

PLANNING AND HIGHWAYS (EAST) COMMITTEE

AGENDA

**Meeting to be held in the COUNCIL CHAMBER, CIVIC CENTRE on
Monday 6th September, 2021 at 5.30 p.m.**

Membership

Cllrs Bewick, Butler (Chair), Dixon, Doyle, Essl, Foster, E. Gibson, Hodson, Morrissey, Noble, Peacock, Reed, Scanlan, P. Smith, Stewart, Wilson (Vice Chair)

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Report of the Executive Director of City Development
(copy herewith)

Elaine Waugh,
Assistant Director of Law and Governance,
Civic Centre
SUNDERLAND

26th August, 2021

At a meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE held in the COUNCIL CHAMBER, on MONDAY 2nd AUGUST, 2021 at 5.30pm

Present:-

Councillor Butler in the Chair.

Councillors Bewick, Dixon, Doyle, Foster, E. Gibson, Morrissey, Noble, Reed, Scanlan, Stewart and D. Wilson.

Declarations of Interest

There were no declarations of interest made.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Hodson, Peacock and P. Smith.

Minutes of the last meeting of the Planning and Highways (East) Committee held on 5th July, 2021.

1. RESOLVED that the minutes of the last meeting of the Planning and Highways (East) Committee held on 5th July 2021 (copy circulated) be confirmed and signed as a correct record.

Objection to Experimental Traffic Regulation Order (ETRO) Marine Walk (St Peter's Ward)

The Executive Director of City Development submitted a report (copy circulated) which sought to advise the Committee of an objection received by the Council, in respect of the experimental traffic regulation order at Marine Walk, and which requested the Committee to not uphold the objection that could not be resolved within the constraints of the scheme.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report informing members that an ETRO had been introduced on the northern section of Marine Walk to help address concerns raised with regards to obstructive parking and road safety. Following an investigation, it was concluded that the heavily pedestrianised area was very narrow with no suitable turning point for vehicles. Drivers perceived that they may be able to

park at northern end of Marine Walk leading to heavy traffic in both directions. The ETRO was an attempt to extinguish that expectation and included the introduction of No Waiting at Any Time (double yellow lines) and a prohibition of motor vehicles except for loading and access to off-street premises. It also included a loading restriction between 10.30am - 8pm to accommodate deliveries to businesses.

Members were briefed on the statutory and public engagement undertaken in respect of the proposals and their attention was drawn to the drawings of the proposals as shown in Appendix A of the report. As part of the public engagement exercise, two businesses within the area advised that they were not in favour of the proposed scheme, however, following the implementation of the experimental scheme Officers had written to both establishments on numerous occasions asking if they wish to carry their comments from the public engagement forward as formal objections and neither had responded.

One formal objection had been received by the Council since the implementation of the ETRO and this was detailed in Appendices B and C of the report. In relation to this, members were informed that paragraph 2.6 contained a minor typographical error and were advised that the section reading "the approximate location of the objector is shown on a plan in Appendix B" should be amended to read "a summary of the objection is shown in Appendix B"

The representative of the Executive Director of City Development then addressed questions from Members.

Councillor Bewick stated that the issue on Marine Walk had been a problem for many years and asked if enforcement would be increased, for example via CCTV, as ultimately the public would tend to ignore the restrictions if they believed they were not being enforced. In response, the Officer advised that the enforcement team were asked to pay Marine Walk as much attention as possible especially at weekends and when good weather attracted people to the area. There were no plans at present to install CCTV.

There being no further questions at this stage, the Chairman welcomed and introduced Mr Dickson who had registered to speak in objection to the ETRO. The Chairman advised Mr Dickson that he would have 5 minutes to address the Committee.

Mr Dickson spoke in opposition to the proposals citing the impact they would have on him as a disabled person. He briefed the Committee on his medical conditions and advised that when outdoors he couldn't be more than 10 to 15 yards away from a public toilet. He had a mobility vehicle and was a Blue Badge holder and liked to visit the pub at the end of Marine Walk. Under the proposals he would no longer be able to do so and believed that they were being deliberately discriminatory towards disabled people. He stated that life was hard when you were disabled and highlighted the lack of proper toilet facilities between Roker and Seaburn. He believed the situation could easily

be remedied by utilising the area currently containing the stone bench seating to provide additional disabled parking.

The Chairman thanked Mr Dickson for his presentation and invited further questions from the Committee.

Councillor Doyle asked the Officer to what extent, if any, did the Council take account of equality issues in respect of its proposals? The Highways Officer advised that the Council always considered issues of equality when developing a scheme whether it be through the inclusion of dropped kerbs, disabled parking bays etc. In this case, the ETRO was introduced on Marine Walk because the road was so narrow. Its aim was to prevent all parking, not just disabled parking and disabled parking bays were provided nearby

Councillor Doyle asked the Officer to what extent did the Council need to consider the feasibility of alternative proposals? The Highways Officer advised that in respect of Mr Dickson's proposal of the stone seats on the promenade being removed and that space being utilised for disabled parking, the Council would be reluctant to remove seats provided for pedestrians. It would prefer to ask people to use the already existing parking provision rather than diminish the recreational areas.

Councillor Noble stated that the percentage of disabled parking bays within the total parking provision in the area seemed to be low. The Highways Officer replied that no disabled parking provision would be removed as a result of the proposals and drew members attention to Appendix A of the report which showed the 10 disabled bays to the south end of Marine Walk which were to be retained. In Marine Walk car park, there were 50 parking spaces including 7 disabled parking spaces and in Harbour View Car Park there were 128 spaces of which 10 were disabled bays.

Councillor Bewick asked that as the Harbour View Car Park was in the process of being redeveloped, could this be used as an opportunity to increase the number of disabled bays there? The Highways Officer replied that he had already asked this question and it was something that was currently being looked into.

Councillor Reed referred to the paragraph in the report which stated that it was "considered necessary to make the experimental traffic regulation order permanent to maintain road safety for all users particularly pedestrians" and also the comment that the ETRO had been introduced following a number of incidents. He asked if the incidents involved injuries and why wasn't it possible to simply widen the area to allow vehicles sufficient space to turn round? The Highways Officer explained that to do so would result in the loss of the recreational space and it was something that the Council did not want to do. There had been no injuries recorded but there had been numerous reports of near misses between pedestrians and vehicles contained within the many complaints submitted to the Council.

There being no further questions, the Chairman asked the Committee to consider and debate the report.

Councillor Wilson stated that he sympathised with the concerns of the objector, having a close family member who was also disabled, however the issue had been an ongoing problem for the North Area Councillors for over 10 years and during that time there had been numerous near misses. The combination of the beach, children, ice cream and traffic in close proximity was an accident waiting to happen. He added that the North Sunderland Area Committee had even used its budget to fund an Enforcement Officer to specifically patrol Marine Walk. He stated that there had been a lot of near misses, a lot of complaints and the Council couldn't keep dodging the issue. He believed the Council needed to be proactive or the day would come when it wasn't a near miss and there would be a child fatality.

In response to an enquiry from Councillor Morrissey, the Highways Officer advised that a Blue Badge Holder could park on a double yellow line unless it was accompanied by restrictions on loading and unloading. In response to a further question from Councillor Dixon, the Officer confirmed that the Council had consulted with local disabled groups on the proposals in accordance with its list of Statutory Consultees.

Councillor Doyle believed there were two issues to consider, firstly the feasibility of accommodating the alternative suggestion proposed by Mr Dickson and secondly the needs of cyclists and pedestrians. He stated that while he sympathised with the concerns voiced by the objector, the Committee had to remain conversant with the needs of pedestrians and make the area safer for pedestrians and cyclists. On that basis, he was happy to support the recommendation.

There being no further comments, the Chairman put the recommendation to the Committee, and it was:-

2. RESOLVED that the Executive Director of City Development be advised that:-

- i) The objection to the ETRO, for the proposed scheme under Sections 1, 9, 10 and 122 of the Road Traffic Regulation Act 1984 not be upheld;
- ii) The objector is notified accordingly of the decision; and
- iii) The Executive Director of City Development instruct the Assistant Director of Law and Governance to take all necessary steps to make the experimental traffic regulation order permanent.

Planning Application Reference 21/00399/FUL - Full Application - Change of use from residential property to children's care home for up to 6 children, with alterations as approved under previous permission 20/01584/FUL - Location: 4 Roker Terrace Sunderland SR6 9NB.

The Executive Director of City Development submitted a report (copy circulated) in respect of the above application.

(for copy report – see original minutes)

The Chairman informed the Committee that following the publication of the Agenda, the application had been withdrawn by the applicant.

3. RESOLVED that the withdrawal of the application be noted.

Planning Application Reference 21/01164/LP3 Local Authority (Reg 3) Installation of a NPG high to low voltage power substation – Location Land to the south of European Way, Pallion, Sunderland.

The Executive Director of City Development submitted a report (copy circulated) in respect of the above application.

(for copy report – see original minutes)

Prior to the presentation of the item, the Chairman advised the Committee that a supplemental report had been tabled which highlighted additional information provided following the publication of the report regarding the results of the Geoenvironmental Appraisal. Members were given 5 minutes to read the supplemental report.

The representative of the Executive Director of City Development presented the report advising the Committee of the key issues to consider in determining the application.

The Chairman thanked the Planning Officer for his presentation. There being no questions for the Officer or comments by Members, the Chairman put the amended recommendation (as detailed in the supplemental report) to the Committee, and it was:-

4. RESOLVED to approve the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report, the supplemental report and subject to the condition below:-

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

Tarmac Sub-station European Way Pallion (dated, 7 June 2021)

General Arrangement / Plans & Elevations (Ref No. C993892 B)

Standard Distribution Substation Drawing (Ref No. C991443 D)

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

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 28-32).

Councillor Doyle having reiterated his previous request that a site visit was undertaken in respect of the following application,

- i) 21/01001/FU4 - Erection of 69 affordable homes with associated infrastructure and landscaping - Land East of Primate Road Sunderland.

It was:-

- 5. RESOLVED that the items for information as set out in the matrix be received and noted.

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

(Signed) M. BUTLER
(Chairman)



**PLANNING AND HIGHWAY COMMITTEE
MONDAY 6TH SEPTEMBER 2021**

**REPORT TO CONSIDER:
OBJECTIONS TO THE PROPOSED PROHIBITION OF
MOTOR VEHICLES TRAFFIC REGULATION ORDER
ON PART OF BURDON LANE (RYHOPE & DOXFORD)**

REPORT TO PLANNING AND HIGHWAYS COMMITTEE:

OBJECTIONS TO THE PROPOSED PROHIBITION OF MOTOR VEHICLES TRAFFIC REGULATION ORDER (TRO) ON PART OF BURDON LANE (RYHOPE & DOXFORD)

1. PURPOSE OF REPORT

- 1.1. To advise the Committee regarding objections received, by the Council, in respect of the proposed prohibition of motor vehicles TRO on part of Burdon Lane, between its junctions with Nettles Lane and Woodham Drive, and to request the committee to not uphold those objections that cannot be resolved within the constraints of the scheme, as set out below.

2. BACKGROUND

- 2.1. The TRO is part of the Ryhope to Doxford Link Road (RDLR) project, which has been a longstanding aspiration of the Council and is documented so far back as within the Unitary Development Plan (UPD), which was adopted in 1998. More recently those aspirations have been repeated and expanded upon within the Core Strategy and development plan 2015-2033. The RDLR once complete will link the A1018 and Southern Radial Route in the southeast of the city with Doxford Park and the A19 in the west, providing a new high-quality transport corridor for all modes of transport, alleviating congestion on the surrounding local road network, providing improved access to future developments within the South Sunderland Growth Area (SSGA) and improving sustainable transport networks. It is anticipated that the RDLR will bring economic, strategic, and environmental benefits to both the local area and wider community.
- 2.2. The TRO plan, which is included in Appendix A shows the four sections of the RDLR route (denoted by the light blue dashed line), each separated by a roundabout. Numbered from east to west; sections 1 and 3 have been constructed and are in operation; section 2 has been designed by the Council, the construction of which is due to start in October 2021 and is the focus of this report; and section 4 at the western extent, which is being designed by external Consultants.
- 2.3. The topography along the route of the Council designed section 2 is such that the RDLR must pass beneath Burdon Lane, which will remain at existing ground level, supported by a new pedestrian, cyclist, and equestrian bridge. Because of this, the RDLR will be constructed in a deep cutting.
- 2.4. The decision to close Burdon Lane to motorised traffic between its junctions with Nettles Lane and Woodham Drive was made based on the guidance given in the SSGA Supplementary Planning Document (SPD), Transport Assessment (TA) in addition to current Council policy, all of which promotes the creation of sustainable travel facilities. Such facilities provide great benefit to the environment; by reducing carbon emissions; providing dedicated safe space with improved air quality for exercise; and encourage the modal shift to sustainable transport, all of which enable residents to live a healthier lifestyle within a cleaner and safer environment.

- 2.5. This Traffic Order will allow the section of Burdon Lane over which it is applied to be used as a non-motorised user / sustainable travel route. An exception to the order will be made to allow access to off-street premises to the west of Nettles Lane. This will enable the sustainable travel route to be extended as far as possible, giving it maximum benefit, while not preventing access to residential and business premises along this section of Burdon Lane.
- 2.6. The Traffic Order will provide an additional sustainable travel route that will link existing and future routes of a similar nature creating sustainable travel inter-connectivity between residential areas within the SSGA and links to the surrounding employment and education areas.
- 2.7. Burdon Lane has become heavily used over the years as an alternative east / west route to the A690 and B1404 for motorised traffic. It is a narrow, winding and undulating rural road of national speed limit that has had a significant number of recorded road traffic accidents in recent years. It is no longer suitable for the volume of traffic that currently use it, which will increase in the future if this Traffic Order is not made, due to the traffic generated by the new housing developments within the SSGA and expected traffic growth.
- 2.8. It is anticipated that the closure of Burdon Lane to motorised traffic will negatively affect a small proportion of the local community but will have little impact on the wider travelling public that will be attracted to the new higher standard RDLR.
- 2.9. A Public Consultation exercise was held to notify Councillors, Statutory Undertakers and a core sample of the community about the proposed prohibition of motor vehicles traffic order and invite comments on the proposals. Councillors and Statutory Undertakers were sent a plan and description of the proposals via email on 2nd March 2021. No comments were received. 1022 consultation packs were sent out via Sunderland SEND on 19th March 2021 to a sample of the community within the Burdon Lane and RDLR corridors, which included a plan and a description of the proposals. 27 residents submitted comments, all of which were recorded and considered.
- 2.10. One comment initiated a change to the proposals, resulting in the eastern extent of the Traffic Order being moved further east to reduce the likelihood of future occurrences of anti-social behaviour. Residents directly affected by this were consulted separately with positive feedback received. This change was incorporated into the proposals and forms the amended scheme shown in Appendix A.
- 2.11. No further comments were considered, by technical officers, to be sufficient to require a change to the proposals. A Decision Record (DR) and associated report were subsequently written to record this decision. A copy of the DR was sent to all residents that commented on the proposals.
- 2.12. The DR and associated report justified the reasons to progress with the Traffic Order, listing the planning and policy documents that have been adopted over the years which supports the making of the order. The issues that were raised during

the Public Consultation process from members of the public were also included in the DR and associated report, and are listed here in order of popularity (with the number of responses associated with each issue shown in brackets); Loss of Burdon Lane as a vehicular route (13); Woodham Drive to Highclere Drive becoming a rat-run (12); Proposed diversion route causing increased journey time (5); Bevan Avenue and Smith Grove becoming a rat-run (4); Increased traffic on local road network (3); Noise / Environmental impact (3); Enforcement of TRO (3); Enough sustainable transport routes already (3); Loss of access to property / business (1); and, Increased anti-social behaviour (1).

- 2.13. The planning application for the RDLR project is being run in parallel with this traffic order. Although both are separate statutory processes, the timescales involved in both make it prudent for them to be run in tandem, to hit the required project milestones and reduce the risk of future delays to the project. If the planning application is not granted, the need for this traffic order will be reconsidered.

3. CONSULTATIONS

- 3.1. A legal notice was published on 23rd June 2021 notifying residents of the intention to make the Traffic Order, with copies sent to those residents who responded to the initial consultation. A deadline of 16th July was set to allow residents the opportunity to raise any objections formally. The notice was advertised in the Sunderland Echo and on site, following the statutory due process.
- 3.2. In response to the Traffic Order publication, 37 formal objections were received. Of the 37 objections, 14 were from residents included in the initial public consultation process, nine of whom provided comments on the proposed Traffic Order. Multiple issues were cited in each objection and a total of 23 issues were identified.
- 3.3. The ten most frequently raised issues are listed below, followed in brackets by; the total number of residents that raised it; the number of residents that raised it that were included in the initial public consultation; and the number of residents that raised it that were included in the initial public consultation and provided comments on the proposed Traffic Order.
 - Increased travel time / distance (33 / 11 / 7)
 - Creating rat runs through residential streets and associated safety implications (29 / 11 / 7)
 - Increased environmental impact (25 / 8 / 5)
 - Burdon Lane not currently used widely as a sustainable travel route so no need to change use (18 / 3 / 2)
 - RDLR does not replace Burdon Lane due to its differing alignment (18 / 3 / 2)
 - Increased traffic volume on local road network causing current congestion to be exacerbated, particularly around schools, which may increase accident rates (15 / 10 / 6)
 - Inadequate communication with residents (10 / 6 / 4)

- Various concerns about increased journey times on the existing road network (5 / 5 / 3)
 - Other options suggested to keep Burdon Lane open to motorised traffic (5 / 4 / 2)
 - Various concerns about inappropriate vehicle speeds on existing road network (2 / 2 / 2)
- 3.4. Of the ten most frequently raised issues above, none have high response numbers, particularly from the residents that were include in the initial public consultation, which are those who live closest to and are most likely to be affected by the proposed order. The high number of issues raised by residents that were not included in the initial public consultation may be attributed to residents and Councillors canvassing wider local opinion via social media.
- 3.5. The remaining thirteen issues each returned response numbers of 1, meaning they were raised by a single person or persons. Appendix B shows a detailed summary of all the issues raised together with the Council's responses.
- 3.6. All objections raised have been appropriately responded to and therefore, no change to the Traffic Order is required.
- 3.7. A formal objection was received from one of the residents, which included a request under the Freedom of Information Act (FOI). Following due process, the requested information was sent to the resident.

4. CONCLUSION

- 4.1. During the process of preparing this Traffic Order, the Council have; designed the proposals in line with Council policy and guidance; consulted with the public, local councillors and statutory undertakers receiving a low response rate; reviewed and considered all comments received through the public consultation process; made a small change to the proposals following comments received through the public consultation process; legally published the amended proposals, providing copies to the residents that responded to the initial public consultation; prepared the traffic order in parallel with the planning application to hit required project milestones in the knowledge that the order may not be required if planning consent is not granted; received objections from 37 residents, a low number and many of which cited repeated issued previously raised through the public consultation process, all of which have been dismissed for the reasons described in the Summary of Objections table in Appendix B.

5. RECOMMENDATION

- 5.1. **It is RECOMMENDED that the Executive Director of City Development be advised that:**

- 5.2. The objections to the traffic regulation order notice, for the proposed Prohibition of Motor Vehicles should not be upheld;**
- 5.3. The objectors are notified accordingly of the decision;**
- 5.4. The Executive Director of City Development instruct the Assistant Director of Law and Governance to take all necessary steps to make and bring into effect the associated traffic regulation order once planning permission has been granted for section two of the RDLR; and**
- 5.5. The Executive Director of City Development take all necessary action to implement the physical works associated with the traffic regulation order.**

Appendix A – Prohibition of Motor Vehicles TRO Plan



APPENDIX B – Summary of the Objections

Objection Number	Summary of Objection	Response to Objection
1	Increased travel time / distance	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network. It is expected that travel times would reduce for most motorists.</p> <p>When compared to the existing route along Burdon Lane, motorised traffic diverted along the B1286 through Ryhope Village would be required to travel less than one additional mile (0.8), which in terms of journeys by car is relatively small. Any inconvenience from a relatively small increase in distance travelled is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.</p>
2	Creating rat runs through residential streets and the associated safety implications	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the development of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrated the proposals have no significant impact on the existing road network.</p> <p>Road safety and amenity are a priority for the council and directions signs would be installed in advance of the road closure to direct traffic along the B1286 through Ryhope Village in short term and once fully complete along the RDLR. The existing road network in the vicinity of Burdon Lane is comprised of a winding network of residential streets, so there would be no benefit for through traffic in using these streets. It is acknowledged there may be some demand for an increased number of local traffic journeys from the surrounding area to gain access to and egress from the B1286; however, any increase in traffic volume is expected to be relatively small and unlikely to have any impact on road safety or amenity. Any inconvenience from a relatively small increase in local traffic journeys is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.</p>
3	Increased environmental impact	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the</p>

		<p>council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the development of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. The SSGA and RDLR extend the current residential boundaries and provide an excellent opportunity to create improved and more sustainable transport routes linking existing and proposed housing development including any associated facilities and amenities. The proposals have been designed to achieve an improved environmental standard, which have in conjunction with the Transport Assessment (TA) been verified by an Environmental Impact Assessment (EIA).</p> <p>The proposed prohibition of motor vehicles traffic order in Burdon Lane is a key feature of the proposals that helps achieve a net benefit in carbon reduction by promoting more sustainable forms of travel other than the private car. Creating safe and attractive routes for use by more sustainable forms of traffic provides improved access to local facilities and amenities.</p>
4	Burdon Lane not currently used widely as a sustainable travel route so no need to change use	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network.</p> <p>Due to the rural nature of Burdon Lane, it is not widely used by pedestrians, cyclists and equestrians due to several factors, such as the road width, alignment, speed limit and volume of traffic which make it undesirable. The South Sunderland Growth Area (SSGA) extends the current residential boundaries and provides an excellent opportunity to create improved and more sustainable transport routes linking existing and proposed housing developments including their associated facilities and amenities. The proposals have been designed to achieve an improved environmental standard, which have in conjunction with the Transport Assessment (TA) been verified by an Environmental Impact Assessment (EIA).</p>
5	RDLR does not replace Burdon Lane due to its differing alignment	<p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network.</p> <p>Existing travel patterns would continue to change as the SSGA is developed, which would have a detrimental effect on the road safety and amenity of the existing routes if the RDLR was not developed. For the majority of motorists the RDLR would be of great benefit; however, it is acknowledged that there may be some inconvenience to a small</p>

		proportion of local residents. It is considered that any inconvenience to local residents is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.
6	Increased traffic volume on local road network causing current congestion to be exacerbated, particularly around schools, which may increase accident rates	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network.</p> <p>The impact of traffic growth and the re-allocation of traffic due to the RDLR on the existing highway network was reviewed in the TA and any impact was demonstrated to be minimal. It is considered that any inconvenience from traffic growth or the reallocation of traffic on local road network is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.</p>
7	Inadequate communication with residents	<p>This objection is a duplication of the issues raised during the initial consultations carried out prior to the formal publication of proposals and involving extensive consultations with the local community, local councillors and key partner organisations, such as the emergency services. Consultation packs were delivered to over 1000 properties within the Burdon Lane and RDLR route corridors to gauge support for the proposals.</p> <p>It is acknowledged that a short response time was initially communicated to residents due to an unfortunate delay in the printing and postal process. However, once this was brought to our attention the deadline for responses was extended by four weeks to ensure all those consulted were given the opportunity to respond. In view of the issues raised the proposals were amended to incorporate some minor improvements to the extents of the traffic order and additional consultations were carried out with those local residents directly affected, local councillors and key partner organisations, such as the emergency services.</p> <p>All responses received were summarised and considered in the Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to continue to develop the amended scheme and formally publish the traffic order in line with statutory procedures. The traffic order was published on 23rd June in the Sunderland Echo and on-street in the local area. An objection period of 23 days was published with a deadline of 16th July 2021 providing two days more than the statutory minimum period of 21 days.</p> <p>All those residents who had provided feedback initially were issued with a copy of the Decision Record and the Publication of Proposals. This is likely to be the reason why nine, about one third of the objections received were duplicated from the initial consultations and are now the subject of this report.</p>
8	Various concerns about increased	The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented

	<p>journey times on the existing road network:</p> <ul style="list-style-type: none"> • Burdon Lane / Ryhope Street South junction - obstructive parking • Black Road / Ryhope Street South junction - layout / congestion • Ryhope Street South - obstructive parking outside shops 	<p>and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network.</p> <p>Existing problems with increased journey times are not directly relevant to the proposals; however, they may be reduced by the development of the SSGA, RDLR and proposed traffic order. They have been passed onto the relevant Council department for consideration and in due course a detailed response will be provided to each individual direct.</p>
9	<p>Other options suggested to keep Burdon Lane open to motorised traffic:</p> <ul style="list-style-type: none"> • Construct a bridge adequate for vehicles to maintain Burdon Lane as a motor vehicle route • Construct a new roundabout at the intersection of Burdon Lane and the RDLR 	<p>The proposals build on existing infrastructure already constructed as part of the development of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. The SSGA and RDLR extend the current residential boundaries and provide an excellent opportunity to create improved and more sustainable transport routes linking existing and proposed housing development including any associated facilities and amenities. The proposals have been designed to achieve an improved environmental standard, which have in conjunction with the Transport Assessment (TA) been verified by an Environmental Impact Assessment (EIA).</p> <p>The proposed prohibition of motor vehicles traffic order in Burdon Lane is a key feature of the proposals that helps achieve a net benefit in carbon reduction by promoting more sustainable forms of travel other than the private car. Creating safe and attractive routes for use by more sustainable forms of traffic provides improved access to local facilities and amenities.</p> <p>From Transport Assessment (TA) there is no evidence that an additional roundabout would be required because only a small proportion of local residents would benefit from the roundabout. The additional land and increased costs, which would be significant, could not be justified.</p>
10	<p>Various concerns about inappropriate vehicle speeds on existing road network including:</p> <ul style="list-style-type: none"> • Ryhope Street (B2186) • Highclere Drive 	<p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network.</p> <p>Existing problems with inappropriate speeds on the highway network are not directly relevant to the proposals; however, they have been passed to the relevant department for consideration. A detailed response will be provided in due course to each individual direct.</p>

	• Eltham Road	
11	Increased anti-social behaviour associated with motorbikes and quadbikes	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposed pedestrian, cyclist and equestrian gates would make accessing the non-motorised sections of Burdon Lane more difficult for motorbike and quadbike riders. A balance needs to be struck between making the route awkward enough to dissuade motorbike and quadbike riders while not diluting the appeal of the route to permitted users. In view of this objection and to address the concerns, the proposals will be amended to include one additional gate of a similar nature located at the western end of the bridge to further limit the potential for antisocial behaviour. The police were included in the public consultations and have powers to address any anti-social behaviour problems should they arise.</p>
12	Mixed messages from Councillors, leading to residents being unsure of whether Councillors support their views	Councillors are free to state their opinions and generate discussion on the proposals. This generates public interest and promotes feedback, which is welcomed.
13	No new or improved public facilities, such as schools to accommodate residents of the new housing	There are other facilities such as schools proposed as part of the wider South Sunderland Growth Area (SSGA). These issues are considered during the planning process for any new housing developments and are not relevant to the proposed traffic order.
14	Local developer requires prior agreement with Council to permit access off Burdon Lane into development site	This issue is being considered as a representation rather than an objection, as it is not directly relevant to the proposed traffic order. Negotiations are ongoing with the developer to permit temporary access to their development site.
15	The Eastern Field access is within the extent of the TRO and	It is noted that the parcel of land served by the Eastern Field Access is adequately served by other points of access, which would not be unduly affected by the proposed traffic order. In addition, the Eastern field access is not currently in use and has been closed with physical barriers, despite this the full field is accessible and in use. Restricting the use of the Eastern field access by virtue of the traffic order has no material effect on the landowner.

	therefore will not be accessible	
16	Severance of Burdon Lane to motorised traffic restricting access to business, residential dwellings including increased travel time / distance for customers and residents	<p>This objection is a duplication of the issues raised during the initial consultations with the local community, local councillors and key partner organisations. It was considered along with all those received and used to inform the council's Decision Record dated 1 June 2021. After careful consideration and on balance the decision made was to amend the traffic order and formally publish the proposals.</p> <p>The proposals build on existing infrastructure already constructed as part of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. A Transport Assessment (TA) has also been produced that demonstrates the proposals would have no significant impact on the existing road network. It is expected that travel times would reduce for most motorists.</p> <p>Access to local businesses and residences is not being restricted. When compared to the existing route along Burdon Lane, motorised traffic diverted along the B1286 through Ryhope Village would be required to travel less than one additional mile (0.8), which in terms of journeys by car is relatively small. Given the nature of the business with little or no reliance on 'passing trade' it is not considered that this would have a detrimental effect and any inconvenience from a relatively small increase in distance travelled is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order. It is anticipated that the RDLR would have a significant positive impact on the local economy following the construction and sale of the new properties which would bring new people into the area generating increased trade.</p>
17	Planning consent for the RDLR which this Traffic Order relies upon has not been granted	The TRO and planning application are separate statutory processes. The proposed construction of the RDLR is one of the reasons as well helping facilitate an alternative traffic route. It is prudent for the Council to commence the TRO process in tandem with the planning application. The implementation of the TRO would be reconsidered if the planning application was refused or the RDLR scheme did not go ahead.
18	Affects rights to claim for compensation	The Council are not sequencing the two statutory processes to avoid any legitimate claim for compensation from either process. The Council does not believe that any claim would be prejudiced and would consider any claim made under the relevant statute.
19	Non-compliance of the Road Traffic Regulation Act 1984 Section 122 with regard to ensuring the safe movement of all traffic when making a TRO	The proposals build on existing infrastructure already constructed as part of the development of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. The SSGA and RDLR extend the current residential boundaries and provide an excellent opportunity to create improved and more sustainable transport routes linking existing and proposed housing development including any associated facilities and amenities. The proposals have been designed to achieve an improved environmental standard, which have in conjunction with the Transport Assessment (TA) been verified by an Environmental Impact Assessment (EIA).

		<p>The proposed prohibition of motor vehicles traffic order in Burdon Lane is a key feature of the proposals that helps achieve a net benefit in carbon reduction by promoting more sustainable forms of travel other than the private car. Creating safe and attractive routes for use by more sustainable forms of traffic provides improved access to local facilities and amenities.</p> <p>Access to local businesses and residences is not being restricted. When compared to the existing route along Burdon Lane, motorised traffic diverted along the B1286 through Ryhope Village would be required to travel less than one additional mile (0.8), which in terms of journeys by car is relatively small. Given the nature of the business with little or no reliance on 'passing trade' it is not considered that this would have a detrimental effect and any inconvenience from a relatively small increase in distance travelled is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.</p>
20	<p>Non-compliance of the Road Traffic Regulation Act 1984 Section 122 with regard to considering the following matters:</p> <p>(a) the desirability of securing and maintaining reasonable access to premises; (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through</p>	<p>As per the above response regarding Non-compliance with Road Traffic Regulation Act 1984 and:</p> <p>(a) Access to premises will be maintained.</p> <p>(b) Amenity improved with the construction of a new road and improvements to the environment linked to the closure of Burdon Lane.</p> <p>(d) The benefits to amenity by the removal of motorised traffic will create improved links to the business for non-motorised traffic, which is likely to be of benefit to an equestrian business.</p> <p>All matters required by statute have been factored into the decision-making process and in particular reasonable and safe access has been improved other than a relatively small inconvenience to journey distance and time for motorised traffic. This is borne out by our assessment of the diversion route and production of a Transport Assessment (TA) and Environmental Impact Assessment (EIA) discussed in more detail above. Any inconvenience from a relatively small increase in distance travelled is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order.</p>

	which the roads run; (d) any other matters appearing to the local authority to be relevant	
21	Burdon Lane will no longer be included on the winter maintenance schedule	No change is proposed to the winter maintenance schedule for Burdon lane because of the introduction of the traffic order. It is not therefore accepted that the proposed Traffic Order would have no impact on access from the western side of Burdon Lane during the winter months. Due to the vertical alignment of Burdon Lane at the western edge of Ryhope Village, the western side of Burdon Lane provides the safest route to access premises west of Ryhope Village during the winter months.
22	Isolation of rural community, leading to reduced safety and negative impact on business and local jobs	<p>The proposals build on existing infrastructure already constructed as part of the development of the South Sunderland Growth Area (SSGA) and Ryhope Doxford Link Road (RDLR). The justification and benefits of the proposals are well documented and adopted in council policies and strategies. The SSGA and RDLR extend the current residential boundaries and provide an excellent opportunity to create improved and more sustainable transport routes linking existing and proposed housing development including any associated facilities and amenities. The proposals have been designed to achieve an improved environmental standard, which have in conjunction with the Transport Assessment (TA) been verified by an Environmental Impact Assessment (EIA).</p> <p>When compared to the existing route along Burdon Lane, motorised traffic diverted along the B1286 through Ryhope Village would be required to travel less than one additional mile (0.8), which in terms of journeys by car is relatively small and would not cause isolation to the rural communities. The proposed prohibition of motor vehicles traffic order in Burdon Lane is a key feature of the proposals that helps achieve a net benefit in carbon reduction by promoting more sustainable forms of travel other than the private car. Creating safe and attractive routes for use by more sustainable forms of traffic provides improved access to local facilities and amenities.</p> <p>Given the nature of the businesses with little or no reliance on 'passing trade' it is not considered that the traffic order would have a detrimental effect on rural communities and any inconvenience from a relatively small increase in distance travelled is greatly outweighed by the benefits of the SSGA, RDLR and proposed traffic order. It is anticipated that the RDLR would have a significant positive impact on the local economy following the construction and sale of the new properties which would bring new people into the area generating increased trade.</p>
23	Fly tipping will be exacerbated	The risk of an increase in fly tipping has been a consideration as part of the proposals. The inclusion of physical barriers to prevent vehicles over the parts of Burdon Lane included in areas where access to off street premises is not required. Where access is required to off-street premises the prohibition of motor vehicles traffic order has been complemented by the addition of no waiting at any time restrictions to deter public parking in these areas. The Council actively combat and enforce against fly tipping across the city. If the order is approved and restrictions implemented the situation would be monitored and measures taken in collaboration with the local land owners and

		residents to prevent these problems including the Police and the Council's Civil Enforcement Officers who enforce the access and parking restrictions.
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Item 5

Planning and Highways (East) Committee

6th September 2021

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 21/01667/LP3
Land At Silksworth Lane East Herrington Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

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.
-
- 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.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01697/LB3	People Directorate	Proposed new building to include dining and kitchen facilities, a mix of new teaching spaces and small group rooms, external teaching terraces to first and second floor, new link bridges to connect to existing schools and associated external works.	28/07/2021	22/09/2021
Barnes	Barnes Infants/Junior School Mount Road Sunderland SR4 7QF			
21/01696/LP3	People Directorate	Proposed new building to include dining and kitchen facilities, a mix of new teaching spaces and small group rooms, external teaching terraces to first and second floor, new link bridges to connect to existing schools and associated external works.	28/07/2021	27/10/2021
Barnes	Barnes Infants/Junior School Mount Road Sunderland SR4 7QF			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01904/FUL	Ronald Kearney - RMK Property North East Limited	Change of use to a 4 bed HMO	10/08/2021	05/10/2021
Barnes	32 Stewart StreetSunderlandSR4 7HQ			
21/01778/LP3	Mr Alan Rowan	Erection of a new substation on the site of the relocation of Sunningdale SEN Primary School.	27/07/2021	21/09/2021
Doxford	Land To West Of Silksworth Way AndNorth Of City WaySunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			
20/02296/LP3	Port Of Sunderland	Engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site (additional ecology and land contamination reports received).	08/12/2020	09/03/2021
Hendon	Hendon Sidings Enterprise Zone Adjacent To Prospect RowSunderlandPort Of Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01383/MW4	WasteFront AS	Construction and operation of a waste management facility to process waste tyres to produce synthetic hydrocarbons and carbon black together with ancillary buildings, plant and machinery.	24/06/2021	24/09/2021
Hendon	Former Sunderland Oil Storage (Mobil Oil Company)Sunderland Oil Storage Hudson Dock East SideBarrack StreetSunderlandSR1			
19/02054/LBC	Mr Stephen Treanor	Internal works to facilitate change of use to 10 student apartments.	05/12/2019	30/01/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			
19/02053/FUL	Mr Stephen Treanor	Change of use from offices (Use Class B1) to 10 no. student apartments; subject to condition 3 which prevents any other occupation of the building without the prior consent of the Local Planning Authority	17/12/2019	17/03/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper Mill Ocean Road Sunderland			
21/01645/FUL	Mr A Swallow	Proposed conversion of first, second floor and roof space to facilitate 14no residential apartments, including rear extension to increase roof space, new rear fenestration, glazed roof lanterns, new rooflights and street fronting access.	12/07/2021	11/10/2021
Millfield	59 Fawcett Street Sunderland SR1 1SE			
21/01833/LP3	Sunderland City Council	Change of use from dwelling house to supported living accommodation, comprising 2no. 1 bedroom studio apartments and 1no. 1 bedroom staff accommodation /facilities. Including associated elevational alterations to windows and doors.	19/08/2021	14/10/2021
Pallion	Pallion Primary School House Waverley Terrace Sunderland SR4 6TA			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			
21/01544/FU4	Mr Shaun Cuggy - Bellway Homes (Durham)	Erection of 60. No dwellings with access, landscaping, SuDS, SANGS and associated infrastructure on land at Burdon Lane, Ryhope.	01/07/2021	30/09/2021
Ryhope	Land At Burdon Lane Burdon Lane Burdon Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00451/LP3	Sunderland City Council	Earthworks to facilitate the construction of Ryhope Doxford Link Road (RDLR)	13/08/2021	12/11/2021
Ryhope	Land Between Highclere Drive And Cherry KnowleSunderland	(Phase 4) between Highclere Drive and Cherry Knowle Site; to include a non-motorised user bridge; associated infrastructure/ landscaping and stopping up of associated public highway.		
21/01825/FU4	McCoy - MCC Homes Ltd.	Demolition of existing building and erection of 19no bungalows for the over 55's.	18/08/2021	17/11/2021
St Annes	Princess Of Wales CentreHylton RoadSunderlandSR4 8AE			
21/01001/FU4	Bernicia	Erection of 69no affordable homes with associated infrastructure and landscaping (amended layout and ground gas information received).	26/04/2021	26/07/2021
Silksworth	Land East OfPrimate RoadSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01542/LP3	Sunderland City Council	Erection of Eye Infirmary (Class E(e)) with energy centre buildings, cycle hub building, site access, parking, landscaping and associated utilities infrastructure	14/07/2021	13/10/2021
Southwick	Former Vaux SiteLand North Of Saint Marys BoulevardSunderland			