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

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

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

SITE PLANS
The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Alison Fellows
Executive Director of Commercial Development

1. South Sunderland

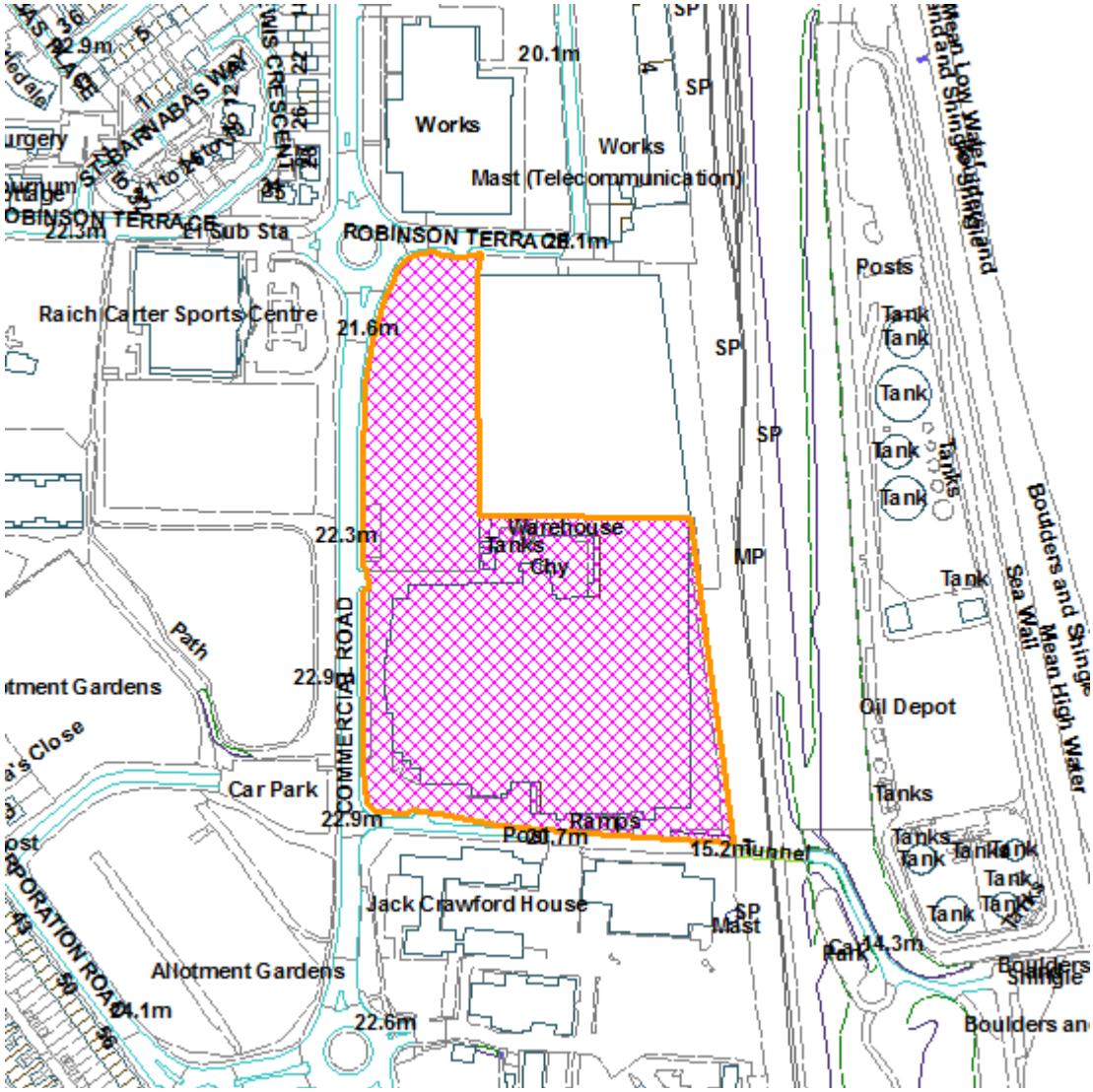
Reference No.: 15/01704/LP3 Local Authority (Reg 3)

Proposal: **Partial demolition of commercial building with rearmost section modified and retained.**

Location: Former Littlewoods Call Centre Commercial Road Sunderland SR2 8QS

Ward: Hendon
Applicant: Sunderland City Council
Date Valid: 4 January 2016
Target Date: 4 April 2016

Location Plan



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SITE DESCRIPTION

The subject site was previously operated by Littlewoods for home shopping however it has been vacant for some time. Large commercial buildings occupy the majority of the site with the remaining areas comprising hard standing. The buildings can be separated into three definable sections due to construction and appearance.

The westernmost building is single storey and is constructed with a brick façade, fronting onto Commercial Road. The façade exceeds the height of the existing roof and screens the roof structure from the main public vantage point from the west. In front of the brick façade, forming part of the same element of development is a single storey facing brick development which previously operated as the main entrance.

To the rear of the westernmost building, to the centre of the site, is a two storey flat roofed building which was used for storage and office space. The final element of development is located to the rear (east) of the site and is a portal framed 'L' shaped warehouse.

The site is located between Commercial Road to the west and a railway line to the east, beyond which is the port. A road and path bounds the site to the south, providing access to Hendon promenade while to the north is the former Dewhirst Group site, now operating as an industrial scrap yard.

During the preparation and conversion of the scrap yard site to the north, an element of demolition was involved where part of the single storey buildings were demolished, to provide external storage areas.

The Hendon Industrial Area in which the site is located is characterised by commercial and industrial development where premises are predominantly occupied for offices, light / general industry, and storage / distribution purposes. Such uses are classified as use classes B1, B2 and B8 respectively under The Town and Country Planning (Use Classes) Order 1987 (as amended).

PROPOSAL

Planning permission is sought for the partial demolition of the commercial buildings at the former Littlewoods Home Shopping Group on Commercial Road. The rearmost (eastern) 'L' shaped building is to be modified and retained while the remaining buildings on site are to be demolished. The retained building is then to be used for storage purposes by the City Council.

The building to be retained is portal framed and constructed with brick gable elevations and a metal clad east elevation. The west elevation is attached to the existing two storey flat roofed building to the centre of the site which is to be demolished. The northern gable elevation forms a brick boundary wall between the site and the recently approved scrap yard.

Upon the demolition of the adjoining building attached to the east elevation, it is proposed to construct a replacement wall with side rails and wall cladding utilising profile steel to ensure the building is weather tight. The guttering is to be modified and renewed to match that which exists to the east elevation.

Additional works include structural strengthening to the retained building while cracks in the boundary wall, damaged sky lights and missing cable bracings are to be addressed.

The application does not seek to alter the access/ egress arrangements with routes via the Promenade and Commercial Road retained.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Flood And Coastal Group Engineer
Environmental Health
Hendon - Ward Councillor Consultation
Force Planning And Police Architectural Liaison Officer
Network Rail

Final Date for Receipt of Representations: **26.02.2016**

REPRESENTATIONS:

PUBLIC CONSULTATIONS

The neighbouring occupier, initial site notice and press notice have all expired with no representations received.

Notwithstanding the above, a second site notice was posted 5th February 2016 as the proposal is located within 10 metres of relevant railway land whilst Network Rail were also consulted at this time. This consultation period does not expire until 26th February 2016.

CONSULTEES

Network Management

The Engineers have stated that due to the traffic signalled pedestrian crossing on Commercial Road all vehicles associated with demolition works should enter the site from the south (Hendon Beech Road) and egress should be taken from the north (Robinson Terrace).

Public Protection and Regulation Services

Public Protection and Regulation Services have previously provided advice regarding the scheme, a copy of the correspondence is attached to the application file. Recommendations were provided in terms of the works associated with demolition including hours, selection of machinery, vibration from demolition, dust, stockpiles of waste and burning of material.

Should Members be minded to approve the application, appropriate conditions and informatives can be attached to the application.

Natural Heritage

Concerning the nature conservation aspect of the proposed development, the bat and habitat surveys compiled by Durham Wildlife Services provide the necessary assessment of the site and proposals from an ecological perspective.
With regard to the above, Natural Heritage have advised that the demolition can proceed without the need for further ecological supervision or method statement, however the contractor should be made aware of the recommendations in the Bat Survey Report and the Habitats Assessment (HRA) report, August 2015, by Durham Wildlife Services.

The main concern highlighted within the report is the potential for breeding birds, primarily during March to August. Furthermore it is advised that if bats are discovered during site operations, works must cease and the project ecologist informed immediately. In the event works are delayed by 15 months, a further checking survey may be necessary.

Notwithstanding the above it was stated further assessment may be necessary subject to the final agreed methods of demolition and other associated works, particularly with respect to noise levels and potential disturbance to coastal wading birds during the autumn and winter months. It was also stated future uses or development proposed for the site must undertake the same HRA screening exercise and general ecological assessment, and provide appropriate mitigation and enhancement measures.

With respect to future development and uses of the site it is expected that suitable ecological information would be submitted alongside any subsequent application at that stage. The method of demolition was submitted alongside the current application and with no objections offered it is considered appropriate.

The relevant above comments and recommendation can be conditioned should Members be minded to Grant consent.

Network Rail

As detailed above, the consultation period for Network Rail to comment on the proposal is yet to expire and does not do so until 26th February 2016.

Drainage

The Flood and Coastal Group Engineer has previously provided comments stating that the Flood Risk Assessment is acceptable and the proposal raises no concerns in terms of surface water management.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EC_2_Supply of land and premises for economic development purposes
EC_3_Support for new and existing economic activity
EC_4_Retention and improvement of existing business and industrial land
SA_1_Retention and improvement of existing employment site
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats

CN_23_Measures to conserve/ improve wildlife corridors

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.

Particularly relevant in this case is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed.

The relevant guidance of the NPPF detailed above feeds into policies B2, EC2, EC3, EC4, SA1, CN18, CN22, CN23, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and as such, the policies referred to, can only be given limited weight in the determination of the planning application. These policies however do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the future.

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

1. the land use allocation of the proposal site;
2. the principle of the proposed use of the retained warehouse;
3. the impact of the proposed use on the existing employment area;
4. the impact of proposed development on visual and residential amenity;
5. the impact of the proposed development on highway and pedestrian safety;
6. flood risk and drainage;
7. means of demolition.

1. Land use allocation of the proposal site

The subject site is situated within an area allocated for economic development by the proposals map of the City Council's adopted Unitary Development Plan (1998). Policy EC4 of the UDP states that within existing areas, uses falling into use classes B1 (offices and businesses), B2 (industry) and B8 (storage and distribution) are most appropriate.

Policy SA1 of the UDP is site specific to the South Sunderland area and also relates to economic development and advises established industrial/ business areas and sites within them will be

retained and improved. The primary and ancillary land uses, echo those identified within UDP policy EC4.

In accordance with the above, the proposed use of the retained building falls within class B8 (storage and distribution) and is therefore considered to be appropriate in this location. Although the Council's UDP was adopted some time ago, the area in which the subject site stands is continued to be identified as an established 'Key Employment Area' by the aforementioned emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This designation is based upon the most up-to-date employment land assessments available to the Council.

City-wide policy CS3.3 of the draft Core Strategy states that 'key' employment areas will be maintained through the improvement, development and intensification of land and premises for economic development (i.e. B1, B2 and B8 use classes) purposes. Policy DM3.1 is also considered to be applicable and identifies uses in Key Employment Areas for employment uses falling within the B use Classes as detailed above.

2. Principle of the proposed change of use

The proposed use of the retained building is for storage purposes which fall within use classes B8 of the Order. Therefore the proposal is considered to be fully compliant with the land and property uses most appropriate within this employment area, as set out by policies EC4 and SA1 of the UDP and policy CS3.3 and DM3.1 of the draft Core Strategy.

In order to determine whether the proposed use of the building is acceptable, all other relevant material planning considerations must first be satisfactorily addressed.

3. Impact of proposed use on remaining employment area

As stated above, the proposed use of the site is for a storage and distribution purpose (Use class B8) which is specifically identified as being acceptable in this location through policies EC4 and SA1 of the UDP and CS3.3 and DM3.1 of the draft Core Strategy.

Given that the subject buildings have remained vacant for a number of years and the proposed use accords with the land use allocation of the wider industrial area, it is not considered the proposal will lead to any detrimental impact to the remaining employment area.

4. Impact of proposed development on visual and residential amenity

Policy B2 of the UDP relates to new development, redevelopment and alterations to existing buildings and states in part that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

The appearance of the modified retained building will not detract from the commercial setting, according with other units in the vicinity whilst the building is a longstanding feature of the site.

It is not considered that the activity proposed would result in the introduction of an operation which would conflict with or cause nuisance to residential occupiers. The nearest residents are located in excess of 190 metres from the boundary of the development site, separated by a busy vehicular transport route through the City.

In addition, the proposed use is not at odds with the wider industrial area and is likely to be less intensive than the use which previously operated from the site.

As such, it is considered that the impact of the proposed development on the visual amenity of the street scene and residential amenity is acceptable in this location, in accordance with the requirements of policy B2 of the UDP and the core principles of the NPPF.

5. Impact of proposed development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking provision.

In response to consultation, the City Council's Network Management team have noted that due to the traffic signalled pedestrian crossing on Commercial Road, all vehicles associated with demolition works should enter the site from the south (Hendon Beech Road) and egress should be taken from the north (Robinson Terrace). As such a condition has been attached to the application requiring a scheme of working to be submitted where proposed access route can be agreed.

In accordance with the above, the proposal is considered to be compliant with the requirements of policies T14 and T22 of the UDP.

6. Flood Risk and Drainage

Paragraph 103 of the NPPF states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats whilst UDP policy B24 advises that appropriate provision for utilities be made.

The City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

The Council's Flood and Coastal Group Engineer has considered the application details and has stated that the Flood Risk Assessment is acceptable and the proposal raises no concerns in terms of surface water management.

7. Means of demolition

Given the level of demolition involved, it is considered reasonable to condition further details be submitted in terms of a method statement for the demolition should Members be minded to grant consent.

CONCLUSION

The proposed use of the premises for storage (B8) is considered to be in accordance with policies EC4 and SA1 of the UDP and draft policies CS3.3 and DM3.1 of the Council's draft Core Strategy and Development Management Policies Development Plan Document (DPD). No serious concerns are noted in terms of ecology, public health or flood risk following the completion of consultations with the relevant sections. The proposal is therefore considered to be acceptable in land use terms in the Hendon employment area without compromising the remaining employment land whilst also being deemed acceptable in terms of residential and visual amenity. In addition, the proposed demolition and use raises no concerns in terms of highway and pedestrian safety, subject to satisfactory receipt of a scheme of working, in accordance with policies T14 and T22 of the UDP.

However, the proposal is still being considered by Network Rail with the period for the receipt of representations, not expiring until 26 February 2016, subsequent to the preparation of this report and after the Sub-Committee Meeting.

Accordingly it is recommended that Members be minded to grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to no objection being received from Network Rail and subject to the conditions below. Should Network Rail's consultation response be received prior to the Sub-Committee meeting it will be reported and should an objection be received following the meeting, the application will be referred back to the first available Sub-Committee and the recommendation reappraised if necessary.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal. Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION:

Members minded to grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to no objections being received from Network Rail and subject to the conditions listed below.

Conditions:

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

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

Site location and layout plan, received 08.12.2015
Drawing No. 01/AW: Existing plan and elevation of retained building, received 08.12.2015
Drawing No. 02/AW: Bracing grid, received 08.12.2015
Drawing No. 03/AW: North and south gable walls (internal), received 08.12.2015
Drawing No. 04/AW: Existing plan of north and south gable walls, received 08.12.2015
Drawing No. 05/AW: North west and south west corner detail, received 08.12.2015
Drawing No. 06/AW: Section through east and west elevations, received 08.12.2015
Drawing No. 07/AW: Proposed plan and elevation of west elevation, received 04.01.2016

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

3 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of

working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, a method statement for the demolition and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

4 The demolition works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 and EN5 of the UDP.

5 The retained premises shall only be operated for the purposes hereby approved between the hours of 06:30 and 20:00 daily, in order to protect the amenities of the area and to comply with policy EN5 of the UDP

6 The development hereby approved shall be carried out in complete accordance with the recommendations and mitigation in the Bat Survey Report and the Habitats Regulations Assessment (HRA) report, August 2015, by Durham Wildlife Services, copies of which shall be issued to the developer and building contractors working on site prior to the commencement of works. Should bats be discovered during site operations works must cease and the project ecologist informed immediately, in order to ensure a satisfactory form of development and to comply with policies CN18, CN22 and CN23 of the Unitary Development Plan.

2. South Sunderland

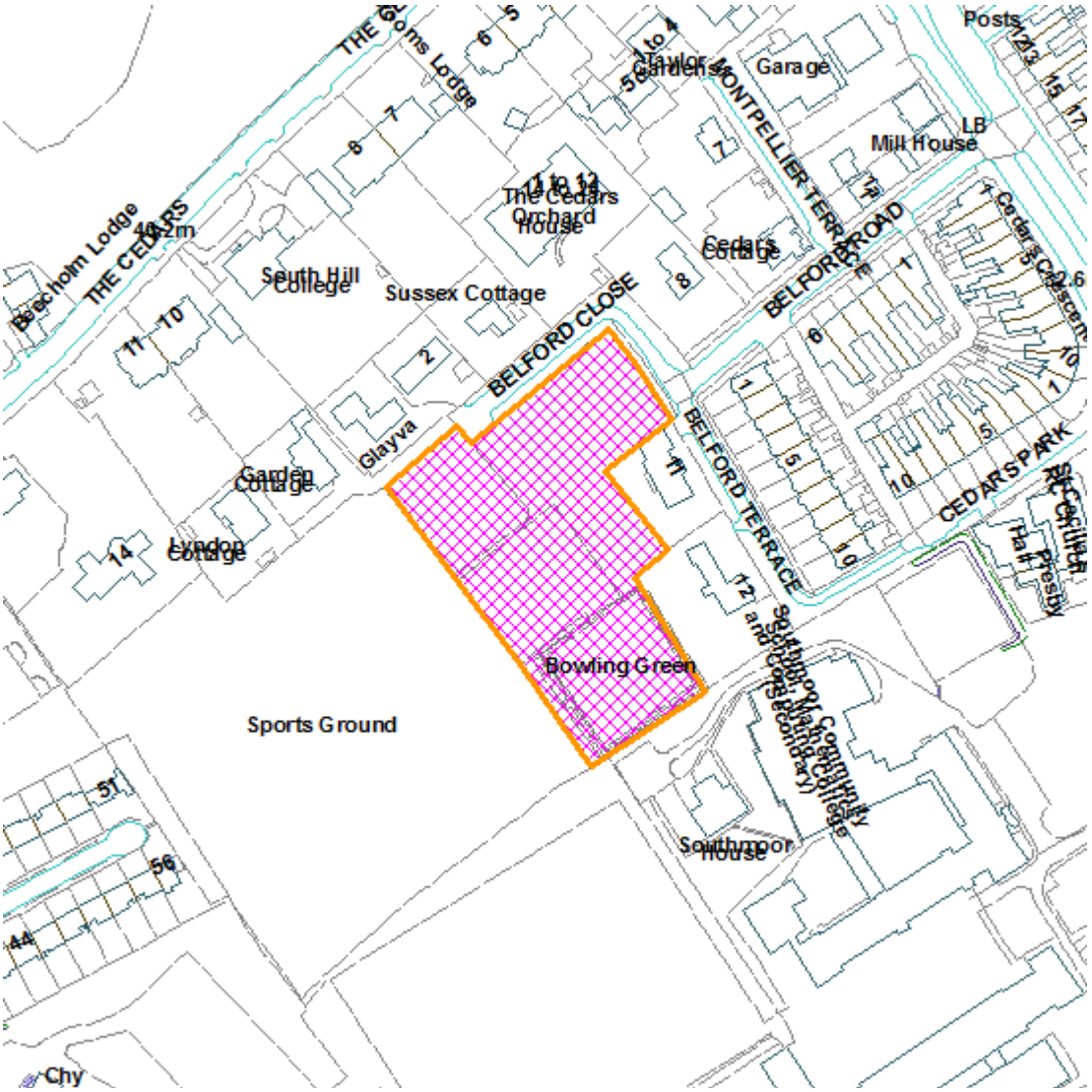
Reference No.: 15/01804/FU4 Full Application (Reg 4)

Proposal: **Erection of 8no detached dwellings (3no. 6-bedroom and 5no. 5-bedroom) with associated roads (amended drawings received 27.11.2015)**

Location: Land At Belford Close Sunderland

Ward: St Michaels
Applicant: Tunstall Construction
Date Valid: 16 November 2015
Target Date: 11 January 2016

Location Plan



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PROPOSAL:

Planning permission is sought to erect eight detached dwellings (3no. 6-bedroom and 5no. 5-bedroom) with associated roads and access at land at Belford Close, Sunderland.

Site

The application site has an area of some 0.76 hectares and comprises overgrown grass, scrub, trees and hard surfacing, having previously accommodated Belford House which was lost to fire and subsequently demolished in 2006. The site is situated in Ashbrooke and lies directly adjacent and to the south of the Cedars Conservation Area and to the northeast of the disused Belford House sports ground and includes within its red line boundary the former tennis courts of the sports ground and its car park. The site contains a number of mature trees which are protected by virtue of a Tree Preservation Order (TPO 75).

The surrounding area is predominantly residential comprising a mix of house types of varying architectural styles including high quality mid-late Victorian and Edwardian terraces and large villas as well as modern detached dwellings which use a range of external materials including facing brickwork, stone and render. In particular, the site is bound to the north east by Victorian Terraces of Belford Close, to the northwest by large detached residential properties, to the south west by an area of open space and to the south east by Southmoor School. Southmoor Academy exists to the south and the former Belford Sports Ground, which is currently vacant, is situated immediately to the southwest of the site.

The site is currently owned by the Local Authority and has been actively marketed through the production of a marketing and development brief for the site, which was issued in March 2014 superseding a previous brief issued in 2006, and the proposed development broadly accords with this.

Proposal

Four house types are proposed, each of similar contemporary bespoke design comprising a broadly L-shaped footprint and incorporating common features including gabled roofs with staggered ridge and eaves heights and flat-roofed dormers within their lower sections. With the exception of House Type 2, which accommodates only two levels and ridge heights of 7.1m and 9.6m and accounts for three of the proposed units, the lower section of each dwelling would have 1.5 storeys to a ridge height of some 7.1m with habitable roof space served by dormers and the highest section would have two storeys in addition to habitable roof space served by windows in the gables and rooflights and a ridge height of 9.3m

The proposed palette of materials includes red facing brickwork, white render Spanish slate and red roof tiles, timber and aluminium doors, grey aluminium window frames and garage doors, rooflights, dark grey painted timber fascia and soffit boards and grey rainwater goods and block paving.

Six of the proposed dwellings would be served by a new estate road to be taken from the section of Belford Close which runs along the northwest of the site whilst Plot 2 would be afforded direct access from Belford Close adjacent to the proposed estate road and Plot 1 would be independently accessed from the section of Belford Close which runs along the northeast of the site at a point approximately 10m from its junction with Belford Road. Each plot would be afforded a block paved drive and integral garage.

The front gardens of Plots 1, 2 and 4 would be bounded by existing and proposed stone walls, the rear gardens of Plots 2 and 3 would be segregated from the highway by a brick wall and metal railings to an overall height of 1.8m. The remaining frontages would be largely open plan and the plots would be divided from one another by 1.8m high close boarded timber fencing.

Supporting Documentation

This application is supported by the following documentation:

Arboricultural Impact Assessment
Design and Access Statement
Ecological Report and Site Assessment
Phase 1: Desk Top Study Report
Phase 2: Ground Investigation Report
Material Schedule and Design Guide

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Michaels - Ward Councillor Consultation
Network Management
Environmental Health
Sport England
St Michaels - Ward Councillor Consultation
Network Management
Environmental Health
Sport England

Final Date for Receipt of Representations: **17.02.2016**

REPRESENTATIONS:

The site is allocated by the Council's adopted Unitary Development Plan (UDP) as new and upgraded open space / leisure use and, as such, the proposal constitutes a departure from the development plan and the application has been publicised accordingly.

Responses from Publicity

Representations have been received from residents of four neighbouring dwellings (one in the form of a request to speak at the relevant Development Control Sub-Committee meeting), none of which object to the proposal, however the following concerns/recommendations are made:

- The developer should be held to the same criteria considered appropriate by the development briefs issued by the Council in 2006 and 2014

- The proposed vehicular access to Plot 1 should be taken from Belford Close to allow the entire of the boundary wall facing east onto Belford Close / Belford Road to be retained and to avoid the creation of a crossroads/junction with Belford Road and Belford Terrace
- The increased volume in traffic which would result from the proposed development, including construction vehicles, would exacerbate existing congestion problems in the area, making access difficult in Belford Road and Belford Close, including the garages to the rear of Cedars Park, and construction traffic could cause damage to existing roads

A representation has been received on behalf of Southmoor Academy which is situated to the south of the site wherein concerns are raised that the proposed development may prejudice future plans to utilise the adjacent former Belford Sports Ground site for playing pitches, for which (particularly in respect of cricket and rugby) there is an identified deficiency within this area of the City given that:

- Residents of the proposed dwellings would be likely to oppose the provision of playing pitches from a noise and residential amenity perspective; and

- Vehicular access to the former Sports Ground would be made challenging and the proposal would therefore conflict with UDP policy L7 which, in part, seeks to protect access to existing or proposed open space.

It is suggested by the Academy that such grounds are sufficient to warrant a refusal of planning permission or, should the Council, as Local Planning Authority, take an opposing view, then the Academy recommends that measures be taken to protect the future use of the adjacent site for sports including providing a physical access through the current application site, the provision of substantial landscaping along the western boundary and a financial contribution by the developer.

External Consultees

Sport England originally objected to the application on the basis that the proposed development would occupy disused tennis courts and car park of the former Belford Sports Ground and no consideration was provided over whether the tennis courts are surplus to requirements whilst the loss of this car park would give users of any future playing pitches to be provided on the adjacent former Sports Ground site nowhere to park their vehicles, so the proposal would prejudice (the return to use) of the adjacent playing field. Further to the receipt of these initial comments, plans were submitted to Sport England which show how Belford House would be accessed and where participants and spectators would park, should the playing field be brought back into use independent of Southmoor School. In light of this additional information, Sport England is now satisfied that the proposed residential development would not prejudice the potential use of the disused playing field on the adjacent site and therefore withdraws its objection.

Northumbrian Water confirmed that it has received an enquiry from the applicant for allowable discharge rates and points into the public sewer for the proposed development. In the correspondence it states that estimated foul flows of 0.37l/sec would be permitted to discharge to the existing 300mm combined sewer using the existing connections and that surface water from the proposed development should be restricted to 5l/sec and will discharge to the existing 300mm combined sewer using the existing connections. Should Members be minded to grant consent Northumbrian Water recommends the submission of an appropriate detailed scheme for the disposal of surface and foul water from the development.

Internal Consultees

Natural Heritage offered no objection on the basis that the development is carried out in accordance with section 5: Mitigation of the submitted Ecological Report and recommended the imposition of further conditions requiring the submission of satisfactory details of the number and location of bird boxes and a landscaping plan which includes wildlife-friendly planting. Natural Heritage also confirmed that a Habitat Regulations Assessment screening is not required in this instance given the relatively low quantum of development proposed.

Network Management offered no objection but made reference to requirements for the highway network of the proposed development to be built to an adoptable standard and the provisions of sections 38 and 219 of the Highways Act 1980.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_24_Appropriate provision for utility services in building development
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_1_Improvement of the environment
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_1_Provision for new housing
H_8_Windfall sites to accord with other policies unless specific benefits are provided
L_7_Protection of recreational and amenity land
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in the assessment of this application are set out as follows:

Land Use and Sustainability;
Impact on Sports and Recreation Provision
Visual Amenity and Design;
Residential Amenity;
Highway Implications;
Flood Risk and Drainage;
Ecology; and
Ground Contamination

Land Use and Sustainability

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the

development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The majority of the application site is identified for new and upgraded open space / leisure use by the Council's adopted Unitary Development Plan (UDP) and, as such, policies B3 and L7 apply which seek to protect public and private open space, in particular its amenity, recreational or nature conservation value. Policy B3 sets out that proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area whilst policy L7 advises that land allocated for open space or outdoor recreation will be retained in its existing use and permission for other uses on these sites will only be granted if alternative provision, of an equivalent scale, quality and accessibility is made, or the development is for educational purposes and there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. The latter of these policies also advises that access to existing or proposed open space will be protected.

The northernmost section of the site is not allocated for any specific land use by the UDP and, as such, is subject to policy EN10 which dictates that, where there is no indication of any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

UDP policy H1 sets out general criteria for the provision of new housing, including the re-use of vacant and derelict land wherever possible, whilst policy H8 provides the context for considering housing proposals that come forward as 'windfall' sites (i.e. sites not previously identified as being available for housing), which is broadly reflected within the NPPF wherein it is indicated that such sites shall normally be 'brownfield' (i.e. previously developed). Reflective of paragraph 49 of the NPPF, policies R1 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, both in terms of methods of construction and with respect to the functionality of a development.

The application site is considered to be 'brownfield' given that it is clearly previously developed, having accommodated tennis courts and a car park, and has not been altered since it accommodated such development to a site which can be considered to offer any notable amenity value.

The surrounding area is predominantly residential in character, so the proposal accords with the requirements of UDP policy EN10, and the proposed development of high-quality homes at a relatively low density of around 10 dwellings per hectare is considered to be appropriate and consistent in terms of the typical quality of accommodation which exists in the local area. However, consideration must also be given to the conformity of the proposal to policies B3 and L7 in respect on any impact on existing or proposed sports or recreation provision in the locality, which will be addressed below.

The site is considered to be situated in a highly sustainable location for residential development, being situated within an established housing estate with excellent access to local schools and good access to local amenities. The site is only a short walk from Ryhope Road and Queen Alexandra Road which accommodate numerous bus routes affording good public transport links to the City Centre.

The submitted Design and Access Statement provides details of sustainable building have been provided, including the use of passive heating and cooling, high levels of insulation and design to maximise the use of sunlight. However, in a written ministerial statement on 25 March 2015, the Secretary of State for Communities and Local Government advised that local authorities should no longer require any particular Code of Sustainable Homes level as part of the conditions imposed on planning permissions. Instead, energy requirements for dwellings are set by the Building Regulations which currently require at least code level 3, which is anticipated to rise to the equivalent of code level 4 by late 2016.

For such reasons, the principle of the proposed development is considered to be acceptable, in principle, provided that it does not prejudice any existing or proposed sports or recreation provision and subject to satisfying the remaining issues set out below.

Impact on Sports and Recreation Provision

Paragraph 74 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- 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
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Sport England is a statutory consultee for development proposals affecting playing pitches (but non-statutory in respect of lapsed sites) and its Planning Policy Statement entitled A Sporting Future for the Playing Fields of England: Policy on planning applications for development on playing fields sets out (policy P1) that 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies', namely.

E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

E4 The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

The definition of playing field within the planning system is the whole of a site which includes a playing pitch of 0.2ha or more. Given that the primary use of the Belford House site was as a sports ground, of which the current application site formed part, the application site is included within the wider playing pitch site. Whilst the proposed development would leave the main body of the former Belford House playing field untouched it would involve the loss of former tennis courts and the car park which served the playing field.
The Sunderland Greenspace Audit and Report 2012 identifies the land immediately to the west of the site as school playing fields and grounds (ref. G045) and the Sunderland City Council Playing Pitch Plan (January 2015) also makes reference to this land to the west, identifying it as a lapsed site which previously accommodated an outdoor sports facility, and sets out that it has the potential to be brought back into a sporting use. The Playing Pitch plan also identifies a shortfall of cricket and rugby pitches in the host Sunderland East area and recommends that the Council work with Southmoor School in the short term with the aim of establishing a community use agreement to allow the use of rugby pitches at the school to alleviate overplay at Ashbrooke Sports Club. However, neither of these documents include the application site as having any existing or potential value for sports development. Therefore, the crucial aspect in this instance is whether the current proposal would prejudice the use of the adjacent land to the west.

To this regard, as set out above, Sport England originally objected to the proposal on the basis that the proposal does not meet any of the five exceptions set out above and would leave competitors and spectators nowhere to park should the adjacent site be brought back into use for sporting purposes, in accordance with the aspirations of the Council and Southmoor Academy.

However, a plan was subsequently submitted and presented to Sport England setting out that parking would be provided to the west of the site which would be accessed by extending Belford Close in a straight line southwestward should the playing fields be brought back into use. On this basis, Sport England withdrew its objection and confirmed its satisfaction that adequate access and parking could be afforded independent of Southmoor Academy should the adjacent site be brought back into use and, as such, the current proposal would not prejudice the potential future use of this adjacent site as a playing field.

Therefore, in this instance, it is not considered that the proposal would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field and, as such, it is not necessary to apply any of the five exceptions of the Sport England playing fields policy.

Visual Amenity and Design

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, policies B4 and B6 of the UDP sets out that all development within, and adjacent to, conservation areas must preserve or enhance their character or appearance by,

amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries. Furthermore, UDP policy CN17 promotes the retention of trees which make a valuable contribution to the character of an area and requires the retention of trees, hedges and landscape features in all new development where possible

As set out above, the local area is characterised by a mix of house types of varying architectural styles, the most impressive of which are the high quality mid-late Victorian and Edwardian terraces and large villas situated within the adjacent Cedars Conservation Area. Whilst the application site is situated outside of the Conservation Area, given its particularly close proximity the proposed development will affect its setting and, as such, a high quality design is required which accommodates the best qualities of the local architecture.

To this regard, the proposed dwellings are considered to achieve the quality of development required for this site in terms of their design, scale and massing. The low density of development allows for larger properties to be constructed, which is consistent with the local area, whilst maintaining appropriate spaciousness between dwellings, each of which would be afforded a large curtilage which reflects those of the nearby detached properties in the Conservation Area. The height and roof pitch of the proposed dwellings reflects the character of the typically steep pitches of existing surrounding dwellings and the incorporation of gabled roofs and features accords with those found on existing properties, particularly Orchard House to the north. In addition, each proposed dwelling is of similar design, scale and massing, so a consistency of character incorporating variances which add to the interest of the scheme would be achieved within the proposed development.

In order to ensure that an appropriate quality and consistency of building materials is used, should Members be minded to approve it is recommended that a condition be imposed requiring the external materials to be used, including hard surfaces, to accord with those set out by the submitted Material Schedule and Design Guide, with the exception of the proposed red rosemary roof tiles which are not considered to be in-keeping with the predominant character and appearance of the area, in particular the properties in the adjacent Conservation Area.

In addition, the proposed boundary treatment, in particular the use and repair of the existing and provision of a new stone wall along the Belford Close frontage, is considered to be appropriate in terms of the use of materials and height and will emphasise the status of the adjacent Conservation Area. It is noted that a boundary wall with metal railings to a height of 1.8m is proposed along the boundary of Plot 2 which would abut the footway of the estate road, however it is accepted that this is required in order to afford an appropriate level of privacy to this plot and it is not considered that the use of such high boundary treatment is excessive relative to the overall development whilst the use of brickwork and metal provides the opportunity to adopt a decorative form of boundary treatment replicating other such boundaries which exist in the vicinity of the site. Given that precise details have not been provided, it is recommended that a condition be imposed, should Members be minded to grant planning permission, requiring the submission of details of all proposed boundary enclosures.

It is noted that there a numerous mature trees within the site and a number of these around the periphery of the site and within what would be the curtilage of Plot 1 are afforded statutory protection by TPO 75. An Arboricultural Impact Assessment has been submitted which provides details of 51no. individual trees, three hedgerows and two groups of trees which have been surveyed and provides recommendations on each relative to the proposed development. In accordance with such recommendations, it is proposed to remove a total of eight trees, namely a beech (T17 as identified by the plans of the submitted Assessment) which the report identifies as being of low value, two mature laburnums (T20 and T21) which are identified as being in poor

condition and unsuitable for retention, an ash tree (T24) which the report identifies as being of moderate value, three middle aged white poplars (T31, T33 and T34) which are identified as unsuitable for retention, a low value sycamore (T44) and approximately 17m of hedgerow between Plots 4 and 5. Of the trees proposed for removal, T31, T33, T34 and T44 are included in the TPO.

The recommendations of the report are considered to be sound and the LPA is satisfied that the proposed removals would not adversely affect the character or amenity of the locality and the development can be realistically carried out without damaging any trees to be retained, provided that appropriate protection measures are put in place which can be conditioned should Members be minded to approve. Consideration has also been given to the position of trees within the development site and any potential future pressure which may be placed on these from future residents, in particular within the rear garden of Plot 1 which would accommodate a high proportion of trees. However, it is considered that these trees can be realistically managed and moderately reduced in density, which would be subjected to a separate application for works to protected trees, without compromising the amenity of the local area whilst affording an appropriate level of amenity to residents of Plot 1.

Therefore, provided that appropriate replacement tree planting is carried out, which can be secured by the imposition of a landscaping condition, it is not considered that the proposed development would compromise the arboreal character of the locality.

Residential Amenity

Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide SPD which set out standards and examples of good design practice. In particular, section 10C of the Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments.

The proposal comfortably adheres to these spacing standards in relation to existing dwellings, so would not compromise privacy or outlook, and given this spacing together with the height of the proposed dwellings it is not considered that any undue overshadowing would be imposed on neighbouring properties, nor would any proposed dwelling appear oppressive.

In terms of the inter-relationship of the proposed dwellings, it is noted that windows are to be provided in the southwest facing gable of Plot 1 which face onto the opposing gable and rear garden of Plot 2, however these are relatively small secondary windows which either serve an en-suite/bathroom or a room which is served by other windows affording a good level of outlook. Close-boarded timber fencing to a height of 1.8m would prohibit views of the curtilage of Plot 2 from ground floor windows. A condition can be imposed requiring the first floor windows in the southwest facing elevation of Plot 1 to be fitted with obscure glazing in order to achieve an acceptable level of privacy for Plot 2; a similar arrangement exists at Plots 5-8 and it is recommended, should Members be minded to grant planning permission, that this condition also includes these plots. Whilst Plot 2 has a window in its elevation facing Plot 1, this would overlook the front garden instead of the private rear garden so it is not considered that this would compromise privacy.

It is noted that a substandard outlook of approximately 11m would be afforded to southeast facing windows of Plots 5 and 7, however all but one of the affected rooms would have southwest facing windows affording a particularly good outlook. A first floor bedroom of Plot 7 would contain only a single window with an outlook of some 11m, however all other rooms of this property are afforded

particularly good outlook and, as such, it is considered that an acceptable level of amenity and overall spacing of this and all proposed dwellings is appropriate and commensurate with the local area.

Highway Implications

Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles. Topic 13 of the Development Control SPG expands upon these policies, setting out the LPA's parking standards, and recommends the provision of 1no. off-street parking space per dwelling in addition to 1no. visitor parking space for every 3no. new dwellings. A typical external parking space should measure no less than 5.5m, or 5m should a roller shutter door be used, measured from the back of any open gates.

Whilst no dedicated visitor parking spaces are proposed, each proposed dwelling would be afforded a driveway of sufficient area to accommodate 2no. typical cars, including those of visitors, as well as integral double garages, so the proposal comfortably meets the minimum parking standards set out above. Access to each proposed dwelling is considered to be acceptable, having been deemed satisfactory by the Council's Network Management section, and the proposed boundary enclosures ensure that an adequate level of visibility is maintained.

It is considered that the proposed new estate road is appropriately accessed from a section of Belford Close which is not heavily used and adequate visibility would also be afforded at this junction. The new road would be constructed to an adoptable standard and would incorporate a turning area to ensure that no vehicle would have to travel a significant distance in reverse gear. Whilst local residents have requested alternative access arrangements, as set out previously in this report, given that the currently proposed arrangement is considered to be acceptable it is not considered reasonably to request alternative arrangements to be made.

It is accepted that there will be a degree of disruption to the local highway network during construction works, which is an unavoidable matter for development. In order to minimise such disruption, as well as to local residents, it is recommended that a condition be imposed requiring the submission of an appropriate scheme of working should Members be minded to approve this application.

Flood Risk and Drainage

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) whilst UDP policy B24 advises that appropriate provision for utilities be made.

The proposed development does not constitute a major planning application, given that it comprises less than 10no. dwellings, so there is no requirement for the incorporation of sustainable urban drainage systems (SuDS).

No specific details have been provided in respect of the management of foul and surface water. However, it is noted that the development would remove a proportion of the site's porous surface, but would also replace a significant amount of hard surfacing and incorporates a high proportion of greenery in the form of garden space and soft landscaping. In addition, the site is situated within Flood Zone 1 and not within a Critical Drainage Area identified by the Environment Agency, so it not at a defined high risk of flooding. Therefore, as per the recommendation of Northumbrian

Water, it is considered that full details of foul and surface water management can be conditioned, should Members be minded to grant planning permission.

Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

The site is located approximately 1km from the Northumbrian Coast Special Protection Area (SPA) and a slightly greater distance from the Durham Coast Special Area of Conservation (SAC), which is an area of designated European wildlife importance. Any development proposal in such proximity to the SAC will have to undertake a Habitat Regulations Assessment (HRA) to demonstrate that it will not have any adverse effects on the integrity of the designated site, either alone or in combination with other relevant plans or projects. A screening exercise should therefore be undertaken to initially evaluate the proposals in order to determine whether a more detailed Appropriate Assessment or a full HRA is required.

The main potential impact on the SAC from residential development is typically from residents who have pet dogs in that the dogs may be walked along the coast and cause damage to bird habitats. The submitted Ecological Report and Site Assessment does not make any reference to HRA, however given the quantum of the proposed development and the close proximity of the site to suitable areas for dog walkers, most notably Backhouse Park, it is considered that any such impact would be negligible, as confirmed by the Council's Natural Heritage section.

The submitted ecology report concludes that the proposed development is very unlikely to pose an impact on bat populations in the area given that the trees within the site offer no roosting potential, but identifies that the proposed development would result in a small loss of bat feeding and bird nesting habitat through the removal of bramble scrub and trees. Accordingly, the reports recommends that all trees and scrub removal to take place outside of the bird breeding season as well as mitigation in the form of the planting of trees and shrubs with berries to maintain bird populations, and flowering trees and shrubs to maintain nectar sources and the provision of bird boxes. Upon consultation with the Council's Natural Heritage section, such measures are considered to be reasonable relative to the ecological value of the site and the scale of the proposed development and can be conditioned should Members be minded to grant planning permission.

Ground Contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12, in part, states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from

migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A Preliminary Investigation has been provided which includes a site walkover, review of Ordnance Survey historical mapping, BGS 1:50,000 and 1:10,000 geological mapping, Coal Mining Report, search of environmental databases and proposes a Phase II ground investigation be undertaken for the site comprising trial pits and boreholes with associated geotechnical and environmental laboratory testing and monitoring of groundwater and ground gases.
Upon consultation with the Council's Environmental Health section, given the proposed sensitive residential land use, likely presence of demolition rubble and made ground from previous land uses including post office "ruin" and imported fills and the possibility of asbestos being present on site due to the age of the social club facility, it is considered that a Phase II investigation is appropriate and can be reasonably conditioned in this instance. It is noted that any imported topsoil should be certified to BS3882:2007 and ALARP (as low as reasonably possible) principles should apply regarding concentrations of chemicals in imported soils in general. Consideration should be given to chemical attack of water pipes and building materials and asbestos testing for soils should be UKAS accredited screening and identification to a detection limit of 0.001%w/w with or without quantification.

A Phase 1: Desk Top Study Report and Phase 2: Ground Investigation Report have been submitted with the application which are still being considered by the Council's Environmental Health section.

However, given that the potential risk to human health is relatively low in this instance, it is considered that matters relating to the potential exposure to contaminants can be conditioned in this instance, should Members be minded to approve the application.

Conclusion

For the reasons given above and subject to the imposition of appropriate conditions as set out below, it is considered that the proposed development is acceptable in principle, constitutes sustainable development, would not prejudice any existing or potential sports or recreation provision in the locality and is acceptable in terms of design, scale, massing and layout and it is not considered that the proposal would be detrimental visual or residential amenity, highway safety or the free passage of traffic, the risk of flooding or the ecological value of the local area and the risk of exposure to contaminants is relatively low and can therefore be realistically addressed.

The proposal therefore accords with the provisions of the adopted UDP and the NPPF as set out above and, in lieu of any material considerations to suggest otherwise, it is recommended that Members grant consent subject to the conditions listed below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION:

Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions listed below.

Conditions:

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

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

Drawing no. AL (90) 1000: Location Plan received 21.09.2015
Drawing no. AL (90) 0100: Existing Site Plan received 27.11.2015
Drawing no. AL (90) 0200 rev. A: Proposed Site Plan received 27.11.2015
House Type 1A Elevations: Drawings no. AL (00) 0070 rev. A and (00) 0080 rev. A received 21.09.2015
House Type 1 Elevations: Drawings no. AL (00) 0010 rev. A and (00) 0020 rev. A received 21.09.2015
House Type 2 Elevations: Drawings no. AL (00) 0030 rev. A and (00) 0040 rev. A received 21.09.2015
House Type 2 Elevations (Plot 2): Drawing no. AL (00) 0035 rev. A received 21.09.2015
House Type 2 Elevations (Plot 3): Drawing no. AL (00) 0046 rev. A received 21.09.2015
House Type 3 Elevations: Drawing no. AL (00) 0600 rev. A received 21.09.2015
House Type 1A Floorplans: Drawing no. AL (00) 0400, AL (00) 0410 and AL (00) 0420 received 21.09.2015
House Type 1 Floorplans: Drawing no. AL (00) 0100, AL (00) 0110 and AL (00) 0120 Rev. A received 21.09.2015
House Type 2 Floorplans (Plot 2): Drawing no. AL (00) 0220 and AL (00) 0230 received 21.09.2015
House Type 2 Floorplans (Plot 3): Drawing no. AL (00) 0225 and AL (00) 0235 received 21.09.2015
House Type 2 Floorplans (Plot 4): Drawing no. AL (00) 0200 and AL (00) 0210 received 21.09.2015
House Type 3 Floorplans: Drawing no. AL (00) 0300, AL (00) 0310 and AL (00) 320 Rev. A received 21.09.2015

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

3 The external materials to be used shall accord with the details denoted on the proposed elevations and site plan and, for the avoidance of doubt, shall comprise the following, as set out by the submitted Materials Schedule and Design Guide:

- Terca 65mm Durham red multi stock bricks
- White render
- Spanish slate
- Grey coloured timber or aluminium entrance and garage doors
- Grey coloured aluminium window frames
- Grey coloured rainwater goods and timber fascia and soffit boards
- Brindle coloured block paving with charcoal edging

In the interests of visual amenity and the character and appearance of the adjacent Conservation Area and to comply with policies B2, B4 and B6 of the adopted Unitary Development Plan.

4 No development shall commence until details of all walls, fences or other means of boundary enclosure, including their precise position, design and materials, have be submitted to and approved, in writing, by the Local Planning Authority. The agreed boundary treatment shall then be fully installed before the dwelling whose curtilage would be defined by such boundary treatment is occupied unless otherwise agreed, in writing, by

the Local Planning Authority, in the interests of visual and residential amenity, the character and appearance of the Conservation Area and highway safety and to comply with policies B2, B4, B6 and T14 of the adopted Unitary Development Plan.

5 No development shall take place until a scheme of landscaping, together with a timetable for its implementation, has been submitted to and approved, in writing by the Local Planning Authority. The scheme of landscaping shall incorporate the mitigation measures, in particular paragraphs 5.2 and 5.5, set out by section 5 of the Ecological Report and Site Assessment prepared by Veronica Howard dated July 2015. Thereafter, all planting, seeding or turfing of the approved details of landscaping shall be carried out in accordance with the agreed timetable 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, in the interests of visual amenity, to protect the biodiversity of the site and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

6 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Impact Assessment report and drawings ref. TPP and AMS TPP dated 22 June 2015 and British Standard 3998 (2010): Recommendations for Tree Work, no development shall commence until all tree protection measures set out by this report have been fully installed and all tree protection measures shall remain in place until the development is complete, in order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan.

7 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation, to ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

8 The remediation scheme approved under Condition number 8 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the former PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

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. An investigation and risk assessment must be undertaken and, when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 8 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 9 (Remediation/Validation Report).

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

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

10 No development shall take place until details of the management of foul and surface water have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities serving that dwelling have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policies EN12 B24 of the adopted Unitary Development Plan.

11 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority which includes the siting and organisation of any construction compound and site cabins, routes to and from the site for construction traffic, in-curtilage car parking arrangements during construction works and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies EN5 and T14 of the adopted Unitary Development Plan.

12 No construction works required for the development hereby approved shall be carried out outside the hours of 07:00 and 19:00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 07:30 and 14:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenity of local residents and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

13 The development hereby approved shall be carried out in complete accordance with the mitigation measures detailed in section 5 of the Ecological Report and Site Assessment

prepared by Veronica Howard dated July 2015 and no dwelling hereby approved shall be occupied until details of bird boxes to be provided within or adjacent to the site have been submitted to and approved, in writing, by the Local Planning Authority, in order to protect the biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

14 Notwithstanding the submitted plans, all first floor windows to be provided in the southwest facing elevation of the Plot 1 and the northwest facing elevation of Plots 5, 6, 7 and 8 shall be fitted with top hung or non-opening obscure glazing which shall be retained thereafter, in order to protect the privacy afforded to Plot 2 and to comply with policy B2 of the adopted Unitary Development Plan.

15 Notwithstanding any indication of materials which may have been given in the application, the external materials to be used in the surfacing of the proposed driveways shall be porous, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of each host plot, in order to mitigate the risk of flooding locally and to accord with the requirements of policy EN12 of the adopted Unitary Development Plan.

3. South Sunderland

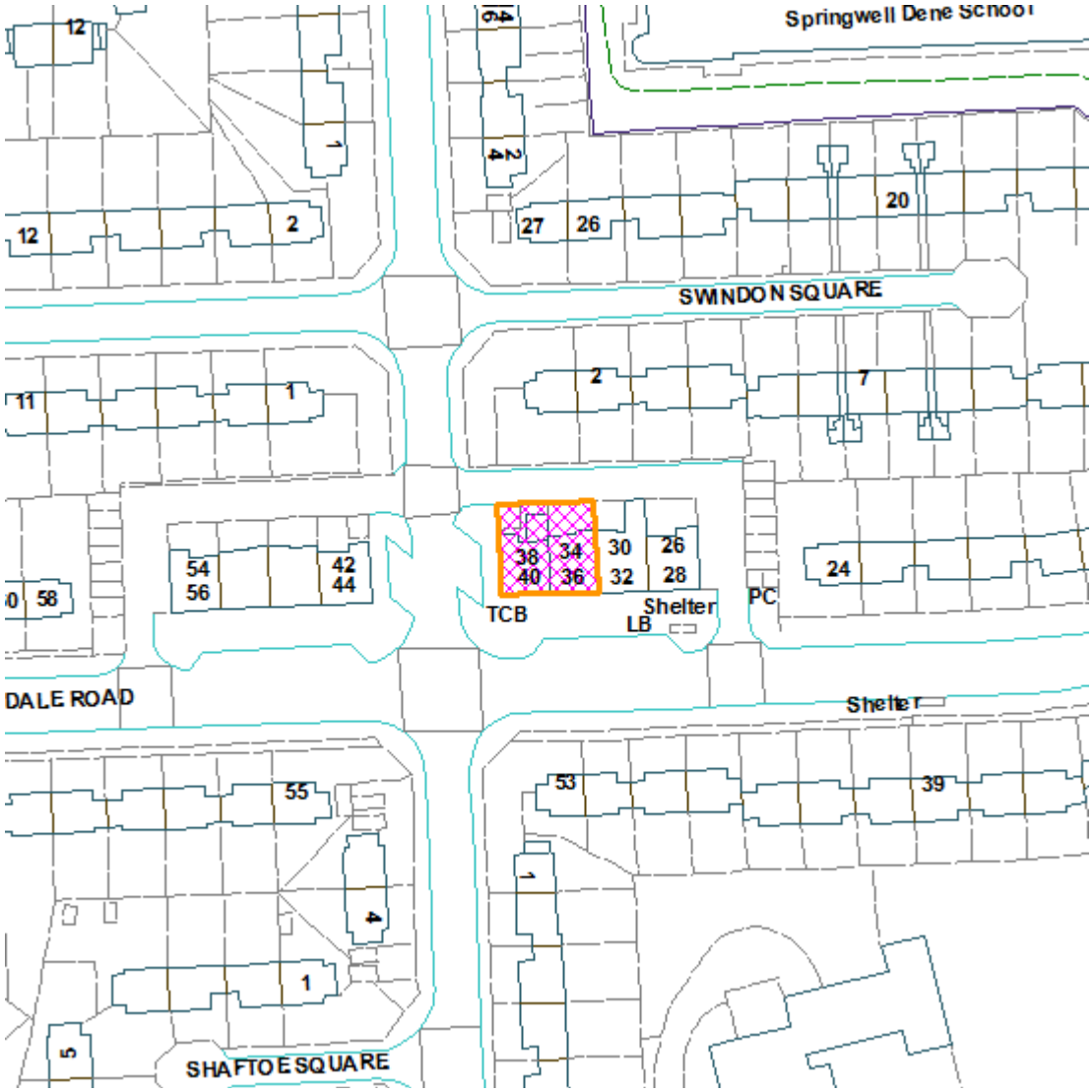
Reference No.: 15/02403/FU4 Full Application (Reg 4)

Proposal: **Demolition and erection of new boundary walls to rear with roller shutter vehicular access and roofing over to form store room.**

Location: 38 Sunningdale Road Sunderland SR3 4HE

Ward: Sandhill
Applicant: Mr Surinder Singh
Date Valid: 26 November 2015
Target Date: 21 January 2016

Location Plan



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PROPOSAL:

Planning permission is sought to erect a new covered store room to the rear of 38 Sunningdale Road, Sunderland. The proposal would see the demolition and rebuild of the existing rear/side boundary walls and include the installation of a new roller shutter door within the rear elevation.

The covered store room and new boundary walls would run along the full extent of the property's rear curtilage and present a maximum height of 6.9m as opposed to the 5m boundary treatment which is currently in situ.

The host site houses a local convenience store which is located within a small parade of three commercial properties on the corner of Sunningdale Road and Swindon Road within the residential Springwell Estate close to Springwell Road.

The accompanying Design and Access Statement stipulates that the proposal is required to improve the facilities for the staff and members of the public. It is stated that the new store room would have the effect of reducing the number of van journeys to the premises and free up more floor space for the shopping area and allow for a greater range of products. It also argued that the proposal would improve the visual appearance of the property by incorporating the water bins, packing cases and timber pallets internally.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Sandhill - Ward Councillor Consultation

Environmental Health
Network Management
Final Date for Receipt of Representations: **23.12.2015**

REPRESENTATIONS:

Representations

No objections have been received as a result of the public consultation undertaken.

Consultations

The Council's Network Management section has confirmed that they have no recommendations or observations to make.

The City Councils Environmental Health Section originally raised some concern over the potential re-location of what was described within the plans as an air conditioning unit, to a position just below an upper floor bedroom window. The agent has since qualified that the unit in question is actually a fridge compressor and that the unit will not need to be re-located as a result of the works. On this basis Environmental Health have raised no further concerns.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to consider in assessing the application are;

1. The impact of the development on visual amenity
2. The impact of the development on residential amenity
3. The impact of the development on highway safety.

1. Visual amenity

Policy B2 of the UDP requires that new development should respect visual amenity and therefore new proposals will generally be expected to adhere with the scale and massing of development found within the locality. In this instance it is acknowledged that the rear boundary treatment is to be notably heightened to accommodate the new enclosed rear storage area. During the officer site visit it was observed that the height of the boundary treatment currently evident to the rear of the host parade was largely consistent. Nonetheless, it was also observed that nearby boundary treatment which runs to the rear of the adjacent commercial parade to the immediate west was of a comparable height to that proposed. In this regard it is considered that the enlarged boundary treatment would seek to complement and respect the character and appearance of the area. Consequently it is concluded that the physical development would have little impact on the visual amenity of the locality and accord with the requirements of policy B2 of the UDP.

2. Impact of proposed development on residential amenity

Policy B2 also requires new development proposals to respect the amenity of existing residential properties. Whilst the host parade has first floor residential flats running above the ground floor commercial units it is not considered that the physical development within the yard would impact on the living conditions of the occupiers in this instance. The extent of the new wall would sit below the extremities of the upper floor windows thereby having no direct impact on outlook, light or overshadowing.

The original plans initially indicated that the applicant was proposing to re-locate an existing air conditioning unit, currently positioned at ground floor within the open rear yard, to a point just below the sill of one of the upper floor residential windows. Concern was therefore raised over the potential noise implications for the residents above and further information regarding the specifications of the air conditioning unit was requested in order to establish the level of noise that would be emitted from the plant.

The agent has since established that the unit in question is in fact a fridge compressor and that it does not need to be moved from its current position. Consequently, any existing noise emitted from the unit would likely be reduced (externally), given that the yard would now be enclosed. Amended plans have been received to this effect.

3. Highway safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety. In this respect it is noted that the proposed development would not demonstrably alter the parking levels associated with the rear yard and consequently no observations have been raised by the Executive Director of City Services (Network Management).

The proposal therefore complies with policy T14 of the approved UDP and is considered to be acceptable in respect of highway safety.

Conclusion

On the basis of the reasoning provided above, it is considered that the proposed development would have no adverse impact on the visual amenity of the area, the living conditions of nearby occupiers, or highway and pedestrian safety.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to¿
(a)tackle prejudice, and
(b)promote understanding.

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

RECOMMENDATION:

Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions listed below.

Conditions:

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

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

The amended floor plans and elevations as existing as proposed received 26.01.2016 'REVA'
The roof and rear wall detail as amended received 26.01.2016 'REVA'
The proposed site and location plan received 26.11.2015

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

3 Notwithstanding any indication of materials which may have been given in the application; the external brick work to be used, shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4. South Sunderland

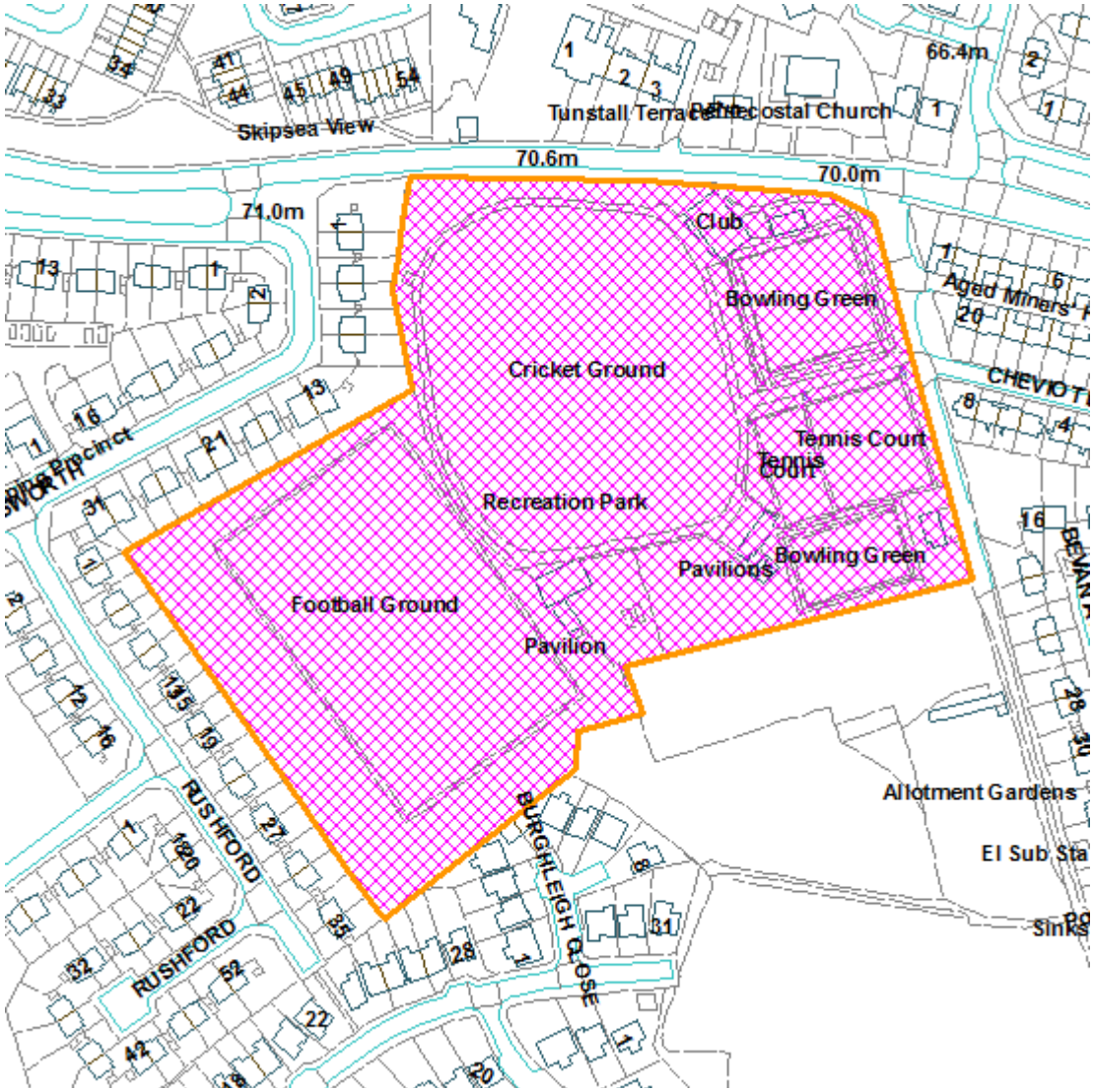
Reference No.: 16/00054/LP3 Local Authority (Reg 3)

Proposal: **Installation of ball stop posts and netting in front of existing ball stop nets.**

Location: Ryhope Recreational Park Ryhope Street South Sunderland

Ward: Ryhope
Applicant: Commercial Development
Date Valid: 20 January 2016
Target Date: 16 March 2016

Location Plan



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PROPOSAL:

Planning permission is sought for the installation of ball-stop posts and netting in front of existing ball stop nets at Ryhope Recreational Park, Ryhope Street South, Sunderland.

The proposed development is associated with the football ground at Ryhope Recreation Park, a municipal park which also features a cricket ground, bowling greens, tennis courts, children's play area, landscaped gardens and a range of ancillary buildings, such as a cricket pavilion, changing rooms and a tea hut. The football ground occupies the westernmost part of the park and is flanked by the rear gardens of properties fronting Ravensworth, Rushford and Burleigh Close on three sides. The ground is used as the home pitch of Ryhope Colliery Welfare Football Club.

The application proposes the installation of ball-stop posts and netting behind the goal at the northern end of the football pitch, which is abutted by the rear gardens of nos. 13-23 Ravensworth. A line of netting, supported by posts and with a height of 5.7 metres, has already been erected immediately behind the fences of the rear gardens. The new netting is proposed to stand 500mm in front of the existing netting (to be retained) and is to have a height of 10 metres, a length of 50 metres and will be supported by a series of steel posts set into concrete bases.

The netting is proposed in order to reduce, or ideally prevent, damage being caused to the dwellings behind the goal at the northern end of the pitch by errant footballs. To this end, it was clear during a visit to the site that the rear roofs of the closest dwellings had been hit by footballs on numerous occasions, judging by the number of replacement roof tiles in evidence.

The application has been submitted by the City Council's Building Management team in the Commercial Development Directorate and the application site itself is also in the Council's ownership.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Ryhope - Ward Councillor Consultation
Sport England

Final Date for Receipt of Representations: **02.03.2016**

REPRESENTATIONS:

Public consultation - no representations have been received to date. The public consultation period does not expire, however, until 2nd March 2016. Details of any representations received following the preparation of this report will be provided at the Committee meeting.

Sport England -comments still awaited. Details of any consultation response received subsequent to the preparation of this report will be provided at the Committee meeting.

POLICIES:

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

L_1_General provision of recreational and leisure facilities
L_7_Protection of recreational and amenity land
B_2_Scale, massing layout and setting of new developments

COMMENTS:

CONSIDERATION OF APPLICATION
Ryhope Recreation Park is identified as an area of existing open space to be retained by the proposals map of the Council's adopted Unitary Development Plan.

Policy L1 of the UDP is therefore of relevance, and this states that the Council will seek to:
(i) provide a range of high standard recreational, sporting, cultural and community facilities;
(ii) develop the City's prestige and attractiveness;
(iii) improve and extend opportunities for public enjoyment of the countryside;
(iv) promote the dual use of community and educational facilities;
(v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation requirements

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

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

The proposed ball-stop netting is essentially a means of abating a nuisance associated with the use of the football pitch (i.e. footballs hitting the roofs of neighbouring dwellings) and, broadly speaking, does not appear to give rise to any significant issues in relation to the continued use of the pitch. Furthermore, the development will not impinge in any way upon the recreational or amenity value of the wider park. As such, the development would appear to accord with the requirements of aforementioned policies L1 and L7 of the UDP and paragraph 74 of the NPPF.

Advice is, however, awaited from Sport England in relation to their views on the merits of the proposed development, with particular regard to its impact on the quality, quantity and use of the football pitch. It is anticipated that a consultation response will be received from Sport England ahead of the Committee meeting and details of the comments provided will be reported at the meeting.

In addition to the above, the proposal must be assessed against the requirements of policy B2 of the UDP, which, in line with the requirements of the core principles of the NPPF, states that new development must respect visual and residential amenity.

In this regard, the proposed netting is, at 10 metres, of considerable height and is substantially taller than the existing netting at the north end of the pitch. The netting is, however, inherently

lightweight and 'transparent' in nature and design. Furthermore, although clearly visible from within the Recreational Park, it will largely be screened from public vantage points outside the Park by the existing dwellings around its perimeter. As such, it is considered that the erection of the netting at the proposed location will not result in any significant harm being caused to the visual amenity of the area.

Nor will the development have a significant detrimental impact upon residential amenity, for the aforementioned lightweight and transparent nature of the netting will ensure it will not appear as unduly overbearing or dominating from the rear gardens or windows of the dwellings flanking the football pitch. It must also be recognised that the development is intended to abate an existing nuisance which is detrimentally affecting the living conditions of the dwellings behind the northern goalposts.

The impact of the development on visual and residential amenity is therefore considered to be acceptable and the proposal is accordingly compliant with the requirements of aforementioned policy B2 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the principle of the proposed development is broadly acceptable, whilst the development raises no significant concerns in relation to residential amenity or visual amenity. The proposed development is therefore considered to comply with the requirements of the core principles and paragraph 74 of the NPPF and policies L1, L7 and B2 of the UDP.

However, as noted in the 'Representations' section of this report, the period for the receipt of representations from members of the public has not yet expired. Furthermore, a consultation response is awaited from Sport England. Details of any representations received in response to public consultation and any comments received from Sport England, together with a recommended decision, will be provided to Members at the Committee meeting.

The recommendation therefore is that Members be minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), 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
Minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions.

Conditions:

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

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

the location/site plan received 15/01/2016, the proposed elevations received 15/01/2016 and 20/01/2016 (drawing nos. 001 and 006), the proposed overview plan received 15/01/2016 (drawing no. 002), the proposed groundworks details received 15/01/2016 (drawing no. 004).

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

3 The ball stop posts and netting hereby approved shall be removed when no longer required and the site returned to its condition prior to installation, or to a condition to be agreed in writing with the Council as Local Planning Authority prior to removal, in order to maintain the visual amenity of the locality and comply with the requirements of policy B2 of the UDP.