

PLANNING AND HIGHWAYS COMMITTEE

AGENDA

**Meeting to be held in the COUNCIL CHAMBER, CITY HALL on
Monday 3 October 2022 at 5.30p.m.**

Membership

Cllrs Doyle, Foster, Herron, G. Miller (Vice Chair), Morrissey, Mullen, Nicholson, Thornton (Chair) Scott and Warne.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	-
2.	Apologies for Absence	-
3.	Town and Country Planning Act 1990 – Sections 198 and 201 - The City of Sunderland Tree Preservation Order (No.179) 2022 - Land at Ocean Park Road, Sunderland. Report of the Executive Director of City Development (copy herewith)	1
4.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Executive Director of City Development (copy herewith)	63

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

23 September 2022

PLANNING AND HIGHWAYS COMMITTEE – 3 OCTOBER 2022

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 198 AND 201

THE CITY OF SUNDERLAND TREE PRESERVATION ORDER (No.179) 2022 LAND AT OCEAN PARK ROAD, SUNDERLAND.

1. PURPOSE

To advise the Committee regarding the objections received in response to the making of an 'Area' Tree Preservation Order in respect of trees at Ocean Park Road, and to ask that the Committee to consider the objections that were duly made and the contents of this report; and indicate its support, or otherwise, to the view of the Executive Director of City Development that Provisional (Area) Tree Preservation Order (No.179) 2022 ("the TPO") at land at Ocean Park Road, Sunderland should be confirmed.

2. BACKGROUND

A TPO is a mechanism for securing the preservation of single or groups of trees of acknowledged amenity value and the Local Planning Authority (LPA) may make a TPO when it is believed that:

- the preservation of trees is desirable in the interests of amenity, and
- it is expedient to preserve the trees by making a TPO.

Policy NE3 of the Core Strategy and Development Plan (CSDP) seeks to conserve significant trees and woodlands. TPOs are particularly important in controlling the felling and pruning of trees or woodlands which make a significant contribution to the environment. New orders will continue to be made where trees of amenity value are at risk.

The provisional TPO, which is the subject of this report, was created following the construction and occupation of the western half of what is now the Ocean Park Road estate in Seaburn. The development is still under construction and follows a recent and involved planning history. The Officer response to the objections that were duly made, letter dated 2 September 2022 and attached to this report at Appendix 4, summarises this planning history, as well as the relevance of the trees to the Ocean Park Road development, in particular Reserved Matters approval ref. 19/01750/LR4.

Following the construction and now occupation of the western half of the Ocean Park Road estate, the remaining trees, which consist of Sycamore, Whitebeam, Cherry, Ash and Beech, are located within the western end of the rear gardens of the properties that occupy the western boundary of the new

build estate, as well as a privately managed area that is still within Avant Homes, as the Developer, landholding to the west of number 36 Ocean Park Road. The trees are considered to provide a valuable buffer between Ocean Park Road and the adjacent Seafields Estate, whilst providing privacy amenity and a level of maturity to the wider landscape setting.

As detailed in the 2 September letter (Appendix 4), the trees have been objectively assessed by the Council's Arboricultural Advisor. Using the standard 'Tree Evaluation Method for Preservation Orders' (TEMPO) method, which is a systemised and well-established tool for TPO suitability and is attached to this report marked as Appendix 2, the trees have been attributed a score of 14 with a lifespan of 20-40 years; thereby effectively demonstrating that a TPO is appropriate based on the statutory grounds as set out above.

Prior to the Order coming before Committee, Members may recall that a site visit to view the trees was undertaken on Friday 24 June 2022.

3. MAKING OF THE TREE PRESERVATION ORDER

Pursuant to the provisions of the Town and Country Planning Act 1990, the TPO was made on 6 April 2022.

A copy of the schedule, description of the trees and land affected by the TPO is attached, marked as Appendix 1.

All impacted parties within Ocean Park Road, as well as corresponding residents in Seafield who adjoin the boundary of the TPO, were notified via hand delivered letters on the 6 April 2022.

The statutory period for the receipt by the LPA of objections and representations to the TPO expired on 12 May 2022.

4. OBJECTIONS

In response to the serving of the TPO a total of 6 objections were duly made within the statutory period, including a collective objection signed by and submitted on behalf of residents from 13 properties. All the objections are from residents within Ocean Park Road. The objections are appended to this report at Appendix 3.

More recently (and after the expiry of the statutory consultation period), a total of 8 representations, including one from a Ward Cllr, have subsequently been received in support of the TPO. However, as those representations were received after the 12 May 2022 they cannot be considered to have been made in compliance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

5. SUMMARY OF OBJECTIONS

In terms of the objections received they have been summarised as follows:

- The trees do not have significant amenity value – previous arboricultural reports have categorised the trees, when comprising part of the larger wooded area, as being category ‘C’ (*‘trees of low quality with an estimated remaining life expectancy of at least 10 years’*). Since then, the retained trees have been subjected to the stress and impact of construction site – what are the exceptional circumstances of now imposing the TPO?
- Disagree in terms of the visibility of the trees and question the Council’s view that they can be read alongside the trees in the wider area. Objectors believe there to be no connection either visually or geographically;
- An objector disagrees with the screening qualities of the trees;
- Covenant is already in place that requires homeowners to obtain permission from Avant Homes for the removal of any tree, but it allows residents to prune trees without incurring excessive and continual costs;
- Another objection highlights they were not informed at the point of purchasing the property that the trees had to remain in the garden;
- Concern that the Area TPO will impact the willingness of homeowners to plant trees in the future;
- Trees block out sunlight and look a mess;
- Homeowners should be at liberty to decide what happens in their garden;
- The TPO map is vague and there are no trees in one of the gardens adjacent to an objector.
- Objection also cite previous tree reports for the development that identified a certain number of trees to be retained but the homeowner has been left with more trees in their garden area;
- Reference is made to landscaping in the wider development, such as the Linear Park and additional tree planting which should meet the overall requirement for the desired public amenity within the development;
- References to maintenance and anti-social behaviour considerations that led to the trees being placed within the extended rear garden areas when considering the Reserved Matters and although no issue with that approach ‘per se’, it seems no consideration was given to future homeowners. The objection questions the feasibility of this and resultant expectation that residents must now maintain and manage tall (thin) trees with a great deal of cost and disruption;
- Recent storms and high winds and the concerns over the height of the trees and the objection does not accept the risk and responsibility particularly as, without the burden of the TPO, the homeowner can take measures to mitigate this issue for all concerned.

6. COUNCIL COMMENTS ON OBJECTIONS

In response to the objections questioning the significance and visibility of the trees, it is considered relevant to refer Members to the 2 September correspondence (Appendix 4), as this summarises the extensive and recent planning history at the site.

The correspondence highlights that the safeguarding of trees was debated by Members at the Committee meeting (9 March 2020) which approved Reserved Matters 19/01750/LR4. It also highlights that throughout the consideration of developing the site, including the Hybrid (16/02056/HY4) stage, the significance of the trees was integral to decision making and given the significance of the trees to that decision making, as well as their visibility and collective value to the wider area, a TPO should now be placed on them.

The possibility of a TPO, as well as a covenant was suggested as possible solutions during the consideration of Reserved Matters 19/01750/LR4. It was not considered appropriate at the time of considering the Reserved Matters to be definitive in terms of imposing a TPO as there were still successive stages to consider, not least the plotting and detailing of the rear western half of a crowded wooded and mounded area, whilst also understanding the implications of the remaining trees on the construction of the proposed development. In addition, as evidenced by due process and the fact that the TPO is now before Members, it was inappropriate to advise Members at the 9 March 2020 Committee that a TPO was the definitive solution.

Consequently, at a sufficiently advanced stage of the construction works and as highlighted earlier; a TEMPO assessment was undertaken of the retained trees that resulted in a score of 14 (Appendix 2). According to the TEMPO method a score of 12-15 '*Possibly merits TPO*', and to put this into context a score of 16 and above is categorised '*Definitely merits TPO*'. A score of 14 means that the "*...trees have qualified under all sections but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'*".

With this scoring in mind and given the preceding planning stages that led to the approval and construction of the development and the significance attached to the retention of the trees, it was considered that a TPO was defensible.

In terms of the presence of the covenant and as again detailed in the 2 September correspondence (Appendix 4); the administration and controls afforded involves only the affected parties i.e., Avant Homes and the homeowners. Nevertheless, it is noted that the trees are protected to a degree and to this end the local MP has suggested possible solutions, which are:

1. TPO not confirmed and remain under covenant;
2. TPO confirmed but residents can prune the trees themselves;

3. TPO not confirmed but residents can plant a buffer between them and their neighbour's garden. Then once the new trees are high enough, carry out whatever maintenance is required on the original trees.

In terms of solutions 1 & 3 it is considered that they are largely similar given they effectively focus on the TPO not being confirmed but with alternative mitigating circumstances/ suggestions being offered by way of potential justification and compensation. In respect of solution 1 i.e., reliance on the covenant and as already highlighted, this is civil and involves only the affected parties. This affords the Council, as the LPA, with no direct influence on the long-term future of trees.

Regarding solution 2, this is not considered possible given Regulation 13 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which prohibits, in part, the lopping of trees, which is considered to include pruning works. Consequently, as is the case with the existing provisional TPO, if the Order is confirmed any such works will require the formal approval of the LPA.

As per the reasoning for the covenant, this is also considered to extend to solution 3, particularly as the TPO extends up the entirety of the western boundary of the new build estate and includes numerous private residential gardens. It would require the collective and consistent efforts of numerous residents and, without the presence of a TPO, it is considered difficult to envisage how this could be successfully realised.

Members should also note that the TPO is an 'Area' Order, which is a way of protecting individual trees dispersed over an area. The area category is intended for short-term protection and, unlike a 'Woodland' Order only protects those trees standing at the time the Order was made, in this case on the 6 April 2022. Consequently, any subsequent tree planting voluntarily undertaken by residents of Ocean Park Road would not be subject to the TPO.

Authorities are advised to only use the Area category as a temporary measure until they can fully reassess and reclassify the trees in the area. Following the recent construction and completion of the western properties within Ocean Park Road and as the trees are now largely in private gardens, coupled with the practical implications of individually plotting all the trees given the number involved, it is considered that an Area TPO is most appropriate under the circumstances.

Crucially the TPO affords the remaining trees the opportunity of time to grow and re-establish. Thereafter, if considered appropriate and dependent on the success of the trees re-establishing themselves within their new surroundings, the Council, as the LPA, can then review and determine whether individual or group Orders, or not as the case may be, would be more appropriate.

In response to the assertions that new residents were not factored into the decision taking of the approvals that enabled the development of Ocean Park

Road, attention is drawn to the number of arboricultural reports that supported the consideration of each stage of the planning process; from the Hybrid 16/02056/HY4 to the Reserved Matters 19/01750/LR4 and then onto the subsequent successful discharge of condition 4 of that Reserved Matters.

It was Condition 4 that was imposed to realise the construction of the development and offer the possibility to consider the long-term future of the remainder of the former plantation woodland. At all stages Arboricultural Impact Assessments were required and submitted, and it was these aspects of the submission that demonstrated the suitability of the proposed development, both in respect of the proposed and existing residents.

Members may also wish to note that since the introduction of the TPO an application to fell a tree has been considered and approved under delegated powers, ref. 22/01549/TPA. It was agreed on the basis that the subject tree was leaning toward and crowding an existing apple tree, which had a noticeable impact on the growth of this better specimen. Crucially the subject tree to be felled was not considered to be a particularly good specimen and its removal was not thought to be unduly impactful on the wider, collective merit of the TPO.

In respect of those objections questioning the soundness of the TPO, Officers consider that it reasonably and appropriately defines the schedule and location of the trees. As previously highlighted, an Area TPO protects only those trees that existed at the time the Order was made and the concerns that property boundaries are not included or whether or not some garden area(s) contain trees is not considered to be requiring of an amendment. Critically, the extent of the area covered by the TPO is clearly defined by a scaled plan.

8. CONCLUSION

It is considered that in view of the significance of the trees to the decision-making that resulted in the development of the Ocean Park Road estate, and due to the visibility and collective value and impact of the trees when viewed from Seafields and the wider landscaped setting, the TPO should be confirmed.

The objections that have been received as duly made have been assessed and considered and it is recommended, in accordance with Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, that the Order be confirmed without modification.

8. RECOMMENDATION

It is recommended that the Committee considers the contents of this report and the objections received and indicates its support (or otherwise) to the view of the Executive Director of City Development that Tree Preservation

Order (No.179) 2022 at land at Ocean Park Road, Sunderland should be confirmed.

BACKGROUND PAPERS

Schedule, Description and Plan of Tree Preservation Order (No. 170)
(Appendix 1)

TEMPO Assessment (Appendix 2)

Letters of objection (Appendix 3)

2 September 2022 Council response to Objections (Appendix 4)

Peter McIntyre
Executive Director of City Development

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
A1	Trees (of whatever species) within the area marked A1 on the map.	Within the retained woodland belt situated to the west of number 36 Ocean Park Road, Sunderland SR6 8BP and within the property boundaries of numbers 17 to 35 Ocean Park Road, Sunderland SR6 8BP.

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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NONE

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE



Legend
 A1 TPO

Sunderland
 City Council

Sunderland City Council
 City Hall
 Plater Way
 Sunderland
 SR1 3AA

**TREE PRESERVATION (NO.179)
 ORDER 2022 LAND AT OCEAN
 PARK ROAD, SUNDERLAND**

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 License No. 100018385
 Date 2018
 Date: 4/4/2022
 Map Reference: AreaTPO/Southern
 Scale: 1:1,250
 Created By: LHM

Tree Evaluation Method for Preservation Orders - TEMPO

Survey Sheet and Decision Guide

Location:	Linear Woodland on Western boundary Avant scheme Seaburn	Date:	21.11.21
Surveyor:	C Redfern	Owner (if known):	
Species:	Mixed woodland, Sycamore, Whitebeam, Cherry, Ash and Beech	TPO ref:	W1

Part 1: Amenity Assessment			SCORE:
a.) Condition & Suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point			2
5	Good	Highly suitable	
3	Fair	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/dying/dangerous	Unsuitable	
NOTES	Overall fair condition but downgraded as form is not perfect and defects do exist.		

b.) Retention span (in years) & suitability			SCORE:
5	100+ years	Highly suitable	2
4	40-100 years	Very suitable	
2	20-40 years	Suitable	
1	10-20 years	Just suitable	
0	< 10*	Unsuitable	
NOTES	Reasonable safe useful lifespan potential depending on management		

c.) Relative public visibility & suitability for TPO			SCORE:
Consider realistic potential for future visibility with changed land use			3
5	Very large trees with some visibility or prominent large trees	Highly suitable	
4	Large trees or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1	Trees not visible to the public, regardless of size	Probably unsuitable	
NOTES	small to medium trees currently with limited view which will increase in time.		

d.) Other factors		SCORE:
<i>Trees must have accrued 7 or more points (with no zero score) to qualify</i>		4
5	Principal components of arboricultural features or veteran trees	
4	Tree groups, or members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
NOTES	The linear woodland group provides an important buffer between existing and new development	

Part 2: Expediency assessment		SCORE: <
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Part 3: Decision guide		TOTAL SCORE:	DECISION:
Any 0	Do not apply TPO	14	
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		
			TPO is defensible

New residents to Sunderland Borough

Ocean Park Road
Seaburn
Sunderland
SR6 8BP

Date: 8th May 2022

Elaine Waugh
Assistant Director of Law and Governance
City Hall
Plater Way
Sunderland
SR1 3AA

Dear Elaine Waugh

CC Planning Inspectorate, Sarah Richards Agency Executive The Square, Temple Quay, Room 3 O/P, Temple Quay House, 2, Bristol BS1 6PN, enquiries@planninginspectorate.gov.uk.

Objection to Provisional TPO no.179 order 2022 in respect of land at Ocean Park Road, Sunderland

We are new residences to the Sunderland Borough, having purchased properties on the Avant Lowry Park site. Please see attached signatures, which details the residences submitting these objections.

We wish to respectfully present an interim objection to the provisional Tree Preservation Order (TPO) which we were notified as commencing on 6th April 2022. No.179, with the intention to furnish a more detailed report at a later date. This will also allow residences that have yet to receive their TPO notice (due to having not moved in yet) to also comment.

We as residences of Ocean Park Road Seaburn Sunderland SR6 8BP are still awaiting access to the following documents (FOI submitted and case worker for Lowry Park advised). Please can you advise when access will be granted?

- Capital Asset Value for Amenity Trees (CAVAT) (or similar software) results and conclusions for these trees detailed in TPO No179.
 - Preplanning results and conclusions
 - During build results and conclusions
 - Post build results and conclusions
- Tree Evaluation Method for Tree Preservation order survey and report for the groups of trees situated in private gardens of 17 to 35 Ocean Park Road SR6 8BP.
- Post-construction assessment, survey and TEMPO for the groups of trees situated in the private gardens of 17 to 35 Ocean Park Road SR6 8BP

Once provided access to the above documents we kindly request the opportunity to examine and comment on them with the opportunity to come back to you to discuss and ask questions and place any further objections that may arise.

Due to delays being provided with access to public records on the Sunderland Planning portal, Sunderland Council caseworker for Lowry Park not being available, Covid-19 and other obstacles not

in our control our independent survey was not possible to obtain prior to 19th May 2022, we are sure you will appreciate and take this into consideration.

Prior to laying out our objections it is important to note that we as residents of Sunderland respect and are passionate about the trees within our properties and wish to be allowed to look after our trees, as per the covenant detailed in our deeds. We have no intention of doing anything to upset the overall balance of amenity or landscaping value and wish to maintain trees within the garden with the introduction of additional suitable and appropriate trees, hedges and shrubs.

Our objection:

Objection on five grounds

1. Object to the trees within the area labelled as A1 on the TPO map No.179, located in gardens 17 to 35 being referenced to and classified as having “...significant visual amenity to the surrounding area...”.

The trees labelled as A1 on the TPO map No.179, located in gardens 17 to 35 have been classified, ‘...This view was shared by the Council’s Arboriculturalist...’ (See appendix 2), as in decline, of low stature, of low quality and **the whole area labelled as A1 on the TPO map as having an overall low/minimal amenity value** (See Tree survey and assessments attached and accessed via https://online-applications.sunderland.gov.uk/online-applications/files/B8D39DB660BB3C743F9A22EB52D21842/pdf/16_02056_HY4-Tree_Survey-397154.pdf, plus appendix 3). This classification of the said trees was detailed **whilst the general public had full access to the trees from an open field.**

Since this time, the trees have been encompassed in all compass directions by **private** housing with negligible if not zero visual access to the general public and therefore it is unreasonable to suggest that the amenity has changed/ increased too ‘significant’.

A reasonable conclusion would be that the amenity value has in fact reduced further since the trees are now surrounded in all compass directions by private housing with no public amenity areas, roads, alleyways or pathways accessible by the general public.

- Please can you explain to us how this classification, ‘...significant visual amenity to the surrounding area...’ has been calculated for this specific area of trees labelled as A1 on the TPO map?
- What was the Capital Asset Value for Amenity Trees (CAVAT) (or similar software) results and conclusions for these trees detailed in TPO No179?
- Please can you explain in detail how it has been deemed that the area of groups of trees labelled as A1 on the TPO is visible from surrounding areas and streets, particularly considering the criteria set out in the *Tree Preservation Orders: A Guide to the Law and Good Practice Chapter 3*?
 - Please can you provide access to any photographs, videos or surveys used to ascertain the visibility of the trees labelled as A1 on the TPO map.

2. Object to the trees in the TPO being 'read alongside' other groups of trees in the vicinity which they have no connection to geographically or share quality or amenity value with. Simply the trees detailed as A1 on the TPO map in gardens 17 to 35 need to be referenced as they have been clearly classified - **low quality and low amenity value, with minimal eco impact.**

There is no discernible visibility from surrounding areas, streets, public open space areas in any compass direction, including Seaburn Recreation to the north and Cut Throat Dene to the south thus we feel strongly that they **cannot be deemed to share the significant visual amenity other areas/groups of trees hold as suggested in the provisional TPO.**

3. Object on the bases that the trees in area labelled as A1 on the TPO map, located in the gardens 17 to 35 do not meet the criteria set out for issuing a TPO as per the Tree Preservation Orders: A Guide to the Law and Good Practice Chapter 3 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf) or the criteria set out in the TEMPO.

Whilst the trees were in an open landscape and viewed from an open field by many many members of the public, the Arboricultural Implication Assessment detailed the low grade trees labelled on the TPO map as A1 as having an **overall** amenity value as 'minimal' (https://online-applications.sunderland.gov.uk/online-applications/files/B8D39DB660BB3C743F9A22EB52D21842/pdf/16_02056_HY4-Tree_Survey-397154.pdf).

This view was supported by the Council's own Arboriculturist in the, '*...EXTRAORDINARY meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER of the CIVIC CENTRE on MONDAY 9th MARCH, 2020 at 5.30 p.m, where it was stated, '...This view was shared by the Council's Arboriculturist...' (Document.ashx (sunderland.gov.uk).*

Abstract - 6.5 Arboricultural Implication Assessment states '...to be minimal due to their relatively small stature and therefore low landscape impact. In addition, there are many gaps in the planting scheme (assumed to be due to removals) and large numbers of the trees are in decline. As the subject trees are of such small stature a new planting could attain a similar if not improved treescape (https://online-applications.sunderland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0TDPBBK7100 – 18.11.2016 Report/Statement Arboriculture Assessment).

Trees outlined on the TPO map labelled as A1 detailed as

C	Those trees of low quality and value: currently in adequate condition to remain until new planting could be established (> 10 years)
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Page 15 of Arboricultural Implication Assessment report.

We as new residence of the Sunderland borough, question how low-grade trees now not visible to the general public, not visual from surrounding areas and streets and having been subjected to, since the tree survey, assessment and TEMPO were carried out, aging, unavoidable construction and storm damage (See appendix 4 for examples) can be deemed now to hold 'significant' amenity value. This does not correlate with criteria set in Chapter 3 of the, '*...Tree Preservation Orders: A Guide to the Law and Good Practice 3.2, 3.3 (1), 3.5* (See Appendix 1) or the TEMPO.

Notwithstanding this, Government guidelines state that public visibility alone is not sufficient to warrant an Order and advises to assess other characteristics. This Order No 179 makes no reference to the other characteristics of these groups of trees (*...Tree Preservation Orders: A Guide to the Law and Good Practice 3.2, 3.3 (2), (3)...*' (See Appendix 1).

We see no present or future possibility of the visual amenity value changing as they are now placed in private gardens not viewable by the general public, further not meeting the criteria for issuing a TPO.

As the trees have been identified as low grade they also do not meet the criteria set out in Chapter three of '*...Tree Preservation Orders: A Guide to the Law and Good Practice 3.2, 3.3 (2), (3)...*' (See Appendix 1).

1.b TEMPO states that trees with a life expectancy of less than 20 years, of which AIA identified 129 should only score 1.

An up to date assessment, recording the present day life expectancy of each tree is vital to ensure only those trees with >20 years are issued a TPO.

1.C. In the Executive summary of the AIA section 2.2 it states a young plantation and actually in section 6.5 it states the trees are considered relatively small. Elliot Consultancy Arboricultural impact assessment Section 3.2 also refers to the trees in area labelled as A1 as low quality and small. This combined with the fact that they are not visual to the general public would score them significantly low (0-1)

4. Object on the bases that the trees are already governed under a covenant which was established through the direction of Sunderland Borough Council (see appendix 2 - At an EXTRAORDINARY meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER of the CIVIC CENTRE on MONDAY 9th MARCH, 2020 at 5.30 p.m), This Covenant allows us as residences the opportunity to prune and take care of our low quality and low amenity value trees without incurring excessive, continually costs which under a TPO we will be subject to.
5. Object to the type of TPO issued, 'Area' as this style of TPO (which government have asked councils not to use) does not assess each individual tree and consider whether it meets the criteria for issuing a TPO. These trees were already recorded in 2016 as in decline and of low statue, quality and amenity. This evaluation of the trees was shared by Sunderland Council. Since then, they have been thinned further and grouped into individual private gardens and are now surrounded by private housing in all compass direction, which has either reduced visibility to the general public to negligible or zero. They have been subjected to the clay ground being

compacted, ground levels disturbed and altered creating concerns around stability and subjected to unavoidable construction and storm damage. Therefore, the residences of Ocean Park Road feel that the description of this area of trees used to issue the TPO does not represent present day quality and reflect the recorded amenity value of these trees detailed in the assessment reports.

Under an Area TPO, a big concern is that any trees we as residents invest in and plant in area A1 would also be subject to the TPO and its conditions. This will undoubtedly have an impact on the willingness by Ocean Park Road residents to plant and increase the buffer between our neighbours, which I believe Sunderland Council are wishing to encourage.

We would also like lodged our concerns for the safety of residents living at the rear of our property (SeaFields). These trees having been neglected for years, have grown **out of balance** and are in many cases dangerously **leaning westwards** towards are neighbours at the rear of our properties (Seafields). **This has been recorded in the Arboricultural assessment report.** This is compounded by the fact that the trees are situated in clay which in *section 7.3.2 of the AIA report states, ‘...potential of future subsidence...’* This has already proven to be the case with a tree already uprooting and placing our rear neighbours in danger. The westward side of the trees needs to be regularly pruned to encourage balanced grow and improve stability. Incurred costs from a TPO and the need to apply for planning permission puts this essential maintenance at risk.

Have the residents of Seafields been made aware the potential danger of these trees falling on their property?

It is imperative to note that in placing this objection, we are not implying we wish to remove the trees, quite the contrary, we purchased our properties specifically as we knew it would be bestowed with said trees. We are passionate about protecting our trees health and safety. Prior to Sunderland Council issuing the TPO, residents at considerable cost to themselves had already purchased and planted high quality species to add to and increase the green canopy of the area.

To place a TPO on trees which do not have an up-to-date assessment and survey would not be deemed good practice. To place a TPO on groups of trees deemed of low value, minimal amenity value would unduly place a continually ongoing financial burden on us as new residence of the Sunderland Borough, with the potential of lowering the attractiveness of future owners purchasing the properties. Such a financial impact on us as new residence cannot be justified when the trees do not meet the requirements for a TPO and are in decline and are already governed by a covenant.

It would be excessive to apply a TPO when they are already governed, protected by a covenant.

We simple wish to be afforded the opportunity to look after our trees and allowed add to the buffer without being subject to a TPO.

Outcomes

- An open meeting to allow residents to have an opportunity to discuss the provisional TPO.
- Before a decision is made regarding the TPO that post construction assessments and surveys of each individual group of trees located in the private gardens of 17-35 are undertaken. This will provide an up-to-date record of the safety, quality and amenity value of the trees and ensure that residents newly planted trees are not subjected to the TPO and only those trees that meet the criteria are issued with a TPO.
- An up to date assessment, recording the present day life expectancy of each tree is vital to ensure only those trees with >20 years are issued a TPO.
- Ideally that the TPO is removed as a covenant is already in place.
- TPO if issued is issued under a group TPO for each individual garden, thus ensuring any resident planted trees are not subject to the TPO.
- TPO if issued is modified to allow us to sensitively prune the trees without planning permission.

We are passionate about our environment and take our role within our **new** community very seriously and in that vain, we hope you will carefully consider our objections and look to resolve this matter as quickly as possible.

Yours Faithfully

New Residences to the Sunderland Borough.

Signature document

List of Residences objecting to the TPO

Appendix 1

Tree Preservation Order, as set out in the Tree Preservation Orders: A Guide to the Law and Good Practice and law

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf).

Chapter 3

Making and Confirming Tree Preservation Orders....

Power To Make A TPO

3.1 LPAs may make a TPO if it appears to them to be:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.¹⁸

Amenity

3.2 The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect **selected trees** and woodlands **if their removal would have a significant impact on the local environment and its enjoyment by the public**. LPAs should be able to **show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed**. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. **The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty** or for their contribution to the landscape or because they serve to screen an eyesore or future development; **the value of trees may be enhanced by their scarcity; and the value of a group of trees** or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account **which alone would not be sufficient to warrant a TPO**. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

3.3 LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of

trees in a structured and consistent way, taking into account the following key criteria:

- (1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;**
- (2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;**
- (3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.**

Expediency

3.4 Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.

3.5 It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways **which would have a significant impact on the amenity of the area**. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.

Appendix 2

EXTRAORDINARY meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER of the CIVIC CENTRE on MONDAY 9th MARCH, 2020 at 5.30 p.m, ([Document.ashx](#) [\(sunderland.gov.uk\)](#)).

Abstract

“The AIA also highlighted that much of the tree cover was classified as Category C i.e. trees of low quality. **This view was shared by the Council’s Arboriculturalist who had drawn attention to the maintenance implications of the retained western woodland.** In this regard there were two solutions, 1) to place the trees within extended garden areas and therefore, within the ownership of individual property owners; or, 2) to manage the retained woodland as a separate linear feature, as proposed in the initially submitted scheme. The Council’s Arboriculturalist had concurred with the approach adopted by the AIA, which was to include the retained woodland area within the private garden areas as the most realistic way forward given the proposed layout. It was therefore considered appropriate to impose a condition (condition 4) that required a robust retention strategy and landscaping proposals for the area. Once this condition had been discharged, the Council could then have regard to the fact that the trees would be governed by a covenant placed on each individual property, or alternatively, it could seek to impose a Tree Preservation Order on the retained trees to safeguard them in the future”

Appendix 3

<https://online-applications.sunderland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0TDPBBK7100>

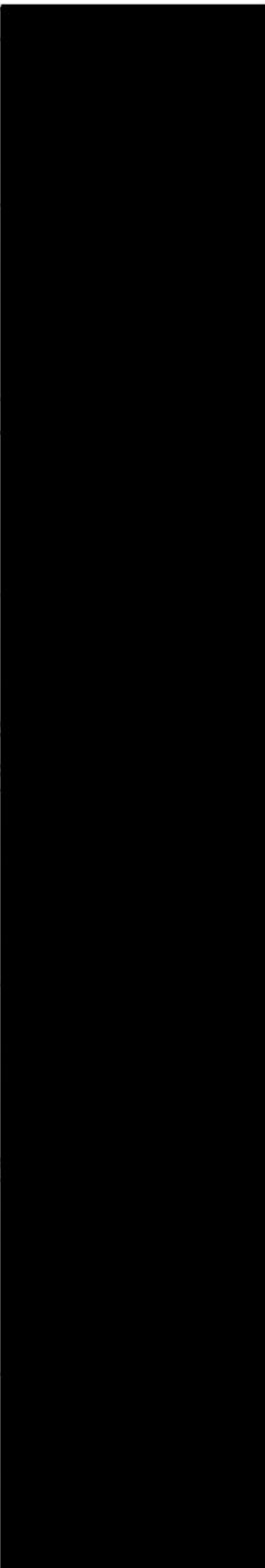
Appendix 4

Example of the considerable damage since the assessments of these trees was under, subjected to the clay ground being compacted, ground levels disturbed and altered creating concerns around stability and unavoidable construction and storm damage.



Objection to Provisional TPO no.179 order 2022 in respect of land at Ocean Park Road, Sunderland

Members of Sunderland Borough community who are objecting

Date	Name	Address	Signature
5/5/22	Chris & Linck Baker	<u>32</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	Liza + Andrew Archer	<u>30</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	Tom & SHARON McGUINNESS	<u>24</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	KEVIN DEVINE STEPHEN MINTO	<u>31</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	LYNN TORKID PAT BRADY	<u>35</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	Addie Earles CHRIS HOIE	<u>34</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
8/5/22	MICHAEL PARKIN NATALIE PARKIN	<u>27</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
9/5/22	ROSALIND HUGHES WARREN HUGHES	<u>22</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	

Date	Name	Address	Signature
10.5.22	MICHAEL LEECH	<u>20</u> Ocean Park Road	
10.5.22	HAYLEY LEECH	Seaburn, Sunderland SR6 8BP	

9 th May 2022	KATHRY GINE DAVID GINE	<u>23</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	
11 th MAY 2022	KEITH SEYMOUR	<u>25</u> Ocean Park Road Seaburn, Sunderland SR6 8BP	

Date	Name	Address
10/05/2022	H. Greenall & A. Smith	<u>28</u> Ocean Park Road Seaburn, Sunderland SR6 8BP

Date	Name	Address
11/05/22	C. Hamilton D. Mullen	<u>29</u> Ocean Park Road Seaburn, Sunderland SR6 8BP

Mr CD and Mrs LJ Baker
New residents to Sunderland
Borough
32 Ocean Park Road
Seaburn
Sunderland
SR6 8BP

Date: 1st May 2022

Elaine Waugh
Assistant Director of Law and Governance
City Hall
Plater Way
Sunderland
SR1 3AA

Dear Elaine Waugh

*CC Planning Inspectorate, Sarah Richards Agency Executive The Square, Temple Quay, Room 3 O/P,
Temple Quay House, 2, Bristol BS1 6PN, enquiries@planninginspectorate.gov.uk.*

We are new residences to the Sunderland Borough, having purchased a property on the Avant Lowry Park site, referred to as plot 67.

We wish to respectfully present an objection to the provisional Tree Preservation Order (TPO) which we were notified as commencing 6th April 2022. No.179, with the intention to furnish a more detailed report at a later date through hiring an independent Arborologist.

It is noted that this TPO identifies A1 area referenced on the TPO map as **groups of trees** (broken black line).

I am lodging an objection on the bases that I believe that moving forward any future TPO would more likely be issued under a group TPO and not an area TPO and therefore wish my objection in regard to the group of trees within our property boundary to be lodged and responded to along with my objection to the current Area TPO.

Our interim objection:

We feel very strongly that the group of trees within the boundaries of our property, do not meet the criteria for a Tree Preservation Order, as set out in the Tree Preservation Orders: A Guide to the Law and Good Practice.

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf).

As detailed by SBC, Arboricultural Consultants carried out a tree survey and assessment of the groups of trees detailed as A1 on the TPO map, which clearly details the trees as low grade and low

amenity value (https://online-applications.sunderland.gov.uk/online-applications/files/B8D39DB660BB3C743F9A22EB52D21842/pdf/16_02056_HY4-Tree_Survey-397154.pdf). This view was supported by the Council's own Arboriculturist in the, '...EXTRAORDINARY meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER of the CIVIC CENTRE on MONDAY 9th MARCH, 2020 at 5.30 p.m, where it was stated, '...This view was shared by the Council's Arboriculturist...' (Appendix 2 - [Document.ashx](#) ([sunderland.gov.uk](https://online-applications.sunderland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0TDPBBK7100))).

Whilst the trees were in an open landscape and viewed from an open field, the Arboricultural Implication Assessment detailed the trees labelled on the TPO map as A1 as having an **overall amenity value as 'minimal'**.

6.5 Arboricultural Implication Assessment states '...to be minimal due to their relatively small stature and therefore low landscape impact. In addition there are many gaps in the planting scheme (assumed to be due to removals) and large numbers of the trees are in decline. As the subject trees are of such small stature a new planting could attain a similar if not improved treescape (Appendix 3 - <https://online-applications.sunderland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0TDPBBK7100> – 18.11.2016 Report/Statement Arboriculture Assessment).

Trees outlines on the TPO map labelled as A1 detailed as

C	Those trees of low quality and value: currently in adequate condition to remain until new planting could be established (> 10 years)
---	--

Page 15 of Arboricultural Implication Assessment report.

The assessment was shared by the council's arboriculturist within the extraordinary meeting detailed above.

It is not possible for trees deemed as having minimal overall amenity value to increase in amenity value when the trees have been further thinned and visibility to the general public removed/decreased. It is important to note at this point that according to the Arboricultural implication assessment report that these groups of trees labelled as A1 on the TPO has been identified in 2016 as already in decline.

Since the above tree survey and assessment, which recorded the group of trees labelled A1 on the TPO map as low grade and low amenity value, houses have been built around them and has reduced general public visibility to these trees to negligible or zero. There is no discernible visibility from surrounding areas, streets, public open space areas in any compass direction, including Seaburn Recreation to the north and Cut Throat Dene to the south thus we feel strongly that they **cannot be deemed to provide a significant visual amenity** as per the criteria needed to issue a TPO set out in Chapter 3 of the , '...Tree Preservation Orders: A Guide to the Law and Good Practice 3.2, 3.3 (1), 3.5 (See Appendix 1).

We see no present or future possibility of the visual amenity valuing changing as they are now placed in private gardens not viewable by the public.

As the trees have been identified as low grade they also do not meet the criteria set out in Chapter three of '...Tree Preservation Orders: A Guide to the Law and Good Practice 3.2, 3.3 (2), (3)...' (See Appendix 1).

It is important to note that in placing this objection, we are not implying we wish to remove the trees. We purchased plot 67 specifically as we knew it would be bestowed with said trees. We are passionate about protecting our trees health and safety. We feel we have gone above and beyond to ensure the health and safety of the trees since purchasing the property in February. We have researched and purchased vast quantities of organic matter to help with grow and longevity of the trees. We have started research into plants that prompt the health of the trees such as wild garlic, which we will be planting. In addition, we have already purchased and planted 30 British Native trees which we will be training into a hedge as a screen at the rear of the garden. We have discussed this screen with the neighbour to the rear, who our happy with the planting of the screen.

In reference to our specific group of trees, as no site visit was carried out prior to issuing the TPO, the visibility, the condition and the construction damage and recent storm damage our trees have been subjected to prior to us purchasing the property still have not been assessed or recorded.

To place a TPO on trees which are deemed of low value, minimal amenity and in inadequate condition would unduly place a continually ongoing financial burden on us as new residence of the Sunderland Borough, with the potential of lowering the attractiveness of future owners purchasing the property. Such a financial impact on us as new residence cannot be justified when the trees do not meet the requirements for a TPO and are in decline and are **already governed by a covenant**.

It would be excessive to apply a TPO when they are already governed, protected by a covenant.

Any breaches of the covenant should be dealt with through the due legal process attached to the deeds.

We simple wish to be afforded the opportunity to look after our trees ourselves.

We are passionate about our environment and take our role within our **new** community very seriously and in that vain we have, at considerable cost to ourselves, installed an Air Source heat pump and purchased solar panels (Solar panel installation delayed until August due to supply issues), which we hope highlights to the council our commitment and passion for our environment including our blessed trees.

I hope you will consider our objection in light of the above, we look forward to hearing from you shortly.

Yours Faithfully

Christopher and Linda Baker

New Residences to the Sunderland Borough.

Appendix

Appendix 1

Tree Preservation Order, as set out in the Tree Preservation Orders: A Guide to the Law and Good Practice and law

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf).

Chapter 3

Making and Confirming Tree Preservation Orders....

Power To Make A TPO

3.1 LPAs may make a TPO if it appears to them to be:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.¹⁸

Amenity

3.2 The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect **selected trees** and woodlands **if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed.** The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. **The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty** or for their contribution to the landscape or because they serve to screen an eyesore or future development; **the value of trees may be enhanced by their scarcity; and the value of a group of trees** or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account **which alone would not be sufficient to warrant a TPO.** In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

3.3 LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of

trees in a structured and consistent way, taking into account the following key criteria:

- (1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;**
- (2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;**
- (3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.**

Expediency

3.4 Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.

3.5 It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways **which would have a significant impact on the amenity of the area**. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.

Appendix 2

EXTRAORDINARY meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER of the CIVIC CENTRE on MONDAY 9th MARCH, 2020 at 5.30 p.m, ([Document.ashx \(sunderland.gov.uk\)](https://www.sunderland.gov.uk)).

Appendix 3

Address	Seaham, Sunderland, SR6 5AA		
Client	Cumbria	Client Ref	"
WT Ref	0021213443-REV1	Consultant	John Graham PhD BSc 25/06/16
Report Date	14 th September 2016	Quality Checked	Tony Dawson
Technical Arbitration Approved Brian Hoggans (Sp.Arb)(FFS) W.Arb A			

(<https://online-applications.sunderland.gov.uk/online->

applications/applicationDetails.do?activeTab=documents&keyVal=OG0TDPBBK7100 – 18.11.2016

Report/Statement Arboriculture Assessment).

10th May 2022

Elaine Waugh
Sunderland City Council
Corporate Services
City Hall
Platter Way
Sunderland
SR1 3AA

35 Ocean Park Road
Seaburn
Sunderland
SR6 8BP

cc: Planning Inspectorate
Sarah Richards Agency Executive
The Square, Temple Quay
Room 3 O/P, Temple Quay House
Bristol, BS1 6PN

Ref: JA/81168 Tree Preservation Order No 179

Dear Elaine,

We, Lynn Tomkins and Patrick Brady, are writing to object to The City of Sunderland Tree Preservation (No. 179) Order 2022 Land at Ocean Park Road, Sunderland specifically in respect of the trees in our back garden at 35 Ocean Park Road, SR6 8BP

By way of background, we have happily visited Seaburn and the wider area now for several years and largely on the back of the excellent Seaburn Masterplan and Design Code publication decided to move here to be part of the exciting development and regeneration project already underway. To feel welcomed in the community and to contribute to the growth and success of the area – we are therefore somewhat taken aback to find ourselves having to deal with this a week after moving in

We are both avid outdoor people who partake and enjoy all the amenities the region has to offer. On a personal level we enjoy having a garden full of trees, shrubs, flowers and vegetable patches and do everything to promote diversity in flora and fauna – all being suitable and appropriate to the setting
Indeed, Lynn as Chair of Northumberland Colleges was heavily involved in the successful merger of Kirkley Hall Agricultural College and Sunderland College in 2020 which we believe shows our support and commitment to the wider area.

We have no intention of doing anything to upset the overall balance of amenity or landscaping value in the area and wish to maintain trees within the garden with maintenance of existing suitable trees and the introduction of additional suitable and appropriate trees. This to meet all existing habitat needs and provide for introduction of new and diverse range of birds, insects, and animals. However, we strongly believe that some of the trees in our garden are not suitable for a range of reasons and should be removed to allow the addition of appropriate trees for the setting. See Appendix F which shows some of our planting activity on this to date.

The reasons for our objection to the Order include the following

Specification of Trees

We object to the order because it fails to correctly follow procedure for making an order and specifically fails to correctly identify and specify the trees in our garden #35 Ocean Park Road.

With reference to the order.

- *Interpretation, section 2(2)* – is vague, makes no explicit reference to the attached map or the area impacted

- *The attached map itself* – incorrectly highlights a continuous enclosed area. There are no trees in the area/garden immediately to the left of our garden when viewed from our back door, as such, it isn't a continuous area.
- *Schedule – Specification of Trees – Trees specified by reference to an area* - Incorrectly specifies the Situation as 'the retained woodland belt' - the trees are in our private garden haven't been accurately identified or indicated and the use of woodland is not correct classification

Add to this, the publication, Tree Preservation Orders: A Guide to the Law and Good Practice, Section 3.15 highlights the following extract
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf)

3.15 The boundary of the woodland should be indicated on the map as accurately as possible, making use of any natural landscape features or property boundaries in a way that will avoid any future uncertainty if trees close to the boundary are removed. Use of the woodland classification is unlikely to be appropriate in gardens

- The trees in our garden haven't been correctly identified from the outset and particularly now with respect to the Order.

With reference to the report - ARB/AE/2132 Sept 2020 -Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plans and extracts show in Appendix A

Drawing ARB/AE/2132/Tip - Tree Impact Plan - shows the trees within or close to our garden boundary for removal and retention are, C20, C21, C26 – C34, Hawthorn C1 #1, Hawthorn C1#2 – 13 trees in total

Drawing ARB/AE/2132/TpP – Tree Protection Plan – show the retention trees are C20,C21, C26 – C30, C33, Hawthorn C1 #1, Hawthorn C1#2 – 8 trees in total

There are currently 17 trees in our garden which demonstrates they haven't been correctly identified, asks question of the plans and the implementation of the plans outlined. These discrepancies show the shortcomings and failure to follow procedure for making an order and specifically fails to correctly identify and specify the trees in our garden #35 Ocean Park Road and is why we object to the order.

- Site Visit

The order fails to mention a site visit or any request for access to our property to survey the trees, assess their amenity value and correctly identify the trees – had a visit taken place and the details recorded the discrepancy outline above may have been avoided

Covenant

Council document - 19_01750_LRA-AGENDA_REPORT-966162 ref Landscaping Section
Extraordinary Meeting Monday 9th March 2020 @ 05:30pm, Council Chamber, Civic Centre

The Council's Arboriculturalist agrees that the trees are classified as Category C – of low quality and low value and for reasons relating on-going maintenance, the Council decided and agreed to transfer the onus for maintenance and responsibility to the new residents governed by a covenant placed on each property.

See Appendix B for BS3837:2012 tree classification details

Given this is the case and we do have a covenant on the property deeds, we see no reason to add to this and therefore, object to the order.

Amenity Value

The order states, *“the amenity value of the trees is due to their visibility from surrounding areas and streets, most notably from the public open spaces at the Seaburn Recreation to the north and Cut Throat Dene to the south”*

We object to this claim as the trees in our garden are not visible from any surrounding public space including, Seaburn Recreation to the north and Cut Throat Dene to the south. See Appendix C for pictures showing no visibility of trees within our garden or most of the gardens

The trees are fully enclosed within private gardens with no public access, negligible if not zero visual access to the general public and therefore offer no visual amenity value

The order goes on to claim that “when read alongside the mature trees coverage of Cut Throat Dene and Mere Knolls Cemetery, provides significant visual amenity to the surrounding area”. We reject this claim, the trees in our garden have no geographical connection to these trees. They don’t share any recognisable standard for tree value, quality nor any of the visual amenity characteristics of these other mature trees at Cut Throat Dene and Mere Knolls Cemetery have.

As there is no discernible visibility from the surrounding areas, streets, public open spaces it is wholly incorrect to claim that these trees share ‘significant visual amenity’ and as such we object to the order on this basis.

Not withstand this, Government guidelines state that public visibility alone is not sufficient to warrant an Order and advises to assess other characteristics. This Order No 179 makes no reference to how visual amenity value was assessed and measured, what methods were employed, nor mentions the other characteristics such as:

- Individual impact
 - o size and form;
 - o future potential as an amenity;
 - o rarity, cultural or historic value;
 - o contribution to, and relationship with, the landscape; and
 - o contribution to the character or appearance of the area

We have issue with some of the trees in the garden when assessed against these characteristic. The trees in question are very tall, 10 – 12m plus, towering above the roof tops, are akin to tall lamp posts as many have no branches below 4 – 5 m, and some, we are told, didn’t have any leaves last summer which would effectively render them Category U. These trees offer no contribution with respect to these characteristics.

See Appendix B for tree classification. See Appendix D for pictures of the trees

Landscaping

Ref: Council document - 19_01750_LRA-AGENDA_REPORT-966162 ref Landscaping Section

Ref: ARB/AE/2132 Sept 2020 -Arboricultural Impact Assessment (AIA) report

In relation to the issue of trees on the site and in support the removal of the very same type of trees throughout the site to allow groundworks clearance, the Council report points out the following.

‘By way of further explanation and material consideration, the Reserved Matters AIA also highlights that much of the tree cover is classified as Category C i.e. trees of low quality, a view which is shared by the Councils Arboriculturalist’

See Appendix B for tree classification

The AIA report goes on to note '**N.b.** the use of large forest type, high canopy tree (as used in the past in the group) should be avoided to reduce future issues of shade and encroachment into gardens on both sides of the boundary'

Exactly the type we have in our garden. We object to the Order No 179 on the basis of this further explanation

The section goes on to mention that 'overall the application proposal delivers the required linear park' and 'to increase biodiversity at the site however, native hedging should be a priority over ornamental hedging and additional tree planting should (be) sought in the open space areas rather than reliance on tree planting within private gardens'

These proposals and plan for a linear park and additional trees will meet the overall requirement and balance for the desired visible public amenity of the development, therefore, eliminating the need to impose the Order on trees that aren't visible nor offer public amenity value but instead create significant issues, cost and burden on us as the 'future' residents.

Screening

Council document - 19_01750_LRA-AGENDA_REPORT-966162 ref Landscaping Section

The last paragraph mentions in respect of the western woodland that the retained trees 'will provide for a strategic screen between the proposed built development and the existing residential properties'

We object to the Order No 179 as this is not the case for the several large trees in our garden - Appendix D pictures.

The picture show tree trunks extending without branches up to the rooftops of the existing residential properties and offer no screening at ground or first floor level. The trees at the back, namely two Hawthorn and (we guess) a Laurel offer some limited screening

Maintenance

It's mentioned in various planning documents and in local resident objection documents to the whole housing development that the trees in question haven't been maintained for decades. Thus, the area fell into disrepair leading to many anti-social and other problems as highlighted by local residents and confirmed by the Council. From our vantage, it's clear that this was the case as many trees are in a poor state.

It was explained in document - 19_01750_LRA-AGENDA_REPORT-966162 ref Landscaping Section that the choices were

- place the trees in private ownership of future residents
- have the trees managed independently (we presume by the Council)

A bigger risk was apportioned to the latter as it would create maintenance access issues, further tree loss and lead directly back the anti-social issues and other problems from the past

We don't have an issue with the former choice per se, but we would point out that it seems no consideration was given to the issues that we as 'future' residents would likely encounter. It isn't possible or feasible for us to be able or expected to maintain these (AIA - large forest type, high canopy tree) very tall trees ourselves without a great deal of cost and disruption. See Appendix D

This is just one reason why we object to the Order. We too would have access and other problems to contend with but as pointed out in the opening paragraphs, our commitment to maintaining the amenity balance by adding the correct and appropriate tree/shrub type is clear

Given that the trees have been so neglected over the years it's unreasonable and unfair to impose an Order on us as unsuspecting residents to have to pick up the burden.

Responsibility

Most of the trees in our garden are located on the western side of the bund leaning heavily away from our house and property onto neighbouring Seafield houses. See Appendix E

Recent storms and high winds should remind us to take nothing for granted when it comes to very tall trees. If anything were to happen, damage is more likely to happen to our neighbouring properties in Seafield estate.

We do not accept this risk or responsibility particularly as we can take measures to mitigate the issue for all concerned and likely impacted in the future. This is another reason why we object to the order

It is our intention to have the trees in our garden surveyed and reported on by an independent consultant. This report will be submitted in due course as soon as practical. We have read just about all the submissions to the whole development plan going back as far as 2016. Many good argument, points and discussions are made by those in favour and those against. However, many of those who made objections to the trees along the western side of the development were and are more concerned about the direct threat or imposition of new neighbours as opposed to the saving of trees for their visual amenity value. It appears that the urgency to impose the Order stems and is being influenced from that viewpoint.

In summary, we sincerely hope and expect as equal residents that our views and points to be afforded balanced consideration and dealt with evenly and open handed. We are available for discussion to help clarify any aspects of our objection and to gain a better mutual understand of the core issues that are to be considered leading to the withdrawal of the Order. We would also welcome the opportunity to attend and speak at any committee or sub-committee meetings dealing with this Order

As stated in the opening section, we are fully in support of the Seaburn Masterplan, to be part of and contribute to community growth, promote and support all the amenities on offer, and the success overall - which undoubtedly is already happening – and is great to see and be part of.

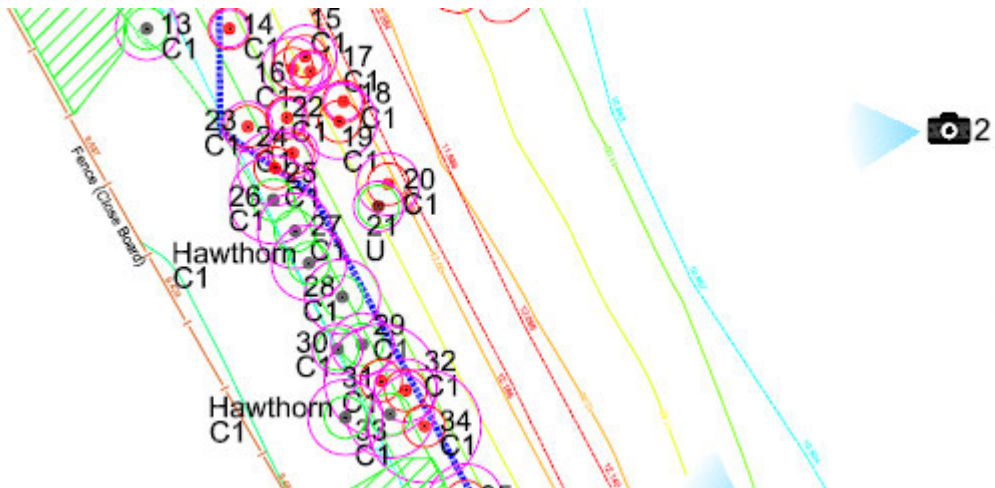
Yours faithfully

Lynn Tomkins & Pat Brady

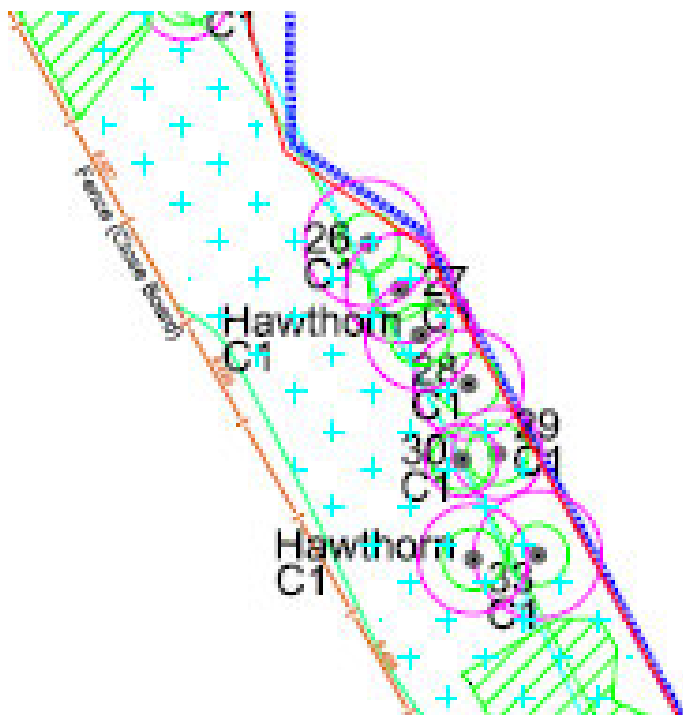
35 Ocean Park Road, SR6 8BP

Appendix A

Extract from ARB/AE/2132/Tip Tree Impact Plan



Extract from drawing ARB/AE/2132/TpP - Tree Protection Plan



Appendix B

BS5837:2012 Table 1 – Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)		
Trees unsuitable for retention (see Note)			
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none">• Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)• Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline• Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see [BS5837:2012] 4.5.7.</i></p>		
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation
Trees to be considered for retention			
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value

Appendix C

View from public footpath at #35 – no trees visible



View from Seaburn Recreation Ground - From right to left – house numbers 36 to 40 – no trees are visible



View from Seafields / Lowry Road



Appendix D

View showing trees extending high above rooftop





Appendix E



Appendix F

Some of the suitable & varied trees, shrubs and plants we've already started planting



30 Ocean Park Road

Seaburn,

Sunderland

SR6 8BP

9th May 2022

Elaine Waugh

Assistant Director of Law and Governance,

City Hall,

Plater Way,

Sunderland.

Dear Elaine Waugh,

Objection to Provisional TPO no.179 in respect to land at Ocean Park Road

Firstly we would like to say that we bought our property partly *because* of the trees that would be in our garden, not in spite of it. We have no intentions of removing the trees and as agreed in the deeds by way of the restrictive covenants we are more than willing to maintain the trees.

However, we feel we need to object to the TPO being placed on the trees within our boundaries.

Firstly, it is stated in TPO No 179 that the council has made the order "...The amenity value of the trees is due to their visibility from surrounding areas and streets, most notably Seaburn Recreation to the north and Cut Throat Dene to the south", we would argue that the trees in our garden are not visible from those areas.

The Government's "Tree Preservation Orders: A Guide to the Law and Good Practice" states that:

..."the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment

is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;”

We as the owners would like to know what “exceptional circumstances” the council believes the trees to fall into.

Secondly, while we have been looking into this, we understand that the trees were discussed at planning stages, notably 9TH March 2020 where the Arboricultural Implication Assessment stated the trees were “low grade” with overall amenity value as “minimal” with a large number of trees “in decline”.

At this meeting the Councils Arboriculturalist drew attention to the maintenance implication of the declining trees and so discussions were had as to whether the trees should be encompassed into the private gardens or for the council to “manage the retained woodland area as a separate linear feature, as proposed in the initially submitted scheme”.

We feel that if the initial plan to maintain the trees in a public area was then changed to encompassing them into private gardens, surely the trees were not deemed to have significant public value? Or was it that the council did not want to cover the cost of maintaining these declining trees themselves?

It does not seem fair to us that the trees were not placed under a TPO prior to us purchasing the property but within mere weeks of us moving in it has been imposed. We have to question whether the TPO has been placed on the trees because of other resident’s actions or whether it was the council’s plan all along? We don’t know, but it is very unfair to burden us with large costs for maintaining trees under a TPO when we were more than willing to maintain them under the rules of the covenant.

We would like you to consider our objections and hope that we can come to a resolution so that we can maintain the trees without the logistical and financial burden a TPO will bring.

Yours Sincerely



Liza and Andrew Archer

Dear Sir/Madam,

I wish to object to the proposed tree preservation order (no. 179) in respect of land at Ocean Park Road, Sunderland. My reasons for objecting to this are:

- We were not told at the point of purchasing our property that the trees had to remain in the garden.
- The trees block out a lot of sunlight from the garden, the garden was one of the main selling points of the plot. Turf etc in our plot will struggle to grow.
- The garden also quite simply looks a mess with the trees left in situ, the garden is a part of the property we have purchased and we should be at liberty to decide what happens to the garden as the legal owner/occupier. We have paid a significant amount of money for our plot and half of the garden is unusable because of the trees that are left.
- We are led to believe that the trees have been left in the gardens to sweeten the residents of the Seafield's estate behind Lowry Park, with no thought as to how the gardens are for the new residents. To put it bluntly, we as the owner/occupier are responsible for ensuring that we pay our mortgage every month, not the residents of Seafield's. I do not see why their dissatisfaction at the development being built should dictate what we can/cannot do in our property/land.
- The trees currently are very poor species. We could understand if they were 100-150 year old oak trees but they are very poor the current trees.

I would also like to know, if the tree preservation order is put into place, would the residents that are affected by this order receive monetary compensation in the following circumstances:

- The time/money spent to remove leaves that have fallen from the trees each year and the maintenance of the trees such as pruning etc. when needed.
- We have recently had storms in the area that have caused catastrophic damage to trees, if this was to occur again and the trees within our garden were damaged and made the garden an unsafe area, would Sunderland Council be happy to pick up the costs of having a tree surgeon come to remove the trees to make the area safe? Or happy to pick up the costs if property was damaged because of this?

I look forward to hearing from you soon.

Regards,

Resident of Lowry Park, Seaburn

Jennifer Atkins

City Hall

Plater Way

Sunderland

SR1 3AA

28th April 2022

Dear Jennifer

OBJECTION TO TREE PRESERVATION ORDER (No.179) LAND AT OCEAN PARK ROAD, SUNDERLAND.

I am writing to formally object to the Tree Preservation Order No.179 at Ocean Park Road, Sunderland. This order relates to the woodland belt situated to the west of number 36 Ocean Park Road, Sunderland SR6 8BP and within the property boundaries of numbers 17 to 35 Ocean Park Road, Sunderland SR6 8BP.

My reason for objection is as follows

The trees in my garden are overbearing, the trees themselves the tallest stands at 9.8m from ground level and ground level is 1.7m above my garden level (see photos 3 & 10). The closest tree in my garden is situated just 6m from my external wall and I have been left with a multi-level garden to keep the roots healthy thus giving me a very small garden (see photos 2 & 3).

These trees have shed so many leaves and branches since I moved in and blocked out so much light that my lawn hasn't been able to grow all along one side. These leaves and branches have also fell on my flat roof and blocked up the drainage causing the roof and the garden to flood.

The TPO states the woodland belt provides significant visual amenity to the area, (see photos 6 & 12), I believe this is being greatly exaggerated, there's barely a tree in sight. If you look at photos 7 & 8 you can see all the trees have already been cut down and this is situated circa 17m from where they wish to place the TPO so how comes these trees were allowed to be removed but the ones that nobody could see and have the potential to do the most harm are getting protected.

If you look at photos 1 & 5 you can see the trees are becoming taller than the properties, how tall is too tall in this situation. With the recent storms we had last year and the beginning of this year I don't see why it's needed to keep these trees so close to the properties which could cause serious damage if uprooted by another storm.

I myself am a nature lover and would plan on replanting younger trees at the boundary fence a sensible distance from my property if the TPO is removed but these trees situated where they are at present, I feel are unnecessary. It isn't like removing these trees would leave no other trees in the area, if you look at photos 9 & 11 you can see there is quite a vast woodland very close by.

The woodland belt in question has now been significantly reduced from what my aerial shot shows in photo 11, I would think if it was to have been protected then the whole belt should have been protected and not just a chosen few which in my opinion have the biggest chance of causing damage.

For the reasons given above I do not consider that TPO 179 Ocean Park Road should be imposed.

I look forward to the Council's determination upon this matter in due course.

Yours sincerely

Michael Leech
20 Ocean Park Road
Seaburn
Sunderland
SR6 8BP

[REDACTED]









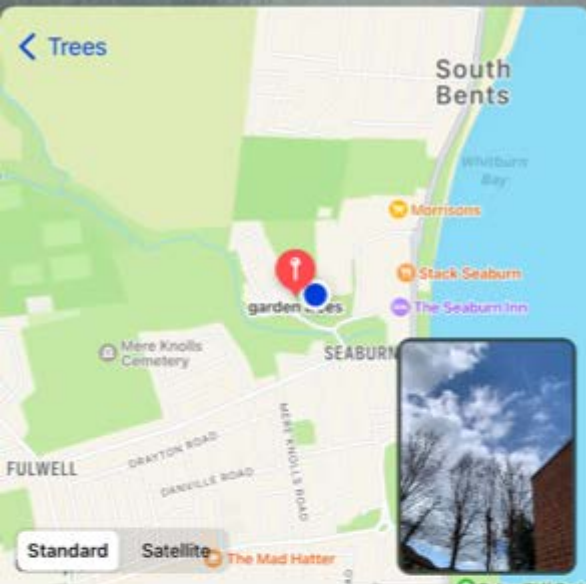










[< Trees](#)


garden trees

Date	9 April 2022
Time	12:57
Perpendicular height	9.8 m
Inclination°	-4.4°
Inclined height	9.83 m
Crown width	--
Crown base height	--
Comment	--





Imagery ©2022 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, Map data ©2022 20 m



City Development
City Hall
Plater Way
Sunderland
SR1 3AA

Telephone: 0191 561 5555
Web: www.sunderland.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]

Date: 2 September 2022

Our ref: Provisional TPO 179

Your ref:

This matter is being dealt with by: Mr Anthony Jukes, Development Control,
anthony.jukes@sunderland.gov.uk

Dear Sir,

**RE: PROVISIONAL AREA TREE PRESERVATION ORDER (TPO) 179 -
RESPONSE TO REPRESENTATIONS**

I refer to the provisional Area Tree Preservation Order (TPO) 179 at Ocean Park Road and in response to the issues raised by residents I wish to take the opportunity to comment as follows.

The objections received have been summarised as:

- The Local Planning Authority (LPA) has not presented a case to demonstrate that the trees in question provide a high level of amenity and therefore it has not been demonstrated that their loss would have a negative impact on the environment;
- It is considered that the amenity and or other impact of the linear group of trees in question is not “significant” and therefore the emergency/ temporary TPO should not be confirmed.

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Inequalities



2008-2009
Reducing Re-offending



INVESTOR IN PEOPLE



The Government Standard
Building and Development Control Service



Assessment of the objections

When deciding whether to protect trees local planning authorities can make an Order for the preservation of trees or woodlands in their area if it appears to them expedient in the interests of amenity.

- What does amenity mean in practice?

As 'amenity' is not defined in law authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before making or confirming an Order the local planning authority should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, considering the following criteria:

- Visibility

The extent to which the trees or woodlands can be seen by the public will inform an authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

- Individual, collective, and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including size and form, future potential as an amenity, rarity, cultural or historic value, contribution to and relationship with the landscape, and contribution to the character or appearance of a conservation area where relevant.

Expediency and what it means in practice

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order e.g., it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

Conversely, it may be expedient to make an Order if an authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area. It is not necessary for there to be immediate risk for the need for trees to be protected. In some cases, an authority may believe that certain trees are at risk because of development pressures and may consider, where this is in the interests of amenity, expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity.

The Local Planning Authority's assessment of the trees at Ocean Park Road

The Local Planning Authority's (LPA) qualified Arboricultural Advisor assessed the amenity of the trees on-site using the 'TEMPO' method; a simple to use and interpret approach that is widely practiced in the Arboricultural industry.

TEMPO stands for 'Tree Evaluation Method for Preservation Orders' and is a field guide for decision making, providing a record of the systematic assessment undertaken. It is a 3-part system: Part 1 is the amenity assessment; Part 2 the expediency assessment; and Part 3 the decision guide. If the trees being assessed score 12 points or more then they should be considered for protection.

In the case of provisional Area TPO 179 the trees scored collectively 14 points, thereby demonstrating that the linear group of trees are worthy of protection. This was based on their condition, safe useful life potential, visibility in the landscape and finally, whether it was expedient to make the order. The TEMPO assessment is attached to this letter for reference.

It is noted that comments received to the service of the TPO have referred to the 'CAVAT' method, 'Capital Asset Value for Amenity Trees'. The CAVAT assessment is designed to determine and provide monetary/ compensatory value to the loss of trees and not a means within which to assess amenity value. Given that amenity is the deciding factor the CAVAT method is not used by the Council, as the LPA, when considering the making of a TPO.

In considering whether the Area TPO was appropriate due regard was given to the relevant guidance i.e., Tree Preservation Orders and trees in conservation areas - GOV.UK (www.gov.uk). This superseded the previous and withdrawn (7 March 2014) 'Tree Preservation Order: A Guide to the Law and Good Practice' cited in the objections.

Planning history

In terms of detailing the TEMPO assessment undertaken, it is also important to set out how the LPA arrived at the point of considering and imposing the provisional Order. In this respect and as noted in the objections received, Avant's new build housing estate, Ocean Park Road, forms part of the wider redevelopment of Seaburn, which has a recent and involved planning history.

In October 2017 the LPA approved Hybrid ref. 16/02056/HY4 for a large-scale, leisure led, mixed use development. The Hybrid 16/02056/HY4 approval permitted in outline the residential development of the former car park and open space areas that Ocean Park Road now occupies.

In approving Hybrid 16/02056/HY4, Condition 4 of that permission approved 'Regulatory Plan 06, Public Realm and Landscaping', along with a series of other Regulatory Plans. These approved Regulatory Plans defined the 'Parameters' within which future Reserved Matters submissions would then be considered and assessed. It was Regulatory Plan 06 that required the retention of the trees along the western boundary with the Seafields Estate.

Given the approved Parameters, Avant, when first submitting their Reserved Matters proposal, made under application ref. 19/01750/LR4, initially proposed a scheme that had the rear boundaries of the western Plots terminating at the eastern edge of what was to be the retained woodland area. However, due to anti-social considerations over having a

potentially and relatively inaccessible wooded area between the rear boundaries of two estates, coupled with the loss of further trees to facilitate an access path/ route for maintenance, ultimately resulted in the extension of the garden areas of those western Plots.

Following this adaptation and when deciding the Reserved Matters 19/01750/LR4 application, Members at the 9 March 2020 Planning & Highways East Committee meeting discussed the implications of this aspect of the development. As part of these discussions the potential for a TPO, as well as a covenant, were raised in response to the queries and concerns of Members about safeguarding the retained trees in the future.

Consequently, given the requirements of the Hybrid's Parameters as well as the safeguarding concerns of and debate by Members, Condition 4 was imposed on the approved 19/01750/LR4 development. It was this condition that was designed to not only facilitate the delivery of the development and ensure the retention of as many trees as possible but also, when discharged and implemented, form the consideration basis of whether a TPO would be appropriate. Condition 4 was successfully discharged via ref. 21/00845/DIS.

Lastly, during the making of the TPO the LPA was aware that Avant had placed a covenant on the trees, thereby affording a level of protection. Nevertheless, when considering the question as to why the Council would then consider imposing a TPO, it is important to note that a covenant is civil in nature and involve only the affected parties, in this instance Avant and the relevant homeowners. It affords the Council, as the LPA, no direct influence on the long-term future of the trees. Consequently, and being mindful to the planning history of this site, as summarised above, relying on the presence of the covenant was not considered to fully realise the decision-making of this on-going development.

Area Order 179

In terms of the Order that has been put in place it should be noted that as an Area Order it applies only to those trees present on the day it was confirmed, 6 April 2022. An Area Order has been chosen because of the trees collective rather than individual merit and because it is way of protecting trees dispersed over a wide area. It is a temporary measure, which will be reviewed periodically, and it affords the trees time to grow and provides the LPA a reasonable degree of control over any future tree works or removals as the new build development begins to relate to and homeowners cohabit the space with the remaining trees. Thereafter, if considered appropriate and dependent on the success and amenity of the trees, the Council, as the LPA, could then review and determine whether individual or group TPOs, or not as the case may be, would be more appropriate.

In terms of those comments made in respect of compensation the reader is directed to Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. In summary, compensation only applies following the decision of the Council in respect of works to protected trees made under application.

Conclusion

The trees that form a strategic screen between the new development and the existing residential properties are important and make a considerable and positive impact to the landscape. Best practice following the retention of trees during the construction process should be considered for TPO protection to safeguard their continued protection.

Confirmation of the Order does not prevent maintenance or remedial works, but it does afford the Council the ability to protect the trees if the proposed works are harmful or poor practice now and in the future.

Please also note that following the objections received the consideration over whether TPO 179 should be made permanent shall now appear before Members of Planning & Highways Committee. Given the meeting cycles it is envisaged that TPO 179 will appear before Committee at the public 3 October 2022 meeting.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. McIntyre', is written over a faint, light blue rectangular stamp.

Peter McIntyre
Executive Director City Development

Development Control Planning and Highways Committee

3rd October 2022

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 22/01076/LP3

Land to south of Holmeside, including Railway Club and Sinatra's, Holmeside, Sunderland, SR1 3HY.

2. 22/01328/FUL

Jubilee House, 5 Front Street, Hetton-le-Hole, DH5 9PE.

COMMITTEE ROLE

The Planning and Highways Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Planning and Highways Committee Chairperson or the Development Control Manager via 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.: 22/01076/LP3 Local Authority (Reg 3)

Proposal: **Demolition of Railway Club and Sinatra's Public House, to facilitate erection of a 404 space Multi-Storey Car Park (MSCP) (Sui Generis) with ground floor ancillary commercial use (Use Class E), including associated access, servicing and landscape works.**

Location: Land To South Of Holmeside Including Railway Club And Sinatra's, Holmeside, Sunderland, SR1 3HY

Ward: St Michaels

Applicant: Sunderland City Council

Date Valid: 26 May 2022

Target Date: 25 August 2022

PROPOSAL

Full planning permission is sought for the demolition of the Railway Club and Sinatra's Public House, to facilitate the erection of a 404 space Multi-Storey Car Park (MSCP) (Sui Generis) with ground floor ancillary commercial use (Use Class E), including associated access, servicing and landscape works.

The development site is positioned to the south of Holmeside within Sunderland City Centre and comprises an area of some 0.65 hectares. The land is in part occupied by two detached buildings in the form of a public house and a social club with associated parking, with the remainder of the site characterised by cleared areas of hardstanding and scrubland. Vehicular access linking to the rear of Sunderland College abuts the western curtilage of the site.

Other than in respect of the area to the front of the existing public house and social club, the remainder of the vacant site is currently bound by hoardings which run along the frontage of Holmeside to the north. The eastern curtilage of the site is bound by Network Rail land/infrastructure with the southern curtilage occupied by land within the grounds of Sunderland College City Campus.

Beyond the confines of the site, the area is commercial in character with a predominance of retail and businesses premises located on Holmeside. Sunderland Station, which is currently undergoing substantial renovation is located some 140m to the north, whilst Sunderland Museum and Winter Gardens and Mowbray Park are a short walk to the east.

As set out within the accompanying Design and Access Statement, the proposal seeks to bring forward a new 404 space multi storey car park built over 4 levels. This will include 88 spaces to be set aside for electric vehicle charge points with a further 17 disabled bays located on the ground floor. Part of the ground floor will also be utilised for secure cycle storage providing 36 spaces accessed via the Holmeside frontage. The Holmeside fronting element would also house a small commercial unit.

The application has been submitted by Sunderland City Council and is accompanied by a range of supporting reports and documents, including a Planning and Heritage Statement, a Design and Access Statement, a Statement of Community Involvement, a Flood Risk and Drainage Strategy, a Transport Assessment and Travel Plan, an Ecological Impact Assessment, a Biodiversity Method Statement and Net Gain Calculation, an Air Quality Assessment, a Noise Assessment, a Geo-Environmental Appraisal and a Sustainability Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural Heritage
Landscape
Flood And Coastal Group Engineer
Watermans - Land Contamination
Network Rail
Network Management
Environmental Health
Chief Fire Officer
NE Ambulance Service NHS Trust
Natural England
Natural Heritage
Planning Implementation
Flood And Coastal Group Engineer
Tyne And Wear Archaeology Officer
Historic England
Nexus
Network Rail
Landscape
Cllr Lyall Reed
Cllr Michael Dixon
Cllr Peter Wood
Network Management
Planning And Highways East
Environmental Health
Watermans - Land Contamination
Planning Policy
Northumbria Police

First Floor Burdon House Burdon Road Sunderland SR1 1QB
Burdon House Burdon Road Sunderland SR1 1QB
Proven People 1 - 2 Burdon Road Sunderland SR1 1QB
The Massage Station 21 Waterloo Place Sunderland SR1 3HX
First Floor 24 Holmeside Sunderland SR1 3JE
Pizza King 17 Holmeside Sunderland SR1 3JE
Flat C 22 Holmeside Sunderland SR1 3JE
Flat B 22 Holmeside Sunderland SR1 3JE
Flat A 22 Holmeside Sunderland SR1 3JE

Spot White Unit 8 Signal House 22 - 23 Waterloo Place Sunderland SR1 3HT
Independent 27 - 28 Holmeside Sunderland SR1 3JE
Former Community Sustainability Services 24 Holmeside Sunderland SR1 3JE
Dixy CHICKEN 22 Holmeside Sunderland SR1 3JE
Best Shwarma 20 Holmeside Sunderland SR1 3JE
Vacant Property 21 Holmeside Sunderland SR1 3JE
Former Cafe No 18 18 Holmeside Sunderland SR1 3JE
The Licensee Yates Wine Lodge 3 - 4 Burdon Road Sunderland SR1 1QB
Leveys 41 Holmeside Sunderland SR1 3HY
Second Floor Burdon House Burdon Road Sunderland SR1 1QB
Sunderland Body Art First And Second Floor 20 Holmeside Sunderland SR1 3JE
Mecca Bingo And Social Club Holmeside Sunderland SR1 3PD
Josephs Music Lounge 29 Holmeside Sunderland SR1 3JE
Panda Oriental Buffet 25 - 26 Holmeside Sunderland SR1 3JE
Supastitch 30 Holmeside Sunderland SR1 3JE
City Snippers 19 Holmeside Sunderland SR1 3JE
The Licensee Sinatras 31 Holmeside Sunderland SR1 3JE
Sunderland College City Campus Park Lane Sunderland SR1 3NX
Vacant Property 23 Holmeside Sunderland SR1 3JE
Make It Yours 28B Holmeside Sunderland SR1 3JE

Final Date for Receipt of Representations: **22.09.2022**

REPRESENTATIONS:

The application has been publicised by way of site notice, press notice and neighbour consultation letters sent to nearby properties.

As a result of the publicity undertaken, 3 no. representations have been received. 2 of the representations have been received from members of the public whilst the third has been made on behalf of the Sunderland Civic Society.

- o The first representation considers that the proposal will generate more traffic within the City Centre and that both the existing road layout and proposed layout doesn't support the idea of putting a car park on the site.
- o The second representation questions both the need for the car park and its longevity, arguing that this is a short to medium gain that will result in the loss of another unique building which is a non-designated heritage asset (Sinatra's).

The comments offered by the Civic Society are broken down into 4 points. This first point focusses on the regeneration of Holmeside and the requirements of applicable saved Policy SA55A.1, arguing that the Holmeside triangle is no longer, since the construction of Sunderland College and the reluctance of the bingo hall to relocate, a parcel of land which provides opportunity for cohesive regeneration. The comments go on to qualify that the changing trends in retailing are resulting in a major contraction in the role of town and city centres therefore the prospect for major city centre led regeneration is limited, especially in the Holmeside area given that the retailing street appears in terminal decline. In effect, the emphasis of the comments suggests that the 'remnants' of the Triangle should perhaps present opportunity for alternative forms of regeneration beyond those identified in Policy SA55A.1 and that the area subject to the location of the car park is key to the future regeneration of the site. In this regard the comments set out that they believe the car park to be piecemeal rather than a component of a comprehensive plan for the area and question whether the perceived attractiveness of the land as a development site would perhaps have a more appropriate optimal use. In stating this, the comments also acknowledge in principle,

the need for such a facility to serve the southern part of the city centre, qualifying that the Civic Society may be more accepting of the scheme if they could see how it fitted into the wider aspirations the Council have for the Holmeside area.

The Civic Society's second point raises concerns over the design of the development and the materials used in construction. The concerns specifically include comments that the building would appear overly utilitarian and temporary in appearance and that the 'feature cladding will be no more than internal lighting to each floor shining through the perforated cladding'.

The third component of the representation makes comment over the perceived detrimental impact of the development on the setting of nearby Listed Buildings.

The final comment seeks clarification on how the development will sit within the context of the adjacent site (site of the former Levy's wallpaper store) and asks whether this vacant land can be amalgamated into the development site to provide additional landscaping/wildflower/tree planting to achieve a more positive visual impression of the development within the context of the street scene.

Responses to the above representations will be offered within the main body of the report below.

Statement of Community Involvement (SCI)

Prior to submission, the developer undertook a leaflet drop which was distributed to 1,023 residents and businesses within the area surrounding the Site on 8 the April 2022 (See distribution boundary as shown on appendix B within the SCI on the online planning file).

The submission qualifies that the leaflet, which was also issued to local councillors and community groups, contained information about the development proposals as well as providing details of an engagement website and how to make comments.

In addition, a specific engagement website was set up to provide opportunity for respondents to provide an email address if they wished to further discuss the proposals and a section to indicate what they wished to discuss.

The submitted document confirms that 2no formal comments were received in response to the public consultation. The SCI, which includes the questions posed and responses given can be viewed online as part of the supplementary information submitted with the application.

External consultees

Natural England - No response offered

Historic England - In considering the nature of the proposal, Historic England chose not to offer any comments on the scheme, advising that the views of the County Archaeologist and the Council's in house Conservation Officer should be sought.

County Archaeologist - The County Archaeologist notes that the development area was partially included in an archaeological desk-based assessment produced in 2014 which considered the site to have low archaeological potential. The report advised no further archaeological investigation was recommended. In this regard the County Archaeologist does not consider that any additional archaeological investigation will be required if the proposed works are approved but recommended that a basic photographic record of Sinatra's Public House be produced if the proposed works are to be recommended for approval. Further to these comments, a Building

Recording Report has been submitted and the County Archaeologist has confirmed that this addresses their comments, and no conditions are required.

Northumbria Police (Designing Out Crime Officer DOCO) - No objections offered.

Tyne and Wear Fire Rescue - No objections offered to the planning application. Comments offered in respect of Building Regulations.

Network Rail - No objection in principle. Comments offered with regard to ensuring NR's infrastructure and operational land is not impeded by the development. A list of standard conditions that may be applicable have been provided.

Nexus - No objection offered. Comments offered on the positives of the wider sustainable transport changes proposed for the area and the ongoing liaisons between Nexus, Network Rail and the developer in relation to the safety and security of the adjoining operational land.

Internal consultees

Council's Environmental Health team -

Noise

Operational noise assessment ref NJD21-0141-002R dated Jan 2022 refers.

DMRB guidance "LA111-Noise and Vibration" Rev 2 May 2020 has formed the basis for the assessment of the operational impact. This requires a scoping assessment to determine the magnitude of change in the 18hr LA10 basic noise level. The assessment methodology has utilised the CADNAA computational noise model and has considered the impact of additional traffic on two areas near to the development site, namely: a) The Burdon Road link adjacent to future housing on the Civic Centre site. b) The properties adjacent to the MSCP and on the proposed gyratory traffic arrangement in the city centre. The assessment concludes that noise impacts on each sector exhibit a negligible to minor level of impact over both short- and long-term periods following commencement of use. The overall conclusion in relation to road traffic noise associated with the use of the proposed multistorey car park is that any increase would not be significant in terms of the impact upon occupiers of properties in the vicinity. The methodology and conclusions are accepted.

Air Quality

An operational air quality assessment ref NJD21- 0141-001R dated January 2022 refers. The basis of the AQ assessment is the traffic flow predictions provided for the scheme and existing flows. The assessment has followed guidance in DMRB publication "LA105 - Air Quality" and refers to screening criteria that looks for significant changes in traffic numbers and speed, together with any highway carriageway changes. Detailed modelling was then undertaken using a widely accepted dispersion model ADMS-Roads, predicting the primary motor vehicle pollutant concentrations of Nitrogen Dioxide (NO₂) and Fine particulates (PM₁₀). Assumptions were made that there were residential receptors in close proximity to the affected highways in the city centre and at the future residential development at the Civic Centre. Background pollutant concentrations were obtained from DEFRA mapping data. The methodology followed is accepted. Predicted changes in pollutant concentrations at all of the identified receptors were small due to the introduction of the development with all exhibiting a change of less than 2%, but more importantly estimated concentrations of NO₂ and PM₁₀ continued to be well below the statutory air quality limit values/ air quality objectives. Frequent reviews of air quality undertaken by the

local authority have confirmed that air quality in the area has not exceeded the air quality limits / objectives and it is expected that this will continue to be the case.

Construction/Demolition works

The development proposal includes the demolition of two established buildings, clearance of the site and the building of the MSCP. The practices to be followed in undertaking each element of the development should be subjected to an effective level of environmental management to ensure that impacts upon the local environment, nearby occupiers and users of the adjacent highways are prevented or minimised.

Council's Highways Officers - The Council's Transport Development Team initial response provided commentary on the relevant documentation that had been submitted namely the Transport Assessment and the Design and Access Statement.

The Officer comments note that the proposal for the 404 space MSCP forms part of a wider regeneration of the Holmeside area, which also includes new and upgraded highway infrastructure, bus priority measures, and the demolition of the existing 630 space car park at the nearby Civic Centre, adjacent to Park Lane Metro station.

In analysing the information provided, the comments confirmed that Transportation Development had no objection in principle to the proposal, subject to the clarification of a number of points referenced in Section 2 of their consultation response. This included additional details in respect of traffic flows, occupancy profiles, information on potential route signage to direct traffic from major highway routes, servicing, emergency evacuation procedures, the potential for staff parking and clarification on the proposed changes/if any, proposed to the current Traffic Regulation Orders on Holmeside.

On receipt and review of an addendum to the Transport Assessment, the Transport Development Team have confirmed that the responses to their initial highway consultation have been clarified/addressed. A condition for a Construction Environmental Management Plan (CEMP) has been recommended.

Council's Conservation Officer - The application is supported by a Heritage Statement that has in accordance with NPPF paragraph 194 and CSDP Policy BH8 described the significance of the heritage assets affected and assessed the impact of the proposals on their significance.

The conclusions of this assessment are agreed. Whilst the proposed development site is relatively close to Sunnyside Conservation Area and several listed buildings, including Burdon House the closest at 50m to the west, it will not impact on any key views into or out of the conservation area or towards the listed buildings. Likewise, Mowbray Park which sits beyond Burdon House to the east. The development is within the wider City Centre urban setting of these heritage assets, but it will sit comfortably within this context which is characterised by a mix of different types of buildings in terms of age, scale, form and style. The proposal will therefore have negligible impact on their setting and significance.

The proposal will require the demolition Sinatra's Public House, but this building is of limited architectural and historic interest as a non-designated heritage asset. It would be sufficient for an archive photographic record to be made of the building for deposition in the Tyne and Wear Historic Environment Record. In this respect, the comments of The Tyne & Wear Archaeology Officer note that a basic level of photographic building recording should be undertaken prior to demolition. Notwithstanding this, the loss of Sinatra's should still be considered as part of the

planning balance for the application, in accordance with NPPF paragraph 203 and CSDP Policy BH8.

Overall, it is considered that the proposals will not result in any harm to the setting and significance of Sunnyside Conservation Area and Mowbray Park, and any listed buildings within these areas. The character and significance of these designated heritage assets will be conserved in accordance with CSDP Policies BH7 and BH8 and NPPF paragraph 199.

Ground contamination - It is considered that land contamination does not represent an impediment to granting planning permission for the development of the site; however, based on the information provided to date, it is recommended that conditions are required in respect of ensuring updates are made to the current Phase 2 Ground Investigation and Remediation Strategy, along with conditions to deal with verification/validation and measures to deal with unexpected contamination.

Lead Local Flood Officer - The LLFA have confirmed that they are satisfied that the proposed drainage strategy is acceptable in principle but note that final agreement with Northumbrian Water (NW) has yet to be confirmed. In this respect they are recommending that a condition is imposed which requires that the detailed drainage designs and approvals are submitted for approval by the Local Planning Authority in association with the LLFA and NW, prior to construction of the development. The standard Sustainable Urban Drainage condition (as built) will also need to be imposed.

Ecology - The response refers to the following documents submitted in support of the application which relate to the ecological impacts;

- o Holmeside Biodiversity Net Gain Plan and associated metric (Durham Wildlife Services, August 2022)
- o Ecological Impact Assessment, Holmeside MSCP (Durham Wildlife Services, June 2022)
- o Proposed External Landscaping - Drawing no (90)001, P13 dated 17/08/2022 (GSS Architecture, 2022).

Protected and Notable Species

The updated version of the EcIA provides details of the bat activity survey which has been undertaken in line with current best practice guidance and no further information is required in relation to such species.

Habitats and Biodiversity Net Gain (BNG)

The updated version of the BNG report and metric confirm that a net gain in biodiversity units of 4.39% (and 46.56% for hedgerow units) can be achieved on site through the development, with appropriate habitat creation and measures included as part of the BNG report. The previously submitted version of the document showed a higher net gain (over 11%) which included off-site enhancement via improved management of an area of magnesian limestone grassland. This offsite management has been removed from the updated version of the BNG and should still be delivered, if possible, in order to maximise the ecological benefits of the proposals however, as a net gain in units can still be achieved through the onsite works in isolation, no objection is offered subject to conditions.

COMMENTS:

Policy backdrop

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

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

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

In terms of the more detailed planning policies of the NPPF, of importance in considering the current application are those in relation to:

- Building a strong and competitive economy (section 6);
- Ensuring the vitality of town centres (section 7);
- Promoting healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meeting the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);
- Conserve and enhance the built environment (section 16).

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF.

Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application. It sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland).

Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise which ended 12th February 2021). The A&D Plan is still going through the adoption process, however, for the avoidance of doubt, the host site is not allocated or covered by it.

All CSDP and UDP Alteration No. 2 policies referred to within this report are considered to be consistent with the NPPF.

Of relevance to this application is saved Alteration No.2 Policy SA55A.1, Strategic CSDP policies SP1 and SP2 and CSDP policies BH1, BH2, BH7, BH8, BH9, H1, H2, HS1, HS2, HS3, VC5, NE2, WWE2, WWE3, ST1, ST2 and ST3.

With reference to the above national and local planning policy background and taking into account the characteristics of the proposed development and the application site, it is considered that the main issues to examine in the determination of this application are as follows:

1. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity, design and sustainability considerations;
4. The built heritage considerations;
5. The impact of the development on highway and pedestrian safety;
6. The impact of the development in respect of ecology, biodiversity and trees;
7. The impact of the development in respect of flooding and drainage;
8. The impact of the development in respect of ground conditions and land contamination;

1. Land use considerations

The Core Strategy, at Policy SP1 (Development Strategy), sets out (in part) that the Council will "ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs", that it will "deliver the majority of development in the Existing Urban Area" and that emphasis will be placed on the need to develop in sustainable a location in close proximity to transport hubs"

With regard to the above, it is considered that the provision of a new Multi Storey Car Park (MSCP) would adhere with the wording of Policy SP1 through the delivery of new physical infrastructure which would be sustainably located close to existing transport hubs within the existing urban area.

Allied to the above, the Council's Core Strategy Development Plan (CSDP) Policy ST1: Urban Core Accessibility and Movement, sets out (at Criterion 6), a need to improve the provision of car parks around the ring round. In relation to this, it is noted that the site is located within relative proximity to the ring road, lying approximately 400 metres away.

CSDP Policy SP2: Urban Core indicates that development in the Urban Core should:

- i. make improvements to connectivity and pedestrian movement in the Urban Core;
- ii. provide a high quality of public realm to create attractive and usable spaces;
- iii. protect and enhance heritage assets; and

iv. ensure high standard of design that integrates well with the existing urban fabric.

CSDP Policy SP2 continues at Criterion 4, that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by promoting mixed use development in areas of change with civic and commercial led mixed use in the Holmeside area.

With regard to Policy SP2 it should be noted the proposed construction of the MCSP forms part of a wider strategy for public realm improvements within the Urban Core. This strategy includes the ongoing revitalisation of Sunderland Station which will serve to promote rail travel as a more attractive and sustainable proposition for those entering the city. In addition, the City Council are in the process of developing a business case for improvement works on Holmeside in order to rationalise bus movements and provide high quality facilities for non-motorised users.

The introduction of the MSCP is considered to be an important complimentary component to these schemes with the enhanced station, new cycleways, bus facilities, pedestrian crossing and active travel improvements linking the City Centre east-west corridor with the proposed MSCP.

As the site is located within the Holmeside Triangle, saved UDP Alteration 2 Policy SA55A.1 also needs to be considered. Policy SA55A.1 sets out that the Council will support a mixed-use development on the Holmeside Triangle with desired uses outlined as comprising retail, housing, restaurants and cafes, drinking establishments and assembly and leisure, financial and professional services, business and a theatre. Uses the policy consider to be inappropriate, comprise general industry and storage and distribution.

Beyond those uses outlined above, the policy qualifies that all other uses will be considered on their own individual merit.

It is noted that saved Policy SA55A.1 also sets out a number of key components which should be incorporated into the redevelopment of the triangle. These include the provision of public pedestrian access through the triangle to connect Park Lane with Holmeside and Burdon Road, to create high quality public open space and to provide complimentary parking onsite in the form of a multi-storey or undercroft. Whilst it is acknowledged that the intention of this Policy was to create a car park which would complement/serve specific onsite uses, it does, nonetheless, establish that the intended vision for the site included the provision of a MCSP.

This principle of this scheme is considered to be supported nationally through paragraph 80 of the NPPF which in part states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 continues that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Meanwhile, paragraph 85 of the NPPF sets out that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 85 at subsection (a), encourages the long-term vitality and viability of town centres by promoting their growth and diversity and allowing them to respond to rapid changes in the retail and leisure industries by encouraging a suitable mix of uses that reflect their distinctive characters.

The Policies outlined above place great emphasis on sustainable regeneration, economic growth and public realm improvements and it is considered that this scheme would contribute positively to towards these aims. The development will serve to support the regeneration of the Urban Core not only through its role in helping to create and link a sustainable transport hub within the Holmeside area, but also through the attraction of increased footfall and pedestrian activity on Holmeside. As noted by the Civic Society within their representation, Holmeside as a shopping

and commercial offer has notably suffered in recent years and therefore the draw of additional footfall to the area can only serve to benefit the longer-term vitality and viability of surrounding businesses.

It is acknowledged that as the proposal involves the demolition of a public house and social club, there is also a requirement to consider it against Policy VC5 of the CSDP which relates to the protection and delivery of community facilities and local services. The policy sets out in part that;

Community facilities and local services will be protected and enhanced by:

1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use, and it has been demonstrated that it is not suitable for any other community uses.

The supporting text to VC5 outlines that;

It is important to protect viable facilities so far as is practicable, unless there is an overriding justification for their loss or exceptional benefits deriving from alternative forms of development. The council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss.

With regard to the above, the application has been accompanied by a Planning Statement, which at Section 6.10, discusses the social/community implications resulting from the loss of the two buildings. Within the statement the comments qualify that the buildings are currently run down and may contain asbestos which will require substantial investment to enable them to modernise. The comments also qualify that the owners have agreed to sell the buildings to the Council with the occupiers of Sinatra's expecting to relocate to a premises on the opposing side of Holmeside.

From a planning perspective the above qualifications would, on face value, hold limited material weight as undertaking necessary renovations are a common obligation of owning commercial buildings whilst a change of ownership would not negate a requirement to maintain a business for community use in the planning sense. The reference made in respect of Sinatra's potentially relocating to the opposing side of Holmeside is noted although no specific details have been provided on this.

Notwithstanding, the statement rightly acknowledges that the loss of the two drinking establishments would not serve to unduly undermine the drinking offer in Sunderland City Centre with numerous public houses situated very close by, including Josephs, Yates's, Wetherspoons, Beehive, The Borough to name but a few.

Against the backdrop of the above which demonstrates that there will be no significant dilution in the drinking offer, the overriding justification for the loss of the two public houses manifests in the material weight afforded to the sustainable regeneration, economic growth and public realm improvements that have been discussed in detail above. In this regard, the Council, as Local Planning Authority are satisfied that the circumstances arising from the redevelopment of the site offer substantial benefits to the area that would on this occasion outweigh the loss of these community facilities.

For the reasons set out above, the principle of utilising the site for the proposed development is considered to be acceptable. Notwithstanding, in evaluating the overall acceptability of the scheme it is necessary to assess all other material considerations as set out below.

2. The implications of the development in respect of residential amenity;

Policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve positive improvement by retaining acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

This is reinforced through Paragraph 127 of the NPPF which states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

The application has been accompanied by an operational noise assessment which has considered the impact of the additional traffic on two areas near the development site, namely, The Burdon Road link adjacent to future housing on the Civic Centre site and the properties adjacent to the MSCP and on the proposed gyratory traffic arrangement in the city centre.

As set out within the consultee section of this report, the assessment concludes that noise impacts on each sector exhibit a negligible to minor level of impact over both short and long-term periods following commencement of the car parks use. The Council's Environmental Health Officer (EHO) has noted and accepted the methodology and conclusions of the report which sets out that the increase in road traffic noise associated with the use of the proposed multistorey car park would not be significant in terms of the impact upon occupiers of properties in the vicinity.

In addition to the above, the methodology and conclusions of the operational air quality assessment have also been considered and agreed by the EHO with the frequent reviews of air quality undertaken by the Local Authority confirming that air quality in the area has not exceeded the air quality limits / objectives and it is expected that this will continue to be the case.

In terms of the implications resulting from the scale and massing of the new building, the application has also been supported by a solar study which models overshadowing during the spring (April), summer (July), autumn (October) and winter (January). These models adequately demonstrate that the massing of the MSCP will have a negligible impact in terms of a loss of light and overshadowing on adjacent building on Holmeside.

In order to mitigate impacts arising during the construction phase the applicant has submitted a Construction Environmental Management Plan (CEMP) and Demolition Method Statement. The report provides details of deliveries, movement of materials, management of surface water drainage, dust, the mitigations to be put in place to protect the adjacent Network land and general impacts on the surrounding environment. These method statements have been considered by the Council's Environmental Health and Highway Sections and are deemed to be acceptable. Network Rail has also considered the additional information and has confirmed that they are broadly satisfied that the development will have no adverse impact on their assets/infrastructure. However, they have advised that further clarification is required on any future lighting scheme particularly to the west of the site and therefore a condition will be placed on any consent granted to agree final lighting details. A condition will also be attached to ensure that the works outlined within the agreed CEMP and Demolition Method Statement are adhered to during the construction phase.

Given the above, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 127 of the NPPF.

3. Visual amenity, design and sustainability considerations

Policy BH1 of the Council's CSDP also seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

In terms of scale and massing the new development would sit relatively comfortably within the context of an existing street scene which comprises buildings of similar proportions including the Mecca Bingo building to the west on Holmeside and Burdon House to the east. This will ensure that the proposal will not appear unduly out of character with the prevailing built forms and heights of the area.

The single storey element which, fronts onto the streetscene will house the new commercial unit, cycle storage and remaining ancillary areas to create an active frontage and natural surveillance, with the upper levels and main bulk of the development set-back to reduce dominance and create a more relatable impression within Holmeside.

Two ancillary structures are to be erected to the immediate west of the development and these will serve as a refuse storage area and a substation. These structures will be constructed out of matching brickwork and sit close to the MSCP within an area of landscaped amenity space which will lie between the MSCP and the access road to the west.

The use of materials within the build are considered to be key to how the development would be viewed and accepted within the context of the environment. In this regard it is noted that the representation from the Civic Society has raised a number of concerns over the design and the materials to be used, citing that the proposal would be overly utilitarian and exhibit a temporary/industrial appearance.

The agent has sought to offer a response to this critique by reiterating the presence of the active frontage to Holmeside and highlighting the inspiration and influence that was taken from surrounding buildings when arriving at the palette of materials. This included Sunderland City College, which utilises a lighter brick/buff brick and this has been brought through to the feature area of brickwork which will tie together the stair core and street level elements. The stair core will present an area of clear glazing within the feature brickwork which will create additional activation on to Holmeside, allow natural light into the stairwell and provide greater security for users.

The use of gold perforated cladding to the main car parking area is considered to provide interest within the development with the Design and Access Statement (DAS), confirming that it will be angled to allow ventilation with the finned panels orientated in the direction of travel to obscure views whilst approaching via Sunderland station, and in the opposite direction when travelling

along the access road to the West. The perforation of the feature cladding will also allow internal light to permeate through the development serving to enliven the cladding through the day and night.

Overall, Officers are of the view that the design and appearance of the MSCP is appropriate to the context of the street scene and that the built form will have a positive effect on the visual amenity of the locality.

Although situated within an urban, built-up environment, the scheme will include areas of soft landscaping, with the strategy for the scheme comprising amenity grass to the west of the building which is split by the road into and out of the site, with low level planting proposed directly west of the building. Pockets of native mixed scrub planting and wildflower grassland are proposed to the south of the building in order to achieve biodiversity net gains on the site. Further to comments received by the Council's Landscape Architect, the developer has also confirmed agreement to provide a 'landscape edge treatment' alongside the northern edge of the amenity grass to the west of the car park. This could take the form of hedge planting but will serve to provide a soft edge to the adjacent public realm and act as a defensible boundary. The final details of the hedge will be secured via a planning condition.

It is noted that the Civic Society has questioned whether the land to the west, (site of the former Levy's wallpaper store) could be amalgamated into the site to create a larger area of planting to improve the visual impression of the wider site. Whilst this land does not form part of the application site, it is understood, from discussions with the applicant, that it will be landscaped in time but will firstly serve as an area for compound associated with the build out of the MSCP.

In terms of sustainability, paragraph 150 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The application has been accompanied by a Sustainability Statement which sets out that the proposed energy strategy will adopt an approach that limits energy usage from the site. The approach is designed to keep energy usage to a minimum, such that the demand on the energy networks is as efficient as possible. In this respect, the development will be subject to the three-step approach of;

Lean Design: the use of advanced building modelling and passive construction techniques if appropriate.

Mean Design: specification of high efficiency systems and controls to reduce energy consumption in use.

Green Design: supplement the site services design where necessary with the inclusion of LZC technologies to further reduce carbon emission.

Within the context of the above, the statement sets out that in the design process the developers sought to provide a naturally ventilated design with a screened cladding system with sufficient openings / free area to achieve a naturally ventilated solution. In addition, the cladding type and light transmission has been considered for the screened elements to maximise the potential for natural daylight at perimeter areas.

In addition to standard measures to optimise the efficiency of the services on site, the following list of energy efficient plant and equipment has been considered:

- o Provide a naturally ventilated car park
- o Where required use occupancy based mechanical ventilation
- o Effective commissioning of building services systems
- o Maximise the use of natural daylighting in the parking areas.
- o Use of high efficiency LED Lighting
- o Use of appropriate lighting controls - occupancy & daylight linked
- o Incorporate facilities for effective metering and monitoring.

In terms of Green Design, the development includes Photovoltaic panels (PV) at roof level to generate power and this has been adopted as part of the current design. A condition them to be installed prior to first occupation of the car park, will be placed on the decision notice to ensure that they are integrated into the build. LED lamp technology is also proposed, they will be combined with occupancy detection and daylight dimming to reduce the energy consumed and to maximise the energy saving potential of natural light. The statement qualifies that this approach is seen as the most effective way of reducing carbon emission and energy consumption from the building consumption based on the constraints of the site and use of the building.

Overall, it is considered that the submission demonstrates that the development has been informed by a sustainable approach to building design and the use of materials and green technologies.

4. The built heritage considerations

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 also states, at Section 72, that "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The proposed Multi-Storey Car Park will be sited on land that is within reasonable proximity to the Sunnyside Conservation Area and listed buildings within it, with Mowbray Park Historic Park and Garden further to the east. It also includes Sinatra's Public House which is of some historic interest and therefore considered a non-designated heritage asset. The proposed development will require the demolition of this asset and could potentially have some minimal impact on the setting of the Sunnyside Conservation Area, some listed buildings and Mowbray Park.

Within this context and with specific regard to the perceived impact of the development on some nearby listed buildings, it is noted that the representation from the Sunderland Civic Society has raised concerns.

One of the points raised in the representation is that the submitted Planning and Heritage Statement has omitted a nearby Listed Building from consideration. This is said to be the former Gas Offices which now form part of Wilkinson's store on the corner of Holmeside and Fawcett Street and which the Sunderland Civic Society claim to be Grade II Listed. This claim has been raised with the City Council's Conservation Officer who has confirmed that (with reference to Historic England's Listed Register) the building is not listed. The assumption of the Civic Society

that the Wilko building is Listed has perhaps added weight to their concerns when they cite that most of the Listed buildings form a significant cluster at the corner of Borough Rd/Holmeside and Fawcett St/Burdon Rd.

Notwithstanding and as is set out within the consultee section towards the beginning of this report, the Council's Conservation Officer has offered no undue observations with regard to impact on the setting of nearby Listed Buildings. In assessing the information provided, the Officer is satisfied that the Heritage Statement has been prepared in accordance with NPPF paragraph 194 and CSDP Policy BH8, insofar that it has described the significance of the heritage assets affected and has assessed the impact of the proposals on their significance. Further, the Officer comments set out that the conclusions of the assessment, which considered that the impact of the proposed development on the majority of identified heritage assets to be negligible, are agreed.

In reaching the conclusion the Conservation Officer noted that whilst the proposed development site is relatively close to Sunnyside Conservation Area and several listed buildings, including Burdon House (which is the closest at 50m to the west), it will not impact on any key views into or out of the conservation area or towards the Listed Buildings or the Listed Mowbray Park which sits beyond Burdon House to the east.

Whilst the Civic Society have questioned the design and the materials to be used in the construction of the development in respect of impact on nearby Listed Buildings, the Conservation Officer has qualified in their comments that whilst the proposal is situated within the wider City Centre urban setting of these heritage assets, "it will sit comfortably within this context which is characterised by a mix of different types of buildings in terms of age, scale, form and style". The Officer thereafter concludes that "the proposal will have negligible impact on their setting and significance".

Further to the above, it is also noted that in response to consultation, no observations were offered from Historic England.

Policy BH8 of the CSDP sets out that development affecting non-designated heritage assets should take account of their significance, features and setting. The Conservation Officer has acknowledged that the proposal will require the demolition Sinatra's Public House but has qualified that the building is considered to be of limited architectural and historic interest as a non-designated heritage asset. In this regard and within the planning balance, given the limited architectural and historic interest referred to by the Conservation Officer and when taking into consideration the wider benefits that would be accrued through sustainable regeneration, economic growth and public realm improvements resulting from the development, it is not considered that the loss of Sinatra's Public House should be given overriding material weight in this instance.

Notwithstanding and as set out within consultee responses from both the Conservation Officer and the County Archaeologist, there is a requirement for the developer to undertake a Building Recording of Sinatra's prior to demolition. This work has been prepared by the developer during the course of the application's consideration and, further to consultation with the Country Archaeologist, it has been confirmed that the Building Recording is acceptable. Consequently, no archaeological conditions are required to be imposed.

Overall, it is considered that the proposals will not result in any harm to the setting and significance of Sunnyside Conservation Area and Mowbray Park, and any listed buildings within these areas. The character and significance of these designated heritage assets will be conserved in accordance with CSDP Policies BH7 and BH8 and NPPF paragraph 199.

5. The impact of the development on highways

Policy ST2 of the Council's adopted CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- o new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- o they deliver safe and adequate means of access, egress and internal circulation;
- o where an existing access is to be used, it is improved as necessary;
- o they are assessed and determined against current standards for the category of road;
- o they have safe and convenient access for sustainable transport modes;
- o they will not create a severe impact on the safe operation of the highway network.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

The application has been accompanied by a Transport Assessment (TA) which assesses the transport-related impacts associated with the proposed development.

In terms of access, the TA confirms that the existing access priority T-junction to the west of the site is to be retained with the associated access road upgraded to serve as a shared access for the proposed MSCP whilst continuing to provide access to the service yard for the Sunderland College City Campus site. The submitted plans illustrate that priority will be given to the access serving the entry and exit to the MSCP, as the MSCP will provide the dominant movements using the access road. The access to the service yard for the College will thereafter become the secondary access.

In terms of provision, the development will deliver 404 parking spaces which is inclusive of 289 standard car parking spaces, 17 accessible car parking spaces, 92 car parking spaces that have electric vehicle charging points (4 of which are provided as accessible spaces) and 10 motorcycle spaces. At ground floor a total of 36 cycle parking spaces are provided in a two-tier racking system with 40no. lockers also proposed.

With regards to refuse collection and servicing arrangements, these are to be taken kerbside on Holmeside in line with the current arrangements for nearby commercial buildings. This approach has been considered by the Council's Transportation Officer and is deemed to be acceptable.

In acknowledging that the development will, by its very nature, attract car borne custom, the TA sets out that the scheme will also bring forward a range of initiatives to encourage trips made by sustainable modes of transport which will include;

- o Connections to the existing footway and designated cycling provision on Holmeside;
- o Provision of safe and secure cycle parking facilities on the Ground Floor;
- o Provision of cycle maps in the lobby;
- o Promotion of the Cycling UK website (<https://www.cyclinguk.org/>) which provides useful tips and safety advice on cycling;
- o Provision of bus maps, timetables and any promotions/discounted fares offered by the bus operators in the lobby.

The above is considered to be appropriate and accords with the sentiments of Paragraph 108 of the NPPF which advises that Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be taken up. A condition shall be placed on the decision notice to ensure that these initiatives are brought forward and in place prior to first operation of the car park.

With regard to the impact of the development on anticipated traffic flows associated with the development and the subsequent operation of the highway network, the TA has, within Sections 4 and 5 provided trip generation calculations based on a comparable scheme and produced modelling based on operational assessments of the surrounding junctions. Based on the data prepared and modelling produced, the TA concludes that the network will continue to operate within practical capacity during the weekday AM and PM peak hours and that the traffic flows associated with the proposed development can be satisfactorily accommodated on the highway network, without resulting in any severe residual impacts on the free flow of traffic.

In terms of highway and pedestrian safety the proposed scheme will be safely connected to and integrated with the local transport network and with regard to a detailed review of road injury accident data undertaken as part of the TA, no particular highway safety concerns have been identified that would be materially affected by the proposed development.

Further to requesting some additional clarifications from the agent which were provided in an addendum to the TA, the above conclusions have been accepted by the Council's Transportation Officer.

A CEMP has also been submitted which identifies measures to be put in place during the construction period and includes details on access to the site and temporary roads, onsite parking arrangements, proposed traffic safety and management and dust and road pollution. These measures have been agreed and accepted by the Transportation Officer and a condition will be placed on the decision notice to ensure compliance with these details.

On the basis of the above, it is considered that the implications of the proposed development in respect of access, highway capacity, pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

6. Implications of development in respect of ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's

presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

The accompanying Ecological Impact Assessment (EclA) has provided an assessment of habitats present within the site and features that could indicate the presence of protected species, habits of conservation importance and the presence of non-native invasive species that could represent a constraint to development. Further Any trees and buildings were assessed in terms of their potential to support, or actual evidence of, roosting bats.

In response to consultation the Council's Consultant Ecologist has noted that the EclA has detailed the baseline habitats within the site which are to be lost to the proposals. These include locally common habitats of low-local botanical and ecological value, with more interest offered by a small area of seeded grassland aligning more closely with lowland neutral grassland communities. No objection to this loss of habitat was offered given that the proposed development was to initially provide biodiversity enhancements offsite at Sunderland Riverside. This would have resulted in a post works net gain of around +11.13%. However, further to improvements to the onsite landscaping scheme the developer has now been able to provide biodiversity net gains onsite albeit at a lower gain of 4.39% with this gain focused on habitats being lost on site, i.e. grassland enhancements and native scrub planting. In addition, the proposals will also see a 46.56% net gain in hedgerow with the exiting hedgerow adjacent to the eastern boundary being retained and enhanced.

Further to a second round of consultation, the Council's Consultant Ecologist has noted that the development will still provide net gain and, whilst it would have been preferable to have seen a greater level of gain in line with the original proposals, the revised scheme remains acceptable. Further, and by way of achieving additional biodiversity enhancements on site, the Council's Consultant Ecologist has qualified that there are opportunities to provide nesting features on the building to cater for urban birds such as swifts. This has been recommended to be secured by way of condition.

With regard to existing site conditions, the EclA notes that the site does provide suitable habitat (i.e., scrub) for nesting birds and therefore care should be taken not to carry out works likely to disturb breeding. It is therefore recommended that any pruning or felling works, or external works to the building, should be carried out outside the bird nesting season (March-August inclusive). A condition will be attached to the decision notice to ensure that this is adhered to.

Overall, the habitat across the site was deemed to be of low-negligible potential for commuting and foraging bats due to limited suitable habitats within the development area. In terms of the buildings to be demolished, the EclA qualifies that they are situated in Sunderland City centre, in a well-lit area, and are therefore unlikely to be used by bats/or will be used by just a very small number of common pipistrelle bats. A bat activity survey was undertaken in line with best practice guidance the results of which have been accepted by the Council's Consultant Ecologist.

A condition will be required to ensure that the Ecological Method Statement is adhered to along with the aims and objectives set out within Section 5 (Management Plan) of the Biodiversity Net Gain Plan.

Subject to the conditions set out above, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policy NE2, of the CSDP.

7. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

With regard to the proposed drainage strategy, it is noted that the hierarchy for water discharge is first to discharge via infiltration, where this is not possible to then discharge into a watercourse and where this is not reasonably practicable, to then discharge to a public sewer network.

In terms of infiltration, the drainage strategy sets out that the ground investigations discovered soluble limestone beneath the site. As such the recommendation are that soakaways are not advised.

In terms of discharging to a watercourse, the drainage strategy notes that the nearest watercourse is approximately 600m to the north of the site. In this respect, a direct connection into the watercourse is deemed to be unfeasible due to the location of the site in relation to the watercourse.

The final method would involve discharging into the combined public sewer network which runs along Holmeside to the north of the site and a connecting sewer running south to north located to the west of the site. This would be at a reduced discharge rate of 2.8l/s as set by the Council's Lead Local Flood Authority (LLFA).

Based on the nature of the site, the final method has been accepted by the Council's Lead Local Flood Officer at the rate set out above and no objection has been offered by the LLFA. The response has been caveated however, insofar that it is acknowledged that Northumbrian Water have yet to formally agree the sewer connection. Notwithstanding, there is acceptance that agreement will be reached on this point and the LLFA are satisfied that a specific pre-commencement condition can be placed on the decision notice which requires final detailed drainage designs and agreements to be submitted for approval in writing with the LPA in conjunction with the LLFA. The standard as built verification condition will also need to be placed on the decision notice.

Subject to the above conditions, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

8. The impact of the development in respect of ground conditions and land contamination

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase 1 Desktop Study, a Phase 2 Ground Investigation and more latterly a Remediation Strategy. These reports have been considered by the Council's Ground Contamination Consultant who is broadly in agreement with the findings. However, based on the response, some further clarifications and additional work is still required to be provided/undertaken by the applicant which will include further ground investigations following the demolition of the vacant buildings on site. Consequently, conditions are required to cover off updates to the Phase 2 Ground Investigation and Remediation Strategy, along with

conditions to deal with verification/validation and measures to deal with unexpected contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

Conclusion

For the reasons set out above, it is considered that the proposed development will serve to support the regeneration of the Urban Core not only through its role in helping to create a sustainable transport hub within the Holmeside area, but also through the attraction of increased footfall and pedestrian activity on Holmeside. It has been demonstrated that principle of utilising the land for the purposes of the development is supported by local and national policy.

The scheme which will deliver sustainable form of development which will have no adverse impact on residential amenity and a create a positive effect on the visual amenity of the locality. Further, Officers are satisfied that the development would have a negligible impact on the setting of the nearby Conservation Area and Listed Buildings.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and subject to the recommended conditions, it is considered that the proposals are acceptable relative to highway and pedestrian safety and the promotion of sustainable modes of transport. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage and ground conditions/land contamination.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP. It is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

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

Conditions:

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

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

The proposed floor layouts (Sheets 1 and 2), as amended received 25.07.2022 (Ref: (00) 002 REV P7) and (00) 003 REV P7.

The proposed roof layout plan and 3D view as amended received 25.07.2022 (Ref: (00) 004 REV P7).

The proposed elevations (Sheets 1 and 2), as amended received 25.07.2022 (Ref: (00) 005 REV P6 and (00) 006 REV P6).

section through car park as amended received 25.07.2022 (Ref: (00) 007 REV P5).

The proposed site section and elevation as amended received 25.07.2022 (Ref: (00) 009 REV P3)

The substation and refuse store details as amended received 25.07.2022 (Ref: (90) 002 REV P1. The proposed external landscaping plan as amended received 17.08.2022 (Ref: (90) 001 REV P13.

The site location plan received 17.05.2022 (Ref: (00) 012 REV P2).

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

3 The development hereby approved, shall be carried out in full accordance with the agreed list of external materials as set out within Section 3 (3.3) of the Design and Access Statement and in accordance with the brick sample (Birtley Olde English Buff) submitted on 23 August 2022, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

4 Prior to first use of the development hereby approved, full details of the photovoltaic panels to include the final structural arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the photovoltaic panels shall be installed in full accordance with the agreed details prior to first use of the development.

Reason: In the interests of delivering a sustainable form of development in accordance with policies BH2 of the Core Strategy Development Plan.

5 The sustainable transport initiatives set out within Section 3.8.8 of the Transport Assessment (s.a.j Transport Consultants, May 2022), shall be implemented in full prior to first use of the development hereby approved.

Reason: In the interests of delivering and promoting sustainable modes of transport and to accord with policy ST2 of the Core Strategy Development Plan.

6 The development hereby approved, shall be carried out in full accordance with the measures and mitigations outlined within the Construction Environmental Management Plan (Dated September 15.09.2022 REV-2) and the Construction Phase Plan and Method Statement (Updated 16.09.2022 Rev 03).

Reason: In order to protect the amenity of the area during the construction phase and to accord with policies BH1, HS1 and ST3 of the Core Strategy Development Plan.

7 The development hereby approved shall not be brought into use until the exact specifications/details and luminescence of any lighting to be installed at the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. Such detail shall include the direction and intensity of emanating light.

Reason: In the interests of protecting the railway infrastructure and amenity of the area and to accord with policies BH1 of the Core Strategy Development Plan.

8 The onsite landscaping scheme shall be carried out in full accordance with the details agreed on plan Ref: (90) 001 REV P13. Thereafter the landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies BH1 and NE2 of the adopted Core Strategy Development Plan.

9 Prior to first use of the building hereby approved, full details of the means of treating the northern edge of the area of amenity grass to the west of the car park (adjacent to Holmeside) shall be submitted for approval in writing by the Local Planning Authority. Thereafter the landscape edge treatment shall be implemented in accordance with the agreed details prior to first use of the building.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies BH1 and NE2 of the adopted Core Strategy Development Plan.

10 Demolition, vegetation and ground clearance works shall not be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: In order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

11 The development hereby approved shall be carried out in full accordance with the measures detailed within Section 7 of the ecology report (Ecological Impact Assessment, Holmeside MSCP, June 2022) and Sections 5 and 6 of the (Biodiversity Net Gain Plan, August 2022), both prepared by DWS Ecology.

Reason: In order to protect the biodiversity of the site and to ensure that biodiversity net gain is achieved in accordance with the objectives of policy NE2 of the Core Strategy Development Plan.

12 The development hereby approved shall not be brought into use until details of the location, specification, and number of bird nesting features to be installed on the building have been submitted to and approved in writing by the Local Planning Authority. The approved boxes shall thereafter be in situ prior to first use and retained in strict accordance with the approved details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

13 No development other than demolition, shall commence until final details of the drainage scheme and all relevant agreements have been submitted to and approved in writing by the Local Planning Authority.

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

14 Prior to the first use of the development, or in accordance with a timescale agreed in writing by the Local Planning Authority, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

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

15 No development other than demolition, shall commence until an updated Phase 2 Site Investigation Report and Remediation Strategy has been submitted to and approved in writing by the Council as Local Planning Authority (LPA). For the avoidance of doubt, such details shall action and address the outstanding points set out within the Councils Land Contamination Consultant's Response dated 20.09.2022.

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

16 The approved remediation strategy shall be implemented in accordance with the approved programme of works. Within six months of the completion of measures and prior to the occupation the building, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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

17 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. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority

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

Reference No.: 22/01328/FUL Full Application

Proposal: **Change of use from offices (B1) to three residential flats (C3) at first floor level**

Location: Jubilee House, 5 Front Street, Hetton-le-Hole, Houghton-le-Spring, DH5 9PE

Ward: Hetton

Applicant: Mr Sean Wood

Date Valid: 19 August 2022

Target Date: 14 October 2022

PROPOSAL:

The application site is the upper floor of Jubilee House, a two-storey property built in the early 20th century as offices for the Urban District Council. The front elevation is characterised by its first-floor balcony and the clock suspended on a bracket between the balcony and the central entrance doorway. To the rear, the original elevation is obscured by a part double, part single storey extension which occupies the remainder of the plot upon which the property is situated.

The ground floor is occupied by a pharmacy and the first floor has previously been utilised as office space.

The premises are situated within Hetton Town centre between the post office and a small piece of open space adjacent to a small, pedestrianized area linking Front Street with the car park and bus station to the rear. To the rear of the open space is a small public toilet block and a supermarket is situated across the pedestrianized area.

The proposal is to change the use of the first floor to three flats: two in the main part of the building and one in the offshoot. External alterations would consist of alterations to existing windows and the insertion of new windows, within the offshoot to the rear.

A previous application to convert the upper floor of the building into three flats was refused planning permission by the Council in November 2016 (planning app. ref. 16/01767/FUL). A subsequent appeal against this refusal was then dismissed by the Planning Inspectorate (appeal ref. APP/J4525/W/17/3167855). However, grounds for refusing the application relating to highway safety and the character of the area were not upheld by the Inspector and, as such, the applicant sought to address the Inspector's concerns relating to the amenity of the future occupants and the bin storage arrangements, in a revised submission on 4th July 2017 (17/01350/SUB).

The application was subsequently approved on 18th August 2017, however the planning permission was not implemented within the 3-year time period conditioned on the approval and the applicant has therefore had to submit a fresh planning application.

An application of this nature would normally be determined under delegated powers however, a statutory objection has been received from Hetton Town Council and so the application must be referred to this Committee for consideration and determination.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Iain Scott
Cllr James Blackburn
Cllr Claire Rowntree
Network Management
Hetton Town Council
Environmental Health

Pathfinder Security Services First Floor Jubilee House 5 Front Street Hetton-le-Hole Houghton-le-Spring

RO Ground Floor 19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

All Homemade Unit 3 19 Front Street Hetton-le-Hole Houghton-le-Spring

Unit 2 19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

8 Barnard Park Hetton-le-Hole Houghton-le-Spring DH5 9LZ

19 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

17A Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PF

7 Barnard Park Hetton-le-Hole Houghton-le-Spring DH5 9LZ

Miami Tan Tone And Beauty Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PD

Superfly Wills Tattooz 17 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PF

Post Office Brewers Arms Front Street Hetton-le-Hole Houghton-le-Spring

Hutchinsons Fruit And Veg 18 Front Street Hetton-le-Hole Houghton-le-Spring DH5 9PB

Karbs Corner Ltd Unit 1 19 Front Street Hetton-le-Hole Houghton-le-Spring

Final Date for Receipt of Representations: **28.09.2022**

REPRESENTATIONS:

1 no. objection was received from a Mr Matt Harman. His comments related to the fact that the application form had incorrectly stated that his father's property (no. 4 Post Office House) was the application property and that the applicant owned the Post Office.

This issue was raised with the agent and an amended application form was received with the correct address. Re-consultation was carried out and no further neighbour objections were received.

An objection was also received from Hetton Town Council and the following issues were raised:

- Lack of parking capacity for residents;
- Restricted access for deliveries to the site;
- Building has no rear access/exit;
- Concerns re inadequate fire safety arrangements.

With regard to access arrangements and fire safety, these issues would be dealt with via the Building Regulations application.

The main issues to consider in assessing the proposal are the principle of the proposed development, the impact on residential amenity and the established character of the area, and any highway implications.

COMMENTS:

Policy

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

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

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

The policies which are considered to be pertinent to the determination of this application are policies SP2, SP8, VC1, BH1, HS1 and ST3 of the CSDP.

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

1. Principle of development;
2. The impact of the proposal on residential and visual amenity;
3. The impact of the development on highway safety;

1. Principle of development

The Core Strategy, at policy SP2, sets out broad support for development which diversifies the residential offer to create sustainable mixed communities.

Policy SP8 meanwhile indicates that the Council will achieve its housing target by (inter alia) the delivery of windfall sites (criterion 5). The site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

Within the adopted Core Strategy and Development Plan (CSDP) the site is identified as lying within Hetton Town Centre. Policy VC1 of the CSDP states that the vitality and viability of identified centres will be maintained and enhanced. Town Centres will have a role in providing key services including shopping, commercial, leisure, public and community facilities.

Given that this commercial use would be retained at the ground floor, the use of the upper floor for residential purposes would be considered acceptable.

The proposal will bring an under-utilised part of the building back into use and as the ground floor will retain its commercial status, the proposal is considered likely to contribute to the vitality and viability of the Town Centre in accordance with policies SP2, SP8 and VC1 of the CSDP.

2. Residential and visual amenity

Policy BH1 within the CSDP sets out planning policy in relation to design and residential amenity. In addition, it sets out adopted standards in relation to conformity to Nationally Described Space Standards (NDSS), which new residential properties should seek to meet.

Policy HS1 of the CSDP sets out that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

Given the existing commercial nature of the area it is not considered that the operation of the upper floor for residential purposes would greatly increase existing levels of activity. The Council's Environmental Health section have provided no objection to the scheme and only requested that an informative be put on the decision relating to noise guidelines.

With regard to the amenity for future occupiers the main living areas would all have an acceptable outlook, and the flats would largely accord with the Nationally Described Spacing Standards, Flat 3 would actually exceed the guidance and Flat 2 would be only marginally smaller than the guidance allows.

With regard to Flat 1, the size would be less than advised at 80% of the recommended area, however it does provide a bedroom area that accords with spacing standards and it is not considered that the amenity of future occupiers would be unacceptably compromised in this instance.

On balance, it is considered that the public benefit of allowing this building to function within the Town Centre by introducing a viable use to an underused space, outweighs any concerns in relation to Flat 1 flat being smaller than specified within the National Designated Space Standards.

It is acknowledged that there is no outdoor amenity space proposed for the flats, however, this is not an unusual situation for flats of this nature within a town centre setting. Opportunities for outdoor recreational also exist in the locality, including at the nearby Hetton Park and Hetton Lyons Country Park, which are both a short walk away. Overall, it is considered that the residential amenity afforded to prospective occupiers would be acceptable.

It is not considered that the addition of 3 windows within the northern elevation of the host property would give rise to any amenity issues given the siting of the two buildings. In fact, it is considered that the proposal will bring about a degree of surveillance to the area, particularly on an evening.

The bin storage area is proposed internally at the front of the building next to the main entrance, where there will be room for rubbish and recycling bins (one per flat). The space is considered to be broadly adequate to meet the requirements of 3 flats and as such it is not expected that there should be any refuse stored outside of the building except on refuse collection days. The proposed arrangement is also the same as with the previously-approved scheme (i.e. planning permission ref. 17/01350/SUB) and there have been no objections to the proposal from the Council's Environmental Health or Highways officers.

With reference to the proposed external works, the alterations to the fenestration in the side and rear elevations are relatively minor and are not considered likely to impact upon the visual amenities of the host property or the area in general.

Given the above it is considered that the proposal would be acceptable with regard to visual and residential amenity, in line with the NPPF and CSDP policies BH1 and HS1.

3. Highway Implications

Policy ST3 of the CSDP meanwhile requires development to provide safe and convenient access for all road users.

The Council's Highway Engineers have objected to the proposal on the following grounds:

no parking is proposed for the development - as a change of use to residential occupancy, current guidance stipulates that 3no. in-curtilage parking spaces should be provided - one for each proposed flat/maisonette.

Without dedicated parking provision, there is an increased likelihood of inappropriate parking on the public highway and in residential areas, with corresponding road safety and highway impact issues.

No cycle storage provision is proposed for the development.

Whilst no in-curtilage parking is proposed as part of this application it is accepted that this is not unusual for developments of this type, which are situated in a local centre.

It is also noted that the Planning Inspector set out within the appeal decision of 17th May 2017 (17/0002/REF), that not only is this situation not unusual in these circumstances but that a number of factors should be taken into account in considering parking requirements, including the accessibility of public parking and public transport.

To this end, the application premises is immediately adjacent to Hetton Bus Station, served by numerous regular bus services to Houghton-le-Spring, Sunderland, Durham, Newcastle and other nearby towns and villages. There are also numerous public parking opportunities within Hetton Town Centre.

As such, given previous comments of the Planning Inspector, the links to public transport in the vicinity and the availability of parking opportunities, it is considered that, on this occasion the Council's usual recommended parking provision can be relaxed and that the development would not give rise to conditions which are detrimental to highway/pedestrian safety.

The application is therefore considered to accord with the NPPF and policy ST3 of the CSDP.

Conclusion

For the reasons stated within the report, the proposed change of use is considered to be acceptable as it would not result in any significant adverse impacts on residential amenity, visual amenity or highway/pedestrian safety. The proposal therefore accords with the relevant paragraphs of the NPPF, and policies SP2, SP8, VC1, BH1, HS1 and ST3 of the CSDP. It is therefore recommended that planning permission should be granted subject to the conditions listed.

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:

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

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

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

Location plan, received 17.06.22

Site plan, received 17.06.22

Existing and proposed floor plans, received 17.06.22

Existing and proposed elevation plans, received 17.06.22

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the 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 COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00701/FUL	Verum Victum Healthcare	Erection of a 94 unit Care Home including 58 apartments for Extra Care and Assisted Living	20/06/2022	19/09/2022
Castle	Former Site Of Jennings Ford Washington Road Hylton Castle Sunderland	Accommodation and 36no. bed intermediate Care facility (Use Class C2) with associated access, landscaping and parking.		Time extension agreed 04/11/2022
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 Seaburn SR6 8AD			Time extension agreed 25/04/2022

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			Time extension agreed 30/06/2021
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 Street City Centre Sunderland SR1 1JG			Time extension agreed 10/04/2020
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 Street City Centre Sunderland SR1 1JG			Time extension agreed 10/04/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01330/MW4	QuantaFuel Sunderland Limited	Construction and operation of a waste management facility to process waste plastics to produce synthetic hydrocarbons, together with associated ancillary buildings, plant and machinery, roadways and hardstanding (heritage statement and land contam info received 09.08.22).	18/06/2022	18/09/2022
Hendon	East Shore Enterprise Zone Port Of Sunderland East Of Graving Dock South Dock Barrack Street Sunderland SR1			Time extension agreed
22/00970/FU4	Thirteen Housing Group Limited	Erection of 103 no. affordable residential dwellings (Class C3) with associated access, landscaping and infrastructure (amendments received 19.08.22)	13/05/2022	12/08/2022
Hendon	Land At Harrogate Street And Amberley Street Sunderland			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved) (amended/updated information received October 2021, revised drainage info received 07/02/22).	17/11/2014	16/02/2015
Hetton	Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX			Time extension agreed 19/08/2016
20/00134/LP3	City Development	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
Hetton	Evolve Business CentreCynet WayRainton Bridge SouthHoughton-le-SpringDH4 5QY			Time extension agreed 01/06/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00561/REM	Mr C Ford	Reserved matters approval for appearance, layout, design and landscaping in relation to planning application	19/03/2021	18/06/2021
Hetton	Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX	12/01125/OUT (Proposed residential development comprising 40 no. residential dwellings with associated landscaping and access.) (updated drainage info received).		Time extension agreed
21/00603/FUL	Persimmon Homes (Durham)	Construction of 255 dwellings (use class C3) with associated access, landscaping and infrastructure (Amended description and updated submission)	22/04/2021	12/08/2021
Hetton	Land East OfNorth RoadHetton-le-HoleHoughton-le-Spring			Time extension agreed 30/06/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00621/FUL	Whitegates Equestrian Centre	Change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access (Amended plan received 06.05.2022)	06/05/2022	05/08/2022
Hetton	Land To The Rear Of 21 South Hetton RoadEasington LaneHoughton-le-SpringDH5 0LG			Time extension agreed 25/11/2022
22/01673/HY3	Sunderland City Council	Hybrid planning application compromising of: Full planning permission for change of use of Former Elmore Golf Course to a Heritage and Eco Park with associated infrastructure-including car parking, play areas, woodland planting, grazing areas and wetland creation. Outline planning permission for a community farm, camping/education facilities and miniature railway.	24/08/2022	23/11/2022
Hetton	Elmore Golf ClubElmore Golf CourseLorne StreetEasington LaneHoughton-le-SpringDH5 0QT			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land AtLambton LaneHoughton-le- Spring			Time extension agreed 30/09/2021
17/02445/FUL	Persimmon Homes Durham	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.	21/12/2017	22/03/2018
Houghton	Land North Of Coaley LaneHoughton Le SpringNewbottle			Time extension agreed 29/03/2019

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham Company Hawthorn House Blackthorn Way Sedgely Industrial Estate Houghton-le-			Time extension agreed 30/09/2020
21/01409/FUL	Russell Foster Tyne and Wear Sports Foundation	Change of use from playing fields to private garden.	02/08/2021	01/11/2021
Houghton	The Russell Foster Football Centre Staddon Way Houghton-Le-Spring DH4 4WL			Time extension agreed 31/12/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01123/FUL	Jomast Developments Limited And Cowie Properties LLP	Proposed mixed use development comprising 4 no. general industrial (Use Class B2) or storage and distribution (Use Class B8) units; 7 no. trade warehouses with ancillary trade counters (Use Class B8); foodstore (Use Class E), drive thru bakery (Use Class E) and drive thru coffee shop (Use Class E); drive thru restaurant / hot food take-away (sui generis); and a petrol filling station (sui generis), with associated access, parking, servicing and landscaping. (AMENDED DESCRIPTION)	15/06/2022	14/09/2022
Millfield	Land AtDeptford TerraceSunderland			Time extension agreed 04/11/2022

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 SiteWoodbine TerracePallionSunderland			Time extension agreed 31/08/2021
22/00531/FUL	Tim Witty - UK Land Estates	Erection of two units selling food and drink (within Use Classes E(a) and Class E(b)), with associated access arrangements, landscaping and car parking. (amended site section plan, site plan and landscaping plan received on 9.8.22)	11/03/2022	06/05/2022
St Annes	Pennywell Industrial EstateSunderland			Time extension agreed 31/07/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01958/FU4	Department For Education	Demolition of existing school buildings and development of a replacement school building and indoor swimming pool block, along with car parking, hard and soft landscaping, playing pitches and access arrangements.	01/09/2022	01/12/2022
St Chads	Farrington Community Academy Allendale Road Sunderland SR3 3EL			Time extension agreed
22/00228/FUL	JJ Property Lettings	Change of use from office to 10no. apartments; including new doors and windows, parking and turning space and formation of new vehicular access onto A182	22/03/2022	21/06/2022
Shiney Row	Employment Training Herrington Miners Hall Herrington Burn Houghton-le-Spring DH4 4JW			Time extension agreed
21/01001/FU4	Bernicia	Erection of 69no affordable homes with associated infrastructure and landscaping (biodiversity net gain info received 26.07.22 and 01.09.22).	26/04/2021	26/07/2021
Silksworth	Land East Of Primate Road Sunderland			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02627/FUL	CJ Taverns	Demolition of public house and construction of 14 dwelling houses and a three storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane) - (Amended plans and FRA/Drainage Strategy received)	10/01/2022	11/04/2022
Silksworth	The CavalierSilksworth LaneSunderlandSR3 1AQ			Time extension agreed 30/09/2022
22/00781/FU4	Almscliffe Deshi Developments (1) Ltd	Demolition of existing buildings on site and construction of a retail development comprising retail store with external garden centre (Class E), 2 retail units (Class E), a Vets practice and Tanning Shop (Sui Generis) and a drive-thru coffee outlet (Class E/Sui Generis) with associated access, parking and landscaping (amended retail impact and highways info received).	08/04/2022	08/07/2022
Silksworth	Former Farringdon Hall Police StationPrimate RoadSunderlandSR3 1TQ			Time extension agreed 23/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01592/FUL	Adderstone Projects Limited	Development of flexible commercial units (Class B2, B8, and E(g) (ii) and (iii)) including mezzanines with associated accesses, car parking, cycle parking, bin stores, landscaping and associated ancillary works.	27/07/2022	26/10/2022
Southwick	Land AtWest QuayCrown RoadSunderland			Time extension agreed 04/11/2022
22/01790/PSI	Sunderland City Council	Erection of Eye Infirmary (Class E(e)) with energy centre buildings, cycle hub building, site access, parking, landscaping and utilities / infrastructure provision, with associated engineering operations including work to the existing retaining wall along Galley's Gill	17/08/2022	27/10/2022
Southwick	Former Vaux SiteLand North Of Saint Marys BoulevardSunderland			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01576/FUL	Zurich Assurance Ltd	Full planning permission for installation of mezzanine floor, alterations to shopfronts to create single entrance/unit, rear canopy and plant, car parking, landscaping and engineering works	13/07/2022	12/10/2022
Washington Central	Units 4, 5 And 6Galleries Retail ParkWashington			Time extension agreed
22/01637/LBC	Amalgamated Construction Ltd	Remove existing palisade fencing from existing Grade II* Listed Victoria Viaduct and replace with anti-trespass fencing.	22/08/2022	17/10/2022
Washington East	Victoria ViaductWashingtonNE 38 8LQ			Time extension agreed 25/11/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02737/LP3	Sunderland City Council	Change of use of existing building to community centre with associated elevational alterations, including replacement roof, gutters and piping, new entrance doors to front, steps/handrail to side, and patio area to front.	24/01/2022	21/03/2022
Washington North	Usworth Park Pavilion Usworth Recreation Park Manor Road Concord Washington			Time extension agreed 05/10/2022
22/00136/FUL	Barmston Developments	Construction of four detached buildings to provide 9 no. units with ancillary offices for general industrial (Use Class B2), storage or distribution (Use Class B8) and light industrial (Use Class B1(c)); including parking and turning space, landscaping and accesses onto Turbine Way.	31/01/2022	02/05/2022
Washington North	Land At Turbine Way Sunderland			Time extension agreed 30/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00294/FU4	Taylor Wimpey (North East)	Erection of 190no. dwellings with associated access, landscaping and boundary treatment	04/03/2022	03/06/2022
Washington North	Former Usworth Sixth Form Centre Stephenson Road Stephenson Washington NE37 2NH			Time extension agreed 04/11/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02807/HE4	IAMP LLP	Hybrid planning application including demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)) with ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (Outline, All Matters Reserved); and dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works (Detailed). (Cross Boundary Planning	21/04/2022	11/08/2022
Washington North	Land North / East And South Of International DriveWashington.			Time extension agreed 31/12/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
		Application with South Tyneside Council).		
22/01803/FUL	Gary Horn	Change of use from open space to private garden with 1.8 metre boundary fence	15/08/2022	10/10/2022
Washington South	50 Monkside CloseLambtonWashing tonNE38 0QB			Time extension agreed
21/02898/FU4	Esh Construction Limited And Gladglider Projects Limited	Extra care Housing Development incorporating the erection of a three storey building to provide 84no extra care units (Use Class C2) and 13no. bungalow dwellings (Use Class C3), ancillary support services, associated parking, drainage and landscaping and two new pedestrian / vehicular accesses onto Moorway	12/01/2022	13/04/2022
Washington West	Land West Of Moorway And South Of Havannah Road, Washington.			Time extension agreed 30/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00137/FU4	Taylor Wimpey And BDW Trading Ltd	Erection of 49no. dwellings with associated vehicle access and landscaping.	01/02/2022	03/05/2022
Washington West	Land To The North Of Stone Cellar RoadUsworthWashingt on			Time extension agreed 30/09/2022
