

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

Reference No.: 21/01667/LP3 Local Authority (Reg 3)

Proposal: **Relocation of existing pit wheel from Albany Village Washington to new site in Silksworth**

Location: Land At Silksworth Lane East Herrington Sunderland

Ward: St Chads
Applicant: Sunderland City Council
Date Valid: 4 August 2021
Target Date: 29 September 2021

PROPOSAL:

INTRODUCTION / BACKGROUND

Planning permission is sought to re-locate an existing pit wheel from Albany Village, Washington to a new site at Silksworth Lane, East Herrington in Sunderland.

In 2020, residents of Silksworth launched a campaign to return the pit wheel at Albany Village to Silksworth. The pit wheel at Albany Village has original markings on its centre which state that it was used at Silksworth Colliery between 1868 and 1971. It is unknown why it was originally installed in Albany Village instead of Silksworth, however residents have been campaigning to have it returned.

The applicant has confirmed in writing that the Council's West Area Committee have secured funding from its Strategic Initiative Budget to prepare for the return of the pit wheel, with the chosen location being the application site at Silksworth Lane. They have advised that Sunderland City Council Heritage Team are leading the procurement of a lead contractor to prepare the ground works, transport and refurbishment of the wheel prior to its return to Silksworth. A replacement wheel will be installed in Albany Village.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site, which is Council owned, comprises a parcel of amenity green space at Silksworth Lane, which is to the west of the Aged Miners Homes that are positioned along Dene Street.

THE PROPOSED DEVELOPMENT

The pit wheel would be installed at the southern part of the parcel of amenity green space. When installed the pit wheel (painted black in colour) would be approximately 6.5 metres in height including its base (the pit wheel itself is 5 metres in diameter), and it would be fixed via a new steel support structure (painted dark grey) on a patterned concrete base (black in colour). The development including landscaping around the perimeter would cover an octagonal area 12.6 metres by 12.6 metres in maximum width / depth. Bench seating would be included for passers-by to sit and observe the pit wheel, along with coal tub planting features.

As part of the proposed works, kerbside bollards would be positioned adjacent to the adopted highway along Silksworth Lane. No details have been submitted in relation to these bollards.

The installation would be located approximately 17 metres from the rear elevation of the nearest Aged Miners Homes to the east.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Chads - Ward Councillor Consultation
Network Management
Land Contamination

Final Date for Receipt of Representations: **26.08.2021**

REPRESENTATIONS:

Publicity

The occupiers of 12 properties (1-12 Aged Miners Homes, Dene Street) to the east of the application site were sent neighbour notification letters. A site notice was posted adjacent to Silksworth Lane and along Dene Street.

At the time of drafting this report, no neighbour representations had been submitted.

Consultees

Transportation Development (the Local Highway Authority)

No objections in principle to the application. However, it is requested that a planning condition be imposed that requires the type and location of the proposed bollards to be approved prior to commencement of the works. In addition, a planning condition requiring the submission and approval of a Construction Management Plan is also requested, to ensure that road and pedestrian safety is not compromised during the works.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

- Principle of the proposed development;
 - Design and impact on visual amenity;
 - Impact on residential amenity;
 - Contamination;
 - Impact on ecology; and
 - Impact on amenity green space.
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- Principle of the proposed development

The application site is not allocated for any specific purposes within the adopted development plan. It is therefore subject to saved Policy EN10 of the adopted Unitary Development Plan (UDP), which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and amenity green space (with Silksworth Sports Complex to the west). The proposed development (a form of public art) would complement the existing amenity green space (see impact on amenity green space below). The chosen location for the proposed development would also be appropriate given that the pit wheel was used at Silksworth Colliery between 1868 and 1971, and given that it would be adjacent to the Aged Miners Homes. It would provide a visual reminder of the areas mining heritage

Given the above, it is considered that the proposed development would be acceptable in relation to the existing pattern of land use and so it would accord with saved Policy EN10 of the adopted UDP. The proposed development at this location would be acceptable in principle.

- Design and visual impact

Policy BH1 'Design quality' of the adopted Core Strategy and Development Plan (CSDP) relates to design quality and advises that to achieve high quality design and positive improvement, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Policy BH3 'Public realm' of the adopted CSDP relates to public realm and states that existing public realm will, where appropriate, incorporate public art.

It is considered that the appearance of the proposed development would be of a scale and massing that would be appropriate to the area within which it would form a part, and that it would enhance the value of this parcel of amenity green space (see impact on amenity green space below). It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in the details as specified in the application.

The proposed site plan illustrates that new kerbside bollards would be installed adjacent to the adopted highway along Silksworth Lane. However, no details have been provided in relation to these. It is therefore recommended that a condition be attached to any planning permission to require that full details of the siting and design of the proposed kerbside bollards be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Subject to the compliance with / discharge of the recommended conditions, it is considered that the proposed development would accord with Policies BH1 and BH3 of the adopted CSDP in relation to its design and visual impact.

- Impact on residential amenity

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

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

The proposed development would be positioned a reasonable distance (approximately 17 metres) from the rear elevations of the nearest dwellings - the Aged Miners Homes to the east. The pit wheel itself would also be positioned at an oblique angle to the rear elevation of these neighbouring properties. Therefore given the nature of the proposed development, separation distances, and the oblique angle of the pit wheel, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties in relation to dominance or overshadowing.

Given the nature of the proposed development, it is considered that construction works would not be significant. Given the separation distances, and the relatively minor nature of construction works, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties in relation to noise during its construction / installation.

It is considered that the proposed development would accord with Policies HS1 and BH1 of the adopted CSDP in relation to impact on residential amenity.

- Impact on highway safety

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

Policy ST3 'Development and transport' of the CSDP states that development should provide safe and convenient access for all road users.

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in principle in relation to its impact on highway safety. However, they have recommended that conditions be attached to any planning permission - requiring the submission of full details of the siting and design of the proposed kerbside bollards, as well as the submission of a Construction Management Plan to ensure that road and pedestrian safety would not be compromised during the construction works.

Given the comments from the Local Highway Authority it is recommended that their suggested conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would cause

no unacceptable impacts in relation to highway safety. It would therefore accord with Policies ST2 and ST3 of the adopted CSDP.

- Contamination

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

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

No contaminated land details have been submitted in support of this planning application despite the proposed development (public art) being a sensitive end use (it would attract members of the public). It is therefore recommended that conditions be attached to any planning permission to require the applicant to submit, prior to the commencement of development, a Phase 1 Land Contamination Report, and depending on the conclusions of this Phase 1 report a Phase 2 Site Investigation (if necessary), a Remediation Strategy (if necessary), and a verification report (if necessary). It is also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

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

- Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

Given the relatively minor nature of the proposed development, it is considered that it would have no unacceptable impacts on the local wildlife corridor. It would therefore accord with Policy NE2 of the adopted CSDP.

- Impact on amenity green space

Policy NE4 'Greenspace' of the adopted CSDP states that the Council will protect, conserve and enhance green space, and refuse development on green space which would have an adverse effect on its amenity, recreational or nature conservation.

The Council's Greenspace Audit (2020) states that the primary purpose of amenity greenspace is to provide visual enhancement and informal recreation to local residents, workers or passers-by, and that it is typically mown grassed areas (big or small), perhaps with trees, or perhaps including highway verges or landscaping. It states that the application site is on a parcel of land that is above average in terms of greenspace site value, and within Silksworth ward where both the quantity and quality of greenspace is high.

The proposed development would provide a form of public art which would enhance this parcel of amenity greenspace, and the way that local people appreciate the site. Although some physical green space would be lost, the amenity and recreational value of the proposed development on the greenspace would more than off-set this, especially in a ward where the quantity and quality of greenspace is high.

Given the above, it is considered that the proposed development would have no unacceptable impacts on this parcel of amenity green space, and so it would accord with Policy NE4 of the adopted CSDP.

Conclusion

It is considered that the proposed development would be acceptable in principle at this location, and that it would be acceptable in relation to its design and visual impact (including on amenity green space) subject to the compliance with / discharge of recommended conditions. It would have no unacceptable impacts on residential amenity, highway safety, and ecology, or in relation to contamination subject to the discharge of and compliance with recommended conditions. It is therefore considered that the proposed development would accord with the relevant policies within the adopted CSDP and the saved policies within adopted UDP, as well as guidance within the National Planning Policy Framework (NPPF).

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:

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members be minded to **Grant Consent** subject to the draft conditions listed below, and subject to no representations being received from occupiers of neighbouring properties, or any objections being received from consultees.

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

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

- Drawing No. 2112 4a (titled: 'Proposed Silksworth Pit Wheel') (TBC)

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

3 The development hereby permitted shall be constructed in accordance with the materials as specified in Section 7 of the planning application form and on Drawing No. 2112 4a (titled: 'Proposed Silksworth Pit Wheel') (TBC). All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 Notwithstanding details submitted, prior to the installation of kerbside bollards associated with the development hereby permitted, full details of the siting and design of the proposed kerbside bollards shall be submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be carried out in accordance with the approved details.

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

5 Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan must demonstrate that road and pedestrian safety would not be compromised during construction works.

To ensure the construction of the development can be undertaken without compromising road and pedestrian safety, and to comply with Policies ST2 and ST3 of the adopted Core Strategy and Development Plan.

6 Development shall not commence until a suitable and sufficient Phase 1 Land Contamination Assessment (a Preliminary Risk Assessment) including a desktop study, site walkover and conceptual site model to establish the previous uses of the land under consideration or land adjacent to, and to initially identify potential sources of contamination, receptors and pathways, has been undertaken by competent persons, and a written report of the findings has been submitted to and approved in writing by the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

7 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the Local Planning Authority. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

8 Development shall 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) has been submitted to and approved in writing by the Local Planning Authority.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

9 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the development hereby permitted being open to the general public, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.