

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

Reference No.: 22/02335/FU4 Full Application (Reg 4)

Proposal: **Erection of a platform in middle of the pond to provide a safe haven for wildlife**

Location: Roker Park Pond, Roker Park Road, Sunderland

Ward: St Peters
Applicant: Julie Dyson
Date Valid: 22 February 2023
Target Date: 19 April 2023

PROPOSAL:

Planning permission is sought for the installation of a nesting platform within Roker Park Pond.

The proposed development affects Roker Park, a Grade-II Registered Historic Park and Garden located within the Victorian and Edwardian coastal suburb of Roker. The Park, the residential terraces surrounding it and areas of the nearby seafront and promenade also form the basis of the Roker Park Conservation Area.

The Park, which is owned by the City Council and dates from 1880, is a popular amenity facility, offering play areas, a pond utilised for model boating, a model railway and a ravine leading to the promenade and beach. The Park also features a range of historic buildings and structures, including a bandstand and drinking fountain, both of which are Grade-II Listed.

The Supporting Statement submitted with the application sets out that the proposal has been submitted by an individual (not Sunderland City Council) to:

create a safe, temporary platform structure in the middle of the Roker Park pond to create a safe, ecological platform for wildlife in the area.

It was also noted in the supporting statement that:

in March 2020 the resident swan managed to find a mate and breed. Unfortunately, due to lack of a safe nesting area the cygnet was fatally injured. There was great interest from the public which may have negatively impacted the quality of the nesting area/period. Some antisocial behaviour put the swans, cygnets and other pond life, in danger. Since then, a huge public campaign has allowed money to be raised, sponsorship to be obtained and plans drawn out for a safe, easy to maintain safe haven for future wildlife to utilise when they need to.

The upkeep and maintenance of the raft would be undertaken by the applicant, who has confirmed that costs will be met by a sponsor. It is noted that should the Council consider that suitable maintenance is not being carried out, they would have the option to have the structure removed.

The platform would be 15sqm and would consist of an anchored aluminium frame with floatation drums fitted within primary frame, aluminium bearers above this and a wooden deck on the top.

A 50mm timber upstand will hold any nesting material in place and the platform would have the ability to rise and fall with the water level.

An application of this nature would normally be determined under delegated powers, however the application was referred to the Planning and Highways Committee by Ward Councillor Johnston.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Lynn Vera
Cllr Joshua McKeith
Cllr Sam Johnston
Planning Implementation
Environmental Health
The Garden Trust

Final Date for Receipt of Representations: **28.03.2023**

REPRESENTATIONS:

Council's Environmental Services team - No objections, they are supportive of the proposal given that it will provide further habitat and safe spaces for nesting or resting birds.

Council's Conservation Team - No objection, the structure would be largely concealed from view and the park has historically been utilised by both swans and model boat enthusiasts.

Council's Ecologist - No objection to the proposal and has confirmed that mute swans can be found in a variety of habitats, including artificial waterbodies such as park lakes.

Garden Trust - No response provided.

Public consultation - a total of 18no. objections have been submitted in response to public consultation, which in this case comprised letters to nearby residents, the display of 3 no. site notices and a notice published in the Sunderland Echo.

The following concerns were raised:

- o The RSPC have said the boating lake is not suitable for wild fowl. It's a man-made pond, with no natural food for the birds;
- o A single swan can produce as much as 0.5kg of faeces a day and studies have shown it is very high in E. coli and enterococci bacteria, which both pose a significant risk to human health as well as avoidable cleaning costs;
- o The pond and surrounding area is covered in bird droppings and left over bread, which is not suitable for the birds digestive system;
- o With regard to mute swans, their diet is similar to that of ducks with the addition of small fish and frogs and over recent years they have died or become emaciated living on the pond and have had to be removed, Moreover, swans landing on the pond would have little

or no chance of escape with a man made platform and the ultrasonic weed suppressor impeding their flight path

- o There have been no swans on the pond since Oct 2021 - 2 no. died and the 3rd was taken away by the RSPCA in an emaciated state
- o The structure could be a health and safety problem, especially if there are unsupervised children
- o Large swans fighting could harm children
- o Children could walk across the frozen pond to see the swan nest and could possibly drown
- o The island would stop model boat sailing and the swan raft would impair and in most cases block the transmitter to receiver signal link used while operating a model boat
- o It would prevent the new system installed by the council to prevent weed growing
- o The raft will become utilised by rats and seagulls and would not be safe for swans to nest on
- o Waste of taxpayers money and Council will have to maintain it
- o Vandals will target the island as there are no cameras or security in the park
- o An island made of plastic drums would be an eyesore within the heritage site

One representation was received from the Chair of the friends for Roker Park, Julia Jackson, setting out that the group remains neutral to the proposal and has played no part in the fundraising or application.

It was noted that the proposed wildlife platform plan, received 22.10.22, had not been made available to the public to view. To ensure that all plans and information relating to the proposals were available for consumption and comment, a further 21-day consultation was carried out.

Following this consultation 1no. further objection was received from the Chairman of the City of Sunderland Model Engineering Society Ltd. This objection is set out below:

Dear Sirs,

I write on behalf of the City of Sunderland Model Engineering Society Ltd., resident in Roker Park since 1931. My society was originally formed as the Sunderland Model Boat and Engineering Club.

We object strongly to this application. As I am sure you are aware, the park was officially opened on 23rd June 1880 and a major feature was the lake specifically designed for sailing the model boats of "the sons of gentlemen".

My society still has many members whose major activity is the building and sailing of model boats. By virtue of its construction, the pond is totally unsuitable for wildlife; it being built with a concrete base and walls. There is little, if any, natural food available for visiting birds.

The water supply to the pond is primarily the 'run off' from local streets, processed through various filter beds in the park; sterile and devoid of life. It has been noted that when wildlife such as swans arrive at the lake, they inevitably have to be rescued and re-homed as they are starving.

The erection of a platform in the middle of the pond would make it impossible for model boat enthusiasts to continue their hobby.

Modern radio control equipment works at such a high frequency (2.4Ghz) that communication between transmitter and receiver can be considered to be 'line of sight'. Therefore, if the receiver (the boat) is in the shadow of a large object (the platform), the signal from the transmitter is lost

and the boat is no longer under control. At busy times there could be many boats on the pond and this would cause chaos and could result in damage and possibly sinkings.

I would also point out that these boats are not 'toys', but models built to high standards at often high cost. The building of a platform in the middle of the pond will do nothing for the birds. It will not encourage worms or fish (or any other foodsource) to take up residence and will be merely an eyesore in an otherwise well-designed model boating pond.

The date of expiry for representations is 3rd July 2023 and any further representations received will be reported to Members of the Committee ahead of the meeting.

COMMENTS:

CONSIDERATION OF APPLICATION

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

Paragraph 126 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Paragraph 134 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

The policies which considered pertinent to the determination of this application are the saved policies of the UDP L1, L7 and L12 and policies BH1, BH7, NE4 and NE2 of the CSDP.

With regard to the policy framework set out above, it is considered that the main issues to address in the determination of the application are as follows:

1. Principle of the development;
2. Impact on visual amenity and built heritage;
3. Ecology and biodiversity considerations;

1. Principle of development

Roker Park is identified as an area of existing public open space by the proposals map of the UDP and consequently saved policies L1 and L7 of the UDP are of relevance. Policy L1 states that the Council will, amongst other objectives, seek to provide a high-quality range of recreational, sporting, cultural and community facilities and retain existing parks and recreation grounds and maintain and upgrade facilities therein. Policy L7, meanwhile, states that land allocated for open space or outdoor recreation will be protected from development unless certain criteria are met.

Also of relevance in this case is saved policy L12 of the UDP, which sets out that the Council will promote the recreational and tourist potential of coast by, amongst other measures, encouraging

development which provides for the needs of visitors without adversely affecting the environment and conservation requirements.

Policy NE4 within the Council's CSDP is relevant, given that the park is identified as existing public open space. This policy sets out that green space will be protected from development that would have a serious adverse effect on its amenity, recreational or nature conservation value. Proposals for the development of green space will be considered in light of their contribution to urban regeneration and the importance of such space to the established character of the area.

The proposed swan raft would be a small-scale addition to the pond, located to its eastern side. A number of representations have been received which suggest the presence of the raft would impede the use of the pond as a boating lake, with the structure interfering with radio signals of model boats. It is also suggested that the pond is not suitable for swans and other wildfowl due to its design.

It is accepted that the pond has recreational value as a boating lake, however it has clearly attracted wildfowl, such as swans, in recent years and ultimately it is a space that is, to a degree, shared with wildlife. Given recent issues with anti-social behaviour towards swans and the fatal injury incurred to a cygnet, it is not considered unreasonable to provide a safe haven for birds such as swans in the event they do seek to nest or rest at the pond. The pond would appear to be large enough to provide sufficient space for boating activity to take place alongside the swan raft.

It should be noted at this point that the supporting information makes clear that given its construction (i.e. anchored by flotation drums rather than fixed into the bottom of the pond), the raft can easily be relocated or dismantled if it proves unable to co-exist with model boats or is no longer required at the site.

As such it is not considered that the proposal would unacceptably harm the recreational and amenity value of the pond and wider Roker Park and moreover, it is considered that the proposed development will support the objectives of NE4 with regard to protecting the park's wider nature conservation value.

Given the above, it is considered that the principle of the development is acceptable and is considered to satisfy the objectives of UDP policies L1, L7, L12 and CSDP policy NE4.

2. Impact of development on visual amenity and built heritage

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

Meanwhile policies BH7 and BH8 of the CSDP deal with listed buildings and works within Conservation Areas. Policy BH7 states that the Council will ensure that great weight will be given to "the conservation of heritage assets", such as Conservation Areas and Historic Parks and Gardens, while policy BH8 states that in relation to Conservation Areas, the Council will "preserve or enhance their significance including their diverse and distinctive character, appearance and their setting". A similar approach must be taken to development affecting an Historic Park or Garden, such as Roker Park, with development required to respect their designed landscape character.

The Council's Conservation Team confirmed that the historic lake is part of the original design of the park and the water feature is a key contributor to its special interest as a designated heritage asset. Comments state that the proposed platform structure would be largely concealed from view beneath the surface with only the top flat area visible and historically the lake has been an active recreational feature of the park, with both swans and model boats represented in historic images.

The Conservation Team have no objection to the proposal and considered that the creation of a wildlife platform would be accepted in principle as respectful of the historic character of the park, and visually would have no adverse impact on the way in which the heritage asset is experienced.

It was stressed that both model boating and birds are historic elements of the recreational life of the park and a balance should be sought between the two public benefits.

As such it is considered that the proposal would cause no harm to the park as an heritage asset or to the wider conservation area and would in fact allow an historic element of the recreational life of the park to be encouraged. The proposal would accord with policies BH1, BH7 and BH8 of the CSDP.

3. Implications of development in respect of ecology and biodiversity

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

The Council's Ecologist had no objection to the proposal and with regard to the concerns raised about the pond being a suitable habitat for swans, notes that mute swans are:

Frequently found in a variety of lowland freshwater marshes, lagoons, slow-flowing rivers, etc., with a preference for medium-sized to larger waterbodies (Kear 2005); also on estuaries and sheltered coastal sites. Has adapted to living close to man, now occupying many artificial waterbodies, like park lakes, reservoirs, gravel pits, etc. Tolerates and may benefit from eutrophic habitats (Cramp and Simmons 1977).

As such the addition of the raft would aid the support of wildlife within the park and so would be considered to align with the objectives of policy NE2 of the CSDP.

CONCLUSION

For the reasons set out above, the proposal is considered acceptable in principle and accords with the NPPF and CSDP policies BH1, BH7, BH8, and NE2. It is considered to be an acceptable form of development which would not cause unacceptable harm to recreational or nature conservation or heritage assets. It is therefore considered acceptable and recommended for approval subject to the following conditions.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- 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: GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to draft conditions below.

Conditions:

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

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

Location plan, received 14.02.23

Proposed site plan, received 15.02.23

Proposed wildlife platform plan, received 22.10.22

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

3 Notwithstanding any indication of materials which may have been given in the application; the materials to be used, shall be in accordance with those stated on the proposed wildlife platform plan, received 22.10.22. Unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policies BH1, BH7 and BH8 of the CSDP.

Reference No.: 22/02538/FUL Full Application

Proposal: **Installation of photovoltaic solar panel system on main factory roof, providing up to 3540 panels in total.**

Location: Kasai UK Ltd. Factory, 1 Stephenson Road, Stephenson, Washington

Ward: Washington North

Applicant: Kasai UK Ltd - Mrs Ashleigh Murphy

Date Valid: 22 March 2023

Target Date: 21 June 2023

PROPOSAL:

The application site relates to the installation of a roof mounted photovoltaic system at Kasai UK Ltd, Factory 1, Stephenson Road, Stephenson, Washington.

The application site comprises of a large, purpose-built manufacturing facility which supplies interior automotive components for Nissan. Internally the site is bound by a combination of hard surfacing comprising the circular access loop road and service yard along with areas of landscaping. Externally, the site is immediately bound by Stephenson Road to the north and east, with areas of landscape, foliage and trees screening the site from Stephenson Road and Northumberland Way to the south and west respectively. Beyond the wider confines of the host site the land to the west and south is occupied by further commercial uses which combine to form Stephenson Industrial Estate, which is allocated as a Primary Industrial Estate within the Council's Core Strategy Development Plan. The nearest residential is located some 185m away to the northwest on the opposing side of Northumberland Way, with further residential located some 200m to the west in the form of Marwell Drive, separated from the host plot by another industrial unit and its grounds.

As set out, the proposal seeks to install a series of photovoltaic panels on the commercial building. More specifically this would equate to a maximum of 3540 panels being fixed across the both the eastern and western planes of the factory roof. Each panel will measure a maximum of 2073(L) x 1133(W) x 35(H) mm and comprise an anodized silver aluminium frame with toughened safety glass covering the cells. The panels are expected to produce a maximum of 1,450KWp and will be fixed to the roof as per industry standard. Specification sheets for the installation have been provided following a request by the officers.

The standard operational lifespan of a photovoltaic system is 25 years. After this time period, the equipment would typically be replaced or removed.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management
Cllr Jill Fletcher
Cllr Michael Walker
Cllr Peter Walker
Environmental Health
Planning And Highways
Planning Policy
Newcastle International Airport

B N B Fabrications 1 Stephenson Road Stephenson Washington NE37 3HR
Rayovac Europe Ltd 2A Stephenson Road Stephenson Washington NE37 3HW
Intelpack Limited 2 Stephenson Road Stephenson Washington NE37 3HW
Kasai UK Ltd Unit 5 194 Commerce Park Stephenson Road Stephenson
NERAMS Ltd Unit 14 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 13 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 12 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 18 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 16 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 19 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 17 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 15 194 Commerce Park Stephenson Road Stephenson
Kasai UK Ltd Unit 6 194 Commerce Park Stephenson Road Stephenson
Vacant Property Unit 11 194 Commerce Park Stephenson Road Stephenson
Kasai UK Ltd Unit 7 194 Commerce Park Stephenson Road Stephenson
Explore Motors Ltd Unit 1 194 Commerce Park Stephenson Road Stephenson
GT Freight Unit 10 194 Commerce Park Stephenson Road Stephenson
A And M Electrical Limited Unit 9 194 Commerce Park Stephenson Road Stephenson
Kasai UK Ltd Unit 8 194 Commerce Park Stephenson Road Stephenson
Bunzl UK Ltd Unit 4 194 Commerce Park Stephenson Road Stephenson
LPC Switchgear Ltd Unit 3 194 Commerce Park Stephenson Road Stephenson
S K (Sales) Limited Unit 2 194 Commerce Park Stephenson Road Stephenson

Final Date for Receipt of Representations: **26.04.2023**

REPRESENTATIONS:

The application was advertised by way of letters sent to neighbouring occupiers, the posting of a site notice and the publishing of a press notice. No representations have been received.

Internal consultees

Transportation Development (the Local Highway Authority) - Confirmed that a glint and glare assessment should be provided for consideration to adequately assess the impact of the proposals on the surrounding road network. In addition, it has been recommended that a construction Traffic Management Plan (CTMP) be conditioned to ensure that all site vehicles are parked within the curtilage and not on the adopted highway.

Environmental Health - Initially advised that a condition should be attached to any consent given to detail the system design, including the number and locations of inverters, optimisers and any grid transformers proposed, and confirmation of the noise levels quoted by the manufacturers. Further to the submission of technical sheets by the agent, the Council's Environmental Health Officer (EHO) has given further consideration to the scheme and has offered no objection.

External consultees
Newcastle Airport - No objections

Civil Aviation Authority - No response received

Ward Councillors - No responses received

COMMENTS:

All local planning policies referred to below are considered to be compliant with the National Planning Policy Framework (NPPF), which sets out the current Government's planning policies for England and how these are expected to be applied. The NPPF sets out 3 overarching objectives which aim to assist in the delivery of sustainable development. These are identified as being;

an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development; i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 thereafter continues that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development wherever possible.

Of particular relevance to this proposal is Section 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) with para 155 advising that;

To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

Paragraph 154 continues;

When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

On a local level Policy BH1, point 3, of the adopted Core Strategy Development Plan (CSDP), advises that the scale, massing, layout appearance and the setting of new development should respect and enhance the positive qualities of nearby properties and the locality, whilst point 9 advises that development should maximise the opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy. Supporting text to these policies at Point 9.2 goes onto advise that all new development should embrace the principles of sustainable design, positively respond to the character and setting, as well as avoiding harmful impacts to the amenity of neighbouring buildings, local character and heritage assets and at point 9.8 to ensure that the energy efficiency of properties is maximised, the layout of developments should be designed to reduce dependence on energy for heat and lighting through maximising the southern orientation of buildings and enabling passive solar gain and the use of microgeneration technologies such as photovoltaic (PV) panels.

CSDP Policy BH2 seeks to promote sustainability into design and construction through, in part, maximising energy efficiency and integrating the use of renewable and low carbon energy in new development.

CSDP Policy WWE1 (Decentralised, renewable and low carbon energy) advises that the development of decentralised, renewable and low carbon energy will be supported subject to satisfactory resolution of all site-specific constraints as follows:

- i. decentralised, renewable and low-carbon energy development should be located and designed to avoid unacceptable significant adverse impacts on landscape, wildlife, heritage assets and amenity;
- ii. appropriate steps should be taken to mitigate any unacceptable significant adverse impacts, such as noise nuisance, flood risk, shadow flicker, interference with telecommunications, air traffic operations, radar and air navigational installations through careful consideration of location, scale, design and other measures; and
- iii. any adverse cumulative impacts of proposal.

Being a Primary employment area, the site is governed by CSDP EG1. This policy states that Stephenson Industrial will be safeguarded for employment uses.

CSDP Policy NE11 states that all development should take account of views into, out of and within the development.

CSDP Policies HS1 and HS2 seek to ensure that development does not adversely impact on the quality of life and amenity and that the noise implications of the development are understood.

Policy ST3 advises that development should provide safe and convenient access for all road users, in a way which would not;

- i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or
- ii. exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

Considerations

The main issues to consider in the determination of this application are;

- Principle of the proposed development;
- Impact on the amenity of the area
- Impact on highway safety

Principle of the proposed development

The proposed development is for the installation of up to 3540 photovoltaic panels on the roof of the existing building with a power output which is expected to deliver a total of 1,450KWp.

The UK government has committed to cutting its greenhouse gas emissions to almost zero by 2050, in an attempt to mitigate severe environmental consequences in the future. A crucial means of doing this is the transition to renewable energy technologies. Application details state that there is an estimated 250,000 hectares of south facing commercial roof space in the UK, and, if utilised, this could provide approximately 50% of the UK's electricity demand. This indicates the capacity the UK has if investors were to maximise system sizes on commercial buildings, and the contribution this could make to reducing greenhouse gas emissions.

The proposed development would contribute to meeting national and local targets in relation to reducing Greenhouse Gas emissions. It would provide a form of sustainable renewable energy generation which the government supports in principle, as part of the wider solution seeking to address climate change.

As has been outlined within the policy backdrop, the NPPF supports the provision of sustainable development through the decision-making process, with chapter 14 supportive of proposals for renewable and low carbon energy and paragraph 154 of the NPPF advising that local planning authorities should approve applications for renewable and low carbon energies where their impacts are acceptable. Local policy is similarly supportive through policies BH1, BH2 and WWE1 where the resultant visual impacts are acceptable.

The nature of the development would not conflict with the employment safeguarding objectives of Policy EG1.

In this regard the principle of the proposal is considered appropriate subject to an assessment of the installation on the amenity of the area and in respect of highway impacts.

Impact on the amenity of the area

The photovoltaics would not be positioned within in a particularly sensitive area, being sited at high level within the context of an industrial estate. Based on officer observations made during the site visit, it was apparent that the installations would not be publicly evident from ground level given the height and shallow pitch of the roof. Further, it is not considered that the panels would be of prominence from wider vantage points and thus there would be no unacceptable impacts on landscape character.

In terms of the potential for noise generation, it is understood that the only likely source would be created by the humming of the associated inverter equipment. Further to the consideration of the submitted specification sheets, the EHO has noted that there are to be 13no. 50kW and 5no. 110kW Solis inverters with no optimisers and no transformers identified. In this regard and given the location of the factory unit and existing noise climate in the immediate vicinity, the EHO has

confirmed that it is reasonable to conclude that the operation of the system will be acceptable in noise terms.

Based on the above, it is not considered that the development would have an adverse impact on the amenity of the area and thus the proposal accords with CSDP Policies BH1, HS1, HS2, NE11 and WWE1 (in terms of impact on amenity).

Impact on highway safety

The Council's Transportation Development Section (the Local Highway Authority) initially requested that a Glint and Glare Assessment be undertaken to ensure that the development would not adversely impact on the surrounding road network. This assessment has been prepared with the effects of glint and glare on the adjacent receptors of Coach Road, Heworth Road, Sulgrave Road, and Rutherford Road considered. The report concludes that the adjacent road network will not be impacted by the location of the photovoltaic installation. The conclusions of the report have been considered and accepted by Transportation Development.

Transportation Development have also suggested that a condition should be attached to any planning permission to require the submission of a Construction Traffic Management Plan (CTMP) and it is recommended that this condition be attached to any planning permission granted.

Given the comments from the Local Highway Authority, subject to the compliance with the recommended condition it is considered that the proposed development would have no unacceptable impacts in relation to highway safety and would therefore accord with Policy Policy ST3 of the adopted CSDP.

Conclusion

With regard to the above, it is evident that the proposed development will deliver a renewable form of energy which is a key aim of both local and national planning policy. In doing so it has been demonstrated that the development will have no adverse impact on either the amenity of the area or the surrounding highway network. On this basis, Members are recommended to grant approval subject to the imposition of the following conditions.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- 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: APPROVE, subject to draft conditions below.

Conditions:

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

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

The solar panel elevations received 06.03.2023 (Plan ref: COG397/APP/004/b);
The east and west elevations as proposed received 20.03.2023.
The roof module layout received 06.03.2023 (Plan ref: Roof001)
The location plan received 06.03.2023

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

3 Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the Construction Traffic Management Plan must be able to demonstrate that all deliveries and the storage of material associated with the approved development will be contained within the site and that existing site vehicles can continue to be parked within the curtilage without being displaced onto the adopted highway. The development hereby permitted shall then be constructed in strict accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/02595/LP3 Local Authority (Reg 3)

Proposal: **Re-submission of application Ref. 20/02026/LP3 (Refurbishment and extension of disused school building to form 15no. residential accommodation units with support) to include 16 no. external ASHP units 1 no. mechanical cooling unit, re-positioned bin store / bin collection point, alterations to boundary treatment and re-configured car parking layout (part retrospective)**

Location: The Old School Building, Albert Place, Columbia, Washington, NE38 7BP

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 14 March 2023
Target Date: 13 June 2023

PROPOSAL:

INTRODUCTION

This planning application relates to a re-submission of planning application Ref. 20/02026/LP3 (Refurbishment and extension of disused school building to form 15no. residential accommodation units with support) to include 16 no. external air source heat pump (ASHP) units, 1 no. mechanical cooling unit, a re-positioned bin store / bin collection point, alterations to boundary treatment and a re-configured car parking layout, at The Old School Building, Albert Place, Columbia, Washington. The development has already commenced and so the planning application is described as part retrospective.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises an existing building known as 'The Old School Building', a red brick Victorian era building with stone copings and a slate roof, which is in the process of being converted to residential units with support.

To the west of the application site is the access road to Columbia Grange School, with the school building being to the south west. Commercial units and residential properties are positioned beyond this access road further to the west. Existing dwellings are positioned to the north of the application site across Oxclose Road, and commercial units are positioned to the north east. To the east of the application site across Albert Place there are some newly constructed bungalows, and to the south adjacent to the site there are two residential properties.

Existing access into the site is taken directly from Albert Place to the south side of the site. This access provision is shared with the existing residential property to the south and provides access into the yard (the hardstanding area which surrounds the existing building to the south and west).

The application site is located within a mixed residential and commercial area, with good access to essential amenities and public transport.

PROPOSED DEVELOPMENT

The proposed development seeks planning permission to make amendments to planning permission Ref: 20/02026/LP3 to include the installation of 16 no. ASHP units and 1 no. mechanical cooling unit. It also includes re-locating a bin store and a bin collection area, alterations to boundary treatment and a re-configured car parking layout.

The proposed development previously granted planning permission related to the refurbishment and extension of the disused school building to form 15 no. residential accommodation units with support. It included the construction of three single storey extensions; two to the rear (west) elevation, and one to the front (east) elevation.

The proposed development would be constructed as follows:

- o Extensions to the building of brick walls (Artico white / off-white in colour), a slate roof (to match the existing slate) and a single ply membrane roof, new aluminium windows and doors (black in colour), existing windows and doors retained with replacement glazing and re-painted in black to match new windows, and aluminium rainwater goods (heritage black in colour).
- o Boundary treatments of new brick piers to match the appearance of the existing wall, slatted fencing, close boarded fencing, acoustic fencing, brick walls and vertical bar railings (to match existing railings and painted green in colour), with existing vehicle and pedestrian access gates retained.
- o Bin store of brick walls / piers to match existing front wall (Old Terrace Blend Weathered), slatted timber fencing and a timber pergola roof.
- o Hard surfaces - permeable vehicular paving (Hydropave Shannon colour Bracken), footpaths (Shannon colour slate) and other paving by Tobermore (Shannon colour Bracken).
- o A Hennessy cycle shelter constructed in galvanised steel with a polycarbonate covering.
- o Air source heat pumps and condensing units of metal (painted white in colour).

Application details state that the overall scheme would generate approximately 22,440 kg of CO₂ per year for both space heating and hot water demand. Replacing this with ASHPs and a hot water cylinder would reduce the CO₂ emissions to approximately 14,115 kg of CO₂ per year, providing a 63% saving in CO₂ emissions.

The application has been supported by the following documents:

- o Planning Statement by dpp (dated March 2023) received 25/04/2023
- o Design, Access and Heritage Statement by JKGD (dated December 2022) received 05/05/2023
- o Community Use Statement by JDDK received 20/04/2023
- o Phase 1: Desk Top Study Report by arc environment (dated 21/10/2020) received 14/03/2023
- o Phase 2: Ground Investigation Report by arc environment (dated 16/03/2022) received 20/04/2023
- o Remediation Strategy by arc environment (dated May 2022) received 20/04/2023
- o Contamination Verification Report by arc environment (dated 5th June 2023) received 08/06/2023
- o Transport Statement and appendices by itransport Planning received 14/03/2023
- o Construction Method Statement by Brims Construction (dated May 2022) received 02/05/2023
- o Construction Phase Plan by Brims Construction (dated 1 March 2022) received 20/04/2023
- o Sustainable Travel Welcome Pack titled 'Travel Planning and Public Transport Information' received 16/06/2023
- o Flood Risk Assessment by Fairhurst (dated November 2020) received 14/03/2023

- o Noise Impact Assessment by Apex Acoustics Revision C (dated 10th May 2023) received 10/05/2023
- o Material Schedule by JKKD received 19/06/2023
- o Air to Water Heat Pumps Installers Quick Guide received 28/11/2022
- o Drainage Strategy (dated August 2021) received 13/06/2023
- o Drainage Management and Maintenance Plan (dated October 2020) received 13/06/2023
- o NWL Sewer Connection Response Letter received (13th February 2023) 13/06/2023
- o Timing for Submission of Drainage Verification Report (dated 28 April 2023) received 28/04/2023
- o Bat Survey by OS Ecology (dated May 2021) received 20/04/2023
- o Biodiversity Net Gain Assessment (dated July 2021) received 20/04/2023

PLANNING HISTORY

2017 - Planning permission Ref: 17/00184/FUL granted to change the use of the premises from a D1 use to a combined D1 and B1 use. The B1 part of this use was not implemented.

2021 - Planning permission Ref: 20/02026/LP3 granted for the refurbishment and extension of the disused school building to form 15no. residential accommodation units with support.

REPRESENTATIONS

Publicity associated with the application included letters being sent to the occupiers of the following neighbouring properties within close proximity to the application site:

4A Railway Terrace Columbia Washington NE38 8LZ
 Greyroofs Albert Place Columbia Washington NE38 7BW
 3 Oak Street Columbia Washington NE38 7ER
 5 Oak Street Columbia Washington NE38 7ER
 4 Oak Street Columbia Washington NE38 7ER
 2 Oak Street Columbia Washington NE38 7ER
 1 Oak Street Columbia Washington NE38 7ER
 Headteacher Columbia Grange School Oxclose Road Washington NE38 7NY
 3 Hillthorne Close Columbia Washington NE38 7ET
 2 Hillthorne Close Columbia Washington NE38 7ET
 14 Oak Street Columbia Washington NE38 7ER
 8 Oak Street Columbia Washington NE38 7ER
 6 Oak Street Columbia Washington NE38 7ER
 1 Hillthorne Close Columbia Washington NE38 7ET
 Flat 4 - 5 Railway Terrace Columbia Washington NE38 8LZ
 Iqbal Newsagents 4 - 5 Railway Terrace Columbia Washington NE38 8LZ
 Salon 2000 7 Railway Terrace Columbia Washington NE38 8LZ
 Dunroamin Albert Place Columbia Washington NE38 7BW
 15 Oak Street Columbia Washington NE38 7ER
 12 Oak Street Columbia Washington NE38 7ER
 11 Oak Street Columbia Washington NE38 7ER
 10 Oak Street Columbia Washington NE38 7ER
 7 Oak Street Columbia Washington NE38 7ER
 9 Oak Street Columbia Washington NE38 7ER
 Columbia House Albert Place Columbia Washington NE38 7BP
 Sky Lounge Sports Pub The Sky Lounge Oxclose Road Washington NE38 7NL
 17 Raeburn Avenue Columbia Washington NE38 7DZ
 18 Raeburn Avenue Columbia Washington NE38 7DZ
 6 Railway Terrace Columbia Washington NE38 8LZ

6 Hillthorne Close Columbia Washington NE38 7ET
Rosemount Albert Place Columbia Washington NE38 7BW
5 Hillthorne Close Columbia Washington NE38 7ET
4 Hillthorne Close Columbia Washington NE38 7ET
Bingo Hall Oxclose Road Washington NE38 7ET
94 Roche Court Glebe Washington NE38 7PN

A site notice was displayed to the front and side of the site and a notice was published in the local press.

Final Date for Receipt of Representations: **24.05.2023**

The following consultees were consulted on the application.

- o Director of Children's Services
- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Built Heritage and Regeneration
- o Planning Policy
- o Environmental Health
- o Transport Development (the Local Highway Authority)
- o Tyne and Wear Archaeology Officer
- o Nexus
- o Chief Fire Officer
- o Housing People Services
- o Northumbria Ambulance Service
- o Northern Gas Networks
- o Northern Powergrid
- o Northumbrian Water
- o Northumbria Police
- o Watermans (Land contamination)
- o Three Ward Councillors

Press notice expiry date: 13/04/2023

Site notice expiry dates: 11/04/2023 and 18/05/2023

Neighbour notifications expiry dates: 14/03/2023 and 28/04/2023

Consultation expiry dates: 04/04/2023, 12/05/2023, 18/05/2023, 19/05/2023, 26/05/2023, 30/05/2023, 07/06/2023, 13/06/2023, 28/07/2023 (the last date related to Lead Local Flood Authority comments only which were received on 20/06/2023)

Neighbour Notification Responses

Representations to original proposal

Two representations submitted, one raising no concerns regarding the proposed development and the other raising the following concerns regarding the proposed development:

- o Cannot understand why three months before the proposed completion, ASHP installation has only just been mentioned.
- o Objection to ASHP number 6 which would be positioned on the gable end nearest to our house (Columbia House) which is only 8 metres from the side of our property. The contractor was asked if this could be re-positioned.
- o Work has already started with the installation of pipes drilled through the wall.
- o Does the noise survey take into account the cumulative noise from the ASHP units? No survey results are shown for our property (Columbia House).
- o The re-positioning of the bin store from adjacent to the communal garden to the front of the property may also amplify the sound from the ASHP.

Representations to amended proposal

Concerns relate to the noise from the installation of the 16 ASHPs. The revised acoustic report does not address concerns regarding the cumulative effect of the noise from the units plus the background noise. The noise from the ASHPs will be in addition to the background noise.

It has previously been suggested that the ASHPs could be moved around the corner. However, no response has been received regarding this. In addition, the air source heat pumps have already been installed.

No objections to the proposed re-positioning of the bin store.

Internal consultee responses

Environmental Health

First representation

The methodology in the submitted Noise Assessment is acceptable. The results indicate that noise levels at the nearest existing sensitive receptors will be at least 10dB(A) below existing background during the day and night. This is acceptable. Predictions for the window positions on facades of the proposed development indicate noise levels will be +6dB (day) and +5dB night above background. This is more than marginal and the assessment proposes action to reduce noise levels to acceptable values of +3dB daytime, and +2dB night time at each façade. These values are accepted as being satisfactory when considering the overall context of the installation and the external environment.

A condition is recommended in relation to noise attenuation screening.

Case Officer Comments: An amended Noise Assessment was submitted, and so the Council's Environmental Health Officer was asked to make further comments.

Second representation

The revised noise report does not appear to deal in detail with the objector's property. The noise consultant should interrogate their noise model and provide a comment or evaluation in regard to the objector's concern.

In relation to the original suggested condition, this was based on the proposal to include certain mitigation measures that were not agreed with the developer at the time. The revised noise report discusses in detail the expected internal noise climate within the new residential units, concluding that by providing adequate mechanical ventilation with heat recovery, and incorporating non-openable double glazed windows, the internal noise environment will fall well within acceptable design criteria. There will be no need for the suggested condition.

No comments to make in relation to the re-positioned bin store.

Third representation

The revision affects section 5 of the original noise report, now refers to 16 air source heat pumps. Section 6, Figure 2 and Table 6 additionally identifies the predicted impact upon the gable end of Columbia House (NSR3).

The model calculates the noise level at Columbia House, resulting from the addition of the ASHP, as being 28dB LAeq. When assessed in accordance with BS4142 the specific noise level at NSR3 arising from its operation is well below the existing measured background. If an

allowance is made for the possibility of any tonal or other characteristics that may arise, there is still a beneficial difference between the existing noise climate and any noise generated by the ASHP, i.e. the predicted rated noise level is 12 dB LAeq,T (daytime) and 5 dB LAeq,T (night) below the existing measured background. This indicates that there should be no adverse noise impact upon that dwelling.

Case Officer Comments: Further concerns were raised by the objector in relation to the submitted noise assessment, and so the Council's Environmental Health Officer was asked to make further comments.

Fourth representation

The noise assessment produced by the applicant is accepted by Environmental Health on the basis that the noise model is a known and reliable tool, and the detailed assessment complies with British Standard 4142:2014 - the standard method for rating and assessing industrial and commercial sound. The results of the assessment indicate there will be no adverse noise impacts at any existing receptors.

Conservation Team

First representation

No objections to the proposed development.

The addition of the air source heat pumps would have a minor impact on the appearance of the building due to the number of caged/enclosed units but these would be fairly concealed by the approved boundary enclosures and would provide energy efficiency benefits for the new use.

Second representation

The re-location of the bin store to the eastern boundary adjacent to the parking spaces would be an improvement to the previously approved application which located the bins on the more prominent corner of the site. It is also now one storage area rather than two smaller sections which reduces clutter. No built heritage concerns regarding this amendment.

Aside from a small nib of red brick wall remaining near the corner of the site, the boundary enclosures along the eastern side have all been demolished. Their intended replacement should be clarified with the applicant as the amended boundary plan showing retention of the previous gates does not appear accurate.

Third representation

No built heritage concerns regarding the revised proposals for the bin store and eastern boundary enclosure.

Flood and Coastal Team (the Lead Local Flood Authority)

The Lead Local Flood Authority (LLFA) is satisfied with the revised information provided within the Flood Risk Assessment (FRA) and Drainage Strategy - Issue 5 and Drainage Strategy - Issue 5 and Drainage Management and Maintenance Plan - Issue 4. It is recommended that the following condition be attached to any planning permission.

A verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority within 1 month of occupation, to demonstrate that all sustainable drainage systems (SuDS) have been constructed as per the agreed scheme. The verification report must demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt this shall include:

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

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

Case Officer Comments: Minor amendments have been made to the wording of the above condition, and the LLFA were made aware of this.

Transportation Development (the Local Highway Authority)

First representation

Holding objection pending clarification of the visibility splays for the in-curtilage parking arrangement.

Following comments made:

- o Transport Statement remains broadly acceptable. The site has good access to public transport and adequate car parking and cycle provision would be provided. Traffic impacts would be negligible.
- o Visibility splays should be clarified so that parked cars can safely egress the in-curtilage parking spaces into Albert Place.
- o There is little information about traffic movement and management during construction in the Construction Phase Plan. This should be amended, or a separate Construction Management Traffic Plan should be produced, prior to the start of works.
- o A condition is recommended in relation to a Welcome Pack for the approval of the Council's Sustainable Travel Officer.
- o A new footway crossing is required at the applicant's expense.

Second representation

The amended site layout shows the bin storage / refuse area moved further away from the parking area, with low grass / planting boundaries providing improved visibility. This is considered acceptable.

The submitted Construction Method Statement is acceptable.

No further objections on highway or transportation grounds, based on the amended information received.

Ecology Officer

The proposed amendments to this scheme would not result in additional ecological impacts beyond those issues identified as part of the previous planning application.

No objections subject to securing the mitigation measures previously identified. As mitigation has been identified through the submission of information to discharge conditions on the previous scheme, these measures should also be included. Conditions shall include implementation of a bat method statement, as previously discharged, and implementation of recommendations from the ecology report produced by OS ecology.

Education officer

No response provided

External Consultee responses

Tyne and Wear Archaeology Officer

The proposed development would not affect the previous archaeological advice provided for planning application 20/02026/LP3, which concluded that no archaeological work would be required. These comments remain valid.

Northumbrian Water

No response provided

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Tyne and Wear Fire and Rescue Service

No objections to the proposal. The proposed development would need to accord with building regulations - B5 'Access and Facilities for the Fire Service, and an automatic sprinkler/suppression system should be installed for the building.

Case Officer Comments: It is recommended that an informative be attached to any planning permission in relation to the automatic sprinkler/suppression system.

Nexus

Nexus welcomes and supports this type of development on brownfield land. The developer could contribute to sustainable travel by the provision of a modern bus shelter. Existing bus provision in the area is good. Steps to promote public transport to residents and staff would help to encourage public transport use. Nexus supports the provision given to cycle storage by way of Sheffield stands. Public transport and active travel should be encouraged.

Housing People Services

No response provided

Northumbria Ambulance Service

No response provided

Northumbria Police

No objections from a crime prevention perspective.

Land Contamination

First representation

The site investigation and remediation strategy reports were reviewed under the previous submission Ref: 20/02026/LP3, with the reports considered acceptable and the appropriate conditions discharged accordingly. The amended proposal has no impact on the contamination investigation or remediation strategy reports, and so they are still considered relevant and applicable.

The conditions requiring the submission of a verification report, demonstrating completion of the approved remedial measures and the effectiveness of the remediation that has been carried out, and reporting and remediation of any unexpected contamination encountered during development, remain outstanding and will need to be imposed on the new approval.

Case Officer Comments: A verification report was subsequently submitted and the Council's Contaminated Land Officer was re-consulted on this.

Second representation

The report demonstrates that contaminated material has been removed from the site, and that a sufficient depth of chemically suitable soils has been placed in soft landscaped areas. The verification report is acceptable. If any further groundworks are yet to be carried out at the site then it is recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

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 application are as follows:

1. Principle of development;
2. Design and impact on visual amenity / impact on non-designated heritage assets;
3. Impact on residential amenity;
4. Landscaping and impact on trees
5. Impact on highway and pedestrian safety;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination; and
9. Impact on archaeology.

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy 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.

Saved Policy EN10 of the Unitary Development Plan (UDP) states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. It states that proposals for development in such areas will need to be compatible with the principle uses of the neighbourhood.

The application site is located within the existing built-up urban area. The proposed development would contribute to meeting a specialist housing need, in a sustainable location with good access to public transport (regular bus services are nearby as acknowledged by Nexus in their consultation response). The application site is not allocated for a specific land use within the Council's development plan, and so saved Policy EN10 of the UDP applies. The application site is located within an area featuring a range of residential and commercial uses. Given the nature of the proposed development (including the ASHPs and mechanical cooling unit) it is considered that it would be compatible with the prevailing pattern of land uses in the neighbourhood.

It is considered that the proposed development would accord with Policy SP1 and Policy SP3 of the adopted CSDP and saved Policy EN10 of the UDP.

Housing Policies

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. It states that new homes will be achieved including via the conversion and change of use of properties.

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to providing specialist housing needs, providing a mix of house types, tenures and sizes which is appropriate to its location, achieving an appropriate density for its location, and requiring 10% of dwellings on developments of 10 or more to meet building regulations M(2) Category 2 (accessible and adaptable dwellings). It states that, where appropriate, development should seek to ensure there is a choice of suitable accommodation for older people and those with special housing needs including extra care housing.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing.

The proposed development would comprise the conversion and change of use of a building to provide a specialist housing need (for people with learning difficulties), and it would be of an acceptable density at this location (as concluded under planning application Ref: 20/02026/LP3). It would be designed to accord with building regulations in relation to adaptability and sustainability. It is therefore considered that the proposed development would accord with Policy SP8 and Policy H1 of the adopted CSDP. Given the nature of the proposed development for a residential institution, it is considered that a financial contribution in relation to affordable housing provision would not be necessary in this instance.

Loss of Community Facility

Policy VC5 'Protection and delivery of community facilities and local services' of the adopted CSDP states that community facilities and local services will be protected by resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community use.

The glossary to the CSDP defines community buildings as

"A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

The loss of the community facility was considered acceptable under planning permission Ref: 20/02026/LP3. Circumstances have not materially changes since this previous application was approved.

The applicant has submitted a document seeking to demonstrate that the building is no longer suitable to be used as a community facility, which states that the building requires substantial remedial works to make the building habitable. It states that it is not suitable to most small community groups due to the need for these costly remedial works, and due to heating and maintenance costs. It also states that there are other more suitable facilities elsewhere in the local area that meet the needs of the community, including Washington Village Community Association, Columbia Village Community Association, as well as several church buildings (Glebe Methodist Church, Holy Trinity Church and Our Blessed Lady Catholic Church) within one mile of the application site, and five primary schools which can be used for such purposes.

The applicant has not provided evidence that they have marketed the premises for at least 24 months and consulted with the Local Voluntary and Community Sector. However, they have provided a clear justification regarding why a building of this nature is no longer required as a community facility and that it is no longer suitable for any other community uses. On this basis, it is considered that the proposed development providing a specialist housing needs at this sustainable location would accord with Policy VC5 of the adopted CSDP.

Notwithstanding the above, a significant material consideration in the decision-making process is the fact that the building is currently vacant (and has been for a considerable period of time), and that the proposed development would provide for a specialist type of housing to fulfil a specialist and valuable housing need for the community. Whilst not a community facility, the proposed development would provide significant community benefits, which it is considered would override any harm resulting in the loss of the vacant community facility.

Renewable Energy

Policy WWE1 'Decentralised, renewable and low carbon energy' of the adopted CSDP states that the development of decentralised, renewable and low carbon energy will be supported. This is subject to it being located and designed to avoid unacceptable significant adverse impacts including on heritage assets and amenity; appropriate steps are taken to mitigate any unacceptable impacts such as noise nuisance; and subject to no adverse cumulative impacts.

The proposed development including the external ASHP units and mechanical cooling unit would provide a form of renewable energy technology, which would not have any adverse impacts including on heritage assets and amenity (see Section 4. Design and impact on visual amenity / impact on non-designated heritage assets and Section 5. Impact on residential amenity below). It would also have no adverse cumulative impacts. On this basis it is

considered that the proposed development would accord with Policy WWE1 of the adopted CSDP.

Summary

Given the above assessment, it is considered that the proposed development (including the ASHP units and the mechanical cooling unit) would be acceptable in principle.

2. Design and impact on visual amenity / impact on non-designated heritage asset

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; provide landscaping; and create safe, convenient and visually attractive areas for servicing and parking; and maximise durability and adaptability throughout the lifetime of the development.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets (including non-designated heritage assets) based on their significance in accordance with national policy, and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets (including non-designated heritage assets) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. It further states that development affecting non-designated heritage assets should take account of their significance, features and setting.

The Council's Conservation Team have stated that they have no objections to the proposed development including the ASHP units and the mechanical cooling unit in relation to its impact on this non-designated heritage asset. They would be fairly concealed by the approved boundary enclosures and would provide energy efficiency benefits for the new use. They have also raised no objections to the re-positioned bin store / bin collection area or alterations to the boundary treatment within the site.

The proposed extensions to the main building remain the same as approved under planning application Ref: 20/02026/LP3. It is considered that the proposed works to refurbish the existing building would improve its appearance (re-pointing etc), and that the proposed extensions constructed in a white glazed brickwork with grey glazed decorative brick soldier courses would add a positive and direct contrast to this Victorian era building (a non-designated heritage asset). The extensions would provide clear definition between old and new, which would allow the buildings evolution to be clearly seen.

The proposed ASHPs and mechanical cooling unit would be at ground level, relatively low in height, and although some would be visible from the public domain they would be relatively well screened by existing and proposed boundary treatment. It is therefore considered that they would have no unacceptable visual impacts on the visual appearance of the existing building or when viewed from the public domain.

Other amendments to the scheme that was previously granted planning permission include a re-positioned bin store and bin collection area to the eastern part of the site adjacent to Albert Place, alterations to the eastern and northern boundary treatment of the application site and the erection of a fence and gate between the existing building and the northern boundary of the application site. It is considered that the proposed re-positioned bin store and bin collection area would be of an acceptable design, whereby it would have no unacceptable visual impacts on the appearance of the existing building or when viewed from the public domain. Proposed alterations to the boundary treatment would also have an acceptable visual impact. Proposed hard and soft landscape features would improve the appearance of the site (which largely consists of hardstanding around the existing building). All other boundary treatment would remain as existing which would be acceptable.

Although car parking would be provided to the front of the development accessed of Albert Place, it is considered that this would not materially detract from the appearance of the overall scheme.

A detailed schedule of external building materials has been submitted. The majority of these external building materials were considered acceptable under application Ref: 22/00801/DIS (discharge of Condition 3 attached to planning permission Ref: 20/02026/LP3). The current schedule of building materials is also considered to be acceptable.

It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the external building materials as specified in the application. It is also recommended that a condition be attached to any planning permission to require the implementation of the hard and soft landscape scheme. Subject to the compliance with these conditions it is considered that the proposed development would be of an acceptable scale, massing, layout, appearance and setting which would respect and enhance the positive qualities of nearby properties and the locality, and it would preserve the significance of this non-designated heritage asset. The proposed courtyard and landscape features would provide a good level of space and an attractive setting for future residents.

The proposed development would deliver thermal performance via wall, roof and floor insulation in accordance with current building regulations, and with windows being refurbished. It would also seek to provide solar panels (shown indicative on submitted drawings). It is therefore considered that the proposed development including the ASHP units and mechanical cooling unit would incorporate sustainable design and construction.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact, and impact on the non-designated heritage asset. As such it would accord with Policy BH1, Policy BH2, Policy BH7 and Policy BH8 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (July 2021).

3. Impact on residential amenity

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. 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.

The nearest neighbouring dwellings to the application site are positioning to the south, namely Columbia House and Dunroamin, the curtilage boundaries of which are adjacent to the application site. Indeed, the dwelling Columbia House itself is adjacent to the application.

Given the nature of the proposed development as a supported residential facility, the fact that any habitable windows facing Columbia House and Dunroamin would be at ground floor, the existing built form including the position of openings in these neighbouring properties, and the previous uses of the application site, as concluded under the previous planning permission Ref: 20/02026/LP3 it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of Columbia or Dunroamin in relation to privacy / overlooking, overshadowing or outlook / dominance.

Adequate separation distances would be provided between the proposed development and neighbouring dwellings to the north, west and east. Given these separation distances it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of dwellings to the north, west or east in relation to privacy / overlooking, overshadowing or outlook / dominance.

Each of the fifteen units (except one) would provide a minimum target area of 37m² in accordance with the Nationally Described Space Standard, which would be acceptable given the layout of the building and the nature of the proposed development. The spacing between directly facing units across the shared courtyard would also be acceptable.

Concerns raised in a representation in relation to noise from the proposed ASHPs are noted. However, the Council's Environmental Health have raised no objections to the proposed development including the ASHPs and mechanical cooling unit.

It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the Construction Method Statement, Construction Phase Plan and associated Site Layout and Traffic Management Plan. The main documents are broadly the same as those that were previously approved under application Ref: 22/00867/DIS which discharged Condition 4 attached to planning permission Ref: 20/02026/LP3.

Subject to the compliance with the recommended condition, 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 residential units with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy BH1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Landscaping and impact on trees

Policy BH1 'Design Quality' of the adopted CSDP states that to achieve high quality design and positive improvement, development should provide landscaping as an integral part of the development including retaining landscape features and reflecting surrounding landscape character.

Policy NE3 'Woodlands / hedgerows and trees' of the adopted CSDP states that development should give consideration to trees and hedgerows both on individual merit as well as on their contribution to amenity and interaction as part of a group within the broader landscape setting.

The application site included limited soft landscaping with the exception of some planting and a large mature tree adjacent to Albert Place. This large tree has now been removed as part of the construction works to accommodate the proposed development. The applicant proposes to enhance the site with an appropriate hard and soft landscape scheme. This would be integral to the development and it is considered that it would improve the appearance of the site when viewed from the public domain. It is therefore recommended that a condition be attached to any planning permission to require the development to be constructed in accordance with the submitted hard and soft landscaping scheme. Subject to the discharge of and compliance with this condition, it is considered that the proposed development would accord with Policy BH1 (in relation to landscaping) and Policy NE3 of the adopted CSDP.

5. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with current highway design standards; they deliver safe and adequate means of access, egress and internal circulation / turning arrangements; where an existing access is to be used, it is improved as necessary; they are assessed and determined against current standards for the category of road; and they will 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, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should incorporate pedestrian and cycle routes, provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, and that planning applications should include Transport Assessment / Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development (see their comments above).

The application site is in a sustainable location with good access to public transport nodes, and the Council's Transportation Department has advised that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety. The proposed car parking arrangement and cycle provision would accord with the Council's parking standards, and servicing arrangements would be acceptable.

It is recommended that conditions be attached to any planning permission to require the car parking bays, covered cycle stands, refuse and recycling bin store and bin collection area, to be constructed / completed on site, made available for use, and retained henceforth for their designated purpose. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted Construction Method Statement, the Construction Phase Plan and Site Layout and Traffic Plan. It is also recommended that a condition be attached to any planning permission to require the submitted Sustainable Travel Welcome Pack to be issued to staff and residents prior to the occupation of the development.

Any required footway crossings for the proposed development would be at the applicant's expense. It is recommended that an informative to applicant be attached to any planning permission relating to works associated with the footway crossing.

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

6. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity and should avoid or minimise adverse impacts on biodiversity.

Given the nature of the proposed development, intervening land uses and separation distances, it is considered that it would have no adverse impacts on any European, national or local designated site.

As part of the planning application a Bat Survey by OS Ecology dated May 2021 has been submitted - broadly the same Bat Survey that was considered to be acceptable under planning permission Ref: 20/02026/LP3. A Bat Method Statement has been submitted which was previously considered to be acceptable under application Ref: 22/01170/DIS, which discharged Condition 10 (Bat Method Statement) attached to planning permission Ref: 20/02026/LP3.

The Bat Survey includes a list of recommendations as follows:

- o Avoidance measures - External lighting that could affect bats to the east of the building should be avoided, no works should take place to the roof structure, and works should not be undertaken during the bird breeding season.
- o Mitigation strategy - Any works to the roof structure should not take place unless in accordance with a licence from Natural England, vegetation should be cleared in accordance with an invasive species method statement, and works to the building should be undertaken to a detailed method statement.
- o Compensation - Bat roost opportunities should be included in the building either as retained features or as bat boxes fixed to the structure, and that opportunities for nesting birds should be incorporated into the development.

The Bat Method Statement concludes that no works should be undertaken during the bat hibernation period. It concludes that given works would result in the loss of two common pipistrelle and one soprano day roosts, two bat boxes should be installed on the external walls of the proposed extension - one into the north western extension and another into the south western extension.

The Council's Ecology Officer has considered the above reports and raised no objections subject to conditions being attached to any planning permission in relation to development being constructed in accordance with the avoidance, mitigation and compensation within the Bat Survey, and in accordance with the mitigation and compensation within the Bat Method Statement.

Given that there is clear evidence of bats using the building, it is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the recommendations within the Bat Survey in relation to bats (avoidance measures, mitigation strategy and compensation scheme), and in accordance with the Bat Method Statement (mitigation and compensation).

The recommendations within the Bat Survey also refer to nesting birds and the invasive species Montbretia. However, there was no evidence of nesting birds at the application site and birds are afforded statutory protection. It is recommended that an informative to applicant be attached to any planning permission to remind the applicant of the statutory protection afforded to birds and the need to undertake works outside of the bird breeding season. An informative to applicant is also recommended to remind the applicant that it is an offence to cause the invasive species Montbretia to grow in the wild under the Wildlife and Countryside Act 1981.

The submitted Biodiversity Net Gains (BNG) Assessment concludes that the proposed development including soft landscaping would provide some net gains in biodiversity on a site that currently has little if any biodiversity value (with the exception of roosting bats). These biodiversity net gains are welcomed and so are acceptable. In order to secure these biodiversity net gains, it is recommended that a condition be attached to any planning permission to require the implementation of the soft landscape scheme.

Subject to the compliance with recommended conditions it is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP.

7. Impact on flooding/drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development, constructed in accordance with the submitted drainage strategy (including permeable paving and an attenuation tank), would not increase flood risk to the site or the surrounding area.

Northumbrian Water have not provided a response in relation to the current planning application. However, they raised no objections to the original proposal under planning application Ref: 20/02026/LP3 in terms of how it would affect their assets.

The Council's Lead Local Flood Authority has considered all submitted flooding and drainage details, including the document relating to the timing for the submission of a Sustainable Urban Drainage (SuDS) verification report. They have subsequently raised no objections to the proposed development in relation to flooding and surface water drainage. They have recommended that a condition be attached to any planning permission requiring the submission of a verification report within one month of the first occupation of the development - to demonstrate that all sustainable drainage systems (SuDS) have been constructed as per the agreed surface water drainage scheme.

Given the comments from the Council's LLFA, it is recommended that their suggested condition be attached to any planning permission.

Subject to the discharge of and compliance with the recommended condition it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / surface water drainage. It is therefore considered that the proposed development would accord with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted CSDP.

8. 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, Phase 2 Ground Investigation, a Remediation Strategy and a Verification Report have been submitted as part of the planning application. The Council's Contaminated Land Officer has considered these reports and raised no objections to the proposed development (see their comments above). They have recommended that a condition should be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land Officer, it is recommended that their suggested condition be attached to any planning permission. Subject to the compliance with this recommended condition, 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.

9. Impact on archaeology

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has concluded that the proposed development would not affect the previous archaeological advice provided for application Ref: 20/02026/LP3, which concluded that no archaeological work would be required. These comments remain valid. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

Conclusions

The acceptability of the refurbishment and extension of the disused school building to form 15 no. residential accommodation units with support was established under the previous planning permission Ref: 20/02026/LP3. The proposed amendments to this previously approved scheme would still result in a proposed development that would be in a sustainable location and compatible with existing land uses. However, the addition of the proposed air source heat pumps (ASHP) and mechanical cooling unit would provide a form of renewable energy technology at the site, which would further increase the sustainable nature of the proposed development. It is therefore considered that the proposed development would be acceptable in principle.

Subject to the compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts on this non-designated heritage asset or when viewed from the public domain, and it 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 residential units with an acceptable standard of amenity.

Subject to the compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on landscaping and trees, highway and pedestrian safety, ecology, or in relation to flooding / drainage and contamination.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document (SPD) and within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

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: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to draft conditions below:

Conditions:

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

- Site Location Plan received 28/11/2022
- Drawing No. 1962100_Bld.dwg Sheet 3 Revision A (Existing Elevations) received 20/04/2023
- Drawing No. 4029-JDDK-DR-A-2001 (Plan as Existing) received 28/11/2022
- Drawing No. 139285/1001 Revision F (Proposed Levels) received 19/05/2023

- Drawing No. 139285/2001 Revision T (Proposed Drainage Layout) received 13/06/2023
- Drawing No. 139285/2002 Revision M (Proposed Manhole Schedule) received 19/05/2023
- Drawing No. 139285/2003 Revision E (Drainage Construction Details - Sheet 1) received 13/06/2023
- Drawing No. 139285/2004 Rev D (Drainage Construction Details - Sheet 2) received 14/03/2023
- Drawing No. 139285/2005 Revision B (Drainage Notes) received 14/03/2023
- Drawing No. 4029-JDDK-DR- A-3001 Rev 6 (Proposed Elevations) received 28/11/2022
- Drawing No., 4029-JDDK-DR-A-2002 Rev 21 (Proposed Plan) received 19/06/2023
- Drawing No. 4029 30 02 Rev 7 (East Boundary Elevation) received 19/05/2023
- Drawing No. 4029 30 02 (North Boundary Elevations) received 09/05/2023
- Drawing No. LS000184_001 Rev P08 (Indicative Landscape Master Plan) received 16/06/2023
- Drawing No. LS000184_002 Rev P05 (Hardworks Landscape Layout) received 16/06/2023
- Drawing No. LS000184_003 Rev P03 (Softworks Landscape Layout) received 09/05/2023
- Drawing No. 4029-JDDK-XX-00-DR-A-6001 Rev C3 (Bin Store Layout) received 19/05/2023

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

2 The development hereby permitted shall be constructed in accordance with the external building materials as specified in the submitted document titled 'External Materials Schedule for Planning' by JDDK received 19/06/2023 and as specified on the drawings:

- Drawing No., 4029-JDDK-DR-A-2002 Rev 21 (Proposed Plan) received 19/06/2023
 - Drawing No. 4029 30 02 Rev 7 (East Boundary Elevation) received 19/05/2023
 - Drawing No. 4029 30 03 (North Boundary Elevations) received 09/05/2023
 - Drawing No. 4029-JDDK-XX-00-DR-A-6001 Rev C3 (Bin Store Layout) received 19/05/2023
 - Drawing No. LS000184_001 Rev P08 (Indicative Landscape Master Plan) received 16/06/2023
 - Drawing No. LS000184_002 Rev P05 (Hardworks Landscape Layout) received 16/06/2023
 - Hennessy Cycle Shelter by Street Furniture Direct received 19/06/2023
- unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development, in the interests of visual amenity, to preserve the significance and features of the non-designated heritage asset, and comply with Policy BH1, Policy BH7 and Policy BH8 and adopted Core Strategy and Development Plan.

3 The development hereby permitted shall be constructed in strict accordance with the Construction Method Statement (dated May 2022) received 02/05/2023, the Construction Phase Plan (dated 1 March 2022) received 20/04/2023, and the Site Layout and Traffic Plan (Drawing No. 289N/PLAN100) received 26/04/2023 all by Brims Construction, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the environmental and traffic impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

4 The development hereby permitted shall be constructed in accordance with the hard and soft landscape plan as shown on Drawing No. LS000184_001 Rev P08 (Indicative Landscape Master Plan) and Drawing No. LS000184_002 Rev P05 (Hardworks Landscape Layout) both received 16/06/2023 and on Drawing No. LS000184_003 Rev P03 (Softworks Landscape Layout) received 09/05/2023, with hard landscaping undertaken prior to the occupation of the

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

In ensure a satisfactory form of development, in the interests of visual amenity, to delivery Biodiversity Net Gains, and to comply with Policy BH1, Policy NE2 and Policy NE3 of the adopted Core Strategy and Development Plan.

5 Prior to the occupation of the development hereby permitted, the Sustainable Travel Welcome Pack titled 'Travel Planning and Public Transport Information' received 16/06/2023 shall be issued to all staff and residents.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

6 Prior to the first occupation of the development hereby permitted, the vehicle parking bays and the 5 no. covered cycle stands with associated cycle shelter, as shown on Drawing No. 4029-JDDK-DR-A-2002 Rev 21 'Proposed Plan' received 19/06/2023, and detailed within the document titled 'External Materials Schedule for Planning' by JDDK and the Hennessy Cycle Shelter specification both received 19/06/2023, shall be completed on-site and made available for use. The vehicle parking bays and 5 no. covered cycle stands with associated cycle shelter shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the development hereby permitted being brought into use, the refuse and recycling bin store and bin collection areas, as shown on Drawing No. 4029-JDDK-DR-A-2002 Rev 21 'Proposed Plan' received 19/06/2023 and Drawing No. 4029-JDDK-XX-00-DR-A-6001 Rev C3 (Bin Store Layout) received 19/05/2023 shall be constructed, made available for use, and retained henceforth for their designated purpose. Refuse shall only be placed outside of the curtilage of the premises on days of awaiting collection.

To ensure a satisfactory form of development in the interests of amenity and highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 The development hereby permitted shall be undertaken in strict accordance with the avoidance measures, mitigation strategy and compensation scheme in relation to bats, as set out within Section 6 'Recommendations' of the Bat Survey by OS Ecology dated May 2021, and in accordance with the mitigation and compensation within the Bat Method Statement, both received 20/04/2023.

To avoid, mitigate and compensate for adverse impacts on bats, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

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

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 Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

10 Within 1 month of the first occupation of the development hereby permitted, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems (SuDS) have been constructed as per the agreed scheme. The verification report must demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt this shall include:

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

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

Reference No.: 23/00133/SUB Resubmission

Proposal: **Change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access**

Location: Land to The Rear Of 21 South Hetton Road, Easington Lane, Houghton-le-Spring, DH5 0LG

Ward: Hetton

Applicant: Whitegates Equestrian Centre

Date Valid: 19 January 2023

Target Date: 20 April 2023

PROPOSAL:

Introduction

Planning permission is sought for the change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access on land to the rear of 21 South Hetton Road, Easington Lane, Houghton-le-Spring DH5 0LG.

The application site is located within the village of South Hetton comprising an area of land to the (north) of residential properties 17 to 20 South Hetton Road and between the properties of 53 Cedar Crescent (west) and the former Saint Mary Presbytery (east). Although bound by residential uses, the plot in conjunction with the wider swathe of land to the north comprises open countryside as set out within the Council's saved allocations document of the Unitary Development Plan.

The site and proposal

The site is bounded by railings to the northeast of the site with the site in part being delineated post and rail fencing, which runs internally within the site between the shared side boundary of No. 53 Cedar Crescent and No 21 South Hetton Road with the land within the application boundary beyond being open field/countryside.

The application site measures approximately 8.66 hectares; it would be divided with an area measuring approximately 30m in depth by 73.9m (excluding the site egress area) with an overall area of 2123sqm which would contain the following;

- vehicular access
- dwelling and garage
- 10-paddock stable block with associated parking for No. 5 vehicles
- equestrian land/paddock

Taking each element identified above the report sets out the proposed development.

Vehicular Access

Vehicular access would be taken off the existing access arrangement which provides rear access to the properties along South Hetton Road and to the two dormer bungalows located to the west of the development site. The existing access arrangement operates as a one-way system and access to the proposed development site would be taken off a new access arrangement proposed along the southern boundary of the site; internally to the site a one-way system is proposed with all traffic exiting out of the site using the existing access arrangement at the eastern corner.

Dwelling and Garage

The application proposes the construction of a detached rural farm workers dwelling with a detached garage to the rear; the proposed dwelling would be located to the west of the site and set in from the shared boundary with No. 53 Cedar Crescent; it would be set in from the common boundary by approximately 1.3m. The dwelling house would have a residential curtilage of approximately 22.26m in depth by 13.5m in width, with the bin store/parking area beyond and a detached garage measuring approximately 6m by 4m with an eaves and ridge height of 2.6m and 3.65m respectively.

The dwelling house, a three bedroom dormer bungalow, would have a width of approximately 12.25m and a depth of approximately 9.2m and would have an eaves and ridge height of approximately 2.6m and 7.4m respectively; the front/north-eastern elevation would contain a three windows and a door opening at ground floor level and three pitched dormer windows; to the rear/south western elevation there would be four window openings and three rooflights; with a new door opening created on the side/south eastern elevation. Internally the dwelling house would have a central hallway from which access to the lounge, admin office, w/c and the family kitchen/dinning/family room. A utility room, and staff w/c is also proposed, with access from the south-eastern elevation.

10-paddock stable block with associated parking for No. 5 vehicles

The proposed stable block would measure 17m in width by 11.5m in depth and would have an eaves and ridge height of 2.6m and 5.1m respectively. It would be constructed from 1.2m high concrete panel wall with plastisol profiled metal sheeting above with roller shutter doors to the side elevations and the addition of No. 4 rooflights.

Parking provision for No.5 vehicles would be located to the front of the stable block to the west of the site and adjacent to the highway.

Equestrian land/paddock

The proposed equestrian land and paddock would be located to the rear of the dwelling house and stable block and would have an approximate area of 8.4 hectares or 84,477sqm. No details have been submitted regarding perimeter fencing.

The following information has been submitted in support of the application;

- o Planning, Design and Access Statement (PDAS)
- o Construction Environmental Management Plan (CEMP)
- o Preliminary Appraisal Report C9440 REV A
- o Ecological Impact Assessment (EclA)
- o Biodiversity Net Gain Report (BNGR)

The application has been the subject of a pre-application enquiry which clearly set out the policy criteria which needed to be met in respect of any future submission and a resubmission of

application reference number 22/00621/FUL which was withdrawn on the 23rd of November 2022; the resubmission application has been amended and the stable block reduced in size.

Further information was requested, and a substantial amount of time allowed for the submission of such information, however this information was not forthcoming and as such the application has been determined on the information to hand.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr James Blackburn
Cllr Claire Rowntree
Natural England
Durham County Council
Planning Policy
Network Management
Land Contamination
Hetton Town Council
Environmental Health
Cllr Iain Scott
Natural Heritage

Saint Marys R C Church Hall South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
The Bungalow Hetton Moor Farm Murton Lane Easington Lane Houghton-le-Spring DH5 0JG
Bamburgh South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Lindisfarne South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
53 Cedar Crescent Easington Lane Houghton-le-Spring DH5 0LN
24 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Nesfield 22 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Snippersgate Cottage South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Bowthorpe South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Hetton Moor Farm Murton Lane Easington Lane Houghton-le-Spring DH5 0JG
19 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
15 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
16 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
13 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
14 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Saint Marys Roman Catholic Church South Hetton Road Easington Lane Houghton-le-Spring
DH5 0LG
Snippersgate Motor Co Ltd South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Tudor Rose South Hetton Road Easington Lane Houghton-le-Spring DH5 0LQ
Mobile Home Hetton Moor Farm Murton Lane Easington Lane Houghton-le-Spring
20 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
52 Cedar Crescent Easington Lane Houghton-le-Spring DH5 0LN
17 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
27 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
26 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG

18 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG
Brimar 25 South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG

Final Date for Receipt of Representations: **18.04.2023**

REPRESENTATIONS:

Seven representations have been received in respect of the application; six letters of objection have been received and one letter of support, however the reason for support is not detailed. The concerns raised in the letters of objection are summarised below;

Amenity Impact - noise, odour, dust, vermin, loss of privacy;
Contamination - noise, odour, litter, vermin
Highway Safety - congestion, parking, access, traffic generation
Design - Encroachment
Lack of view
Property values

The matter of devaluation of property prices and the lack of a view are not a material consideration in planning and are not discussed within this report; all other matters are considered as part of this report.

CONSULTEES

Planning Policy

The site is located in the Open Countryside. The application relates to the development of an equestrian use, a residential dwelling and a stable block. The development will be considered acceptable where it is in alignment with CSDP Policy NE9: Open Countryside. Notwithstanding the above, the biodiversity, design, amenity, highways impact and access should be considered.

Natural England

No response received.

Land Contamination

No objection subject to recommended planning conditions.

Planning Conditions CL01, CL02, CL03 and CL04 should be included in the Decision Notice.

Transportation Development

Objection

Update Response 13th June 2023

Further to Transportation Developments response dated 6th February 2023, the applicant was asked to provide the following further information and revised plans:

- o A block plan of the access demonstrating a visibility splay of 2.4 x 43 metres can be achieved.
- o A swept path analysis of a large family car measuring 2.4 metres wide x 4.8 metres long and a large vehicle towing the horse box parked in the street to the rear of South Hetton Road.
- o A swept path analysis of a car towing a horse box and a large car passing at the proposed access points.

- o The applicant is required to provide details of vehicle movements within the site such as the route vehicles will take from access to exit and provide a swept path analysis demonstrating vehicles can manoeuvre within the site.
- o Details of how the proposed dwelling will access and exit the site, will this be through the equestrian?
- o Details of staff numbers associated with the proposed office, to fully assess car parking requirements for the site.
- o Further details of the anticipated number of vehicles accessing the site at any one time and frequency of movements associated with the development.
- o Further details of any other activities associated with the site such as horse-riding lessons and/or other equine facilities, stables, dressage, saddlery or livery is required so that highway safety and parking requirements can be fully assessed

The applicant has failed to provide any of this requested further information/plans, therefore, Transportation Development recommend the refusal of this planning application due to the above highway safety concerns not being addressed.

Response date 6th February 2023

A block plan of the proposed access providing a visibility splay of 2.4 x 43 metres from the site access can be achieved is required.

The applicant has provided a swept path analysis as part of this planning application submission; however, this is not acceptable. The plan submitted does not show a large family vehicle measuring 2.4 metres wide x 4.8 metres long as the parked car or the large vehicle towing the horse box, a revised block plan giving details of this is required.

The applicant is required to provide details of vehicle movements within the site such as the route vehicles will take from access to exit and provide a swept path analysis demonstrating vehicles can manoeuvre within the site.

No details of how the proposed dwelling will access and exit the site has been provided as part of this planning application submission, will this be through the equestrian? this information is required.

Details of staff numbers associated with the proposed office is required to fully assess car parking requirements for the site.

The applicant is to provide further details of the anticipated number of vehicles accessing the site at any one time and frequency of movements associated with the development.

Further details of any other activities associated with the site such as horse-riding lessons and/or other equine facilities, stables, dressage, saddlery or livery is required so that highway safety and parking requirements can be fully assessed.

This information is required to progress this application further. To ensure that development has no unacceptable adverse impact on the local road network.

Environmental Health

The general principle is considered acceptable, but information is required on potential noise impacts arising from the use of the stables, including site activity and vehicle usage at the rear of existing dwellings on South Hetton Road. Additionally, the CEMP is not comprehensive or focussed on specific mitigation measures.

A Noise Assessment is required to address concerns in regard to vehicular access to the site and the impact on local residents during the day, night and early mornings in accordance with BS8233:2014. A suitably qualified and experienced noise specialist should be appointed to undertake the work. If mitigation measures are necessary, then they should be included in the assessment.

In regard to odour - whilst good management should minimise the risk of off-site odour impacts from the stables, adequate waste management measures will be necessary to prevent any occurrences of waste burning. The proximity of residential premises increases the likelihood of complaints.

The CEMP sets out general aims and not specific commitments. This is not acceptable. It is advised that the CEMP specify actual measures to be applied.

Working hours: 07:00 hrs start is too early given the proximity of dwellings. Industry standard is 07:30 but the applicant should consider 08:00 start. Dust management measures must be identified. Water suppression must be made available, prescribed areas for vehicle movements, spraying equipment and provision for maintaining the cleanliness of the highway.

Should any contaminated soils be encountered then they must be handled and transported so as to prevent loss of materials and dust to air.

Site lighting must be designed and located (direction/angle) to minimise spill and glare off site.

A CEMP may be conditioned for discharge at a later stage

Ecology

No objection on ecological grounds, subject to the application of a series of planning conditions pertaining to enhancement measures, clearance works, lighting and the submission of an Ecological Method Statement and Habitat Management Plan.

This response refers to the following documents submitted in support of the above application, which relate to the ecological impacts of the proposals:

- Ecological Impact Assessment - South Hetton Rd, Houghton-le-Spring by OS Ecology, Version V1 dated December 2022
- Biodiversity Net Gain Report - South Hetton Rd, Houghton-le-Spring by OS Ecology, Version V2 dated 13/01/22
- Construction Environmental Management Plan prepared in relation to the erection of new dwelling and stable block with associated parking and new access arrangement on land to the rear of 21 South Hetton Road and north of Cedar's Crescent, Easington Lane, DH5 0LG by Origin Planning Services, Rev. 1, 17/01/23
- Proposed Site Layout Plan -Proposed Equestrian Development Rear of 21 South Hetton Road, Easington Lane by Gordon Thornton Architectural Services, Rev. G dated 26/10/22

The above reports provide details of the habitats present within and adjacent to the proposed works area and include information on the surveys and assessments completed in relation to the potential presence of the site, or otherwise, of protected and notable species.

Conclusions relating to potential impacts of the proposals upon designated sites are considered to be robust; although the site lies within a SSSI Impact Risk Zone, it is agreed that the distance of the works area from such sites, and the nature and small scale of the proposals are unlikely to

result in any discernible impacts upon such features, and no further measures are considered to be necessary.

The BNG report indicates that the proposals will include the enhancement of an area of modified grassland into neutral grassland, and the creation of a small area of scrub, which combined will result in a net gain of 0.66 habitat units (3.85%) which is in line with current adopted policies.

The submitted CEMP does not reflect the conclusions of the EclA submitted in support of the application, with minimal ecological information included and no ecological mitigation measures proposed. The EclA states that works will proceed in accordance with a precautionary method statement, which will be sufficient to ensure the protection of ecological receptors through the works period and should be secured via condition.

Hetton Town Council

Objection - The Town Council wish to lodge an objection on the grounds of inadequate highway provision leading to increased traffic congestion; and the likely adverse impact on local residents.

Durham County Council

No objection.

POLICIES:

The site is subject to the following policies;

Local Plan

Core Strategy and Development Plan (CSDP)

SP1 Development strategy

SP6 The Coalfield

SP7 Healthy and safe communities

BH1 Design quality

BH2 Sustainable design and construction

H1 Housing mix

EG3 Other employment sites

HS1 Quality of life and amenity

HS2 Noise-sensitive development

HS3 Contaminated land

SP7 Healthy and safe communities

NE1 Green and blue infrastructure

NE2 Biodiversity and geodiversity

NE3 Woodlands/hedgerows and trees

NE4 Greenspace

NE8 Development in the open countryside

NE9 Landscape character

NE12 Agricultural Land.

WWE2 Flood risk and coastal management

WWE5 Disposal of foul water

ST2 Local Road network

ST3 Development and transport

Saved UDP Policies

CN20 SSSI

CN21 Sites of nature conservation importance and local nature reserves
CN23 Wildlife corridors

Draft documents

Allocations and Designations Plan (ADP)

Allocations and Designations Policy Map (ADPM)

National Policies

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide (NDG)

COMMENTS:

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development.

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

- o Principle of the development.
- o Design and impact on the street scene
- o Impact on neighbouring amenity
- o Contamination
- o Ecological and landscape impact
- o Highway and pedestrian safety
- o Water and wastewater management
- o Other matters

Principle of development

The NPPF at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. NPPF paragraph 8 sets out the principles for achieving sustainable development and has three overarching objectives (a) economic - to help build a strong, responsive, and competitive economy, (b) social - to support strong, vibrant, and healthy communities and (c) environmental - to protect and enhance our natural, built, and historic environment.

The NPPF at paragraph 80 advocates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The NPPF at paragraph 84 states that planning policies and decisions should enable;

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

CSDP Policy SP1 sets out the spatial strategy for growth and sustainable patterns of development, growth, and investment in Sunderland whilst CSDP Policy SP6 focuses on the supporting the sustainable growth of the Coalfield and seeks to ensure that the character of the Coalfields and the settlements is protected whilst ensuring its future sustainability which includes that the open countryside and settlement breaks are protected and focusing economic development on identified employment areas with economic development focussing on identified Employment Areas (Policies EG1 and EG2). CSDP Policy EG3 promotes (1) new employment uses or extensions to existing employment uses and (2) the change of use or redevelopment of land or premises that are presently in employment uses if there are regeneration benefits or there is no reasonable prospect of the land being used for employment uses, and the development is considered to be acceptable.

The site is not allocated for any specific land use by the CSDP, the draft ADP or the ADPM and is not detailed as a key employment area under Policies EG1 and EG2. The Planning Statement states that the proposed development would provide for new employment opportunities within the equestrian field with the application form stating that the resulting development would create No.1 full-time employee.

CSDP Policy H1 indicates (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. CSDP Policy SP8 sets out that the Council will achieve its housing target by (inter alia) which includes the delivery of windfall sites (criterion 5).

The proposed site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

CSDP Policy NE8 sets out the criteria for development within the open countryside and seeks to support limited development which can help sustain existing businesses, boost the rural economy and assist in rural diversification and the development of new dwelling for agricultural, horticultural or forestry workers provided it can be demonstrated that there is a clear need.

The application proposes the change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access. Whilst the CSDP Policy NE8 criteria does not specify the construction of a rural workers dwelling for the purposes of equestrian use per se and as such the proposal does not meet with the policy requirements. However, the policy does seek to assist in rural diversification and at criterion 9 permits the limited infilling in villages or hamlets, where (i) there is a clear need and (ii) the scale, nature, design, materials and siting of the development is compatible with the existing development and in close proximity to it.

CSDP Policy NE12 states that development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land's contribution in terms of economic and other benefits.

The application forms states that the current use of the land is for agricultural purposes, however, the land classification is not identified as agriculture on the DEFRA website. The site is also referred to agricultural land in the submitted A Planning, Design and Access Statement (PDAS).

The PDAS states that the proposed development is related to the existing business at Whitegates Equestrian Centre which has been operational for over twenty years and that the erection of a new stable block which is sought to accommodate stallions (which due to their nature must be located away from gelding/mares). It also states that the proposed development would form a new branch to Whitegates Equestrian Centre and support the ongoing economic success of this existing business. The PDAS states that the proposed expansion would generate a further 50% turnover, with potential to increase gradually each year, lead to the creation of further employment and revenue within the locality.

The proposed dwelling house and stables would sit within a parcel of land between the existing built form and as such could be considered infill development and whilst it would extend the depth of the built form to the north, this would only be a marginal increase with the garage not extending beyond the boundary of rear garden curtilage of the neighbouring dwelling house (No. 53 Cedar Crescent). However, the proposed stable block is considered to be incongruent to the residential nature of the locality.

The application also includes the change of use of existing agricultural land to that of a paddock, although there is no information as to how this large area would be utilised. The PDAS states that the new workers dwelling is required in regard to the health and welfare of the horses as a member of staff is needed to be accessible to the stables at all times. Nevertheless, the application form identifies the proposed dwelling house as Market housing.

The proposed site is located off a narrow residential street and there are concerns in regard to access to and egress from the site, these concerns are discussed later within highway section of this report.

The site lies outside of any designated settlement boundary and is therefore considered to be a countryside location for planning policy purposes.

The PDAS at Section 4.0 includes a Business Plan which states that the current business makes a marginal profit each year of <£6250, rendering the business barely viable but should planning permission be granted, the forecasted profits and turnover will be massively increased - with turnover increasing by 50%, creating an estimated turnover of approximately <£9,375 if the predicted forecast profit is realised.

Whilst the information contained in the PDAS is acknowledged, a robust business case has not been put forward to demonstrate the need for such a development. No business plan, site management plan or financial plan/information has been provided, as to how the business would operate, develop and grow despite the LPA requesting this information, nor has any information been provided to demonstrate whether other options for expansion have been explored and discounted.

No evidence has been provided to demonstrate that there is in fact a need for the development.

The application form and PDAS provide conflicting information in respect of the land classification and indeed, the intended use of the dwelling which is detailed in the application form as a 3-bedroom house for Market housing. The existing farmstead is located approximately 0.3km from the site and it is considered that there are available options for off-site supervision of horses, including the installation of on-site CCTV cameras, or the accommodation of horses within a livery yard where they are supervised and checked regularly throughout the day.

Further information was requested, and a substantial amount of time allowed for the submission of such information, however this information was not forthcoming and as such the application has been determined on the information to hand.

The proposal would result in the loss of agricultural land, as defined by the applicant, and as such consideration must be given to the agricultural land's contribution in terms of economic and other benefits. In regard to the paddock, no information has been provided in respect to the use of the paddock which is considered substantial in size. The PDAS identifies that Whitegates Equestrian centre is a long established and successful equestrian business offering horse-riding lessons and other equine facilities including show jumps, stables, dressage, saddlery or livery and that the development would be utilised for breeding. Nevertheless, it is not considered that the function of the proposed development has been sufficiently demonstrated and thus, the proposal is not considered to accord with CSDP Policy NE12 in this respect.

In summary, there are concerns with the proposed change of use and development of the stable block along with the associated parking and access. Consequently, in view of the limited evidence provided in terms of substantial business case and demonstrable need, it is considered that the proposal would not meet the policy requirements of CSDP Policy NE8. Whilst it is acknowledged that the proposed development would boost employment opportunities for No.1 full-time member of staff, this is not considered sufficient to outweigh the anticipated level of harm.

Design and impact of on the street scene

The NPPF at Chapter 12 places an emphasis on achieving well designed places stating at paragraph 126 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.

NPPF paragraph 130 advocates that planning policies and decisions should ensure that developments;

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Whilst at paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

CSDP Policy BH1 seeks to protect and enhance the built and historic environment and sets out the design criteria for new development with an emphasis on achieving high quality design and positive improvement with CSDP Policy BH2 seeking to ensure that developments where possible incorporate sustainable design and construction methods.

Representations have been received raising concerns in regard to design and encroachment, these issues are addressed below.

Looking at both the proposed dwelling house and stabling individually, the acceptability in terms of design and impact are detailed below.

Dwelling and garage

In regard to the dwelling and garage, the dwelling house would be 1.5 storey in height with front dormers and would be constructed from facing brickwork, concrete roof tiles and white or grey Upvc windows. It is noted that the proposed development differs slightly to those within the existing street scene, which consist of bungalows to the immediate west, two-storey pebble-dashed terraced properties to the south and immediately opposite the site, and the former presbytery to the east. Nevertheless, given this mix of residential properties of varying architectural designs, the proposed dormer bungalow and garage are considered acceptable in respect of design and materials.

Stable Block

The proposed stable block would measure 17m in width by 11.5m in depth and would have an eaves and ridge height of 2.7m and 4.1m respectively. It would be constructed from 1.2m high concrete panel wall with plastisol profiled metal sheeting above with roller shutter doors to the

side elevations and the addition of No. 4 rooflights. Given the residential nature of the locality, the proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with local and national planning policy in this respect.

In regard to the paddock, no information has been provided in respect to the intended use of the paddock, which is considered substantial in size, or, to the proposed boundary treatment. The PDAS identifies that Whitegates Equestrian centre is a long established and successful equestrian business offering horse-riding lessons and other equine facilities including show jumps, stables, dressage, saddlery or livery and states that the development would be utilised to accommodate Stallions for breeding but provides no further information on how the remainder of development site would be utilised. In the absence of such information the function of the site has not been demonstrated and as such the proposal does not accord with CSDP Policies NE8 and NE12 in this respect.

Impact on neighbouring amenity

Policy BH1 seeks to achieve high quality design and positive improvement by creating places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. In order to achieve this, development should be of a scale, massing, layout, appearance and setting, which respects and enhances the positive qualities of nearby properties and the locality and retains acceptable levels of privacy to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy HS1 sets out the principles to ensure the quality of life and amenity of existing neighbours and any future occupants of the proposed development and qualifies that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from matters including noise and ground conditions.

A CEMP has been submitted in support of the application.

The closest neighbouring residential properties to the proposed development are those of the residential properties of No. 52 and 53 Cedar Crescent, which are located to the west of the proposed site; No.'s 15-20 South Hetton Road which are located immediately adjacent, and the former presbytery detailed as No 21 South Hetton Road which lies to the east.

No. 53 Cedar Crescent would share a common boundary with the proposed development site, the proposed dwelling would be set in from the shared boundary by approximately 1.3m with an interface difference between the side elevation of approximately 2.3m which is considered acceptable. The interface distances in respect of the adjacent properties on South Hetton Road and the property of No. 21 South Hetton Road to the east and the proposed development are considered acceptable.

In terms of the proposed dwelling, the dwelling house would be a three-bedroom dormer bungalow. Internally the dwelling house would have a central hallway from which access to the lounge, admin office, w/c and the family kitchen/dinning/family room. A utility room, a staff w/c is also proposed with access from the south-eastern elevation. In addition, it is noted that the application form categorises the residential unit for market housing.

It is considered that the proposed internal layout affords no privacy for the potential occupants whether they be site workers or a private purchaser, with access to the office being integrated as part of the development. It is considered that this layout would allow for members of the

public and other staff to access the dwelling house and as such would not retain acceptable levels of privacy or ensure a good standard of amenity for future occupiers of property. In addition, there would be no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).

Representations have been received raising concerns in regard to noise, odour and litter.

The Environmental Health Team have been consulted as part of this application process. Further information was requested in respect of a Noise Assessment to demonstrate that any potential noise impacts arising from the use of the stables, including site activity and vehicle usage at the rear of existing dwellings on South Hetton Road could be suitably managed or mitigated. This information was requested from the applicant; however, no details have been provided in respect of external mechanical plant or noise management measures to address or mitigate potential noise nuisance to existing and future residents within the locality. An updated CEMP was also required. Although a CEMP was submitted in support of the application, this was deemed insufficient and did not focus on specific mitigation measures, although it was considered that this could be addressed through the imposition of a suitably worded planning condition. No details have been provided in respect of odour management however, it is considered that this could be managed through the imposition of a suitably worded planning condition.

Taking the above into deliberation, the failure to submit requested information to address the concerns raised in respect of potential noise nuisance, the proposal fails to demonstrate that there would be no adverse impacts on amenity of existing and potential residents within the locality. The proposal is considered contrary to CSDP Policy HS1 and BH1 in this respect.

Contamination, water and waste water management

The NPPF at Chapter 14 refers to meeting the challenge of climate change, flooding and coastal change and advocates at Paragraph 153 that planning policies should take a proactive approach to mitigating and adapting to climate change, taking into consideration the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Flooding from sewers is increasingly recognised as an issue in areas that are not necessarily at risk from fluvial flooding - whereby rainfall events, sometimes away from the area concerned, cause major surface water run-off to enter the sewerage system.

CSDP Policy WWE2 is concerned with reducing flood risk and flood risk management. CSDP Policy WWE3 relates to water management and the effect on flood risk, on-site and off-site, whilst CSDP Policy WWE5 relates to the disposal of foul water.

In regard to ground conditions and pollution, the NPPF paragraph 183 advocates that planning policies and decisions should ensure that;

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments

CSDP Policies HS1, HS2 and HS3 relate to contamination and are relevant in the assessment of this application. CSDP HS1 qualifies that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from matters including noise and ground conditions.

CSDP Policy HS3 states that it should be demonstrated that the developed site would be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

The application proposes the construction the change of use from agricultural land to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access on land to the rear of 21 South Hetton Road Easington Lane, Houghton-le-Spring DH5 0LG.

The site has remained undeveloped fields since the mid-1800s and is not in an area identified as being at risk of flooding. The application form states that the foul water and surface water would be disposed of via connection to the mains sewer which is considered acceptable.

The site lies within a coal mining legacy area identified as low risk and is in close proximity to an historic landfill site.

A Preliminary Appraisal Report has been submitted. The report provides an overview of the geo-environmental setting of the development site based on published information sources and a site inspection visit; an assessment of coal mining risk; and a Preliminary Conceptual Site Model and Risk Assessment. The Land Contamination Team have been consulted on this application and have raised no objections subject to recommended planning conditions.

Taking the above into deliberation, subject to the imposition and adherence to recommended planning conditions, the proposal is considered in accordance with local and national planning policy.

Ecological and landscape impact

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible. It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. The NPPF at Chapter 15 states that planning policies and decisions should contribute to and enhance the natural and local environment and seeks to protect and enhance biodiversity and geodiversity.

In regard to the ecological and landscape impact CSDP Policies NE1, NE2, NE3, NE4, NE9 and NE4 and Unitary Development Plan saved policies CN20, CN21, CN23 are relevant.

CSDP Policy NE9 seeks to protect, conserve and enhance the varied landscape character advocates that development proposals should demonstrate a high quality of landscape

design, implementation and management as an integral part of the new development. CSDP Policy NE9 Criterion 2 states that development that causes significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless the impacts are clearly and demonstrably outweighed by the benefits of the proposed development.

The application site is identified as an existing agricultural field and within an identified wildlife corridor.

An EclA and a BNBR have been submitted in support of the application. The Council Ecologist has been consulted as part of the application and has raised no objection subject to the imposition of recommended planning conditions. Subject to the imposition and adherence to the recommended planning conditions, the proposal is considered acceptable in this respect

Highway and pedestrian safety

The NPPF promotes sustainable transport and advocates those opportunities to promote walking, cycling and public transport use are identified and pursued with paragraph 105 advocating the development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF paragraph 110 seeks to ensure that opportunities to promote sustainable transport has been considered and that safe and suitable access to the site can be achieved for all users. The NPPF at paragraph 111 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In regard to highways and pedestrian safety CSDP Policies ST2 and ST3 are relevant.

CSDP Policy ST3 outlines that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. In addition, proposals should include a level of vehicle parking in accordance with the Council's Parking standards.

The application proposes that vehicular access would be taken off the existing access arrangement which provides rear access to the properties along South Hetton Road and to the two dormer bungalows located to the west of the development site. The existing access arrangement operates as a one-way system and access to the proposed development site would be taken off a new access arrangement proposed along the southern boundary of the site; internally to the site a one-way system is proposed with all traffic exiting out of the site using the existing access arrangement at the eastern corner of the site. The application proposes that No. 5 car parking spaces would be created.

Representations were received by neighbouring residents over highway safety concerns in regard to poor access to the site, the width existing access road, traffic noise and generation and the day-to-day operation of the site. Hetton Town Council also objected to the scheme over highway safety concerns.

Access to the site is via a one-way road system from South Hetton Road, with the access road being located to the south west of Cedar Crescent, adjacent to Cotherstone Court and to the side of No. 13 South Hetton Road. The road system operates a right turn only onto Cedar Crescent with the exit point being located to the side of No 20 South Hetton Road. It is

proposed that a new entrance be created from Cedar Crescent onto the site which would be located to the south east of the proposed dwelling house; the new entrance would measure approximately 4.26m in width.

The plan proposes the creation of No.5 car parking spaces. Egress from the site would be via an existing farm track which runs along the boundary of No. 21 South Hetton Road, across the public footpath and in close to the proximity to the road junction.

The proposed gateway exit, measuring approximately 2.5m, would be set back from the public footway by approximately 10m; by 7m to the road junction with Cedar Crescent and 15m to the road junction with South Hetton Road. The view from the proposed exit point is restricted by existing hedging and trees to the west and by the boundary fence and wall of the adjoining property of No. 21 South Hetton Road. It is considered that the proposal would intensify vehicular usage of the site above that of the current land usage and there are concerns that this intensification would have an adverse impact on the Local Road Network and would fail to provide safe egress from the site.

The Transportation Development Team was consulted on the application and further information was requested to demonstrate that the proposed development would not have an unacceptable adverse impact on both pedestrians and the local road network. In an attempt to resolve the concerns, the Planning Officer and the Transportation Development Officer met with the applicant to discuss the highway safety concerns, again further information was requested and despite the applicant confirming that the information would be submitted, this information has not been forthcoming.

In the absence of such information, the highways safety concerns have not been addressed and the proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal; that the existing means of access/egress meets the required current standards for the category of road, and safe and convenient access for all road users, The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

Conclusion

No substantial business case has been put forward for the rural diversification of the site. The need for the stables, paddock and a worker's dwelling within the locality has not been demonstrated. The proposal does not accord with CSDP Policies NE8 and NE12. Whilst it is acknowledged that the proposed development would boost employment opportunities for No.1 full-time member of staff, this is not considered sufficient to outweigh the level of harm identified.

The dormer bungalow and garage are considered acceptable in respect of design and materials, however, given the residential nature of the locality, the proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with CSDP Policy BH1.

The proposed internal layout would not retain acceptable levels of privacy or ensure a good standard of amenity for future occupiers of property. There would be no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).

The failure to submit requested information to address the concerns raised in respect of potential noise nuisance, the proposal fails to demonstrate that there would be no adverse impacts on amenity of existing and potential residents within the locality. The proposal is considered contrary to CSDP Policy HS1 and BH1 in this respect.

Insufficient information has been provided demonstrate the impact of the proposed development on the character of the landscape. The proposal fails to demonstrate that there is a clear need for the development and substantiate the loss of agricultural land. The proposal does not accord with the CSDP Policies NE1, NE2, NE3, NE8, NE9 and NE12 or the aims of the NPPF.

In the absence of further requested information, the highways safety concerns have not been addressed. The proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal; that the existing means of access/egress meets the required current standards for the category of road, and safe and convenient access for all road users, The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

For the reasons identified above, the proposed development would represent inappropriate development and as such the application should 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: REFUSE, for reasons below:

Reasons:

1 No substantial business case has been put forward for the rural diversification of the site. The need for the stables, paddock and a worker's dwelling within the locality has not been satisfactorily demonstrated. The proposal does not accord with CSDP Policies NE8 and NE12.

2 The proposed stable block is considered overly dominant in regard to scale, massing, appearance and setting; it is considered out of character and incongruent with the locality and as such does not accord with CSDP Policies BH1 and NE9.

3 The proposed internal layout of the dwelling would not achieve acceptable levels of privacy or ensure a good standard of amenity for future occupiers. There is no clear distinction between public and private space and as such would be contrary to CSDP Policy BH1 criterion (4) and (6).

4 The proposal has failed to demonstrate that there would be no adverse impacts on amenity of existing and potential residents within the locality through noise nuisance. The proposal is considered contrary to CSDP Policy HS1 and BH1.

5 The proposal has failed to demonstrate that safe and adequate means of access, egress and internal circulation/ turning arrangements for all modes of transport and users can be achieved. The proposal is considered contrary to CSDP Policies SP2 and SP3 and the NPPF paragraph 110.

Reference No.: 23/00262/FUL Full Application

Proposal: **Erection of 3 no. three bedroom terraced houses with front and rear gardens**

Location: Land To The Rear Of Abbey Drive, Houghton-le-Spring

Ward: Houghton

Applicant: BG Construction And Developments Ltd

Date Valid: 2 February 2023

Target Date: 30 March 2023

PROPOSAL:

Introduction

Planning permission is sought for the erection of 3 no. three bedroom terraced houses with front and rear gardens

The application site is a parcel of land, measuring approximately 901sqm, located to the rear of Abbey Drive and to the west of Lindisfarne Close. The site is open green space and is laid to lawn, it bounded to the north and east by close boarded fencing which forms the rear boundaries of the properties on Abbey Drive; to the west of the site there is a low-level post and rail fence, which separates the land which is the subject of this application from the trees, scrub and open green land beyond. There is a small parcel of green land to the northwest of the site which does not form part of the application site, it houses a sub-station and there is a public pathway which leads to the application site and in informal pathway which runs from the public pathway to the open land which runs parallel to the site.

The application proposes the construction of No.3 three-bedroom terraced houses with gardens to the front and rear. It is proposed that the properties be of two-storey red-brick construction with a white render porch, red concrete tiles grey Upvc windows, black composite doors, black Upvc soffits and guttering, and timber boundary treatments; parking provision is proposed for No.6 vehicles via a charcoal block paved area to the front of the properties.

The application site is located within the ward Houghton and within a coal mining legacy area identified as low risk. It is identified as amenity greenspace in the Council's Greenspace Audit and is within an identified wildlife corridor. The site is adjacent to the Settlement Break and is located within the 250m buffer for the Sand and gravel bedrock superficial MSA and surface coal MSA and within an archived landfill site.

The following information has been submitted in support of the application;

Preliminary Ecological Appraisal
Letter from Lichfield's re Green Space
Phase 1 Contaminated Land Desk Study

TYPE OF PUBLICITY:

Site Notice Posted 01.03.2023

Neighbour Notifications

CONSULTEES:

Natural Heritage
Cllr John Price
Cllr Mark Burrell
Cllr Juliana Heron
Network Management
Planning Policy
Environmental Health
Northumbrian Water
Northern Powergrid
Natural Heritage
Land Contamination
Network Management

76 Abbey Drive Houghton-le-Spring DH4 5LA
66 Abbey Drive Houghton-le-Spring DH4 5LA
72 Abbey Drive Houghton-le-Spring DH4 5LA
68 Abbey Drive Houghton-le-Spring DH4 5LA
64 Abbey Drive Houghton-le-Spring DH4 5LA
6 Lindisfarne Close Houghton-le-Spring DH4 5LR
62 Abbey Drive Houghton-le-Spring DH4 5JZ
3 Lindisfarne Close Houghton-le-Spring DH4 5LR
70 Abbey Drive Houghton-le-Spring DH4 5LA
78 Abbey Drive Houghton-le-Spring DH4 5LA
74 Abbey Drive Houghton-le-Spring DH4 5LA
1 Lindisfarne Close Houghton-le-Spring DH4 5LR
5 Lindisfarne Close Houghton-le-Spring DH4 5LR

Final Date for Receipt of Representations: **22.03.2023**

REPRESENTATIONS:

No.8 representations have been received objecting to the proposed development. A summary of the concerns raised is detailed below;

Concern/Issue	Comment
Amenity	Loss of light and privacy Noise Anti-social behaviour
Highway and pedestrian safety	Poor Access Traffic generation Parking Emergency access Restrict access to footpath
Design	Over development

	Not in keeping with locality Encroachment Access restrictions
Health and wellbeing	Loss of greenspace/play area
Ecology	Loss of wildlife

CONSULTEES

Northern Powergrid

No objection to make providing our rights are not affected to access apparatus for any maintenance, replacement or renewal works necessary.

Cllr. John Price

Residents views must be considered.

Transportation Development – 28th February 2023 updated 24th April 2023

New vehicle crossing point – (S184)

You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact Highway Asset Management michael.duffy@sunderland.gov.uk to arrange the works.

A covered secure cycle storage shelter is recommended for the safe storage of cycles and to promote sustainable travel options.

Planning Policy

CSDP Policy SP8: Housing Supply and Delivery sets out that the Councils housing requirements will be achieved by (inter alia) the delivery of small sites, defined as a development of four homes or less. The proposal would constitute a small site, which would assist in the delivery of the housing requirement.

The proposal would result in development on land which is currently considered to be amenity greenspace. This means that policy NE4: Greenspace is applicable and should be considered for the development on this area of the site. Given that this development would comprise of introducing built components onto a greenspace site, it is expected to comply with NE4.

The design impact of the scheme should be considered against CSDP Policy BH1. The main criterion to note in this instance are 1 and 7.

The proposal's approach to biodiversity net gain is also relevant. In this respect CSDP Policy NE2 at Criterion 1 applies. The site falls within a Wildlife Corridor, and thus the proposal should be considered against point 6 of Policy NE2.

The application site is located within the 250m buffer for the Sand and gravel bedrock superficial MSA and surface coal MSA, therefore it is within a mineral safeguarding area, designated under

CSDP Policy M1: Minerals Safeguarding Areas and Infrastructure. Given the nature of the proposals, it is unlikely that the development will be deemed incompatible with the mineral strategy.

Other relevant policies include:

- CSDP Policy ST2: Local Road Network
- CSDP Policy ST3: Development and Transport

Conclusion

The proposal would result in development on amenity greenspace and subsequently its loss, as such robust justification is needed for the loss of this greenspace and compliance with policy NE4.

In addition to the above, highways access, biodiversity, design and amenity should be considered.

Environmental Health

No objections subject to a Construction Environmental Management Plan CEMP to protect the local environment and neighbouring occupiers.

Ecology updated 6th May 2023 (Currently out to consultation due 27.06.2023)

This response refers to the following documents submitted in support of the above application, which relate to the ecological impacts of the proposals:

- Preliminary Ecological Appraisal for Land Adjacent to Abbey Drive, Houghton-le-Spring by Veronica Howard, BSc (Hons, PhD, MCIEEM, dated March 2023

The primary audience for a PEAR (Preliminary Ecological Appraisal Report) is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required to inform an Ecological Impact Assessment (EclA).'

'Under normal circumstances it is not appropriate to submit a PEAR in support of a planning application because the scope of a PEAR is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species' (CIEEM, 2017).

An EclA report is required. Although the broad scope of the field survey appears to be acceptable, no plans confirming the site boundary, survey area or results of the habitat survey have been provided. A small number of photographs are included however, it is unclear which of the habitats shown therein lie within the site boundary. No assessment of constraints relating to the timings of the works are included, and although broad habitat categories and brief descriptions of grassland and woodland habitats are included, no species lists, or further information is provided to back up the classifications.

The document fails to acknowledge that the key legal protection and mechanism by which otherwise illegal works affecting species such as bats, otter and great crested newts can be licensed is the Habitats Regulations, as opposed to the Wildlife and Countryside Act.

Section 6.2 – Site Status indicates that the site does not support any BAP species or species included on Schedules 5 or 8 of the Wildlife and Countryside Act however, earlier sections of the report state that the site has the potential to be used by foraging and commuting bats, as well as

a range of foraging birds. The report contains a number of inconsistencies in terms of the assessment of value.

Although the report identifies the area along Moors Burn as a 'green corridor' it does not identify that the land which includes the woodland described in the report is a designated Wildlife Corridor and no assessment of impacts upon this feature is made in the report. No plans of the proposals are included therefore it is not clear whether the assessment of impacts has been made against the plans as submitted.

The report contains mitigation and enhancement measures, no such measures are included on the plans submitted. The installation 1.8m fencing may have the potential to affect the woodland/scrub habitats, any birds which may nest within this area, the permeability of the site to any species which live therein or affect the wildlife corridor. Such impacts are not discussed within the report, and avoidance, mitigation or compensation measures are not provided to address any potential impacts.

Conclusion:

Holding objection. Although acceptable in principle, further information is required in line with the above to ensure the ecological impacts of the proposals are robustly assessed, in line with both legislative and policy requirements and current best practice guidelines. The following information is required:

- Amendments to the report to include a site boundary and habitat plan
- Identification of the potential impacts of the proposals upon the Wildlife Corridor (and associated flora and fauna), as identified through the Allocations and Designations Plan
- A plan showing the habitat creation/mitigation measures to be implemented along the stand-off area between the development and adjacent wildlife corridor

Land Contamination

No objection subject to recommended planning conditions.

A historic landfill is located adjacent the site which is a potential source of contamination and hazardous ground gases and is considered to be a risk to the proposed development.

An intrusive investigation is recommended targeting the western area of the site, adjacent to the former landfill, to determine if contamination has crossed the boundary into the site and to install boreholes to carry out ground gas monitoring.

The report provides a good overview of the site's setting, history, and its potential to be affected by contamination. I am pleased to confirm that the report and the proposed Phase 2 investigation works are acceptable, and I would therefore recommend the following conditions

- CONL1 - Site Characterisation
- CONL2 - Detailed Remediation Scheme
- CONL3 - Implementation of Approved Remediation and Verification
- CONL4 Reporting of Unexpected Contamination

POLICIES:

The site is subject to the following policies;

Core Strategy and Development Plan (CSDP)

SP1 Development strategy
SP6 Coalfield
SS7 The Coalfield Housing Growth Areas
SP7 Healthy and safe communities
SP8 Housing Supply and Delivery
HS1 Quality of life and amenity
HS2 Noise-sensitive development
HS3 Contaminated land
SP8 Housing supply and delivery
H1 Housing mix
BH1 Design quality
BH2 Sustainable design and construction
NE2 Biodiversity and geodiversity
NE3 Woodlands/hedgerows and trees
NE4 Greenspace
NE9 Landscape character
WWE3 Water management
ST2 Local Road network
ST3 Development and transport

Development Management Supplementary Planning Document (SPD)
Planning Obligation Supplementary Planning Document (POSPD)
Allocations and Designations Plan (ADP)
Allocations and Designations Policies Map (ADPM)
5 Year Housing Land Supply – Annual Position Statement (APS)
Greenspace Audit and Report of December 2020 (GSAR)

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Healthy and safe communities guidance (HSCG)

Technical Housing Standards - Nationally Described Space Standard

COMMENTS:

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development. Some of the Council's former Unitary Development Plan policies, primarily those relating to allocations, have been retained for an interim period and remain relevant to the consideration of this application. The Council's Development Management Supplementary Planning Document (SPD) is also of

relevance and is adopted as interim guidance. The emerging Allocations and Designations Plan and associated documents are also relevant but hold limited weight.

Policy backdrop

The NPPF Chapter 5 details how the NPPF can support the Government's objective of significantly boosting the supply of homes, paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, the NPPF states at paragraph 64 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The NPPF at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. NPPF paragraph 8 sets out the principles for achieving sustainable development and has three overarching objectives (a) economic – to help build a strong, responsive, and competitive economy, (b) social – to support strong, vibrant, and healthy communities and (c) environmental – to protect and enhance our natural, built, and historic environment.

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

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

Planning considerations

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

1. The housing land supply and delivery position
2. Land use and open space considerations
3. Design and impact on amenity
4. Ecology
5. Highways;
6. Other material planning considerations

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 60 requires

local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 61, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing need assessment conducted using the standard method provided in national planning guidance.

The NPPF at paragraph 68 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period.

Paragraph 74, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

CSDP Policy SP1 sets out the principles for development for Sunderland City and seeks to support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders with an aim to deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure across the plan period with CSDP Policy SP6 setting out the policies for strategic growth across the sub-region of the Coalfield.

CSDP Policy SP8 sets out the principles for housing delivery. The policy states that the council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year. One of the ways in which this target will be achieved is through the development of 'windfall' sites (i.e., sites such as this which have not previously been identified as being available for housing).

The Council's current five-year housing land supply APS was published in July 2022 and the Inspector examination determined that the Council, can demonstrate a housing land supply in excess of 5 years. The draft APS (May 2023) indicates that Sunderland has a 6.6-year housing land supply.

Whilst it is acknowledged that the proposed site would constitute a windfall site assist in meeting the housing need supply, the site is allocated Greenspace and is detailed in the draft ADP Policy 15 (Greenspace) and is not identified for development. The use of the site would result in a departure from existing planning policy. Clear justification must be presented for the use of the land to warrant the departure.

2. Land use and open space considerations

The subject parcel of land comprises an area of open amenity space which is located to the rear of Abbey Drive and to the west of Lindisfarne Close.

The NPPF Glossary (at page 69), defines open space as:

“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”

The NPPF goes on to recognise the wider role of open space in paragraph 8(b) obtaining a social objective, paragraph 84(d) and in Chapter 8 - Promoting healthy and safe communities where at paragraph 93 it states that;

“to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”

and at paragraph 98 recognises that

“access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.”

The NPPF stipulates at paragraph 99 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The NPPF at paragraph 102 states that Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

The HSCG recognises the importance of green infrastructure on health and wellbeing in supporting and encouraging healthy lifestyles. Green infrastructure is identified to include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and is pivotal in reducing health inequalities in areas of socio-economic deprivation and meeting the needs of families and an ageing population and can bring mental and physical health benefits. It can also help to reduce air pollution and noise.

The Government’s Planning Practice Guidance (PPG) states that it is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area. The PPG also states that open space (which can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks) can have multiple benefits, which are reflected in the NPPF:

- providing health and recreation benefits to people living and working nearby;
- having an ecological value and contributing to green infrastructure as well as being an important part of the landscape and setting of built development; and
- being an important component in the achievement of sustainable development.

On a local level the proposal is subject to the provisions of CSDP Policy NE4. NE4 advises that the Council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit and Report. The policy outlines that this is to be achieved in part, by adhering to the requirements of sub-section 4 as set out below, insofar as;

refusing development on greenspaces which would have an adverse effect on its amenity recreational or nature conservation value unless it can be demonstrated that:

i. the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or

ii. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the council prior to development commencing; or

iii. replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

The supporting text to Policy NE4 states that the provision of attractive, accessible and functional greenspace is an important component of the Green Infrastructure Network that adds significantly to environmental quality and helps to support physical activity and social wellbeing.

In this regard the supporting text continues that the council will seek to ensure that local residents have access to greenspace to meet their needs.

The Council's Greenspace Report sets out in detail the existing provision of Greenspace within the City and highlights where shortfalls exist.

The GSAR at section 5.80 (page 70) qualifies that the true value of greenspaces in an amalgam of the site quality, accessibility and need. High quality sites exist that have a low value because they have limited access, or maybe their value is diminished because there is an abundance of similar provision close-by. On the other hand, a site may be of low quality but is highly valued because it is the only such provision around. Sites that demonstrate multiple functions generally have more value to them, being more attractive to a wider population than a single function site. Sites may also have a strategic value, such as nationally recognised wildlife habitat, or a supporting role in a Conservation Area.

The baseline value score for all of 1,749 greenspace sites assessed across Sunderland in 2018 was 96 points, in the 2020 audit, this was reduced down to 81 points. Wards have been graded 'very high' to 'very low.' The 'very high' and 'very low' grades indicate more than 50% higher or lower than the city average. The 'low' and 'high' grades indicate 25-50% higher or lower than the city average.

The Green Space Audit 2018 had a median baseline score of 96 and as such this is used as a baseline to measure a sites value. Paragraph 17.7 (page78) of the 2018 Audit Report recommended that the 'low' value scores (61-74 points) and 'very low' value scores (60 points and under) are prioritised for site review, to consider whether the site use needs to be changed,

whether the site needs to be enhanced, or whether a non-greenspace use would be more appropriate.

The spatial distribution of housing supply in recent years has resulted of city-wide housing completions being located within the Coalfield sub-area of 36.5%-20/21, 42.8%-21/22 and 37.4%-22/23. This compares to Washington sub-area 15.7%-20/21, 5.8%-21/22 and 4.9%-22/23. The total completions for Houghton are 173-20/21, 227-21/22 and 220-23/23

The neighbourhood, Burnside, is considered low in greenspace quantity and very low in greenspace quality. At a wider ward level, the Houghton ward is above average in terms of quantity but below average in terms of quality. However, within the Greenspace Audit 2020 the total site score is 88, bringing the site within the parameters of 'average' (with a 20-point adjustment now given to the site due to low quantity in terms of amenity greenspace in the neighbourhood) and as such is detailed as above average.

In turning to the submission at hand it is necessary to consider the recent Appeals and Inspectorate's deliberations in relation to Green Space within the locality. There have been a number of Appeals, namely Land North West of 23 Tintern Close: APP/J4525/W/21/3272245 which was dismissed on the 27th of August 2021 and Land North West of 25 Burns Avenue North: PP/J4525/W/20/3246282 which was dismissed on the 2nd September 2020 as these appeal sites are in close proximity to the application site and within the same residential estate.

In each case, the Inspector noted a number of similar amenity greenspaces in the vicinity, as well as a range of formal recreational facilities within the wider area, including play parks, sports fields and formal parks and gardens.

In APP/J4525/W/21/3272245, the inspector recognised that amenity greenspaces are a distinctive feature of the estate and irrespective of whether they have been purposely designed, or are a result of left-over space, that they help to soften the dense nature of the urban fabric of the estate, albeit to varying degrees.

The inspector concluded in both cases that the greenspace represented an efficient use of the land, and that the loss of greenspace would have an adverse effect and cause significant harm to the provision of greenspace and concluded that the proposal in each case conflicts with CSDP Policy NE4.

In justifying a loss of greenspace in accordance with Policy NE4 of the CSDP, consideration should also be given to Appendix 6 of the Greenspace Audit which states;

- Whether there are deficiencies in other types of open space in the area, such as allotments or natural greenspaces;
- All functions that open space can perform have been considered and the loss of the open space would not have an adverse impact on the ability of the wider area to achieve these functions;
- The open space is not protected by a planning or statutory designation, nor is it of historic, ecological or landscape significance;
- The open space does not form part of, nor has it the potential, to create a link between spaces;
- The open space does not contribute to or have the potential to contribute to the character or the amenity of the area;

- There is no identified open space deficiency in the area and its loss does not create one;
- The community has been consulted and the proposal for an alternative use is widely supported;
- There is no net loss of biodiversity or increase in an area of deficiency in access to nature; and
- Other statutory authorities, such as the Environment Agency, do not identify the open space as providing a significant ecosystem service.

The applicant has confirmed their willingness to make a financial contribution as set out within Policy NE4 and in line with the formula set out within the City Councils POSPD. This would equate to a figure of £613.98 for 3No. 3 bed properties.

The applicant has submitted a supporting letter from Lichfield's in respect of Green Space which states that the land is 'white land' with no policy designation or specific allocation for development. It acknowledges that a small section of land along the western extent of the application site forms part of a Wildlife Corridor, and that this designation encompasses a significant quantity of land predominantly 10.3ha of Green Space to the west of the application site, including adjacent land and occupied by existing dwellings to the north and that the application site represents a very modest parcel of greenspace (0.09ha). The argument is then put forward that the site has little amenity value and no redeeming features and advocates that the land is in poor condition and serves no community purpose stating that there are several areas of generous greenspaces with the locality which serve a recreational purpose to the community.

The December 2020 iteration of the Greenspace Audit notes that whilst the wider Houghton Ward has a cumulatively higher than average quantity of greenspace, the Burnside neighbourhood within which the site sits, actually suffers from a low level of greenspace. This update to the Audit has resulted in the individual score for the subject parcel of land being uplifted to take it out of the 'low value' category and into the average category. In this respect and in terms of the overall level of greenspace within the neighbourhood, the Council, as Local Planning Authority, (LPA) would disagree with the assertion made in the supporting letter that there is no statistical basis to retain the subject site as greenspace and that the area is generously provided with greenspace, as this is simply not borne out by the findings of the most up-to-date Greenspace Audit.

The site which is the subject of this application is located to the rear of Abbey Drive and is not highly visible within the street scene, the site forms a link between the existing built form to the east and the greenspace located to the west and has been identified within the Greenspace Audit, the LPA considers the land to be contiguous to the adjacent land and to the wildlife corridor and the land is considered to contribute positively to the amenity of the area and is valued by the local community.

With regard to the above, that last point has again been evidenced within the representations section of this report by the wide number of objections received from nearby residents who have highlighted the valuable role the land has played and continues to play in providing recreation in terms of play space for children and for dog walkers.

The applicant has sought to engage Policy NE4 by virtue of indicating intent to enter into a planning obligation. However, a planning decision must be made having had regard to all material planning considerations and with regard to assessing the overriding benefits of developing the land.

In this respect it is clear that the development would contribute a relatively small financial sum that could assist in the uplift of a nearby site and would generate a limited windfall contribution towards the Council's housing targets.

However, against this backdrop, the proposal would result in a loss of green space within a locality (Burnside) which already suffers from a low quantity of green space. This would as a result, further erode the level of greenspace within the area and remove a parcel of land which contributes positively to the amenity of the locality from a recreational perspective and is seen as a valuable parcel of land to the local community.

With regard to the above considerations, the LPA would deliberate that, due to the limited scale of the proposal the benefits to housing supply are limited and the benefits accrued from developing the open space would not outweigh the adverse amenity impacts that would arise and as such from a land use perspective there is considered to be sufficient conflict with the requirements of CSDP Policy NE4 as to warrant a refusal of planning permission.

3. Design and impact

The NDG advocates that well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape, and local architectural precedents; the characteristics of the existing built form; the elements of a place or local places that make it distinctive; and other features of the context that are particular to the area.

The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive and memorable and helps people to find their way around. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods.

Paragraph 124 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

CSDP Policy BH1 sets out the principles for good design and seeks to achieve high quality design and positive improvement by creating places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. In order to achieve this, development should be of a scale, massing, layout, appearance and setting, which respects and enhances the positive qualities of nearby properties and the locality and retains acceptable levels of privacy to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

CSDP Policy BH1 and advocates that good design is crucial to achieving attractive and durable places to live. The policy therefore encourages high quality design and development in terms of new buildings and spaces and their setting in the built and rural landscape. New residential development needs to ensure that homes are built with enough indoor and outdoor space to meet the needs of the intended residents.

The Residential Design Guide SPD advocates at Section 5 that residential development should reinforce and respond to the built form qualities that make a positive contribution to the character and appearance of an area and that materials and detailing are informed by an understanding of the local vernacular qualities that make a significant and positive contribution to the character of the wider area and that inward facing development which turns its back on its surroundings should be avoided. Section 7 - Complete and thorough design relates to the arrangement and configuration of housing types proposing that new residential development takes account of the forms and proportions of the local area.

The characteristic of locality is defined by two-storey semi-detached residential dwelling houses and semi-detached bungalows with garden. The proposal relates to the construction of 3 No. 3 bed link properties with gardens to the front and rear. There would be sufficient spacing around the new dwellings and their primary windows to ensure that there would be no significant overlooking or loss of privacy to the windows and gardens of surrounding properties.

Whilst not highly visible within the street scene, the proposed development would be visible from the views into the site from the west and whilst the proposed development would not extend beyond the settlement boundary, the location behind existing dwellings would result in a relatively isolated development; the location, style and layout would be incongruent with the existing built form and out of character with the existing residential development. It is considered that continued piecemeal development of this type on areas of open greenspace within existing residential developments would erode the distinctive characteristics of the estate.

Taking the above into deliberation, the style, layout and character of the proposal would result in an isolated development which would be incongruent with the existing built form and out of character with the existing residential development and as such would not respect and enhance the positive qualities of nearby properties and the locality. The proposal is contrary to CSDP Policy BH1 and HS1.

4. Ecological impact

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible. It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces. CSDP Policy NE9 seeks to conserve and enhance the varied landscape character of Sunderland and to ensure that adequate mitigation measures are implemented to protect and/or enhance the landscape.

The site is located within a wildlife corridor. CSDP Policy NE2 at Criterion 4 advocates that development that would adversely affect a Local Wildlife Site either directly or indirectly, would need to demonstrate that there are no reasonable alternative sites and the need for the development clearly outweighs the need to safeguard the intrinsic value of the site. The proposal

is likely to have a negative impact, directly and indirectly, on protected and priority species and habitats.

A Preliminary Ecological Appraisal (PEA) has been submitted in support of this application. The City Ecologist (CE) has been consulted and has raised a holding objection subject to the submission of further information to ensure the ecological impacts of the proposals are robustly assessed, in line with both legislative and policy requirements and current best practice guidelines. In response to the CE, the applicant submitted an update PEA, Habitat Plan, a Location Plan showing Ecological information and Elevation Plans showing Bat Boxes, and the CE was reconsulted. At the time of completing this report, comments from the CE in respect of the above have not been received and as such the Holding Objection remains in place. Details of the CE response will be provided ahead of the Committee meeting.

5. Highways

The NPPF promotes the use of sustainable transport. The NPPF, at paragraph 107 advises that local parking standards for residential development should amongst other matters take into consideration the availability and opportunities for public transport, whilst paragraph 108 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Paragraph 111 is clear in stating that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts of the development are severe.

Sunderland City Council seek to improve transport connectivity and facilitate growth through improvements to the road network, public transport network and cycle network. CSDP Policy SP10 seeks to improve connectivity and enhance the city's transport network whilst CSDP Policies ST2 and ST3 set out the sets out the local road network hierarchy for development to ensure it does not have a severe impact on the safe operation and management of the Local Road Network for all highway users and to ensure the free flow of traffic, the safe use of the highway network and that pedestrian and cycle routes are incorporated within and through the site, linking to the wider sustainable transport network.

The application proposes the construction on 3No. 3 bed dwelling houses. There would be on-site parking provision provided as part of the development. The Transportation Development Team (TDT) have been consulted as part of the assessment of the proposal. Further information was requested and supplied; the TDT raised no objection subject to recommended planning conditions and informatives. It is considered that with the imposition and adherence to the recommended planning conditions and informatives, there would be no highway or pedestrian safety concerns and as such the proposal is considered acceptable in this respect.

6. Other material planning considerations

Land Contamination

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

The application has been accompanied by a Phase 1 Contaminated Land Desk Study. The City Councils Public Health Team (PH) and Land Contamination Officer (LCO) have been consulted

as part of this application process and have raised no objection. The PH have requested the imposition of a planning condition requiring the submission of a Construction Environmental Management Plan (CEMP) and the LCO has requested the imposition of planning conditions pertaining to Site Investigation, Remediation and Contamination. It is considered that with the imposition and adherence to the recommended planning conditions, the proposal with accord with local and national planning policies in this respect.

Planning Obligations

Sunderland's future growth and environmental sustainability cannot be achieved without a wide array of essential infrastructure. The term infrastructure can be taken to include roads and other transport facilities, flood defences, schools and other educational facilities, health facilities, sporting and recreational facilities and open spaces. This is not an exhaustive list and there may be a range of other services and facilities that could constitute infrastructure, which may be required.

CSDP Policy ID1 relates to infrastructure delivery and seeks to ensure that development contributes towards the provision of (i) measures to directly mitigate the impacts of the development and make it acceptable in planning terms; and (ii) contribute towards the delivery of essential infrastructure identified in the IDP.

Where necessary, the timing of provision of infrastructure will be linked directly to the phasing of development, taking account of viability. This will be secured either through planning conditions, or where this is not appropriate, by planning obligations or other similar infrastructure tariffs in accordance with the planning obligation tests set out in paragraph 14.11, to ensure that the planned and necessary infrastructure is available to serve the development when it is first required.

CSDP Policy ID2 sets out the mechanisms in respect of planning obligations. Planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

The applicant has confirmed their willingness to make a financial contribution as set out within Policy NE4 and in line with the formula set out within the City Councils POSPD to compensate for any loss of Greenspace. This would equate to a figure of £613.98 for 3 No. 3 bed properties.

Conclusion

The proposed site would constitute a windfall site assist in meeting the housing need supply, the site is identified open space; It is detailed in the draft ADP Policy 15 (Greenspace) and is not identified for development. The use of the site would result in a departure from existing planning policy. Clear justification must be presented for the use of the land to warrant the departure.

Due to the limited scale of the proposal, the benefits to housing supply are limited and the benefits accrued from developing the open space would not outweigh the adverse amenity impacts that would arise and as such from a land use perspective there is considered to be sufficient conflict with the requirements of CSDP Policy NE4 as to warrant a refusal of planning permission.

The style, layout and character of the proposal would result in an isolated development which would be incongruent with the existing built form and out of character with the existing residential development and as such would not respect and enhance the positive qualities of nearby properties and the locality. The proposal is contrary to CSDP Policy BH1 and HS1.

The applicant has submitted an updated PEA, Habitat Plan, a Location Plan showing Ecological information and Elevation Plans showing Bat Boxes, to overcome the concerns of the CE. At the time of completing this report, the comments from the CE in respect of the above have not been

received and as such the Holding Objection remains in place. An update on this issue will be provided to Members ahead of the Committee meeting.

It is considered that with the imposition and adherence to the recommended planning conditions and informatives, there would be no highway or pedestrian safety concerns and as such the proposal is considered acceptable in this respect.

It is also considered that with the imposition and adherence to the recommended planning conditions and informatives, there would be no contamination concerns and as such the proposal is considered acceptable in this respect.

The development would contribute a relatively small financial sum that could assist in the uplift of a nearby site which has not yet been identified

Ultimately, however, it is considered that the concerns relating to the loss of open space and the uncharacteristic nature of the development relative to the prevailing built environment are not outweighed by the positive aspects of the development. The application is consequently recommended for refusal.

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.

RECOMMENDATION: Refuse, for reasons set out below:

1. The proposal is unacceptable in principle as it will have an adverse effect on the amenity, recreational and community function value of the site as greenspace, which is within a locality of the City identified as having a deficient quantity of amenity greenspace. Although the developer has agreed to enter into a planning obligation to provide improvements to greenspace within the vicinity, within the planning balance, it is considered that the benefits to be accrued from developing the open space would not outweigh the adverse amenity impacts caused by the loss of open space and the proposal is therefore considered contrary to Policy NE4 of the CSDP.
2. The style, layout and character of the proposal would result in an isolated development which would be incongruent with the existing built form and out of character with the existing residential development and as such would not respect and enhance the positive qualities of nearby properties and the locality. The proposal is contrary to CSDP Policy BH1 and HS1.