This parking arrangement shall be maintained as such thereafter and for the lifetime of the development.

Reason: to ensure that adequate and satisfactory provision is made for parking and manouvering of vehicles on site and to comply with policy ST3 of the UDP.

9 Subject to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority, deliveries to the business premises shall only be undertaken using a rigid based light goods vehicle with a maximum loading of 7.5 tonnes / 7500 kg.

Delivery vehicles will be required to enter the site in forward gear and park in a dedicated bay for loading and unloading. All reversing and turning manoeuvres will need to be supervised and take place within the site boundary, before exiting in a forward gear.

Reason: In accordance with policy ST3 and in the interest of highway safety

4.

South Sunderland

**Reference No.:** 24/00143/FUL Full Application

**Proposal:** **Erection of a two storey side extension and new roof to existing study to side. (amended plans received)**

**Location:** 9 Ashton Way Sunderland SR3 3RX

**Ward:** St Chads  
**Applicant:** Mr Peter Greenwell  
**Date Valid:** 6 February 2024  
**Target Date:** 2 April 2024

## **PROPOSAL**

Planning Permission is sought for the erection of a two-storey side extension and new roof to existing study to side at 9 Ashton Way, Sunderland.

The original proposed plans were reviewed by the Case Officer and were considered unacceptable in relation to policy BH1 of the CDSP and Point 7.3 of the Design Management Supplementary Planning Document for Household Alterations and Extensions.

Following discussions with the Agent, amended plans were received on the 19th March 2024 which are considered to accord with the DMSPD for Household Alterations and Extensions, namely:

- The principal elevation of the proposal has been set-back from the principal elevation of the host dwelling by 1m.
- The proposed side extension has been set off the boundary with neighbouring property 23 Briardene Close by 500mm

- The ridge height was proposed to be flush with the existing roof of the host dwelling. This has now been reduced slightly by approximately 0.16m.

A full re-consultation was carried out on the revised plans. The revised proposals for 9 Ashton Way are as follows:

#### Two-storey Element

At ground floor level, an L-shaped 'wrap around' extension is proposed for the front and side (north and east) of the existing dwelling. The proposal will extend from the principal elevation (existing hall and garage) of the host dwelling at a depth of approximately 1.7m and extend along the dwelling at a length of approximately 7.2m. The ground-floor element shall then extend along the side of the existing garage at a depth of approximately 8.5m.

The proposal would then extend up to first floor level, with an eaves height of approximately 5.2m and a total roof height of approximately 6.3m (to be built approximately 0.16m lower than the existing roof ridge).

At first floor level, the proposal would have a width of approximately 3.3m and a depth of approximately 7.2m, sitting on top of the existing garage, hall, utility and W.C and ground-floor L-shaped element of the proposal.

The proposal would include windows in the front and rear elevations. In the rear elevation, a set of windows (ground and first floor) serving the hallway and landing are proposed. A window in the ground floor rear (serving a utility room) is proposed, along with a first-floor window (serving the bedroom) is proposed.

In the principal elevation, a double entrance door (serving the hallway), a window (serving the lounge) and a garage door are proposed for the ground floor. At first floor level, a window (serving the en-suite) and a window (serving the master bedroom) are proposed.

There are no windows proposed for the proposed side elevation (east).

The materials proposed for the works would be to match the existing dwellinghouse (as per the Application Form).

#### Roof to existing study to the side (west)

Currently, the roof of the existing study to the side of the host dwelling is a flat roof approximately. The proposal is to create a hipped roof (leaning away from neighbouring property No. 7 Ashton Way). The proposal will not see a change in the height of the existing eaves, but would see an additional total roof height of approximately 0.88mm.

The materials proposed for the works would be to match the existing dwellinghouse (as per the Application Form).

## **APPLICATION SITE AND SURROUNDINGS**

The property to which the application relates is a two-storey detached dwelling situated on Ashton Way. To the front of the property is a hardstanding driveway with parking suitable for a minimum of 2 no. vehicles. To the rear of the property is an enclosed garden with access along the site of the property.

The application was called into Planning Committee by Councillor McDonough on the 9th April 2024.

### **TYPE OF PUBLICITY:**

Neighbour Notifications

### **CONSULTEES:**

Cllr Chris Burnicle  
Cllr Simon Ayre  
Cllr Dominic McDonough  
Network Management  
Cllr Chris Burnicle  
Cllr Simon Ayre  
Cllr Dominic McDonough  
Network Management

34 Briardene Close Sunderland SR3 3RU  
23 Briardene Close Sunderland SR3 3RU  
32 Briardene Close Sunderland SR3 3RU  
6 Ashton Way Sunderland SR3 3RX  
42 Briardene Close Sunderland SR3 3RU  
7 Glendale Close Sunderland SR3 3RY  
38 Briardene Close Sunderland SR3 3RU  
36 Briardene Close Sunderland SR3 3RU  
40 Briardene Close Sunderland SR3 3RU  
7 Ashton Way Sunderland SR3 3RX  
8 Ashton Way Sunderland SR3 3RX

Final Date for Receipt of Representations: **09.04.2024**

### **REPRESENTATIONS:**

Original Submitted Plans

SCC Transportation Development (26th February 2024) - no observations.



A letter of support was received from 8 Ashton Way (17th February 2024) stating that they considered the plans to be very detailed and the final look be in-keeping with the other extensions in the street, and that they are happy to support the proposals.

Amended Plans (received 19th March 2024)

SCC Transportation Development (18th April 2024) - no observations or recommendations.

A letter of objection has been received from the neighbouring property No. 23 Briardene Close 28 (8th April 2024), which summarily contains the following grounds for objection:

- Encroachment
- Loss of light
- Loss of privacy
- Overdevelopment

Firstly, it must be noted that a right to light is not a consideration in planning terms. On this basis, this part of the objection cannot be considered when determining this application.

Encroachment and Loss of privacy - this will be addressed in the Residential Amenity section of this report.

Overdevelopment - this will be addressed in the Visual Amenity section of this report.

## **POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

## **COMMENTS:**

## **CONSIDERATION OF APPLICATION**

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended- December 2023), which requires the planning system to contribute to the achievement of sustainable development. Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible. Paragraph 139 states that planning 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.

As of the 30th January 2020, the Council has adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP).

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

The Council's 'Development Management' SPD (adopted in June 2021) provides more detailed guidance in respect of domestic development. It encourages a high standard of design to such proposals and reiterates policy BH1's requirement that visual amenity and the amenity of existing dwellings is respected.

Paragraph 4.19 of the DMSPD states that proposed two-storey and first-floor side extensions should not dominate the existing dwelling and should instead appear as a subordinate addition to the property. Such extensions should also be designed to avoid a 'terracing' effect, whereby the visual distinction between neighbouring properties is lost or severely diminished. This issue mainly arises in streets of semi-detached houses.

Paragraph 4.20 sets out that in order to achieve subordination and avoid terracing, proposals for two-storey and first-floor side extensions should:

- Be of a width which is no more than 50% the width of the original dwellinghouse;
- Include a set-back of at least 1 metre from the front wall of the existing house at first floor level or, alternatively, leave a gap of at least 1 metre to the adjacent shared boundary; and
- Include a ridge line to the extension's roof which is set lower than the ridge line of the existing dwelling's roof.

In assessing the proposal, the main issues to consider are the impact of the development upon the appearance of the host property and the street scene in general and the effect upon the residential amenity of the neighbouring properties as well as the impact on highway safety.

## **VISUAL AMENITY**

Firstly, the materials to be used for the proposed works have been identified to match the host dwelling.

The amended proposal provides a set-back of the principal elevation of 1m which accords with the requirements as set out within the DMSPD. The gap between the shared boundary with No. 23 and the side of the proposal measures approximately 500mm, which is lower than the 1m requirement of the DMSPD, and the proposed roof height is lower than that of the ridge height of the existing roof of the host dwelling.

It was noted during the site visit that there are similar proposals in the nearby street scene with first floor side extensions. For example, 1 Ashton Way received planning permission in 1987 for a bedroom/bathroom over the existing garage, and is the same original house type of that of the host dwelling No. 9. Whilst it is noted that this example does not include for a two-storey extension, the host dwelling is positioned on a substantially bigger plot with more landscaped frontage to the side of the host dwelling, which is considered by the Case Officer to be a factor to consider in these circumstances in relation to the minor impact that the proposal would have on the visual amenity of the streetscene.

The DMSPD states that in order to maintain the open character of the street, any extension should respect the building lines of both streets and the general spaciousness of the area. If spacious corner plots are a characteristic of the surrounding area, two storey side extensions should look to maintain such spaces. Taking this into account, and given that the proposal has a reduced ridge height and a 1m set back from the principal elevation of the host dwelling, it is considered that the proposed works would not be considered to be overdevelopment of the dwelling in this instance and maintain the open character of the streetscene whilst respecting the building line of Ashton Way and Briardene Close.

Given that the roof of the proposed extension has a ridge height lower than the ridge of the existing dwelling's roof (160mm lower), and that the principal elevation of the proposals will have a set-back of 1m, it is considered that the proposal will be subservient to the host dwelling. On this basis, it is considered that the proposal would not create a 'terracing effect' and reiterates policy BH1's requirement that visual amenity and the amenity of the existing dwelling is respected. Therefore, the proposal is considered acceptable and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

It is considered that the proposed roof to the existing study to the side (west) is considered acceptable in relation to visual amenity and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

## **RESIDENTIAL AMENITY**

With regard to the separation distances of the two-storey side extension, the two-storey side elevation would extend past the side wall of the existing garage by approximately 2m. The proposal would contain no windows in the side elevation.

In relation to separation distances, the distance between the front elevation of the host dwelling and others in the streetscene is considered acceptable in this instance due to the two-storey side extension being set back by 1m from the original principal elevation of the dwellinghouse. The gable wall (east) of the proposal will be positioned approximately 29.2m from the principal elevation of No's. 36 and 38 Briardene Close, which accords with the separation distances of the CSDP and DMSPD.

There are 2 no. windows proposed in the first-floor rear elevation of the proposed extension, serving a hallway landing and bedroom 4 (as per the submitted plans). Having reviewed the application and in order to reduce the impact on the amenity and privacy of 23 Briardene Road (who have a bedroom situated approximately 5.4m from the proposed bedroom 4 window), that the window of bedroom 4 be frosted/opaque glass which will be conditioned accordingly. The proposed window to serve the hallway landing is considered to not cause any overlooking or privacy issues due to the window serving a non-habitable room.

It is considered that the proposed roof to the existing study to the side (west) is considered acceptable in relation to visual amenity and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

On this basis and for the reasons set out above, it would not be considered that the overall proposal would appear overbearing or increase overshadowing and have a significant adverse impact on the residential amenity of neighbouring properties in relation to this dwelling or any other neighbouring dwelling to a degree that would warrant a refusal of permission in this instance. As such, it is considered that the proposal complies with the NPPF and policy BH1 of the CSDP and DMSPD.

## **HIGHWAY ISSUES**

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The Councils Highway Engineer has provided no objection to the proposal.

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with policy ST3 of the CSDP.

## **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.

## **CONCLUSION**

The amended proposal is in accordance with policies BH1 and ST3 of the CSDP and the NPPF. It is considered to be an acceptable form of development which would not cause unacceptable harm to the amenities of

the occupiers of the adjoining properties or the street scene in general, nor would it negatively impact highway safety. It is therefore considered acceptable and recommended for approval subject to the following conditions.

**RECOMMENDATION: Approve subject to the conditions listed below**

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
  
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Dwg No. RBD/009ASH/PLANNING/003 Rev. B 'Existing and Proposed Site Plans, Location Plan, Existing and Proposed Side Elevations' (19 March 2024)
  - Dwg No. RBD/009ASH/PLANNING/002 Rev. B 'Existing and Proposed Elevations' (19 March 2024)
  - Dwg No. RBD/009ASH/PLANNING/001 Rev. B 'Existing and Proposed Floor Plans' (19 March 2024)
  - Dwg. 'Location Plan' (26 January 2024)

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

- 3 Notwithstanding the submitted drawings, the 'Bedroom 4' window shall be fitted with top hung or non-opening obscure glazing and shall be maintained and retained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy BH1 of the Core Strategy and Development Plan.
  
- 4 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which serves to revoke and re-enact the provisions of that Order, no windows other than those shown on the approved plans shall be inserted in any elevation of the extension hereby approved.

Reason: to ensure surrounding properties continue to enjoy acceptable standards of privacy and to comply with the objectives of policy BH1 of the CSDP.

5.

Washington

**Reference No.:** 24/00542/LP3 Local Authority (Reg 3 )

**Proposal:** **Installation of an electricity substation.**

**Location:** Gateshead Skills Academy Gateshead College  
Washington Road Usworth Sunderland

**Ward:** Washington North  
**Applicant:** Sunderland City Council  
**Date Valid:** 18 April 2024  
**Target Date:** 13 June 2024

**PROPOSAL:**

Planning permission is sought for the erection of an electricity substation within the site, located adjacent an existing substation providing a footprint of some 3.6m x 3.4m and a shallow pitched roof presenting an overall height of 2.7m. The building would be constructed of prefabricated materials and finished in a light grey colour.

**SITE**

The site relates to Gateshead Skills Academy located on Washington Road, north of Fitzpatrick Drive, within the Nissan site and south of the Land, Sea and air museum. The entrance to the site is on Fitzpatrick Drive and the application relates to land to the rear.

**TYPE OF PUBLICITY:**

Site Notice  
Neighbour Notifications

**CONSULTEES:**

Land Contamination  
Northern Powergrid  
Network Management  
Environmental Health  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker

Flat Three Horse Shoes Washington Road Usworth Sunderland  
The Licencee Rustica Trattoria And Inn Washington Road Usworth  
Sunderland

Final Date for Receipt of Representations: **09.05.2024**

**REPRESENTATIONS:**

The Council's Public Protection and Regulatory Services reviewed the information submitted and consider that the proposal would have no concerns with regard to noise and consider that the proposal is acceptable.

The Council's Network Management Team have reviewed the application and have no highway safety concerns and raised no objections

The Council's Land Contamination Officer reviewed the proposal and recommended a condition should any unexpected contamination be found during the development to be reported

Northern Powergrid commented with safety advice for the applicant and have no objections provided their rights are not affected and will continue to enjoy rights of access to the apparatus for maintenance, replacement or renewal works necessary.

**POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)



ST3 High safety  
ST2 Highways Safety  
HS3 Land contamination  
HS1 Environmental impacts noise  
BH1 Amenity and design  
EG1 Primary Employment area (PEA8)

## **COMMENTS:**

## **PROPOSAL**

Planning permission is sought for the erection of an electricity substation within the site, located adjacent an existing substation providing a footprint of some 3.6m x 3.4m and a shallow pitched roof presenting an overall height of 2.7m. The building would be constructed of prefabricated materials and finished in a light grey colour.

## **SITE**

The site relates to Gateshead Skills Academy located on Washington Road, north of Fitzpatrick Drive, within the Nissan site and south of the Land, Sea and air museum. The entrance to the site is on Fitzpatrick Drive and the application relates to land to the rear.

## **REPRESENTATIONS**

None received

### **1. PRINCIPLE OF DEVELOPMENT**

The site is subject to Policy EG1 (Primary employment areas) with the Core Strategy Development Plan (CSDP).

The area known as Nissan (PEA8) and is allocated as a Primary Employment Area (as designated on the Policies Map) and will be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution).

In all cases new uses must:

- i. be of a type, scale and appearance compatible with the established character and function of the Primary Employment Area;
- ii. not adversely prejudice the day-to-day operation of the Primary Employment Area through parking, traffic generation or pedestrian movement; and
- iii. not result in an unacceptable dilution of the employment function of the Primary Employment Area.

The proposed development is required in connection with the existing commercial unit and is of a limited scale and massing to be finished in light grey which is of similar materials to the existing substation and the main commercial unit. It is not considered that it would lead to any impact upon the

Primary Employment Area or unacceptable dilution of the employment function or highway safety and as such the principle of the development is acceptable in compliance with Policy EG1 of the CSDP.

## **2. THE IMPACT OF THE PROPOSAL WITH REGARD TO VISUAL AND RESIDENTIAL AMENITY**

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraphs 135 and 139 set out that good design is a key aspect of sustainable development and require that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Finally, that planning 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.

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

With regard to the minimal massing, siting and sympathetic finish and not close to residential areas, there are no grounds to suggest that it would have any adverse impact on the amenity of the area and there would be no interference with the operational aspects of the approved site layout. The proposal is therefore considered to comply with Policy BH1 of the CSDP and paragraphs 135 and 139 of the NPPF.

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse environmental impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

The proposal would have no concerns with regard to noise and the proposal

is acceptable with regard to the requirements of the NPPF and policy HS1 of the CSDP.

## **LAND CONTAMINATION**

Policy HS3 of the CSDP relates to Contaminated land. When development is considered to be on contaminated land, development should ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which could cause unacceptable risk to health or to the environment.

The proposal is considered to be acceptable with a condition imposed on the decision with regard to any unexpected contamination be found during the development and as such is in compliance with Policy HS3 in this regard.

## **HIGHWAYS CONSIDERATIONS**

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

The raises no highway safety concerns and as such complies which therefore complies with Policies ST2 and ST3 in this respect.

## **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.

## **CONCLUSION**

With regard to the above details, it is considered that the development in acceptable and complies with the above national and local Policies and members are recommend to Grant Consent subject to the following conditions.

**RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Existing site plan received on 17.4.24
- Proposed elevations received on 17.4.24
- Proposed plans received on 20.3.24
- Proposed site plan received on 20.3.24
- Location plan received on 20.3.24

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 180f, 189

6.

South Sunderland

**Reference No.:** 24/00749/TC3 Tree in Conservation Area (Reg3)

**Proposal:** **Fell 5no. Cypress trees**

**Location:** The Gardens Silksworth Gardens SunderlandSR3 2PE

**Ward:** Doxford

**Applicant:** Sunderland City Council

**Date Valid:** 3 May 2024

**Target Date:** 16 June 2024

**PROPOSAL:**

The site relates to land to the rear of The Gardens, Silksworth Gardens, Sunderland

The works are to remove 5 No. cypress trees which are adjacent to boundary wall before rebuilding section of wall. The wall is currently out of level and leaning on the nearest tree to the wall. The tree is stopping the wall from falling down. This works part of a wider scheme to repair the building following an arson attack.

Policy NE3 of the CSDP encourages the retention of trees which make a valuable contribution to the character of an area by the making of a TPO.

**TYPE OF PUBLICITY:**

Site Notice Posted

**CONSULTEES:**

Cllr Heather Fagan  
Cllr Allen Curtis  
Cllr Paul Gibson  
Planning And Highways

Final Date for Receipt of Representations: **10.06.2024**

**REPRESENTATIONS:**

No representations received to date.

**POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

NE3

**COMMENTS:**

In considering notifications of works to trees in a Conservation Area, the Local Planning Authority has the option to give trees full protection by instigating a Tree Preservation Order. In cases where the proposed works represent good practice and tree management, even if the trees are considered worthy of TPO status, the LPA may not consider it expedient to initiate a TPO.

In assessment of the proposal the main issues to be considered are the following:-

- o The amenity value of the tree
- o Can a Tree Preservation be justified
- o The trees visual amenity to the surrounding area

Works include:-

There are many other trees within the site which would add to the amenity of the area upon removal of the proposed trees, therefore it would be considered that within the area replanting would not be necessary due to the

number of trees in the immediate area.

The felling of the 5 trees would not be considered to have a detrimental effect to the visual amenity of the surrounding area and there is no justification for making a Tree Preservation Order in this instance.

### **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.

## **Conclusion**

In light of the above, the proposed felling of the 5 trees is considered to be compliant with the requirements of policy NE3 of the CSDP and it is recommended that consent be granted for the proposed works subject to the following conditions.

**RECOMMENDATION: Grant Consent subject to no representations being received, which raise issues not addressed in the above report, by the expiry of the Site Notice (10th June 2024).**

## **Conditions:**

- 1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.
- 2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the CSDP.

7.

South Sunderland

**Reference No.:** 24/00888/ADV Advert Application

**Proposal:** **Erection of 2 internally illuminated, free standing advertisement boards (Retrospective).**

**Location:** Rowlandson House1 Rowlandson Terrace  
SunderlandSR2 7SU

**Ward:** Hendon  
**Applicant:** BANANA MOON DAY NURSERY  
**Date Valid:** 7 May 2024  
**Target Date:** 2 July 2024

**PROPOSAL:**

The proposal is the erection of 2 internally illuminated, free standing advertisement boards within the forecourt of the commercial premises, which intends to operate as 'Banana Moon Nursery'. One sign would be positioned on the corner of the site and another to the front of the property.

Following a site visit on the 23rd May 2024, the signs have been erected without the benefit of advertisement consent.

The application has been called into committee by Cllr Mordey (Hendon Ward Councillor)

**TYPE OF PUBLICITY:**

None Required

**CONSULTEES:**

Planning Implementation  
Network Management  
Cllr Lynda Scanlan  
Cllr Michael Mordey  
Cllr Stephen Lewis Elms  
Environmental Health

Final Date for Receipt of Representations: N/A

**REPRESENTATIONS:**

The Council's Conservation team comments:

Rowlandson House is situated at the north end of Rowlandson Terrace within The Cedars Conservation Area. Rowlandson Terrace is one of the Edwardian terraces that are a fundamental component of the special character and significance of the conservation area. The terrace benefits from a high level of uniformity as a result of its continuous red brick external elevations and repetition of decorative timber doorways and bay windows and intricate terracotta detailing. Whilst Rowlandson House lacks the highly decorative features of the remainder of the terrace and is a larger property, its red brick construction, traditional window pattern and proportions, and brick boundary

wall with stone copings are consistent with the character of the houses and so the property successfully integrates with and bookends the terrace. The side gable elevation and front boundary wall are prominent in views within the conservation area being positioned at a key gateway and junction on Stockton Road, one of the main routes into and out of the City Centre.

Our adopted Conservation Area Management Strategy for The Cedars has specific guidance related to signage. This states that signage should be discreet as possible, in sympathetic colours materials and styles. In this case the provision of two large signs in the small frontage could not be considered discrete, adversely affecting views along the terrace by virtue of their size and position. This combined with the use of aluminium rather than traditional timber and internal illumination, will only add to the visual intrusion.

I am therefore unable to support this application as detrimental to the character and appearance of the conservation area, contrary to policy BH8 of the Sunderland Core Strategy and Policy 4B of the adopted The Cedars CAMS.

The Council's Highway Engineers have raised no concerns over the scale, massing and siting of the installation from a highway safety perspective

Two objections have been received which set out the following:-

- Rowlandson Terrace is primarily a residential area situated in a conservation area. The proposed installation of these two large internally illuminated advertisement boards (which will be illuminated 24/7) is completely out of character with both the Terrace and the conservation area.
- I wouldn't be opposed to a small brass plaque on the wall advertising the nursery which would be more in keeping with the Terrace and conservation area whilst serving its purpose.
- The street forms part of a conservation area and the signs are not in keeping with the residential nature of the street, nor with the design aesthetic of the buildings. Previous signage for the former business at Rowlandson House was painted and less obtrusive.

LPA RESPONSE - The Council's Conservation team have reviewed the application and commented that the signs are unacceptable.

- Placement of these boards is at a busy crossroads where crossing is difficult. They will distract motorists and, in the winter, the illumination will make it difficult to see pedestrians trying to cross. This crossing is heavily used particularly by School children and elderly visitors to the nursing home.
- It also seems highly unusual for an education/childcare setting to have illuminated signage. The signs are situated on a junction with street lighting - and light from traffic signals.

LPA RESPONSE - The Council's Network Management Team have reviewed the plans and have commented that there is no highway safety risk associated with the installation of the signs.

- I note that in the application it states that the signs are not in situ. This is not the case, the support posts have been up for a number of months, and the signs themselves are also now in place.

LPA RESPONSE - At the time of the site visit on the 23rd May 2024, the signs were in place and as such the application is now being considered as retrospective.

- I am also concerned about the environmental impact of the signage. The plans state that the signs are to be illuminated. Light pollution is a concern in any urban area but it is my belief that there is a local population of bats roosting nearby. The bats can regularly be observed flying and feeding above our gardens at dusk. Light pollution has been shown to have a direct impact upon the roosting and feeding habits of bats. It is my understanding that some species respond particularly badly to white light. Last year the Institute of Lighting Professionals (ILP) updated its guidance re artificial lighting and its impact upon humans, sideline and energy consumption. Different species of bats are affected in different ways by artificial light but there is evidence that increased Artificial light can cause harmful changes to feeding patterns and the flight corridors that bats use to and from their roosts. It is my understanding that there are Pipistrelle, Noctule and Daubenton bats in the locality. ( I have participated in Bat walks in Backhouse park in the past). Bats are a protected species and as such are protected by law. Not just from physical harm, but from things which may adversely effect their habitats and patterns. I fear that the use of illuminated signage may well have such an impact.

LPA RESPONSE - There are other aspects such as street lighting in the area and it is not considered that the illumination would lead to any harm to the illumination of the sign.

## **POLICIES:**

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

Policy

BH4

BH7

BH8

The Cedars CAMS

## **COMMENTS:**

### **SITE AND SURROUNDINGS**

The application site is located on the corner of Rowlandson terrace and flanked by Villette Road.

Sign 1 would be constructed of folded aluminium tray powder coated to the specification. It would measure 1.2 metres width and 1 metre in height with a depth of 150mm and up to a maximum height of 2 metres above ground level. It would incorporate an illuminated printed logo and illuminated aperture lettering lit with white 600k modules with a lumen level of approximately 400cdm<sup>2</sup>.

Sign 2 which would be located on the corner of the perimeter would also be constructed of folded aluminium tray with powder coated finish. It would measure 2.8 metres in length 1 metre height and 150mm depth standing 2 metres maximum height from ground level. It would also have with an illuminated printed logo and illuminated aperture lettering lit with white 600k modules with a lumen level of approximately 400cdm<sup>2</sup>.

Applications for advertisement consent are subject to planning policy on both national and local levels. On a national level, paragraph 141 of the National Planning Policy Framework (NPPF) states that 'the quality and character of places can suffer when advertisements are poorly sited and designed'. 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.

The proposed location is within the Cedars Conservation Area. The SCC Core Strategy Development Plan (CSDP) policies BH7 and BH8, NPPF paragraphs 201, 203 and 205 and the adopted Cedars Conservation Area Character Appraisal and Management strategy in particular policy 4B would be considered in the determination of this application.

Policy BH4 of the City Council's adopted Core Strategy Development Plan (CSDP) advises that development for advertisements should:

1. Be well designed and sympathetic to the character and appearance of their location and the building to which they relate, having regard to matters such as size, materials, construction, location, level of illumination and cumulative impact with other signage on the building and within the vicinity; and
2. For illuminated advertisements and signs, not adversely affect the amenity and/or safety of the surrounding area.

Whilst Policies BH7 and BH8 of the CSDP state that to preserve or enhance the significance of Conservation Areas development should be in accordance with the objectives and proposals of the adopted Character Appraisal and Management Strategy for the relevant Conservation Area, should make a

positive contribution to the character and distinctiveness of the Conservation Areas and should be of a high design quality.

It is considered that the signs would lead to adverse harm to the appearance of the property and the Cedars conservation area.

The adopted Conservation Area Management Strategy for The Cedars has specific guidance related to signage. This states that signage should be discreet as possible, in sympathetic colours materials and styles. In this case the provision of two large signs in the small frontage could not be considered discrete, adversely affecting views along the terrace by virtue of their size and position. This combined with the use of aluminium rather than traditional timber and internal illumination, will only add to the visual intrusion.

Therefore, on balance the proposed signs are not considered to comply with policies BH7 and BH8 of the CSDP or the The Cedars CAMs, due to the size, scale and prominence in the street scene and are considered to have an adverse impact on the setting of the Conservation Area.

Policy ST2 of the Council's CSDP states that to ensure development will not create a severe impact on the safe operation of the highway network, whilst policy ST3 advises that development should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

The proposed signage is not considered to lead to any adverse impact to highways safety and as such the proposal is considered to accord with the requirements of CSDP policies ST2 and ST3.

The siting, design, size and illumination of the advertisements in this locality are considered to have adverse impacts to the visual character of the property and The Cedar Conservation Area.

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

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

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

- 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.

## **CONCLUSION**

For the reasons given above, the display of the signs are considered unacceptable due to the impact on amenity by virtue of their size, scale, illumination and setting within the conservation area. The proposed signage is not considered to be in accordance with policies BH4, BH7, BH8, of the CSDP, Section 4B of The Cedars CAMS and paragraph 141 of the National Planning Policy Framework.

**RECOMMENDATION: Refuse advertisement consent for the retrospective signs for the reason set out below:-**

**Reason**

- 1 The proposed signs by virtue of their design, size and siting, would appear extremely prominent in this location and would introduce a highly visible and incongruous feature into the street scene to the detriment of the visual amenities of the area and contrary to the requirements of policy BH4, BH7, BH8, of the adopted Core Strategy, section 4B of The Cedar CAMS and Development Plan and paragraph 141 of the National Planning Policy Framework