Sunderland City Council

PLANNING AND HIGHWAYS (WEST) COMMITTEE

AGENDA

Meeting to be held in the COUNCIL CHAMBER, CITY HALL on Tuesday 1st March 2022 at 5.30 p.m.

Membership

Cllrs Blackett, Donaghy, Fagan, Lauchlan, G. Miller (Vice Chair), Peacock, Price, Thornton (Chair), and Warne

ITEM		PAGE
1.	**Receipt of Declarations of Interest (if any)**	
2.	**Apologies for Absence**	-
3.	**Minutes of the meeting of the Committee held on Tuesday 1st February, 2022** (copy herewith)	1
4.	**Applications made under the Town and Country Planning Acts and Regulations made thereunder** Report of the Executive Director of City Development (copy herewith).	4

Elaine Waugh,
Assistant Director of Law and Governance,
City Hall
SUNDERLAND

18th February, 2022

For further information and assistance, please contact Paul Wood at paul.wood@sunderland.gov.uk

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held in the Council Chamber, City Hall, Plater Way on TUESDAY 1st FEBRUARY, 2022 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Blackett, Fagan, G. Miller, Lauchlan, Peacock, Price and Warne.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillor Donaghy

Minutes of the last meeting of the Committee held on Tuesday 4th January 2022.

1. RESOLVED that the minutes of the last meeting of the Committee held on Tuesday 4th January, 2022 be confirmed and signed as a correct record.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report (copy circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

20/01309/FUL – Erection of 2no. commercial units including new vehicular access and associated parking/service areas. 4 Turbine Way, Sunderland, SR5 3NZ

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that the application be approved subject to the 15 draft conditions contained within the report

21/02716/LP3 – Change of use of former club buildings to a community run garden centre and plant nursery with associated café, meeting, heritage interpretation and training facilities. Erection of 4no poly tunnels for plant nursery and plant sales and associated infrastructure/landscaping. Elemore Golf Club, Elemore Golf Course, Lorne Street, Easington Lane, Houghton-le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

In response to Councillor Lauchlan's query over the closeness of this proposal to the Cragdale Gardens development which had recently been granted approval upon appeal and if this would have an affect upon this proposal, the Chairman advised that access to this site was completely different to the Cragdale Gardens development, despite backing onto each other.

The Chairman also commented that she believed this proposal was an absolutely fantastic development which cut across all the Wards and highlighted the investment being made across the whole of the City. It was a community run project and could only be encouraged.

3. RESOLVED that consent be granted under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the 16 conditions contained within the report.

21/02736/LP3 – Replacement of 1.2m high concrete railings and metal hand rail to the parapet walls of the building with 1.2 metre high metal stud wall, finished with cement smooth cladding which will extend to cover the render panelling below the parapet wall. Also replacement of existing metal windows overlooking the library roof with double glazed metal windows. Washington Town Centre Library, Independence Square, Washington Town Centre, Washington, NE38 7RZ

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

Councillor G. Miller commented that the refurbishment of the externals to the Library were long overdue. The library was well used and he absolutely welcomed work being done to this building.

4. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to confirmation of the colour of the cladding and the 3 draft conditions contained within the report.

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 65-70).

The Councillor as indicated requested that a site visit be undertaken in respect of the following application,

i) 21/02898/FU4 Land West of Moorway and South of Havannagh Road, Washington – Esh Construction Limited – Extra Care Housing Develoment (Councillor Warne)

5. RESOLVED that the items for information as set out in the matrix be received and noted and that a site visit be undertaken in respect of the application as detailed above.

The Chairman then thanked everyone for their attendance and closed the meeting.

(Signed) M. THORNTON,
(Chairman)

Item 4

Planning and Highways (West) Committee

1st March 2022

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 21/00605/OU4
   Land To The East Of Infiniti Drive Washington
2. 21/01805/FUL
   Land At 2 Wylam Close Stephenson Washington NE37 3DR

COMMITTEE ROLE

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

DEVELOPMENT PLAN

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

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/

Peter McIntyre
Executive Director City Development

1. Washington

Reference No.: 21/00605/OU4 Outline Application Regulation 4

Proposal: **Application for Outline Planning Permission with all matters reserved for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace**

Location: Land To The East Of Infiniti Drive Washington

Ward: Washington North
Applicant: C/O Agent
Date Valid: 16 March 2021
Target Date: 15 June 2021

PROPOSAL:

The above comprises an

> "Application for Outline Planning Permission with all matters reserved for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace"

on land to the east of Infiniti Drive, Washington

The Application has been submitted with drawings (such as a Proposed Masterplan) and a wide range of technical reports (such as a Drainage Strategy and a Transport Assessment).

The site lies towards the east of Washington; north of the A1231, east of Peel Retail Park and immediately west of Vantec. The site has an irregular shape covering around 2.56 hectares and lies vacant. The submitted Design & Access Statement says that the buildings would have a maximum height of 63.5 AOD and would be constructed from cladding.

The Application proposes up to 10,089 square metres of total gross internal floorspace for light industrial, general industrial and storage and distribution uses with ancillary office floorspace. The submitted Parameters Plan shows a potential area of built form; together with wildlife mitigation to the rear of the site and two accesses off Infiniti Drive.

TYPE OF PUBLICITY

Press Notice Advertised
Neighbour Notifications

CONSULTEES

The Highways England
Network Management
Flood And Coastal Group Engineer
Northumbrian Water

The Coal Authority
The Highways England
Gateshead MBC
South Tyneside MBC
Environment Agency
Business Investment
Nexus
Historic England
Natural England
Network Management
Washington North - Ward Councillor Consultation
Flood And Coastal Group Engineer
Environmental Health
Planning Policy
Northumbria Police
The Coal Authority
Tyne And Wear Archaeology Officer
Northern Electric
Northumbrian Water
Fire Prevention Officer
Land Contamination
North Gas Networks
NE Ambulance Service NHS Trust

Final Date for Receipt of Representations: **25.06.2021**

COMMENTS:

Principle

The Core Strategy and Development Plan ("Core Strategy"), via policy EG1, allocates the site as a "Primary Employment Area" called "Hillthorn Farm (PEA 10)". The policy says the site, amongst others, will be "safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses".

The submitted application form says, at box 8, that the proposed uses are "other Combination of Class B2 and Class B8 with ancillary offices".

The suggested description on the same form, at box four, describes the proposal as

> "Outline application for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace"

The submitted Planning Statement also includes the description of the proposal found within the Application Form. Officers would therefore advise that the report below considers the Application on the basis of the description which includes light industry. Officers would further advise that ensuring the proposed office floorspace could be occupied on an ancillary basis can be secured via planning condition.

Given that the proposed development comprises light industrial, general industrial and storage and distribution uses with ancillary office floor space, the principle of the development accords with the development plan.

Officers would, however, advise that there has recently been an amendment to the Use Class Order. The amendment means that whilst general industrial and storage and distribution still fall within their respective categories of B2 and B8, "light industry" now falls within a new category called "Class E". The new category, described as "commercial, business and service", includes a wide range of uses; including shops, indoor sport and a creche. Officers would therefore advise that a condition should be attached to any planning permission, ensuring that the industrial units can only be used for the purposes described within the submitted Planning Statement - i.e. only used for light industrial, general industrial and storage and distribution uses with ancillary office floorspace.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a "Low Carbon Framework". The Framework says "Sunderland is committed to playing its part in tackling the global climate change emergency" and that "we are proposing to embed climate change and carbon neutrality throughout our city". The Framework specifically says that

"local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy"

The determination of the application using the policies within the Core Strategy therefore means that the recommendation will also align with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, adopted a "Low Carbon Action Plan" which has "been prepared to align to the Sunderland Low Carbon Framework". The Plan says that it "sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now". The Plan provides "Strategic Priorities" which will be given consideration in the relevant sections below (such as drainage).

In summary, the principle of the proposal accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended condition concerning the use of the development.

The detailed impacts, including consideration of previous planning permissions and the detailed provisions of the Low Carbon Framework, will be given consideration below.

Amenity

In terms of air quality, the submitted Air Quality Assessment says that there would be "a negligible impact at all existing human receptors within the study area" and that the "effect of the proposed development on local air quality is assessed as not significant". The Assessment continues by saying that the "site of the proposed development is therefore considered to be suitable for future industrial uses, with regards to air quality".

In terms of noise, the submitted Noise Impact Assessment identifies the nearest Noise Sensitive Receptors as Severn Houses (NSR1) to the north east and Cherwell (NSR2) to the west.

The Assessment says that during the construction phase noise levels "meet the daytime criterion at NSR1, however predicted levels exceed the evenings and weekends and night-time criteria.

Predicted construction noise levels meet the criteria at NSR2 during daytimes, evening and weekends and during the night-time period". The Assessment recommends mitigation in form of a Construction Environment Management Plan (CEMP).

The Assessment continues by saying that during operation, the "predicted increases in road traffic noise arising due to the Proposed Development in combination with the Western Plot fall substantially below the scoping criteria provided in DMRB (1 dB increase) and are therefore not significant and further detailed evaluation of road traffic is not required".

The Assessment further says that "noise impacts at NSR1, taking into account proposed mitigation, have been assessed as 'low', during the daytime and the night-time periods. Noise impacts at NSR2 have been assessed as 'very low' during the daytime and the night-time periods".

The Assessment concludes by saying that the "site of the Proposed Development is therefore considered to be suitable for future industrial uses, with regards to noise". The Assessment recommends mitigation including a CEMP and a 4 metre boundary fence.

The Environmental Health Officer (EHO) has advised that they consider the "proposed development is acceptable"; subject to conditions covering air quality (process that fall within the regime of Pollution Prevention and Control), construction (Construction Environment Management Plan) and noise (noise management scheme and details of fixed plant).

The EHO has specifically advised that "predicted noise levels at the sensitive receptors are considered to be acceptable" and that "no exceedances of the annual mean Air Quality Standards are expected for NO2, PM10 and PM2.5 at any of the existing human receptors within the study area".

Officers would draw to attention that the above comments are based the submitted Noise Impact Assessment; which includes a plan showing buildings to the front of the site and moving Heavy Goods Vehicles to the rear. The Agent has subsequently submitted an amended Parameters Plan which shows service area / hardstanding to both the front and the rear of the site. The Agent has advised that the Noise Assessment has been based upon a "worst case scenario" and that there "is sufficient scope to provide noise mitigation as part of the development". Officers would nonetheless advice that the Application does demonstrate how a form of development could be brought forward on the site which accords with the relevant development plan policies relating to noise. Officers would also draw to attention that the mitigation proposed by the Noise Assessment, principally an acoustic fence to the rear of the site, would still be achievable with the layout shown on the latest Parameters Plan.

In terms of general amenity, the proposed development would not appear to lead to a material loss of day light or privacy for the occupiers of nearby land and buildings; nor would the size of the proposed buildings appear dominant or oppressive.

The proposal would therefore accord with policies SP7(6)(v), HS1 and HS2 of the Core Strategy and there are not any material considerations that indicate otherwise.

Design

The submitted Design and Access Statement says

> “The building form will be simple and well-proportioned as buildings of this type require clear internal heights and volumes. The building(s) will combine contemporary materials with crisp, modern and simple detailing with the use of various cladding profiles and colors within a considered palette.
>
> The intentions for the landscaping have been designed for the entirety of the site to provide a cohesive scheme that is applied consistently across all units and can be applied to any of the supplied indicative layouts or any future layout that may be submitted as part of a Reserved Matters Application."

The immediate context includes modern buildings within the retail park to the west and the infrastructure of the railway line to the west. A large modern building lies to the south east of the site, currently occupied by Vantec. The site also lies just to the North of a dual carriageway, the A1231.

Officers consider that, within the above setting of modern buildings and infrastructure, the commentary within the submitted Design and Access Statement demonstrates that a form of development could be provided within a subsequent application for Reserved Matters Consent which accords with policy BH1 of the Core Strategy.

Drainage

The submitted Outline Drainage Strategy identifies that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Strategy continues by saying that the "anticipated ground conditions have identified that infiltration is not suitable due to the presence of impermeable clay" and that "surface water is to be discharged into the sewers of Infiniti Drive… this will be restricted to 1-year Greenfield runoff with discharge through flow control gravity systems".

The Strategy further says that "water quality is provided through the use of pervious surfaces within the parking bays, cellular storage and land drainage within the storage tanks and oil/silt separators on each plot." The Strategy also says that "foul drainage will connect to the adjacent foul system and will be subject to… approval from Northumbrian Water".

The Lead Local Flood Authority have advised the scheme would be approvable and recommend a verification condition.

Northumbrian Water have advised that

> "I can confirm that our sewer adoptions team have had further discussions with the drainage consultants for this scheme. We can confirm that the S104 design for the adoption of the sewers and connection to the public network is acceptable in all respects and we have no further comments to make at this time."
>
> In terms of material considerations, there would also be a contribution towards Action Reference 2.06 of the Low Carbon Action Plan. The Action Reference states that development should, in "minimising all types of flood risk… ensure all applications minimise the risk of flooding across the city”.

In the absence of any other material considerations to the contrary, the proposal would accord with policies WWE2, WWE3, WWE4 and WWE5 of the Core Strategy; subject to the recommend conditions.

Ecology

Officers would initially draw to attention that the Natural Environment and Rural Communities Act 2006, at Section 40, which states that

> "The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

The submitted Ecological Assessment initially identifies the Statutory Designated Sites for Nature Conservation within 5km - namely, a shallow subsidence pond circa 300 to the south east (Barmston Pond LNR), a disused limestone quarry 3km to the south (Dawson's Plantation Quarry SSSI), an ancient woodland habitat 3km to the east (Hylton Dene LNR), unimproved neutral grassland 3.5km south east (South Hylton Pasture SSSI), a disused limestone quary 4km to the east (Claxheugh Rock & Ford Limewstone Quarry SSSI), short-grazed turf 4.3km to the south east (Hastings Hill SSSI), a pond 5km to the north (Pelaw Quarry Pond LNR) and a limestone grassland community 5km to the south (Herrington Hill SSSI).

The Assessment continues by identifying the non-statutory Designated Sites for Nature Conservation within 2km - namely, a pond 0.3km to the east (Barmston Pond LWS), a wetland 100 metre to the north east (Severn Houses LWS), woodland 1.2km to the east (Hylton Plantation LWS), a woodland 0.9km to the east (Peepy Plantation LWS), a pond 1.8km to the north (Usworth Pond LWS), a wildfowl centre 1.7km to the south east (Washington Wildfowl Centre LWS), a woodland 1.8km to the south east (Wear River Bank Woods LWS) and a pond 1.8km to the south west (Willows Pond LWS).

The chapter continues by identifying that "species poor semi-improved grassland dominated most of the site", that "scattered young scrub is gradually colonising the grassland" and "a shallow sided ditch runs alongside the eastern site boundary".

In terms of birds, the Assessment says "there are numerous bird records within 2km of the site" and that a habitat survey suggested some "birds could potentially nest within the site". The Assessment continues by saying that a bird survey "recorded few species using the site, and no red or amber listed species of conservation concern".

In terms of bats, the Assessment says there are bat records within 2km of the site. The Assessment continues by saying there are "no trees or other structures on the site suitable for roosting bats" and that the site "is not considered to provide high value foraging or commuting habit for bats". The Assessment also says that "the site is considered to have low foraging and commuting habitat value".

In terms of badger, the Assessment says there are "very few badger records within 2km of the site" and that "no evidence of badger presence was recorded during any of the surveys and the habitats within the site are typically of low value for sett construction".

In terms of otter and water vole, the Assessment says there are a "number of records of otter and water voles within 2km of the site". The Assessment continues by saying that the "site and its immediate surrounds are not considered to support otter or water vole" and that the "site is not considered to provide suitable foraging or refuge habitat for otter".

In terms of amphibians, the Assessment says there are "numerous records of amphibians within 2km of the site including great crested newt". The Assessment continues by identifying that there are three European Protected Species mitigation licences granted for development which affects amphibians within 2km of the site boundary. The Assessment further says that whilst

great crested newts were "temporarily prevented from dispersing westwards across the site, however the fence is now in a state of disrepair" and that "it is possible that GCN may disperse into the site".

In terms of reptiles, the Assessment says there are "no reptile records were provided within 2km" (of the site). The Assessment continues by saying that "reptiles are considered unlikely to be regularly present, apart from the occasional individual of common and widespread species dispersing from more suitable habitat in the wider area".

In terms of invertebrates, the Assessment says a previous data search returned "75 records of butterflies and four of beetles" within 2km of the site"; including species "listed as a priority species". The Assessment continues by saying that the "grassland within the site provide suitable habitat for a variety of invertebrate species" and that "nearby land including along the disused railway line also offer favourable grassland and scrub habitat".

In terms of other notable species, the Assessment says there are "local records of brown hare and European hedgehog". The Assessment further says that "no invasive species were records from surveys in 2016 and 2020".

Officers would, in addition to the above comments found within the submitted Ecological Assessment, draw to attention that a tract of land to the rear of the site has a Great Crested Newt Licence granted by Natural England. The Licence provides mitigation for the previous phases of road infrastructure (refs: 15/02116/LP3 and 15/00052/LAP).

The Assessment then continues by considering the potential effects of the proposed development.

The Assessment says that "by virtue of spatial separation, no direct effects on any statutory designated site are anticipated" and that "indirect effects can similarly be avoided through the implementation of standard good practice drainage management and pollution prevention and run off control measures". The Assessment further says that for Severn Houses "no direct impacts on this LWS are anticipated" and indirect effects would be "addressed through the design and layout of the proposed development and through a Construction Environment Management Plan". The Assessment also says that measures which can be secured by condition would "protect off-site ecological receptors, minimise impacts to biodiversity and deliver biodiversity net gain".

The Assessment subsequently considers impacts upon habitats by saying that the land take for the development would result in the loss of "widespread and commonly occurring habitat", the removal of a ditch of low habitat value. The Assessment says that habitats in the wider area "will not be directly affected" and draws attention to the submitted Outline Landscape Proposals.

In terms of birds, the Assessment says that during construction "there may be temporary displacement of some birds from habitat immediately adjacent to the site… common and widespread bird species will be to some extent tolerant of such disturbance" and recommends mitigation (such as the timing of works). The Assessment says that during operation the "site is not considered likely to adversely affect local bird populations".

In terms of bats, the Assessment says that "as long as lighting is designed and implemented in a sensitive manner, no discernible effects are anticipated on roosting bats". The Assessment continues by saying that "no adverse effects are anticipated on local bat populations".

In terms of badger, the Assessment says that "no detrimental impacts to badgers are expected".

In terms of other species, the Assessment says the potential loss of hedgehogs and brown hare "is not considered to affect local populations" and that a "wildlife corridor or network, along with associated foraging and refuge habitat, will be maintained".

In terms of reptiles, the Assessment says there "would be no adverse effects on habitat connectivity or foraging / refuge opportunities" and that the Outline Landscape Proposals provide for "additional hedgerow and wetland areas".

In terms of invertebrates, the Assessment says the "proposed development is unlikely to significantly affect local invertebrate populations" and that there would be the "creation of the wetland areas and tree and shrub planting".

The Assessment also includes consideration of the impacts upon amphibians (i.e. great crested newt). Officers would, however, advise that the Agent has subsequently submitted an amended Parameters Plan and an amended Great Crested Newt Mitigation Strategy. The comments below concerning amphibians are therefore based on the more recently submitted information, rather than the initially submitted Ecological Assessment.

The Strategy says that there are two European Protected Species mitigation licences within 2km of the site boundary and that the Severn Houses Local Wildlife Site to the north east is "considered to support a medium population of GCN" (great crested newt). The Strategy continues by saying that there are "five ponds located on, or within 250m of the site"

The Strategy continues by considering potential likely impacts and recommends a mitigation strategy to "protect GCN and ensure the Favourable Conservation Status of the local population". The mitigation strategy says that the site "is bordered by higher value habitats to the north east around Severn Houses LWS". The submitted Mitigation Strategy summarises the proposed mitigation as:

- Provide a combination of on and off-Site aquatic and terrestrial habitat, along with hibernacula, providing habitat of higher value to GCN than that lost to development;
- Restore and enhance mitigation ponds P1 and P2 so that they provide potential GCN breeding/foraging habitat;
- Retain the mitigation wildlife corridor and support its function as a dispersal route through adjacent planting and habitat creation on-Site;
- Guarantee (through legal agreement with SCC) suitable long-term management of on and off-Site habitats to maintain favourable conditions for the local GCN population.

The Mitigation Strategy also proposes that as "part of the proposed development, land within the Site… will be enhanced for GCN with native species hedgerow, scrub and grassland creation as part of the proposed landscaping."

The Mitigation Strategy says that

> "Off-Site habitat creation and enhancement will also be provided… Notably the land parcels in question directly adjoin Severn Houses LWS, linking with the on-Site GCN Habitat Area and the wildlife corridor provided as mitigation for Infiniti Drive. Enhancements within these land parcels are therefore likely to deliver benefit to the local GCN population centred at Severn Houses LWS over and above the loss of lower value terrestrial habitat associated with the proposed development."

The Strategy also describes the long-term management as being delivered as a Landscape Ecology Management Plan (LEMP).

The Strategy concludes by saying that the "proposed mitigation and management strategy is considered likely have a positive effect by providing long-term security of habitat provision which will benefit the FCS (Favourable Conservation States) or the local GCN (Great Crested Newt) population"

The Council's ecology consultant has given consideration to all of the submitted information and has advised that

> "provided that the applicant can confirm our understanding is correct with regards to habitat losses, then we have no outstanding ecological objections to the granting of outline planning subject to the setting of suitable planning conditions".

Planning Officers have asked the Agent to confirm the matters noted in the quote immediately above and will provide Members with a subsequent update.

Officers would further draw to attention that the Core Strategy, at policy NE2, says

> "Where appropriate, development must demonstrate how it will… provide net gains in biodiversity…"

As a material consideration, the National Planning Policy Framework says that

> "Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity."

The Application does not, however, appear to propose biodiversity net gain; which would usually be demonstrated through the submission of a Biodiversity Metric. Officers would therefore advise that the absence of net gain will be given consideration in the conclusion at the end of the report.

South Tyneside Council have said that

> "The proposed development site is within an inter-district wildlife corridor and will sever the link between Barmston pond within the corridor and the sites to the north leading into South Tyneside and Gateshead".

Officers would draw to attention that, as noted above, detailed consideration has been given to these matters by both the Applicant's ecologist and the Council's ecology consultant. A detailed scheme of mitigation has been recommended; secured via condition and / or legal agreement.

Natural England have advised that they have "no objection".

In the absence of any other material considerations to the contrary, the proposal accords with policy NE2 of the Core Strategy; subject to the confirmation from the Applicant sought by the Council's ecology consultant and the suggested conditions / legal agreement.

Given the paragraph immediately above, Planning Officers would advise that the Council, as public authority, can demonstrate regard to Section 40 of the Natural Environment and Rural Communities Act 2006 (i.e. regard to the purpose of conserving biodiversity).

Energy Efficiency

The Planning Statement says that

> "The proposed development will incorporate the following:
>
> Air source heat pumps - which will be used for space heating in the offices;
>
> Roof lights above the industrial units - which will be used to provide natural lighting and to
> help reduce the need for artificial lighting; and
>
> Solar photovoltaics above the industrial units - which will be used to supply electricity to help minimise resource consumption."

In the absence of any material considerations to the contrary, the proposal accords with policy BH2 of the Core Strategy; subject to the recommended condition.

Groundworks

In terms of coal mining, the site lies within a "Development High Risk Area" (as defined by the Coal Authority).

The submitted Coal Mining Risk Assessment says that

> "A 0.3 m thick intact coal seam has been recorded in the north-east of the Site, which may represent the Usworth coal seam beneath the Site, however no evidence of former mine workings has been encountered to indicate that this seam has been extracted beneath the Site".

The Assessment suggests that the construction phase should include a watching brief "to assess for the presence of potential mine entries".

The Coal Authority have advised that they have "no objection"; albeit that "further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application".

In terms of ground contamination, the submitted Geo-Environmental Assessment identifies matters relating to human health (such as potential hydrocarbons). The Assessment further says that the "risk to the wider controlled water environment is considered to be low" and that for ground gas "no protection measures within new buildings on the site". The Assessment subsequently makes recommendations including the preparation of a Materials Management Plan, removal and / or analysis of stockpiled material and production of an Earthworks Specification.

The Council's land contamination consultant has advised that they have "no objections, please apply planning conditions CL02, CL03 and CL04". These conditions relate to a remediation strategy, verification reporting and unexpected contamination.

In the absence of any material considerations to the contrary, the proposed development accords with policies HS3 and M3 of the Core Strategy; subject to the recommended conditions.

Health

The Core Strategy, at policy SP7(vii), says that an Applicant should "submit a Health Impact Assessment as part of any application for large-scale development". The glossary within the Core Strategy defines a Health Impact Assessment as an "assessment of the potential impacts of a plan or project upon the health of a population and the distribution of those effects within the population". The supporting wording for the policy does also say that the HIA should be proportionate to the scale of development proposed and can be incorporated into other appropriate submission documents, such as a Design and Access Statement".

Officers would draw to attention that whilst a Health Impact Assessment has not been submitted as a separate document, the Application has been supported by a wide range of reports which consider the impact upon the local environment (such as air quality and noise). These reports have been given consideration by the relevant consultees.

In the absence of any material considerations to the contrary, officers therefore consider that the aim of policy has been satisfied - i.e. ensuring that the potential impacts of the project upon the health of the local population has been taken into account.

Health and Safety

The Health and Safety Executive (HSE) have advised that the site "does not currently within the consultation distance of a major hazard site or major accident pipeline; therefore at present HSE does not need to be consulted on any developments on this site".

In the absence of any material considerations to the contrary, the proposal accords with policy HS4 of the Core Strategy.

Heritage

In terms of archaeology, the submitted "Archaeological Desk Based Assessment" says that

> "There is no direct evidence for prehistoric or Roman activity within the site or study area, and limited potential for a resource of this date to exist within the site.
>
> The site was located some distance from known foci of medieval settlement and was probably farmland during the medieval and post-medieval periods. Any remains relating to this would be of limited significance.
>
> Hillthorn Farm was built in the northern part of the site by 1820; it was demolished in 2015.
>
> The site remained in agricultural use until 2015, when Hillthorn Farm was demolished and the area used for a compound. By 2018, the entire area had been landscaped, with access roads and compounds built, such that any archaeological resource that had been present is likely to have been removed.
>
> No further archaeological works are recommended in relation to the development."

The Tyne & Wear Archaeologist has advised that

> "On the basis of the desk-based assessment and earlier evaluations, no further archaeological work is required in association with the proposed development."

In the absence of any material considerations to the contrary, the proposal accords with policy BH9 of the Core Strategy.

In terms of built heritage, officers would initially draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The submitted Heritage Impact Assessment says "given the nature of the proposals, the visual impact on the setting of Penshaw Monument is a key consideration" and that "no other heritage assets in the surrounding area are considered to maintain a visual relationship with the site or to be sensitive to the proposed development".

The Assessment says that the "significance of the monument derives from its historic association with the first Earl of Durham, its architectural significance as an important example of the Greek revival in the region and its role as a prominent landmark across a wide area". The Assessment continues by saying that "the undeveloped nature of the site does allow for open views towards the monument which contribute positively to the significance of the listed building as a local landmark".

The Assessment, in terms of potential impacts, says the "effects on the setting of the monument would include the visibility of the proposed development in views from it and the loss of views of the monument from the site, particularly along its northern boundary". The Assessment continues by saying the "overall visibility and prominence of the monument will be largely unaffected within its overall setting, despite the loss of views along the former route of the A1290, and it will continue to be appreciated as a local and regional landmark." The Assessment concludes that overall, the "loss of these views due to the development would have a minor adverse effect on the heritage significance of the monument".

The Council's Conservation Officer has advised that the proposed development "will result in less than substantial harm to a designated heritage asset". The Conservation Officer has explained that

> "As a result of the proposed developments' siting along largely the entire length of the A1290 and the significant height of buildings… in relative close proximity to the road, they will adversely impact upon historic and important views of Penshaw Monument from the A1290. The longer distance longest elevation views of the Monument that have been experienced and enjoyed since the Monument was first erected in 1844 from this part of the A1290 are likely to be largely obscured, and this will detract from the setting of Penshaw Monument and the ability to appreciate it as a key landmark in the landscape from this route."

Historic England have advised that "in our view you do not need to notify or consult us on this application under the relevant statutory provisions".

Officers would, in summary, advise that the proposed development leads to less than substantial harm to the setting of the heritage asset (i.e. Penshaw Monument). The conclusion

section of the report will consider whether there are any public benefits that outweigh such harm.

Highway

The submitted Transport Assessment says the "site is well served by public transport" and "is ideally located to promote journeys by alternative modes of travel to the private car". The Assessment continues by saying there would be one parking space per 82 square metres of development. The Assessment further says that the "impact of the proposed development is negligible or very small across the local and strategic road networks" and that there are "no inherent highway safety issues associated with the proposed development". The Assessment concludes that there are "no highway related reasons why planning consent should not be granted for the proposed scheme".

The Local Highway Authority have advised that "it is considered that the assumed trip generation is acceptable to assess the impact of the proposed development" and the "proposed parking provision lies between the Councils B2 and B8 standards, which is considered acceptable". They have also recommended conditions covering a Construction Traffic Management Plan and a Travel Plan.

The Local Highway Authority, within the same response, did raise two questions concerning heavy goods vehicles and operational assessments. The Agent subsequently submitted a "Transport Addendum". The Local Highway Authority have advised via e-mail that the Addendum has satisfied these concerns.

Officers would also draw to attention that a Public Right of Way (PRoW) runs along the eastern boundary of the site. The submitted Planning Statement says that a "space of at least 5 metres will be available to form a wildlife corridor incorporating the retained Public Right of Way (bridlepath)". Officers therefore consider that the Application does not propose any diversions / extinguishments; nor any creation of Public Rights of Way. Officers would further advise that a condition could be attached to any grant of planning permission that retains a space of at least 5 metres.

Nexus have also advised that "existing bus services to the site are adequate and offer the opportunity for a high proportion of trips to be made by sustainable travel modes."

Highways England, the operator of the trunk road network (such as the A19), have advised that they "recommend that conditions should be attached to any permission that may be granted". The recommended condition relates to ensuring occupation of the development only takes place once improvements works at the A19 / A1290 are practically complete and fully open to traffic.

The Fire & Rescue Service have advised they have "no objection"; subject to the provisions of a report. The report comprises an excerpt from the Building Regulations concerning access facilities for the fire service. Officers would advise, given that the points raised relate to Building Regulations, the matter would be outwith the consideration of the current planning application.

The Fire & Rescue Service have also asked whether the proposed buildings would be timber framed. Officers would advise that the construction methods for the proposed building would be detailed within a subsequent application for Reserved Matters Consent.

In terms of material considerations, there would also be a contribution towards Action Reference 5.06 of the Low Carbon Action Plan; given that Nexus have advised that "existing bus services to the site are adequate and offer the opportunity for a high proportion of trips to be made by sustainable travel modes.". The Action Reference states that the Council will "Continue to concentrate new development at sustainable/accessible locations in the city"

In the absence of any other material considerations to the contrary, the proposal would accord with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

Landscape

The Landscape Character Assessment, submitted as a submission document for the Examination in Public for the Core Strategy, identifies the site as lying within a "Coalfield Lowland Terrace" and more specifically "Usworth Lowland".

The Assessment says the key characteristics of the Coalfield Lowland Terrace include the area being "fragmented by industrial and residential development, the landscape includes corridors of open space between settlements, often with urban fringe character" and "large industrial complexes and industrial estates are present".

The Assessment continues by saying that in the Usworth Lowland the "landscape has an open character, which enables views over to the Boldon Hills to the north east, in South Tyneside" and that "views looking south towards Sunderland are limited by the large industrial structures associated with the Nissan car factory".

The Assessment subsequently says that any "industrial estates and complexes" in the Coalfield Lowland Terrace should

"Seek opportunities to enhance and extend landscaping and integrate new buildings into the landscape. Utilise native species which occur locally, e.g. Grey Poplar.

Aim to enhance maintenance of landscapes in and around industrial and commercial premises, including woodland and hedges."

The Assessment also says that planning should not "permit industrial / commercial development that will adversely encroach on the Green Belt and block green corridors through this already fragmented landscape."

Officers consider, given that a currently open piece of land would be developed to provide an industrial development, that there would be an impact upon the local landscape. Officers consider that the extent of the adverse impact would be moderate and will be given consideration in the conclusion section at the end of the report.

Trees

The submitted Arboricultural Impact Assessment says there are a "small number of newly planted trees around the site" and "poor ground conditions have a fair chance of hindering successful long-term establishment". The Assessment continues by recommending the removal of six trees, five common lime and one common alder, which fall within Category C (i.e. trees with a low rating). The Assessment further says that no tree works would be required both to a Category C Leyland Cyprus to the north of the site and a Category B mixed woodland

group to the east of the site. The Assessment also identifies protection for the retained trees during the construction phase.

The Assessment has been prepared by a Registered Consultant with the Institute of Foresters and a Fellow Member of the Arboricultural Association. Officers therefore consider that the categorisation of the trees can be given consideration as being accurate and would draw to attention that the only trees proposed for felling have been identified as being either a low rating or unsuitable for retention.

In the absence of any material considerations to the contrary, the proposal would accord with policy NE3 of the Core Strategy; subject to the recommended conditions.

Summary and Conclusion

The principle of the proposed development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

In terms of detailed matters, the report above has identified that there would be an acceptable impact upon amenity, design, drainage, energy efficiency, ecology (other than biodiversity net gain and subject to confirmation of certain details from the Agent), ground works, health, health and safety, highway and trees. The outstanding detailed matters are ecology (biodiversity net gain), heritage and landscape. These are given consideration below.

In terms of heritage, officers would initially draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" and that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In terms of material considerations, the National Planning Policy Framework, at paragraph 202, states that

> "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In terms of potential public benefits, officers have commissioned an independent report which has been written by a company who have previously prepared expert evidence on employment land matters for a planning inquiry at the same site. The report, albeit written in summer 2021, concludes that

> "The supply of general industrial land in Washington is insufficient for the Local Plan period, and the range of available sites is limited. When assessed against key market criteria the Application Sites are amongst the best opportunities for industrial development in this prime location.

With strong demand for larger units, the efficient operation of the market and economic growth are being frustrated by a severe shortage of suitable stock. The Application Site would help to address this shortage by providing new industrial premises in larger unit sizes.

Legal & General's proposals for Hillthorn Park are an opportunity to address the shortage of available industrial and warehouse stock that should not be missed"

Officers consider that whilst having regards to the desirability of preserving the setting of the listed building, the moderate and significant economic and social benefits arising from the proposed development would fall within the category of being a "public benefit" that outweighs the harm to the designated heritage asset.

In terms of ecology (absence of biodiversity net gain) and landscape, officers consider that these impacts would be outweighed by the significant economic and social benefits identified in the independent report; especially given the provisions of the adopted City Plan which by 2030 seeks "more and better jobs".

Officers would, in summary, advise that the principle of the proposed development would accord with the development plan and the majority detailed impacts have been assessed as being acceptable; with the exception of ecology (net gain), heritage and landscape. Officers consider, in terms of ecology (absence of biodiversity net gain), heritage and landscape that the moderate and significant economic and social benefits arising from the proposed development outweigh the less than substantial harm to the heritage asset, the moderate impact upon the local landscape and the absence of biodiversity net gain.

Officers, in conclusion, recommend Approval of the Application subject to the confirmation from the Agent / Applicant of the matters noted within the consultation response from the Council's ecology consultant and the draft conditions below / legal agreement.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

It is recommended that Members Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended) subject to:

1. Confirmation from the Agent / Applicant of the matters noted within the consultation response from the Council's ecology consultant.

2. The draft conditions below / legal agreement.

Conditions:

1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Reason: Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- Access
- Appearance
- Landscaping
- Layout
- Scale

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Reason: The application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

3 Any subsequent application for Reserved Matters Consent shall be based upon the minimum and / or maximum parameters as shown on Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F). For the avoidance of doubt and in order to define the outline planning permission hereby granted, these parameters shall include:

- The gross internal floorspace shall not exceed 10,089 square metres.
- The footprint of any building shall be no greater than the "Potential Extent of Built Form" as shown on Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F)
- The service area / handstanding shall be no greater than the "Potential Extent of Service Area / Hardstanding" as shown on Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F)
- The extent of soft landscaping shall be at least the "Potential extent of soft landscaping" as shown on Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F)
- Height of any building to be no greater than 63.5 AOD (as specified by Section 3.4 of the submitted Design & Access Statement).
- Any works to trees shall be in accordance with Appendix 1 of the submitted Arboricultural Tree Constraints Assessment.
- The accesses shall be as per "Proposed Site Entrances" as shown on Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F)
- One parking space per 82 square metres of gross internal floorspace (as specified by paragraph 5.3.1. of the submitted Transport Assessment).
- Cycle parking in accordance with Table 5-1 of the submitted Framework Travel Plan
- The Public Right of Way (bridlepath) to the rear of the site shall be retained with at least a 5 metre clear corridor between fences (as specified within paragraph 3.12 of the submitted Planning Statement).

Reason: For the avoidance of doubt and to define the outline planning permission hereby granted.

4 For the avoidance of doubt and in order to further define the outline planning permission hereby granted, any subsequent application for Reserved Matters Consent must retain as a minimum (for further clarity, the term "retain" means that development must not be proposed within these areas):

- Wildlife Mitigation Zone of 4,325 square metres as shown on the submitted Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F).
- Enhanced Wildlife Corridor of 2,064 square metres, as shown on the submitted Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F).
- Remaining landscaping of 2,515 square metres , as shown on the submitted Proposed Outline Plot Development Parameters Plan (Drawing No SK271, Revision F).

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the permission hereby granted excludes an area of land subject of a European Protected Species Licence, currently in the monitoring phase.

5 No development shall take place until the final design of the five ponds within the 'off-site' newt mitigation area have been submitted to and agreed by the Local Planning Authority. The details shall include provision for the suitable long-term aftercare of all ponds, hibernacula and planting. The design shall be in accordance with the following principles as outlined in the Great Crested Newt Mitigation Strategy Rev 4

- Ponds comprising a surface area of between 100m2 and 250m2 as illustrated in the Great Crested Newt Mitigation Guidelines (English Nature, 2013).
- A minimum of 900m2 of new wetland, with associated aquatic and marginal vegetation is provided.
- The ponds will be constructed to provide a range of depths and will have an irregular shape. A shallow wetland shelf of less than 30cm will encourage a diversity of pond plants which in turn will provide for invertebrates and egg laying substrate for newts. A bentonite liner may be used to help provide permanent standing water within the ponds if required, subject to appropriate engineering design advice.
- The ponds will be profiled to aid retention of water with some aquatic and marginal planting added as part of the proposed Landscape Planting Plan to encourage the early establishment of viable great crested newt pond habitat. Any planting will use native species of UK provenance and be selected as suitable to the locality. Planting would be undertaken with a suitable bio-security procedure in place to avoid the inadvertent introduction or spread of invasive non-native species.
- Follow the design as shown in the submitted Great Crested Newt Mitigation Strategy rev 4 - Diagram 1 Example of pond design (approximately 15m x 10m)

The approved ponds, hibernacula and planting shall thereafter be provided before the commencement of any other development and thereafter retained (including being maintained in accordance with the approved details for the long-term aftercare).

Reason: In order to safeguard great crested newt to comply with The Conservation of Habitats and Species Regulations 2017 (as amended).

6 No development shall take place until a detailed landscape plan has been submitted to and approved in writing by the Local Planning Authority. The detailed landscape plan shall include the habitat enhancements / creation for great crested newt on-site and off-site and proposed planting species lists; as outlined in the submitted Great Crested Newt Mitigation Strategy V4. The plan shall also include a timeframe for the approved works to be undertaken. The approved landscaping shall thereafter be undertaken in accordance with the approved timeframe and thereafter retained (including being maintained in accordance with the approved details for the long-term aftercare).

The approved landscaping shall thereafter be provided before the commencement of any other development

Reasons: In order to safeguard great crested newt to comply with The Conservation of Habitats and Species Regulations 2017 (as amended)

7 The development hereby approved shall not be occupied until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not be limited to, a statement on its objectives, procedures for grassland and scrub management (e.g. timing and frequency and height of mechanical cuts, or a low intensity grazing regime), pond management, ecological monitoring

and regular monitoring of habitat condition to inform on-going management and presence of protected species against the objectives of the LEMP. This should include specification of requirements for management of habitat (including the off-site location) for great crested newt and ecological monitoring. The development hereby approved shall thereafter be operated in accordance with the approved LEMP.

Reason: In order to protect and enhance habitat for great crested newt during operation and to agree monitoring and reporting.

8 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include all potential impacts arising from site clearance, preparation and construction and identify appropriate mitigation measures to protect nearby residents and the local environment. The plan shall particularly include measures to control and manage emissions of dust including those measures identified in Appendix 6 of the submitted Air Quality Impact Assessment.

The CEMP shall also include:

- Identification of biodiversity protection zones.
- Identification of tree protection zones.
- Pre-construction checks for protected species.
- Set up method statements to avoid or reduce biodiversity impacts during construction.
- Licensable activities and reference to European Protected Species Great Crested Newt mitigation licence once agreed with Natural England.
- Location and timing of works to avoid harm to biodiversity features.
- The role, responsibilities and times during construction when a specialist ecologist will be present to perform the role of Ecological Clerk of Works.
- Details of responsible persons and lines of communication.

The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from construction works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033) and in order to protect the biodiversity of the site during construction works and to comply with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

9 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall give full consideration to construction traffic routing. The construction phase shall thereafter be undertaken in accordance with the approved CTMP.

Reason: To ensure, in accordance with policy ST1 of the Core Strategy and Development Plan (2015-2033), no unacceptable adverse impact on the Local Road Network.

10 No development shall commence until a pre-construction badger survey as outlined in Ecological Assessment (Table 5.1 'Ecological Constraints and Opportunities' of the Hillthorn Farm Eastern Plot - Ecological Assessment) has been undertaken of the site and immediate

surrounds and the results and any required badger mitigation reported to and agreed with the Local Planning Authority. Any mitigation shall be undertaken in accordance with the approved details.

Reason: In order to be comply with the Protection of Badgers Act 1992.

11 No development works shall commence until a Reasonable Avoidance Measures Method Statement (RAMMS) for reptiles has been submitted to and approved by Sunderland City Council. The RAMMS shall be based upon the Table 5.1 found within the submitted Ecological Assessment (V2). The RAMMS shall be implemented as approved

Reason: In order to safeguard reptiles that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended).

12 No development shall commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

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 170, 178, 179, and 183d.

13 No works to the existing ponds (Pond 1 and 2, labelled P1 and P2 on the Pond Location Plan found as Figure 1 within the submitted Great Crested Newt Mitigation Strategy V4) within the wildlife mitigation zone shall be undertaken until a pre-construction survey has been undertaken using suitable methods to confirm that the ponds do not support great crested newt. The results of the survey shall be submitted for the approval of Sunderland City Council before enhancement works to these ponds are undertaken or any works which may affect surrounding terrestrial habitats.

Reason: In order to safeguard legally protected great crested newt that are known to be present in the area and which could be using the ponds and to comply with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

14 No soil movement and / or stockpiling of soil shall take place until a soil movement and stockpiling plan has been submitted to and approved in writing by the Local Planning Authority. The plan will need to ensure such material is

- appropriately stored to avoid harm to great crested newts and other wildlife; and
- re-used to help create hibernacula and for other on-site purposes including landscaping where appropriate to do so.

The development shall thereafter be undertaken in accordance with the soils movement and stockpiling plan.

Reason: In order to safeguard great crested newt and other wildlife to comply with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

15 No operations that involve the destruction and removal of vegetation shall be undertaken during the months of March to August inclusive, unless an appropriately experienced ecologist has confirmed the absence of nesting birds.

Reason: In order to protect the biodiversity of the site during construction works in accordance and to comply with the Wildlife and Countryside Act 1981 (as amended).

16 Within one month of the completion of the works approved via condition 11 a summary report of these works a summary report of these works and any reptiles identified and relocated, shall be issued for approval by the Local Planning Authority.

Reason: In order to safeguard reptiles that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended).

17 The Approved Remediation Scheme shall be implemented 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 unit in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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 170, 178, 179, and 183d.

18 No development hereby permitted shall be brought into use until the Highways England A19 / A1290 Downhill Lane Development Consent Order junction improvements are practically complete and fully open to traffic. Confirmation of this to be provided in writing from Sunderland City Council (the Local Planning Authority) in liaison with the South Tyneside Council (as the relevant Local Highway Authority) and Highways England (the Strategic Highway Authority).

Reason: To protect the safe and continued operation of the Strategic Road Network; in accordance with policies ST2 and ST3 of the Core Strategy.

19 No development shall be brought into use until a verification report carried out by a suitably qualified person must has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report 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 and maintenance.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA / LPA.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan.

20 The development hereby approved shall only be used for light industrial, general industrial and storage distribution with ancillary office floorspace. These are Use Classes B2 (general industry), B8 (storage and distribution) and E(g)(ii) (the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent Regulations amending, revoking or re-enacting these Regulations).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

21 The ancillary office floorspace hereby approved shall only be used in an ancillary manner to the primary use (as defined by condition 19).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

22 No lighting shall be installed on any the building(s) or within the curtilage(s) until details of the lighting has been submitted and approved in writing the Local Planning Authority. The strategy shall include measures to minimise light spill onto adjacent habitats, and in particular shall allow for maintenance of a 'dark corridor' along the retained wildlife corridor to avoid potential disturbance of nocturnal species using such corridors for dispersal, foraging or breeding. The lighting shall thereafter be installed in accordance with the approved details before the building(s) and curtilage(s) are first brought into use.

Reason: To ensure, in accordance with policies HS1 and NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved preserves amenity and. to

ensure that the retained and enhanced wildlife corridor to the north, east and south of the site and other habitats which may be used by nocturnal species for foraging are not lit by new lighting within the site and that 'dark' areas are retained.

23 Any subsequent application for Reserved Matters Consent shall include a Noise Management Scheme. The Scheme shall include an assessment of the proposed site layout against the recommendations of the submitted Noise Impact Assessment, namely to identify the position and height of any noise barrier to the north-eastern boundary of the site. The Scheme shall also include details of proposals to control noise from the use of the service yards in the area between the industrial units and the boundary with the woodland located to the rear of the dwellings at Seven Houses. The approved details shall thereafter be provided before the development hereby approved is first brought into use and shall thereafter be retained.

Reason: To protect nearby residential occupiers from any adverse noise impacts arising from the operation of fixed plant on site, in accordance with policy HS2 of the Core Strategy and Development Plan (2015-2033).

24 No building hereby approved shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with the submitted Framework Travel Plan. The development hereby approved shall not be occupied until the Travel Plan has been approved by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: To ensure, in accordance with policies ST2 and ST3, that the development hereby approved includes a travel plan.

25 Any subsequent application for Reserved Matters Consent shall include car charging points, in accordance with paragraph 12.23 of the Core Strategy and Development Plan (2015-2033). The approved charging points shall be provided before the occupation of the industrial unit(s) and shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved, includes an appropriate level of electric vehicle parking.

26 Any subsequent Application for Reserved Matters Consent shall include the provision of a minimum of five permanent bat roosts, eight permanent bird nesting features, and nesting boxes or overwintering refuge features for hedgehogs and invertebrates. Installation of these features shall be undertaken under the advice of an ecologist and in accordance with the approved details.

Reason: In order to enhance biodiversity of the site during construction works in accordance with CSDP Policy NE2 and paragraph 174 of the National Planning Policy Framework.

27 No building shall be brought into first use until details of any proposed ventilation or extraction system or fixed external plant have been submitted to approved in writing by the Local Planning Authority. The details shall be prepared as a Noise Assessment using BS

4142:2014; including with a scheme of noise attenuation where required, plans and elevations drawn to a recognised metric scale and a management / maintenance plan. The Assessment shall demonstrate that the rated noise level from any such plant or equipment, when calculated at the nearest sensitive receptor, does not exceed a value 3dB(A) above the measured background (LA90) at both night time and daytime. The approved details shall therefore be fully installed before the building has been brought into first use.

Reason: To protect nearby residential occupiers from any adverse noise impacts arising from the operation of fixed plant on site, in accordance with policy HS2 of the Core Strategy and Development Plan (2015-2033).

28 Any subsequent application for Reserved Matters Consent shall include details of the energy efficiency measures described within paragraph 6.22 of the submitted Planning Statement. The submitted details shall include plan and elevation drawings prepared to a recognised metric scale and a maintenance / management schedule. The measures shall thereafter be fully installed before the first unit has been brought into use and maintained thereafter in accordance with the submitted details.

Reason: In accordance with policy BH2 of the Core Strategy.

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

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 170, 178, 179, and 183d

30 No later than one month after the completion of the works specified by condition 26, a report confirming that these works have been undertaken in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to enhance biodiversity of the site during construction works in accordance with CSDP Policy NE2 and paragraph 174 of the National Planning Policy Framework.

2. Washington

Reference No.: 21/01805/FUL Full Application

Proposal: **Construction of 4 new dwellings**

Location: Land At 2 Wylam Close Stephenson Washington NE37 3DR

Ward: Washington North
Applicant: Mr Colin Noble
Date Valid: 23 August 2021
Target Date: 18 October 2021

PROPOSAL:

INTRODUCTION

Planning permission is sought for the proposed construction of four dwellings on land at Wylam Close, Stephenson Industrial Estate in Washington.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located at the end of Wylam Close, which leads southwards off Stephenson Road in Washington. It is a rectangular and relatively flat plot of land, and is currently used to store caravans, trucks and other vehicles. To the south of the application site there is a large detached dwelling, to the south west of the application site there is a large dwelling under construction, and to the west of the application site there is a mobile home. Land to the north and east is industrial / commercial.

The application site, which covers an area of approximately 0.05ha, forms part of an existing Travelling Showpeople yard owned by the applicant, which includes the two dwellings and static mobile home mentioned above. This wider parcel of land is bordered by Sulgrave Road to the south, beyond which is the residential Sulgrave area of Washington. To the north and east of the application site there are industrial / commercial units fronting Rainhill Road and Rainhill Close. A footpath, which serves to connect Stephenson Road with Sulgrave Road, is positioned to the west of the applicant's wider parcel of land.

In addition to the residential accommodation, the application site including parts of the wider parcel of land owned by the applicant is currently used as a showmen's storage facility for commercial vehicles and fairground equipment. The majority of the storage is 'open air' but the site does include a substantial storage building.

THE PROPOSED DEVELOPMENT

The proposed development is for the erection of four two-storey dwellings in a terraced block for Travelling Showpeople. It would comprise two house types:

- House type A would have two dormer windows to the front elevation, as well as large glazed openings at ground and first floors. It would have a dormer window to the rear elevation, as well as a front door, windows and a roof light. It would have a hall, kitchen and living room at ground floor; a landing (described as hall on submitted drawings), two bedrooms and a bathroom at first floor, and two bedrooms within the attic.
- House type B would be of a similar appearance to House Type A, but would have a garage door opening instead of a window opening to the rear elevation. It would have a

hallway, a garage, a kitchen and a WC at ground floor; a landing (described as a hall on submitted drawings), a living room, a bedroom and a bathroom at first floor, and two bedrooms in the attic.

The proposed dwellings, the front elevations of which would face south, would be approximately 5.2 metres in height to the eaves and 8.8 metres in maximum height. All other dimensions of the proposal can be scaled from submitted drawings. No specific details have been provided in relation to external building materials. The planning application form simply states that walls, windows, doors, boundary treatments and vehicle access / hardstanding would be to match those of the surrounding dwellings.

The application has been supported by the following documents:

- Phase 1: Desk Study by Solmek dated January 2017 (received 27/08/2021)
- Ground Gas Report by Solmek dated 9th January 2018 (received 27/08/2021)
- Phase 3: Remediation Statement by Solmek dated November 2018 (27/08/2021)
- Mine Shaft Stability and Gas Risk Report by Environmental Protection Group dated 30/10/2021 (received 21/12/2021)
- Mine Shaft Plan received 03/02/2022

PLANNING HISTORY

2002 - Planning application Ref: 02/01622/FUL - Change of use from parking area (part of an existing industrial estate) to three showmen's permanent living quarters (static mobile homes) and an associated workshop, refused under delegated powers, but subsequent appeal allowed by Planning Inspectorate. This parcel of land is to the west of the current application site, within the applicant's wider land ownership. However, this appeal decision effectively established the principle of residential accommodation at this location in association with its use for showmen's storage. The Planning Inspector in their report concluded that there was a demonstrable need for Travelling Showpeople's accommodation at this time.

2016 - Planning application Ref: 16/01369/FUL approved - Erection of pre-fabricated dwellinghouse. However, this dwelling was not constructed.

2017 - Planning application Ref: 17/00133/FU4 approved - Retrospective enclosure of land and change of use from highway to mixed use showmans storage and residential site, and erection of a boundary fence with double gates, involving the stopping up of the highway. This included the land subject of this current planning application.

2018 - Planning application Ref: 17/00446/FUL approved - Erection of two storey detached dwelling.

2019 - Planning application Ref: 18/01569/FUL approved - Erection of residential dwelling and attached garages. At the time of the case officer site visit, this dwelling was under construction and replaces a static mobile home.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northern Electric
Environmental Health
Land Contamination
North Gas Networks
The Coal Authority
Network Management
Northumbrian Water
Washington North - Ward Councillor Consultation
Northumbria Police
Planning Policy
Land Contamination
The Coal Authority
The Coal Authority

Final Date for Receipt of Representations: **28.02.2022**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, and site notices being displayed near the entrance into the site to the north.

The following consultees were consulted on the application.

- Planning Policy
- Environmental Health
- Transportation Development (the Local Highway Authority)
- Northern Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Watermans (Land contamination)
- Coal Authority
- Three Ward Councillors

Site notice expiry date: 29/09/2021
Neighbour notifications expiry date: 23/09/2021
Consultation expiry dates: 17/09/2021, 23/09/2021, 11/01/2022 & 28/02/2022 (Coal Authority response only was due by 28/02/2022 and was received on 09/02/2022)

Neighbour Notification Responses

None received

Internal consultee responses

Environmental Health

No objections subject to the following condition in relation to noise:

"Prior to occupation, in order to achieve a suitable internal noise climate dwellings shall be provided with double glazing of at least a specification of 4/16/4mm construction."

Whilst the site does not initially appear suitable for residential accommodation it is noted that a similar application Ref: 18/01569/FUL was supported with a noise assessment that concluded the existing noise climate was acceptable, and the only requirement was for the installation of standard double glazing of 4/16/4 mm specification. This was required by Condition 4 of the relevant permission.

There appears to be no significant change in the immediate area of this site and the commercial operation to the rear (container storage) remains. This activity would not be expected to cause significant noise. Thus, it is considered reasonable to offer no objections to the proposal subject to the same condition that was attached to the 2018 permission.

Planning Policy

Policy H4 'Travelling Showpeople, Gypsies and Travellers' of the adopted CSDP designates the application site as an existing Travelling Showpeople site. The policy indicates that existing Travelling Showpeople sites (including the site which the application site forms a part) will be safeguarded unless it can be demonstrated that there is no longer a need for the site or that capacity can be met elsewhere. The proposal seeks permission for homes of market tenure, and it is therefore considered that it would not align to the site's status as an existing Travelling Showpeople site. It is noted that the applicant has not provided any evidence to demonstrate that the site is surplus to requirements or that the capacity can be met elsewhere. Furthermore, there appears no evidence to suggest that the proposed dwellings would exclusively be used in conjunction with the activities of Travelling Showpeople and the supporting application form indicates that the proposals are for market housing. This would suggest that the development would not be for Travelling Showpeople. Consequently, based on information provided, the proposal would not align to Policy H4 of the adopted CSDP which safeguards the site for Travelling Showpeople.

Policy NE2 'Biodiversity and Geodiversity' of the adopted CSDP sets out that proposals, where appropriate, must demonstrate how they will provide net gains in biodiversity. Given the site's location close to an employment area, the proposal's amenity impact should be carefully considered against Policy HS1 'Quality of Life and Amenity' of the adopted CSDP. In relation to design, Policy BH1 'Design Quality' of the adopted CSDP should be considered, and site access should be considered against Policy ST2 'Local Road Network' and Policy ST3 'Development and Transport' of the adopted CSDP. In addition, technical standards relating to Nationally Described Space Standards as set out in Policy BH1 'Design Quality' of the adopted CSDP are now adopted and applicable to the proposal.

Transportation Development (the Local Highway Authority)

Location - Wylam Close is not adopted or maintained by the Council.

Adoption - The location of the application site is currently not built to adoptable standards, therefore any maintenance required would be at the applicant's expense. If the applicant wants the road to be adopted, the development should be built to an adoptable standard with 5.5 metre road widths, 1.8 metre footways, street lighting, turning head, highway drainage connection and provision for surface water run-off.

Bin store - The applicant should ensure that all bins are stored in-curtilage of the property boundary and not on the adopted highway.
In-curtilage parking - One hardstand must be provided for each property.

Pedestrian provision - It appears that there is a sub-standard footway adjacent to Wylam Close, however given the low pedestrian use and remote location it is considered that there would be no detriment to highway / pedestrian safety.

External Consultee responses

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Northumbria Police

Northumbria Police do not normally comment on residential developments of this size, and the application lacks the detail normally expected. Other than noting a degree of incongruity regarding a development of this type in this setting and expressing an aversion towards the use of industrial security fencing where people live, no objections are raised from a crime prevention perspective.

Coal Authority

First representation

Objection with substantive concerns raised in relation to the proposal. The application site falls within the defined Development High Risk Area. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the potential zones of influence/instability associated with four off-site mine entries (shafts 431558-003, 431558-004, 431558-005 and 431558-006) extend across approximately half the application site. Information suggests that the shafts were filled and in the case of shafts '003, '004' and '005', were capped. The nearest shaft to the site is '003' located immediately adjacent to the eastern boundary. Taking into account its 4.6 metre diameter, the shaft and its associated cap are likely to straddle the site boundary. In addition, the site lies in an area where there are coal outcrops at or close to the surface, which may have been worked in the past.

The supporting Phase 1: Desk Study has failed to demonstrate that the proposed detailed layout of development has been suitably informed by the presence of recorded mine entries in the vicinity of the site. It is the opinion of the Coal Authority that the risk and uncertainty posed is such that specialist investigation is required prior to the determination of the application, to ensure that the Local Planning Authority is satisfied that the application site can be safely developed in the manner proposed.

The applicant should be required to carry out intrusive site investigation works, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities

and the implications for the layout and design for their proposal. Any remedial, preventative and mitigatory measures should then be proposed as part of a revised report, as necessary, to address issues of land instability.

Second representation

Objection with substantive concerns raised in relation to the proposal. Clarification is required regarding the apparent discrepancy in the boundaries shown on the submitted plans. A revised proposed site plan should be submitted showing the positions of the recorded mine shafts and their relevant stand-off zones, in order to demonstrate to the Local Planning Authority that the layout of the proposed development has been suitably informed by the presence of these former coal mining features.

Third representation

The Coal Authority agrees with the recommendations of the applicant's supporting information - that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Should planning permission be granted it is recommended that conditions be attached to any planning permission as follows:

Condition 1:
"No development shall commence until:
a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
b) Any remediation work and / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance."

Condition 2:
"Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and / or mitigation necessary to address the risks posed by past coal mining activity."

The Coal Authority withdraws its previous objection subject to the above conditions.

The Coal Authority would also expect the Local Planning Authority to consider the inclusion of a further appropriately worded condition to remove permitted development (PD) rights for the erection of extensions or curtilage buildings at the proposed dwellings within the shaft stand-off zones shown on the revised proposed site plan. This will enable the safety and stability implications of coal mining legacy to be considered by the Local Planning Authority in the event of future householder proposals at the site.

Watermans (Land contamination)

In broad agreement with the findings and recommendations made by Solmek. However, it is recommended that the following information be submitted:

- A copy of the Phase II intrusive investigation should be submitted for review.
- Given that the site falls within a Coal Authority High Risk Development Area, as it was part of a former colliery and mine entries have been identified on site, a full Coal Mining Risk Assessment (to include a Coal Mining Report from the Coal Authority) should be carried out and submitted for review.
- The risk from UXO should be established, and, where appropriate, a Threat Assessment carried out and submitted for review.
- The risk from invasive plant species should be assessed.
- Consultation should be undertaken with Sunderland City Council Departments Environmental Health and Building Control to gain publicly available information regarding the site.
- Limited chemical testing has been undertaken. Has sufficient testing been undertaken to fully characterise the site in terms of the risk to human health given the site's long industrial history? Justification for the testing undertaken is required and additional chemical testing may be required to fully characterise the shallow site soils.
- While individual chemical testing suites have been specified for imported fill, the rates at which testing should be undertaken have not been specified. Rates of testing of imported material should be included based on the source of the material (e.g. higher rates of testing should be undertaken on material from a brownfield source compared with that from a greenfield source).

It is considered likely that the Coal Authority may object to the proposals due to the absence of a detailed Coal Mining Risk Assessment. Should a satisfactory Coal Mining Risk Assessment be provided, it is recommended that conditions should be attached to any planning permission relating to a ground investigation, a remediation strategy, a verification report, and the event of any contamination being found that was not previously identified.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this planning application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;
5. Impact in relation to land contamination; and
6. Impact in relation to coal mining risk.

1. Principle of Development

Policy SP1 'Development strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the existing urban area, and it emphasises the need to develop in sustainable locations.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community. In order to achieve this, the policy states that existing Travelling Showpeople sites will be safeguarded.

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location.

Policy H4 'Travelling Showpeople, Gypsies and Travellers' of the adopted CSDP designates the application site as an existing Travelling Showpeople site. The policy states that existing Travelling Showpeople sites will be safeguarded unless it can be demonstrated that there is no longer a need for the site or that capacity can be met elsewhere.

Planning Policy for Traveller Sites (August 2015) sets out the Government's planning policy for traveller sites. For the purposes of this planning policy, 'travellers' means 'gypsies and travellers' and 'travelling showpeople'. 'Travelling showpeople' are defined as follows: "Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above."

The application site is located within the existing built-up urban area. The proposed development would contribute to meeting a housing need, in a reasonably sustainable location with good access to public transport links. To this extent the proposed development would

accord with Policy SP1 of the adopted Core Strategy and Development Plan (CSDP). However, the application site forms part of an existing Travelling Showpeople site which is safeguarded for Travelling Showpeople under Policy H4 of the adopted CSDP.

In line with National Planning Policy, and as part of the evidence base to inform the now adopted CSDP, an accommodation needs assessment of both Gypsies and Travellers and Travelling Showpeople was undertaken in 2017. In relation to existing provision, the 'Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update (2017)' set out that the City of Sunderland has a number of authorised permanent Travelling Showpeople yards across the city, including the site at Stephenson Industrial Estate, Washington (which the application site forms a part). The site at Stephenson Industrial Estate was authorised under previous planning permissions (see planning history above). At the time of the assessment, it was noted that the Stephenson Industrial Estate site provided two plots, of which both were occupied. In terms of future need within the City of Sunderland, the assessment concluded that for the remainder of the plan period (2017- 2033), a total of 33 additional plots were required for Travelling Showpeople. The outcomes of the assessment were taken forward through Policy H4 of the now adopted CSDP, hence why the existing Travelling Showpeople yards (Stephenson Industrial Estate including the application site, as well as sites at Pearson Industrial Estate, Sunniside / Grasswell and Herrington Burn) have been safeguarded for this use to ensure that provision is not lost. A site selection methodology also ensured that the most appropriate sites were also allocated for future additional plots.

The City of Sunderland clearly has a requirement for sites specifically for Travelling Showpeople, however there is a lack of suitable sites available. Policy SP3 of the adopted CSDP clearly states that existing Travelling Showpeople sites will be safeguarded under Policy H4. Policy H4 clearly states that such sites should be safeguarded for travelling showpeople unless it can be demonstrated a) there is no longer a need for the site; or b) capacity can be better met elsewhere. The applicant's agent has not submitted any evidence to demonstrate that there is no longer a need for the application site, or that capacity can be better met elsewhere.

During the assessment of this current application, the applicant's agent suggested that the designation to safeguard the application site should be changed to a different parcel of land also owned by the applicant - the current yard and container storage area positioned to the north of the application site and to the north of the land safeguarded for Travelling Showpeople in the adopted CSDP. The applicant's agent has also stated verbally that the applicant as landowner would not allow other Travelling Showpeople to use the application site. Whilst these points are noted, land can only be designated / safeguarded for a specific use through the development plan process. The process towards the adoption of the CSDP included extensive consultation and publicity in accordance with statutory requirements. Indeed, the 'Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update (2017)' states that personal interviews and postal questionnaires were undertaken with Travelling Showpeople on the known yards within the City as part of the evidence base. The application site was an existing Travelling Showpeople yard at this time, and following this assessment and extensive consultation and publicity, it was subsequently safeguarded for Travelling Showpeople under Policy H4 of the adopted CSDP. There is a clear need to safeguard the application site for this purpose and the applicant's agent has not demonstrated otherwise.

The land to the north of the application site and to the north of the land safeguarded for Travelling Showpeople, also owned by the applicant, is allocated as a Primary Employment Area under Policy EG1 of the adopted CSDP. This policy seeks to safeguard this land for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses (since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial,

Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended)). Travelling Showpeople accommodation on this land would therefore not be unacceptable in principle, and so the applicant's agent has not demonstrated that capacity can be better met elsewhere.

Following the adoption of the CSDP, it is a matter of fact that the application site forms part of a wider parcel of land safeguarded to provide accommodation for Travelling Showpeople. It is also a matter of fact that the land to the north of this safeguarded land is allocated for employment uses.

The applicant's agent has stated that given two large detached houses have previously been granted planning permission on the land owned by the applicant (see planning history above), there are no restrictions to prevent the applicant from selling them in the future. This point is noted. However, these dwellings were granted planning permission before the land was safeguarded for Travelling Showpeople, and so under different planning policy and guidance. In any case if they were sold it would not prevent the wider parcel of land still being used for its safeguarded purpose.

Given that the land is safeguarded for Travelling Showpeople, any proposed open market housing would not be acceptable. The applicant's agent has confirmed in writing that the proposed dwellings would be let and / or sold to Travelling Showpeople only. They would not be sold on the open market. However, even if the proposed dwellings would be let and / or sold to Travelling Showpeople (which if acceptable could be controlled by way of a condition attached to a planning permission), it is considered that the whole nature of Travelling Showpeople is that they travel, have winter quarters where they live in caravans / mobile homes of a temporary nature and store fairground equipment.

Travelling Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, Travelling Showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many Travelling Showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as "winter quarters". The ability to travel remains an inherent part of the way of life of Travelling Showpeople and the way in which they earn their living.

The proposed development would provide permanent 'bricks and mortar' dwellings, which would therefore not be in keeping with the purpose of the safeguarded land. Instead, it should be safeguarded to provide space for the transient accommodation to suit the mobile nature of Travelling Showpeople, including for the storage and repair of their equipment. It is possible that the proposed development could be for Showpeople who may want to remain in this area, and therefore would no longer be Travelling Showpeople. If this is the case, then they should be looking for dwellings in the wider vicinity, so that the application site can be sold and / or rented to other Travelling Showpeople in accordance with its safeguarded purpose. The applicant's agent has stated verbally that Travelling Showpeople do not always live in the transient way as set out in the above paragraph. However, there was no evidence as part of the 'Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update (2017)' to suggest that Travelling Showpeople no longer live in this way, which instead concluded that sites such as the application site need to be safeguarded for this specific purpose.

The applicant's agent was made aware of the Council's position as set out above, however they have not provided any case seeking to demonstrate that there is no longer a need for the site to be safeguarded for Travelling Showpeople or that capacity can be met elsewhere. The land to the north of the safeguarded land, also owned by the applicant would not be acceptable for Travelling Showpeople, given that it is safeguarded for employment uses as explained above. The proposed development would comprise permanent 'bricks and mortar' dwellinghouses on a site which forms part of a wider existing Travelling Showpeople site, which is safeguarded under Policy H4 of the adopted CSDP for accommodation associated with the transient nature of this group of people. As such, the proposed development would not be an acceptable form of accommodation at the application site and would compromise the provision of sites for Travelling Showpeople over the remainder of the development plan period up to 2033. It is therefore considered that the proposed development would be unacceptable in principle. On this basis, it is considered that the proposed development would not accord with Policy SP3, Policy SP8, Policy H1 and Policy H4 of the adopted CSDP, and so it is recommended that planning permission be refused.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; deliver acceptable standards of amenity; promote natural surveillance; clearly distinguish between public and private spaces; create visually attractive and legible environments; and create safe, convenient and visually attractive areas for servicing and parking.

The Council's Development Management Supplementary Planning Document (SPD) (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments' connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

Paragraph 126 of the NPPF (July 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF 2021 states that the National Design Guide and the National Model Design Guide should be used to guide decisions on applications in the absence of local produced design guides or design codes.

The proposed development would be set back from the public domain in a non-sensitive location. The application site, along with the existing dwellings within the adjacent land owned by the applicant, do not form part of a wider residential streetscene. There is also not necessarily a prevailing residential character to the area to which the proposed dwellings should relate. The proposed development would be located within an otherwise relatively isolated site in relation to other residential development, at the edge of the industrial area, and positioned towards the north of the applicant's existing enclosed compound. Due to the existing built form including the two dwellings and the storage building to the south, the proposed dwellings would be largely screened from Sulgrave Road to the south. They would be visible from the public domain within the industrial estate (from Wylam Close, Rainhill Road and Rainhill Close), however given the non-sensitive location, they would not cause any harmful visual impacts.

The proposed dwellings would be of a standard design, and although no external building materials have been provided in relation to the proposed dwellings, boundary treatment or hard standing surfaces, the planning application form states that they would match those of dwellings nearby. If planning permission was to be granted, it is recommended that a condition be attached to any planning permission to require a detailed specification of all external building materials of the dwellings, boundary treatments and hard standing surfaces to be submitted to and approved in writing by the Local Planning Authority (prior to the commencement of development).

If planning permission was to be granted, to ensure a satisfactory form of development, it is recommended that a condition be attached to any planning permission to require the submission of a drawing detailing ground levels / finished floor levels of the proposed dwellings in relating to an off-site datum point (prior to the commencement of development). The dwellings should then be constructed in accordance with the approved ground levels / finished floor levels.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would be of an acceptable design, siting and appearance, and so it would accord with Policy BH1 of the adopted CSDP.

3. Impact on residential amenity

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows, and for three storeys spacing should be 26 metres. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows, and for three storeys spacing should be 19 metres.

The nearest neighbouring residential properties to the proposed dwellings are within the wider parcel land owned by the applicant - namely the two dwellings to the south and the static mobile home to the west.

The front elevation of the existing dwelling to the south would be positioned approximately 26 metres from the front elevations of the proposed dwellings. This would provide an acceptable separation distance between facing windows. There would also be an acceptable separation distance between the front elevation of the existing dwelling to the south, and the outdoor space of the proposed dwellings. Given separation distances it is considered that the proposed

development would have no unacceptable impacts on the amenities of the occupiers of this existing dwelling in relation to privacy, outlook and over dominance, or overshadowing.

The front elevation of the static mobile home to the west would be positioned over 21 metres from the side elevation of the nearest proposed dwelling. The dwelling to the south west would be positioned even further away, and would not directly face the proposed dwellings. Given separation distances it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of these neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

In terms of the amenity afforded to future occupiers of the proposed dwellings, it is considered that they would comprise reasonable sized dwellings (in accordance with nationally described spacing standards), which would occupy plots with front and rear gardens of an acceptable size. Future occupiers of the proposed dwellings would also have no unacceptable impacts in relation to privacy, outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to a condition being attached to any planning permission to ensure that the proposed dwellings would have double glazing to an acceptable specification to achieve a suitable internal noise climate (see their consultation response above). If planning permission was to be granted, it is recommended that such a condition should be attached to any planning permission.

Subject to the compliance with the condition as suggested by the Council's Environmental Health Officer, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the proposed dwellings with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that proposed development should have no adverse impacts on the local road network; it must ensure that there would be a safe and adequate means of access, egress and internal circulation, turning arrangements, and ensure that it would not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, and include a level of vehicle parking and cycle storage in accordance with the Council's parking standards.

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety. They have advised that Wylam Close is not adopted or maintained by the Council, and that the location of the application site is not built to adoptable standards. Any maintenance would be at the applicant's expense and if they want it to be adopted then it would need to be built to adoptable standard. It planning permission was to be granted, it is recommended that an informative be attached to any planning permission to remind the applicant of this.

The Council's Transportation Development have advised that the applicant should ensure that all bins are stored in-curtilage and not on the adopted highway, and that one in-curtilage car parking space must be provided for each property. If planning permission was to be granted, it is recommended that a condition be attached to any planning permission to require the submission of a drawing to illustrate the position of an in-curtilage parking space for each dwelling (prior to the development being brought into use). It is also recommended that an informative be attached to any planning permission to remind the applicant that all bins should be stored within the curtilages of the dwellings.

Given the low pedestrian use of a sub-standard footway adjacent to Wylam Close and the remote location, the Council's Transportation Development have advised that there would be no detrimental impact in relation to highway / pedestrian safety.

Subject to the discharge of and compliance with the recommended condition, given the comments from the Council's Transportation Development it is considered that the proposed development would have no unacceptable impacts in relation to highway safety. It would therefore accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact in relation to land contamination

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it 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.

A Phase 1 Land Contamination report, a Ground Gas Risk Assessment and a Remediation Statement have been submitted. The Council's Contaminated Land advisors have considered these reports, and raised no objections although they have advised that additional information is required including a copy of a Phase II site investigation. They have advised that subject to the Coal Authority raising no objections, conditions should be attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report, and depending on the conclusions of this report, the submission of a remediation strategy and verification report. They have also advised that a condition should be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified. They applicant's agent was made aware of the comments from the Council's Contaminated Land advisors and has not provided any further information. If planning permission was to be granted, it is recommended that the conditions suggested by the Council's Contaminated Land advisors be attached to any planning permission.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

6. Impact in relation to coal mining risk

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from instability.

Paragraph 5.6 provides commentary to Policy HS1 stating that where a site is affected by land stability issues (including mineral legacy issues as set out in Policy M3), the responsibility for securing a safe development rests with the developer and/or landowner. Affected development must incorporate remediation and management measures.

Policy M3 'Land instability and minerals legacy' of the adopted CSDP states that development should give consideration to hazards arising from past coal mining, in particular land instability and mine gas. It further states that where a development is located within an area with a mining legacy, an applicant will be required to prepare and submit a Coal Mining Risk Assessment and / or carry out site investigations as necessary.

Following an objection raised by the Coal Authority a 'Mine Shaft Stability and Gas Risk Report' has been submitted as part of this planning application. This concludes that the buildings should be located 18 metres or more from any of the mine shafts on the site, and that they should be on raft foundations. The Coal Authority was re-consulted on the submitted report, and they requested that a plan be submitted to clearly illustrate that the proposed dwellings would be an acceptable distance from the mine shafts. The applicant submitted the required plan, and the Coal Authority was again re-consulted.

The Coal Authority have stated that they agree with the recommendations of the applicant's supporting information - that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. If planning permission is to be granted, they have recommended that conditions be attached to any planning permission. The first condition relates to the submission of a scheme of intrusive investigations to establish the risks posed by the proposed development by past coal mining activity, and to require that any necessary remediation work and / or mitigation measures are implemented (prior to the commencement of development). The second condition requires the submission of a statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the proposed development (prior to the occupation of the development). These conditions are set out under the Coal Authority consultation response summarised above.

The Coal Authority have also suggested that a condition should be attached to any planning permission to remove permitted development (PD) rights in relation to the erection of extensions and curtilage buildings at the proposed dwellings within the shaft stand-off zones shown on the revised proposed site plan. They have advised that this would enable the safety and stability implications of coal mining legacy to be considered by the Local Planning Authority in the event of future householder proposals at the site.

If planning permission was to be granted, it is recommended that all of the conditions suggested by the Coal Authority should be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would accord with Policy HS1 (in relation to instability) and Policy M3 of the adopted CSDP.

Conclusions

The proposed development would comprise permanent 'bricks' and mortar' dwellings on a site which forms part of a wider site safeguarded specifically for Travelling Showpeople under Policy H4 of the adopted Core Strategy and Development Plan (CSDP). The proposed development would therefore not be in keeping with the purpose of the safeguarded land, which is to provide space for transient accommodation to suit the nature of Travelling Showpeople. The applicant's agent has not demonstrated that there is no longer a need for the site to be safeguarded for Travelling Showpeople or that capacity can be met elsewhere. As such, the proposed development would not be an acceptable form of accommodation at the application site, and would compromise the provision of sites within the City of Sunderland for Travelling Showpeople over the remainder of the development plan period up to 2033. It is therefore considered that the proposed development would be unacceptable in principle. On this basis, it is considered that the proposed development would not accord with Policy SP3, Policy SP8, Policy H1 and Policy H4 of the adopted CSDP.

The proposed development would be of an acceptable scale and design, subject to the discharge of and compliance with conditions relating to external building materials and ground levels / finished floor level. It would have no unacceptable impacts in relation to residential amenity subject to the compliance with a condition as advised by the Council's Environmental Health Officer relating to the installation of double glazing to an acceptable specification to achieve a suitable internal noise climate. The Council's Transportation Development (the Local Highway Authority) have raised no objections to the proposed development, which would have no unacceptable impacts on highway safety subject to the discharge of and compliance with a condition to illustrate the position of in-curtilage parking spaces for each dwelling.

In relation to other technical matters, the Council's Contaminated Land advisor has raised no objections to the proposed development subject to the discharge of and compliance with conditions in relation to a ground investigation, a remediation strategy, verification report, and the event of any unexpected contamination being found that was not previously identified. The Coal Authority have also raised no objections subject to the discharge of and compliance with conditions in relation to a scheme of intrusive investigations to establish the risks posed by the proposed development by past coal mining activity and any necessary remediation work and / or mitigation measures required; a statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the proposed development; and to remove permitted development (PD) rights in relation to the erection of extensions and curtilage buildings at the proposed dwellings within the shaft stand-off zones.

For the reason set out in detail in the above assessment, it is considered that the proposed development would be unacceptable in principle, and as such it would not accord with policies within the adopted Core Strategy and Development Plan. It is therefore recommended that planning permission be refused.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- age;

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

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

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

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

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

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

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

RECOMMENDATION:

It is recommended that Members **REFUSE** planning permission.

Reasons:

1 The proposed development would comprise permanent 'bricks and mortar' dwellinghouses on a site which forms part of a wider existing Travelling Showpeople site, which is safeguarded under Policy H4 of the adopted Core Strategy and Development Plan for accommodation associated with the transient nature of this group of people. As such, the proposed development would not be an acceptable form of accommodation at the site and would compromise the provision of sites for Travelling Showpeople over the development plan period up to 2033. The proposed development would therefore not accord with Policy SP3 'Washington', Policy SP8 'Housing supply and delivery', Policy H1 'Housing mix' and Policy H4

'Travelling Showpeople, Gypsies and Travellers' of the adopted Core Strategy and Development Plan.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01566/FUL **Copt Hill**	**Jean Stratton Potts** Land South Of Low Haining FarmStoneygateHoughton-le-Spring	Agricultural land improvement and remediation of sink holes, utilising imported soil materials and creation of temporary works access.	18/08/2021	17/11/2021
14/01371/OUT **Hetton**	**Mr Colin Ford** Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX	Outline application for erection of 82 dwellings (all matters reserved) (amended/updated information received October 2021, revised drainage info received 07/02/22).	17/11/2014	16/02/2015

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/00134/LP3 **Hetton**	**City Development** Evolve Business CentreCygnet WayRainton Bridge SouthHoughton-le-SpringDH4 5QY	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
21/00603/FUL **Hetton**	**Persimmon Homes (Durham)** Land East OfNorth RoadHetton-le-HoleHoughton-le-Spring	Construction of 275 dwellings (use class C3).	22/04/2021	12/08/2021

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00589/FUL **Houghton**	**Persimmon Homes Durham** Land AtLambton LaneHoughton-le-Spring	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
17/02445/FUL **Houghton**	**Persimmon Homes Durham** Land North Of Coaley LaneHoughton Le SpringNewbottle	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.	21/12/2017	22/03/2018

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01446/FUL **Houghton**	**Karbon Homes** Land Off Hutton Close And Ninelands Houghton Le Spring	Erection of 36 dwellings with associated works, including relocation of a substation (additional information uploaded 07.10.2021).	24/09/2019	24/12/2019
19/01743/MAW **Houghton**	**The Durham Company Ltd** The Durham CompanyHawthorn HouseBlackthorn WaySedgeletch Industrial EstateHoughton-le-	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01409/FUL **Houghton**	**Russell Foster Tyne and Wear Sports Foundation** The Russell Foster Football Centre Staddon WayHoughton-Le-SpringDH4 4WL	Change of use from playing fields to private garden.	02/08/2021	01/11/2021
22/00098/LB3 **Washington Central**	**Sunderland City Council** War MemorialSpout LaneWashington	Inscription of name on War Memorial	19/01/2022	16/03/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02737/LP3 **Washington North**	**Sunderland City Council** Usworth Park PavilionUsworth Recreation ParkManor RoadConcordWashington	Change of use of existing building to community centre with associated elevational alterations, including replacement roof,gutters and piping, new entrance doors to front , steps/handrail to side, and patio area to front.	24/01/2022	21/03/2022
22/00204/FUL **Washington North**	**Standard Life Investments Property Holdings Ltd** SNOP UK LimitedRainhill RoadStephensonWashingtonNE37 3HP	Change of use of building from B2 Industrial to B8 distribution, including installation and alteration of shutters and doors, additional lighting, construction of new yard, parking areas and landscaping.	07/02/2022	09/05/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02898/FU4 **Washington West**	**Esh Construction Limited And Gladglider Projects Limited** Land West Of Moorway And South Of Havannah Road, Washington.	Extra care Housing Development incorporating the erection of a three storey building to provide 84no extra care units (Use Class C2) and 13no. bungalow dwellings (Use Class C3), ancillary support services, associated parking, drainage and landscaping and two new pedestrian / vehicular accesses onto Moorway	12/01/2022	13/04/2022
22/00137/FU4 **Washington West**	**Taylor Wimpey And BDW Trading Ltd** Land To The North Of Stone Cellar RoadUsworthWashington	Erection of 49no. dwellings with associated vehicle access and landscaping.	01/02/2022	03/05/2022