

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 17/00133/FU4 Full Application (Reg 4)

Proposal: Retrospective enclosure of land and change of use from highway to mixed use showmans storage and residential site, and erection of a boundary fence with double gates, involving the stopping up of the highway.

Location: Land Adjacent 2 Wylam Close Stephenson Washington

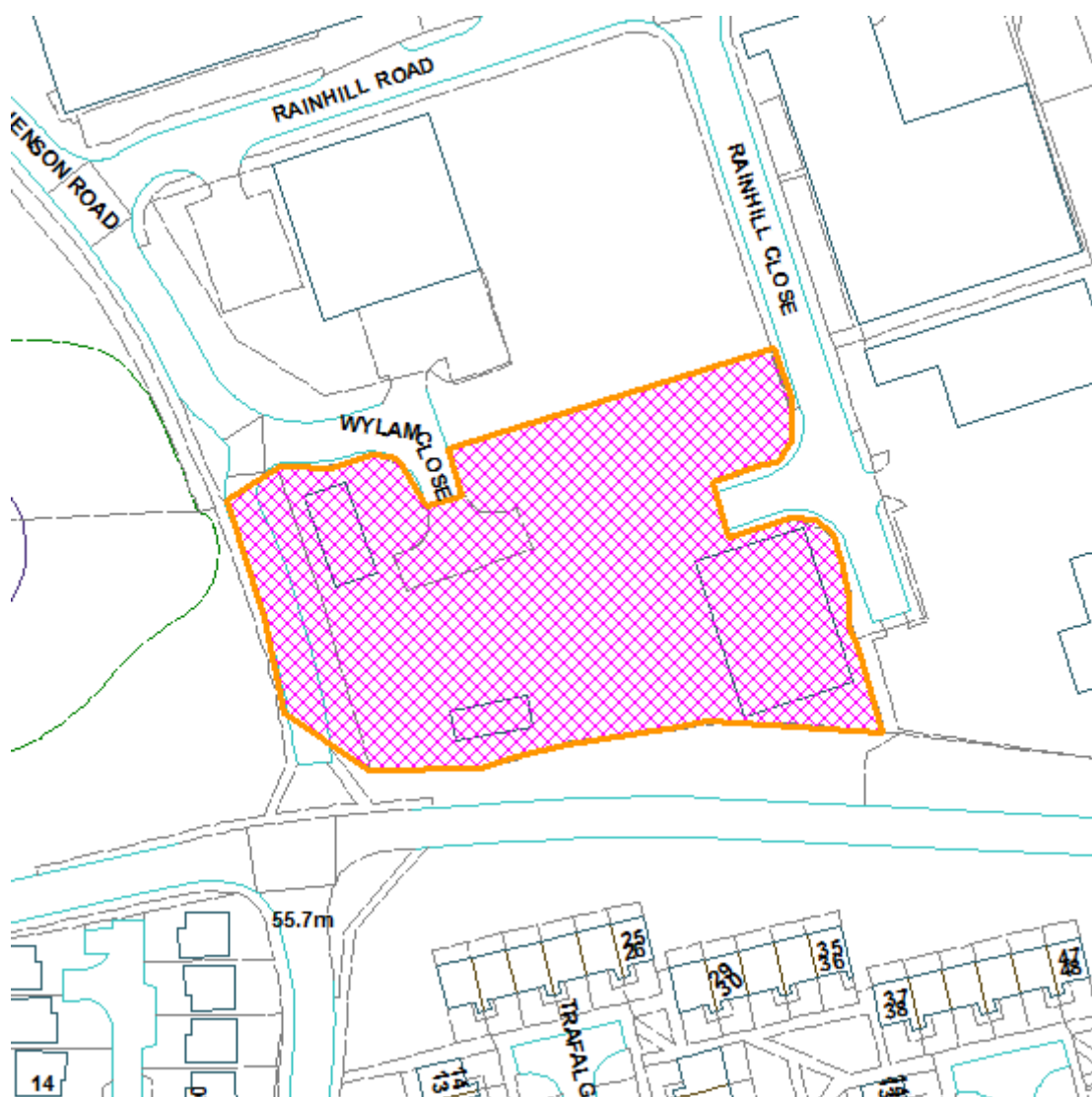
Ward: Washington North

Applicant: Mr Darren Noble

Date Valid: 27 April 2017

Target Date: 22 June 2017

Location Plan



PROPOSAL:

The application site is an area of land situated between a mixed use site within Stevenson Industrial estate and a footpath which links Stephenson Road to Sulgrave Road, connecting the residential area to the employment site. The land includes a grassed area with a number of conifer trees that have become established, and a short stretch of highway that has been disused for some time and has also become grassed over.

The proposal relates to the retrospective enclosure of the land and its change of use from highway and verge to be incorporated into the adjacent mixed use showman's storage and residential site. The proposal includes the erection of a 2.4m palisade boundary fence with double gates, and involves the stopping up of the highway.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington North - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **14.06.2017**

REPRESENTATIONS:

Publicity

No representations have been received.

Consultations

The Network management Team has offered no objections but has submitted advice regarding the stopping up procedure.

POLICIES:

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

EC_4_Retention and improvement of existing business and industrial land

WA_1_Retention and improvement of established industrial / business area

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

B_2_Scale, massing layout and setting of new developments

COMMENTS:

In assessing the proposal the main issues to consider are the principle of the development, the impact of the development upon highway safety and the appearance of the street scene in general.

Principle of Development

Within the adopted UDP the site is subject to policies EC4 and WA1.10, which identify the Stephenson East industrial site as being an established industrial/business area to be retained and improved for particular principal uses, in this case offices, research & development, light industry (B1) general industry (B2) warehouses and storage (B8). The adjacent site has evolved from such a unit to a mixed use site which accommodates a storage unit for commercial vehicles and fairground equipment, two mobile homes providing permanent residential accommodation for travelling showmen families, and outdoor storage of related vehicles.

The use of the land in association with the adjacent site is considered to be compatible with the established uses in the area and would not undermine the primary function of the industrial estate. The proposal is therefore considered to be acceptable in principle and in accordance with policies EC4 and WA1.10.

Highway Safety

Policy T14 of the UDP stipulates that development should not cause traffic congestion or highway safety problems on existing roads. Whilst the highway stub would require to be formally stopped up, it would appear to have been disused for some years and its change of use would therefore not impact upon traffic flows in the area. The adjacent footpath will be unaffected and pedestrian access between the residential estate and the employment area will be retained. There are therefore no objections from a highway safety point of view and the development is in compliance with policy T14 of the UDP.

Visual Amenity

Policy B2 requires all new development proposals to respect and enhance visual and residential amenity. The palisade fence and gates are of an industrial design and a continuation of the existing fencing around the adjacent site, in keeping with the character of the area. However, the fence is close to the footpath, although set back slightly so as not to be hard up against the footpath edge. This contrasts with the pedestrian routes through the industrial estate whereby strips of verge or landscaping serve to provide an element of separation from the industrial units.

In order to provide a softer edge to the footpath and maintain the visual amenities of the area, it is considered that the fence could be set in sufficiently to allow a strip of planting to screen the fence. This would also help to prevent a feeling of enclosure for footpath users. If Members find the application to be acceptable, this could be dealt with by attaching an appropriate condition.

Otherwise, the development is not easily visible from the residential properties across Sulgrave Road and, subject to the above mentioned condition, is not considered to be detrimental to the visual amenities of the area that would merit a refusal in this case.

Conclusion

For the reasons given in this report, it is considered that the proposed use of the land is acceptable in principle. Subject to an appropriate condition requiring the setting back and screening of the fence, the proposed boundary enclosure is unlikely to be detrimental to the visual amenities of the area and the development is considered to be acceptable in terms of highway safety. As such the proposal is considered to comply with policies EC4, WA1.10, B2 and T14 of the UDP.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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 in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended)

Conditions:

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

- location plan received 24/1/17,
- site layout plan as existing received 24/1/17,
- site layout plan as proposed received 24/1/17,
- fence and gate details received 24/1/17,

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

- 2 Notwithstanding the submitted details, within four calendar months of the date of this decision, the fence shall be set in from the edge of the footpath by at least 1m and a landscaping scheme shall be implemented, all in accordance with details to be submitted to and agreed in writing with the Local Planning Authority, in the interests of the visual amenities of the area and to comply with policy B2 of the UDP.

Reference No.: 17/00161/VAR Variation of Condition

Proposal: Variation of condition 2 (plans) of planning permission ref. 12/00333/FUL (residential development comprising of 170 houses with associated access, parking and landscaping, to include public open space. Stopping up of highways and change of use to residential) comprising substitution of house types of plots 46, 48, 51, 54, 74-80, 83, 85-90 and 92-94 within "Area D"

Location: Land North Of Station Road Barmston Road Washington

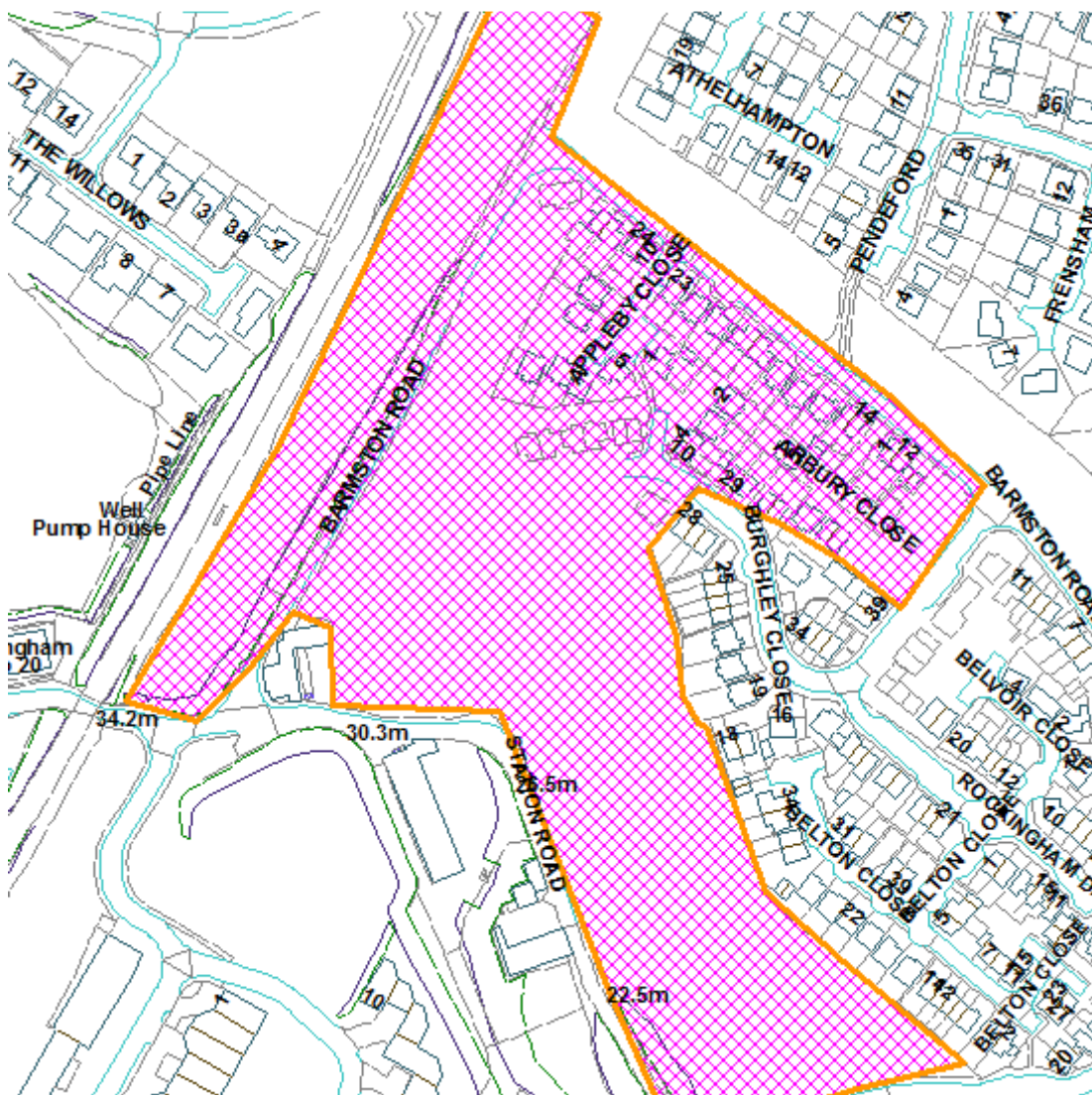
Ward: Washington East

Applicant: Ms Pearce

Date Valid: 8 May 2017

Target Date: 7 August 2017

Location Plan



PROPOSAL:

Site

The application site is situated within an area currently known as Teal Park Farm, located approximately 2km to the southeast of Washington centre, to the east of the currently unused Leamside railway line and to the northwest of Pattinson Road. The site is currently undergoing residential development which is partially occupied, having previously accommodated industry, and comprises a significant variation in levels with a generally incline from northeast to southwest. To the northeast of the site beyond the mound of spoil lies Teal Farm, a modern residential estate, which is directly linked to the current application site by a public footway and emergency access. Further residential development is currently taking place on the opposite side of Pattinson Road (Teal Farm Village, being developed by Barratt-David Wilson Homes and Bellway Homes). Demolition House abuts the western extent of the site, which is currently occupied by Allied Security, a car repairs garage exists to the west and industrial units are situated further to the southwest of the site.

Proposal

Consent is sought under Section 73 of the Town and County Planning Act 1990 to make a 'minor material amendment' by varying condition 2 (list of approved plans) of planning permission ref. 12/00333/FUL for residential development of 170no. units which was granted consent in October 2013.

The current application seeks to amend the house type of 21no. approved plots within Area D of this extant planning permission, namely nos. 46 (renumbered 245), 48 (renumbered 247), 51 (renumbered 250), 54 (renumbered 253), 74-80 (renumbered 316-310), 83 (renumbered 307), 85-90 (renumbered 305-300) and 92-94 (renumbered 298-296). The proposed amendments comprise the use of the developer's 2016 house type range which differ in terms of their design but do not alter the footprint or layout of the previously approved affected dwellings.

History

Outline planning permission (ref. 06/02303/OUT) was granted in November 2006 and reserved matters (ref. 08/03987/REM) were approved in February 2009 for the erection of 150no. dwellings comprising 78no. apartments and 72no. detached, townhouse and semi-detached properties, comprising Phase 1. Subsequently, application ref. 11/02275/FUL was approved in October 2011 to substitute house types wherein 67no. one- and two-bedroom apartments were replaced with 54no. two- and three-bedroom dwellings, resulting in a reduction in the total number of units within the development to 137. A further planning permission (ref. 13/00361/FUL) resulted in a further reduction to the total number of units within Phase 1 to 131 and a further application (ref. 13/03744/FUL) approved the substitution of house types of Plots 1-10.

Planning application ref. 12/00333/FUL granted permission for a residential development of 170no. units with associated access, parking and landscaping, including public open space, and the stopping up of highways in 2013. An application under section 73 of the Town and Country Planning Act 1990 (as amended) was subsequently approved (ref. 13/03037/VAR) for a minor material amendment to this scheme comprising the substitution of house types at plots 8 and 9, the reconfiguration of highway, dwellings (reduction of 1no. unit) and garages at plots 24-26, 31-32 and 33-38 and the replacement of 2no. semi-detached dwellings with 3no. terraced dwellings at plots 126 and 127, all within Area D as identified by the former planning permission.

A further minor revision through application ref. 14/01328/FUL was made to plot 24 of the approved scheme, which has been renumbered plot 228.

Full planning permission was granted in April 2015 (ref. 15/00053/FUL) to erect 10no. dwellings comprising a substitution of house types within Teal Park Farm Phase 1 (ref. 08/03987/REM) and Phase 4 [Area D] (ref. 12/00333/FUL) replacing 8no. approved 'I-Pad' 1-bedroom apartments (plots 94-101) of planning permission ref. 08/03987/REM with 6no. two-storey dwellings and 2no. approved dwellings (Plots 6 and 7 (renumbered 108 and 109)) of area D of planning permission ref. 12/00333/FUL with 4no. dwellings.

Consent was granted in June 2015 (ref. 15/00259/FUL) to replace plots 42-45 (4no.) with 5no. units (renumbered 241-244 and 333), plots 47, 49, 50, 52, 53, 55 and 56 with 7no. unit (renumbered 246, 248, 249, 251, 252, 254 and 255), plots 63-73 (11no.) with 12no. units (renumbered 317-328), plots 81, 82, 84 and 91 with 4no. units (renumbered 309, 308, 306, 299) and plots 95-127 (33no.) with 36no. units (renumbered 262-295, 331 and 332) with a revised highway layout and revised parking and garage provisions. This consent was subsequently varied through application ref. 16/02308/VAR in April 2017 which comprised a substitution of house type of Plots 244, 246, 248, 249, 251, 252, 286-295, 299, 306, 308, 309, 317-328 and 332.

Procedure

The application site is allocated for industrial development on the adopted Unitary Development Plan (UDP) proposals map and, as such, the proposal constitutes a departure from the adopted development plan and has been publicised accordingly. The Town and Country Planning (Consultation) (England) Direction 2009 sets out the power of the Secretary of State to issue directions to local planning authorities requiring consultation with specified persons before granting planning permission. The areas covered by this direction include development within greenbelt, within the vicinity of world heritage sites and on playing fields as well as retail, leisure or office development outside town centres. To this regard, it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009 and, as such, can be determined by the Local Planning Authority.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Washington East - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **20.06.2017**

REPRESENTATIONS:

No representations have been received from neighbouring occupants.

The Council's Ecology team has confirmed that the additional ecological details have not satisfied the relevant condition.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

The main issues to consider in assessing this proposal are the impact of the proposed substitutions on the character and appearance of the development and the implications of this application on the planning obligations and other conditions of the host planning permission.

Character and Appearance

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

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

To this regard, it is noted that the proposal introduces new house types into the wider development. However, these house types are similar to those which have been used in Phase 1 of the development of this part of Teal Farm and incorporate features such as a gabled roofs and flat-roofed entrance canopies which are prevalent within the wider development. In addition, the proposed units do not differ significantly from those which they would replace in terms of heights whilst retaining their footprint and layout. Only plots 286 and 332 would occupy corners and the units proposed on these plots would include a doorway and window in their side elevation, affording appropriate activation onto the street.

For such reasons, it is considered that the proposed substitutions appropriately maintain the character and appearance of the wider development and would not pose any detrimental impact on the street scene.

Planning Obligations and Conditions

The original planning permission for this phase of Teal Farm (12/00333/FUL) was accompanied by an agreement under section 106 of the Town and Country Planning Act 1990 for contributions to local education, play space and affordable housing, subject to the carrying out of additional site investigations to accurately ascertain the actual abnormal costs of the development. Such investigations have since been undertaken and the actual abnormal costs established which confirm, to the satisfaction of the Council's Land and Property section, that the agreed parameters have not been met which would trigger such obligations to be made. Therefore, no financial

contribution or provision of affordable housing is required for viability reasons and, as confirmed by the City Solicitor, there is no need to vary the section 106 to reflect the proposed amendments.

The host planning permission was subject to a total of 23no. conditions which relate to issues including a scheme of working archaeology, ground conditions and drainage. Some of these have since been satisfied, however it is recommended that the relevant conditions pertaining to these issues which have not already been discharged be included in this instance, with minor alterations as appropriate.

Conclusion

For the reasons set out above, it is considered that the proposed amendments are in-keeping with the character and appearance of the development and it is therefore recommended that Members approve the application, subject to the conditions set out below.

RECOMMENDATION: APPROVE

Conditions:

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

Dwg No. 11012/P-04: Application Site Boundary received 16.02.2012
Dwg No. 11012/P-11 Rev. C: Area G Proposed Site Layout received 08.06.2012
Drawing no. P-12 rev. U: Proposed Site Layout received 26.01.2017
Drawing no. P-100 rev. C: House Type A (Newton) received 13.02.2015
Drawing no. P-101 rev. B: House Type B (Barwick) received 13.02.2015
Drawing no. P-102 rev. B: House Type C (Cheadle)
Drawing no. P-103 rev. B: House Type D (Morpeth)
Drawing no. P-104 rev. B: House Type E (Faringdon)
Drawing no. P-105 rev. C: House Type F (Padstow)
Drawing no. P-106 rev. B: House Type G (Tavistock)
Drawing no. P-107 rev. B: House Type H (Rochester)
Drawing no. P-108 rev. B: House Type I (Somerton)
Drawing no. P-109 rev. B: House Type J (Faversham)
Drawing no. P-110 rev. A: House Type K (Lincoln)
Drawing no. P-111 rev. B: House Type L (Guisborough)
Drawing no. P-112 rev. B: House Type M (Woodbridge)
Drawing no. P-113 rev. C: House Type N (Hythe)
Drawing no. P-116 rev. B: House Type R (Madeley)
Drawing no. P-117 rev. A: House Type A - render version
Drawing no. P-118 rev. A: House Type B - render version
Drawing no. P-119 rev. A: House Type D - render version
Drawing no. P-120 rev. A: House Type H - render version
Drawing no. P-121 rev. A: House Type J - render version
Drawing no. P-122 rev. A: House Type K - render version
Drawing no. P-123 rev. A: House Type M - render version
Revised suite of house types (16no. sheets) received 26.01.2017

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

- 2 No development shall take place until a scheme of working for the development of Area G has been submitted to the satisfaction of the local planning authority, to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the adopted Unitary Development Plan.
- 3 No construction works required for the development hereby approved shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 4 No further dwellings hereby approved shall be occupied until a final report of the results of the archaeological fieldwork has been submitted to and approved in writing by the Local Planning Authority, given that the site is located within an area identified as being of potential archaeological interest and in order to ensure that any archaeological remains which may remain on the site can be preserved wherever possible and, in accordance with policies B11, B13 and B14 of the adopted Unitary Development Plan.
- 5 No further dwellings hereby approved shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in the form of the publication of a suitable journal which shall be submitted to and approved in writing by the Local Planning Authority, given that the site is located within an area identified as being of potential archaeological interest and in order to enhance understanding of, and allow public access to, the work, in accordance with paragraph 141 of the National Planning Policy Framework.
- 6 No development shall take place within Area G until an investigation and risk assessment, in addition to any assessment provided with the planning application, for that Area has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), regardless of whether the contaminants originate from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - (a) human health;
 - (b) property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes;
 - (c) adjoining land;
 - (d) groundwaters and surface waters;
 - (e) ecological systems;
 - (f) archaeological sites and ancient monuments; and

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11', to ensure that risks from land contamination to 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 off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.

- 7 No development shall take place within Area G until a detailed remediation scheme to bring this part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been undertaken. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation and must be approved, in writing, by the Local Planning Authority, to ensure that risks from land contamination to 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 off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.
- 8 No further development, other than that required to carry out remediation works, shall take place until the approved remediation scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. Following the full completion of all measures identified in the approved remediation scheme, no additional dwellings shall be occupied within each Area, as defined by the submitted reports relating to ground conditions, until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved, in writing, by the Local Planning Authority, to ensure that risks from land contamination to 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 off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.
- 9 In the event that contamination is found at any time that was not previously identified, all development must be immediately halted on the part of the site affected by the unexpected contamination to the extent to be specified by the Local Planning Authority and shall not recommence until the written consent of the Local Planning Authority has been provided. The additional contamination must be immediately reported in writing to the Local Planning Authority and an investigation and risk assessment shall be undertaken by the developer in accordance with the requirements of condition 6 and, if deemed necessary by the Local Planning Authority, a remediation scheme shall be prepared by the developer in accordance with the requirements of condition 7 and shall be submitted to and approved in writing of the Local Planning Authority. Following the completion of measures identified in the approved revised remediation scheme, a verification report shall be prepared by the developer in accordance with the requirements of condition 8 and submitted to and approved in writing by the Local Planning Authority, to ensure that risks from land

contamination to 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 off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.

- 10 The levels of the site and dwellings hereby approved within Areas D and E shall accord with those specified by approved discharge of condition application reference 14/00958/DIS and no development shall commence within Area G until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority. The development of Area G shall be carried out in accordance with the approved details, in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 11 Notwithstanding any specifications on the submitted plans, no further development shall take place until full details of all walls, fences or other means of boundary enclosure have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be fully installed prior to the occupation of any dwelling hereby approved or in accordance with a timetable to be agreed, in writing, by the Local Planning Authority, in the interests of visual and residential amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 12 Notwithstanding any indication of materials which may have been given in the application, no further development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 13 The development of Areas D and E shall be carried out in accordance with the details submitted with approved discharge of condition application reference 14/00959/DIS. No development shall take place within Area G until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policy B24 of the adopted Unitary Development Plan.
- 14 No development shall take place within Area G until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces for that Area, which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

- 15 No development shall take place within Area G until full details of an earth bund to be provided and retained along the eastern and southern boundaries of that Area running from Plot 15 to at least 5 metres to the southwest of the curtilage of Plot 29 at a minimum width of 10 metres and a maximum height of 3 metres have been submitted to and approved in writing by the Local Planning Authority. No dwellings within Area G shall be occupied until the bund has been provided in full accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in order to protect residents from being subjected to undue levels of noise, in accordance with policy EN6 of the adopted Unitary Development Plan.
- 16 No development shall take place within Area G until full details, including precise location, of an acoustic fence comprising a height of 2 metres to be provided and retained along the entire southeastern boundary of Plot 29 of that Area continuing along to merge with the apex of the earth bund facing Pattinson Road have been submitted to and approved in writing by the Local Planning Authority. No dwellings within Area G shall be occupied until the fencing has been provided in full accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in order to protect residents from being subjected to undue levels of noise, in accordance with policy EN6 of the adopted Unitary Development Plan.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 18 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner so that, in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3m of the nearest rail of the adjacent railway line or, where the railway is electrified, within 3m of overhead electrical equipment or supports. Where any works cannot be carried out in a fail safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks, in the interest of rail safety and to achieve a satisfactory form of development, in accordance with policy B2 of the adopted Unitary Development Plan.
- 19 Any fencing or other boundary treatment adjacent to or within the development site which is in the ownership of Network Rail must not be removed or damaged, in the interest of railway safety and to achieve a satisfactory form of development, in accordance with policy B2 of the adopted Unitary Development Plan.

- 20 Should the section of railway abutting the application site be brought back into use at any time prior to the completion of Area D, precise details of all external lighting to be erected/installed at the development site during the construction and operational phases of the development (including the location and colour of lights) shall be submitted to and approved in writing by the Local Planning Authority prior to the illumination of any external lighting, in the interest of rail safety and to minimise the risk of dazzle to passing rail traffic and to comply with the requirements of policies B2 and T25 of the adopted Unitary Development Plan.
- 21 No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies B2, T14 and T22 of the adopted UDP.
- 22 No dwelling shall be occupied until the estate road which serves that dwelling is surfaced to base course in order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies T14 and T22 of the adopted Unitary Development Plan.
- 23 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period, in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 24 No further development shall take place until precise details, illustrated by appropriate plans/drawings and an associated schedule, of the specification, locations and management of bat and bird roost and nest features, lighting and landscaping together with a long-term management plan has been submitted to and approved, in writing, by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter, unless first agreed, in writing, by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

Reference No.: 17/00557/FU4 Full Application (Reg 4)

Proposal: **Construction of 524no space car park with vehicular access and associated works to include landscaping, lighting, and flood attenuation basin.**

Location: Land North Of Cygnet Way Cygnet Way Rainton Bridge South Houghton-le-Spring

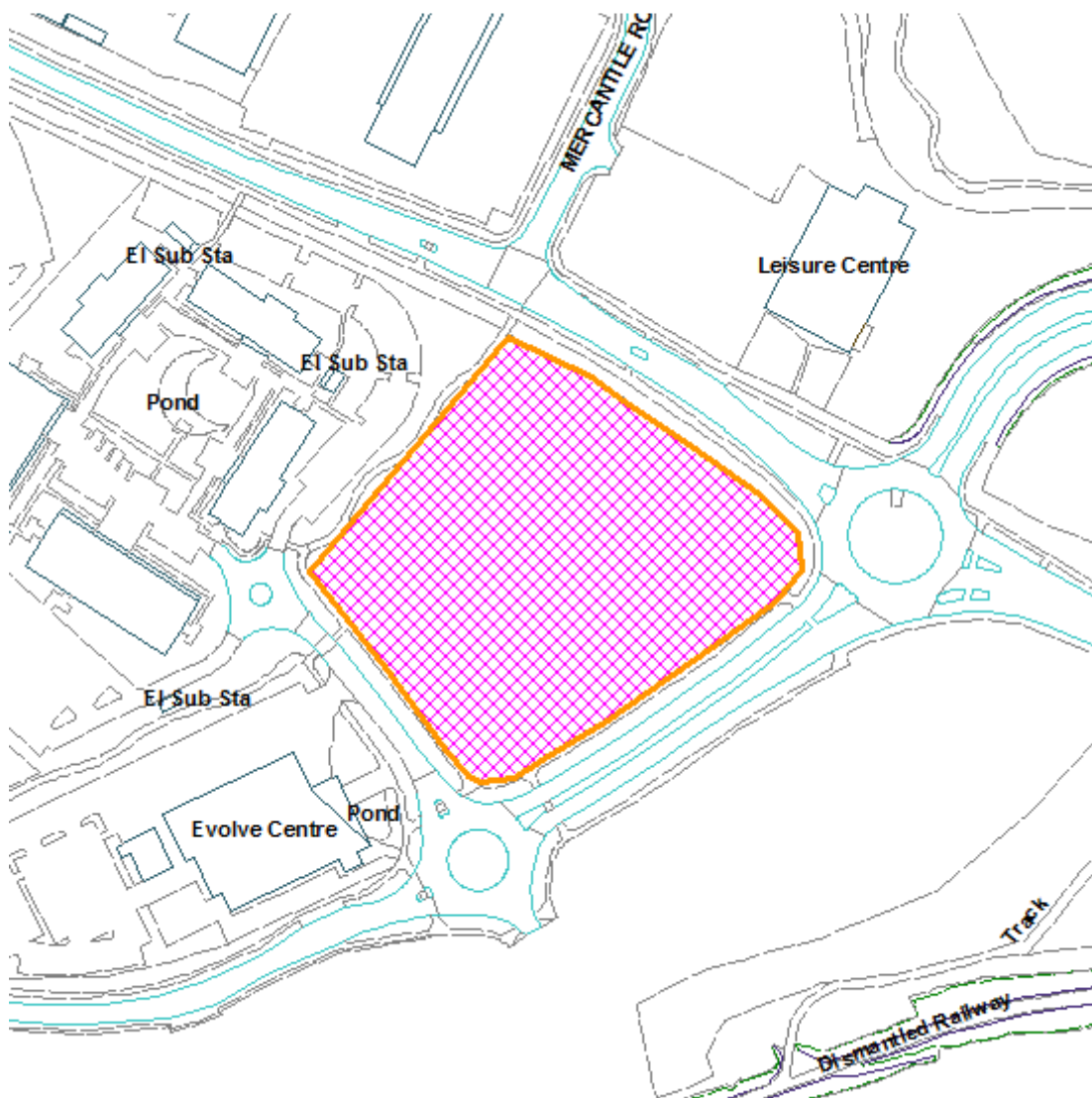
Ward: Hetton

Applicant: Marick Real Estate

Date Valid: 21 March 2017

Target Date: 20 June 2017

Location Plan



PROPOSAL:

Site Description

This application relates to a vacant area of land situated within the Rainton Bridge South Industrial Estate adjacent to a roundabout serving a slip road to the A690. The site abuts three roundabouts, is bordered on three sides by vehicular highway, namely the B1284 to the northeast, Cygnet Way to the southeast and Mandarin Road to the southwest, and a tree belt and public footpath bound the site to the northwest. This area of the industrial estate is characterised by offices and light industrial units.

The application site is rectangular in shape, has an area of 1.59 hectares and exists as grassland with a band of trees running diagonally across the northwest part of the site and hedgerows and bands of trees exist along parts of the site boundary.

The site has historic planning permission for business use as part of wider developments, however the most recent consent (ref. 05/04683/OUT) was granted in 2006 and no development has been brought forward. The site disposed of by the Council following Cabinet approval on 20 July 2016 with an identified potential future use as a car parking facility.

Proposal

Planning permission is sought to provide a 524-space car park with associated landscaping, lighting, and flood attenuation for users of Rainton Bridge Industrial Estate. Access with security barriers is proposed from Mandarin Road and the the car park is proposed to be laid out in a series of grids. A Sustainable Urban Drainage pond (SUDS) is to be provided in the southwest part of the site, lighting would be provided in the form of 19no. 8m high lighting columns and a comprehensive scheme of landscaping is proposed.

The submitted Design and Access Statement sets out a significant need for additional car parking provision at Rainton Bridge, based on an understanding of the existing capacity on the local road network and to reduce reliance on parking along nearby streets. The proposed car park would serve the current vehicular movement attributed to local businesses including, but not limited to, offices currently tenanted by Bowmer and Kirkland, Johnston Press and EDF Energy.

TYPE OF PUBLICITY:

Press Notice Advertised
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Hetton - Ward Councillor Consultation
Hetton Town Council
Network Management
Environmental Health
Flood And Coastal Group Engineer
Durham Wildlife Trust
The Coal Authority

Final Date for Receipt of Representations: **01.05.2017**

REPRESENTATIONS:

This application has been publicised by letters to neighbouring properties, and site and press notices and no resultant representations have been received.

External Consultees:

The Coal Authority has advised that this site is located within the defined Development Low Risk Area and, as such, there was no requirement, under the risk-based approach that has been agreed with the Council, for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to have been consulted.

The County Archaeologist has confirmed that the archaeological work on the Rainton Bridge South site was completed in 2001 when the course of a timber colliery waggonway was excavated, which was published in Industrial Archaeology Review. As such, no further archaeological work is required.

Hetton Town Council has confirmed that it supports the proposal in respect of alleviating existing problems caused by staff vehicles parking on nearby roads.

Internal Consultees:

Ecology has noted some discrepancies and omissions in the submitted report, as set out in the "Ecology" section below, but confirmed that the proposal is acceptable subject to adoption and delivery of the recommendations in section 4 of the report, clarification of the point relating to the site boundary and ecological assessment area and confirmation of an appropriate site lighting scheme.

Environmental Health has provided detailed comments on the submitted Desk Study, as detailed in the "Ground Conditions" section below, and recommended the imposition of conditions to address potential impacts from contaminants and requiring the submission of a Construction Environmental Management Plan.

The Flood and Coastal Team, as Lead Local Flood Authority, has confirmed that, following the submission of additional information, the proposal is acceptable in relation to flood risk and drainage and requested the imposition of a condition requiring the submission of detailed calculations and surface water drainage design and the results of the Phase 2 site investigation.

Network Management, as Local Highway Authority, has offered no objection but has noted that the applicant will be required to enter into an agreement with the Council under section 278 of the Highways Act 1980 in respect of alterations to an existing highway.

POLICIES:

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

EC_4_Retention and improvement of existing business and industrial land
HA_1_Retention and improvement of established industrial / business areas
R_1_Working towards environmentally sustainable development
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
R_4_Incorporation of energy saving measures
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
B_2_Scale, massing layout and setting of new developments
B_24_Appropriate provision for utility services in building development
EN_12_Conflicts between new development and flood risk / water resources
EN_1_Improvement of the environment
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

COMMENTS:

The main issues to consider in assessing the proposal are as follows:

- Land Use and Sustainability
- Highways
- Trees and Ecology
- Amenity
- Flood Risk and Drainage
- Ground Conditions

Land Use and Sustainability

One of the core principles of the National Planning Policy Framework (the "NPPF") states that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth". Paragraph 22 of the NPPF goes on to state the planning policies should "avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose" and that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

Having regard to land use allocation, the application site is situated within an area which is allocated by the Council's adopted Unitary Development Plan (the "UDP"), in particular policies EC4 and HA1.6, as an existing employment site where Offices, Research and Development, Light Industry, General Industry, Warehouses and Storage (Use Classes B1, B2 and B8) are identified as primary acceptable uses. In addition, the Sunderland Employment Land Review 09 March 2016 does not recommend the release of the allocated Rainton Bridge South employment site for alternative uses. As such, these policies are considered to be compliant with the NPPF insofar as they relate to the land use allocation within this employment site, subject to a degree of flexibility.

Whilst the current proposal does not accord with the land use allocation set out above, it is accepted that there has been no commercial interest in developing the site for such uses for a significant period of time and, as such, the site is considered to be surplus in this respect, having regard to existing market signals as set out by NPPF paragraph 22. In addition, the proposed car park would support existing employment uses within Rainton Bridge South. As such, the proposal is considered to be acceptable in land use terms.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan making and decision taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without

delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

To this end, policies R1, R2 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, in terms of the re-use of vacant and derelict land, methods of construction and with respect to the functionality of a development.

The application site is considered to be greenfield however, as set out above, the site has been allocated for employment use and, as such, its appropriate development rather than its retention as green space is preferred, particularly given its industrial setting where it currently serves a limited purpose. Whilst the proposal provides car parking for private cars, rather than promote sustainable modes of transportation, it is accepted that this provision is necessary to address an existing shortfall of car parking in Rainton Bridge and reduce on-street parking in the local area. In addition, as set out below, the car park is considered to have been sustainably designed, incorporating a Sustainable Urban Drainage System (SuDS).

Highways

Paragraph 32 of the NPPF 75 states that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

This application is supported by a Transport Statement which sets out that the proposed car park is located within a 10 minute walk (800 metres) of adjacent offices and is intended to address existing parking demand within the Business Park and prevent indiscriminate parking as well as facilitating future expansion of the Park. Crucially, the Transport Statement identifies that the proposed development is not anticipated to generate any additional trips on the highway network, with all trips to the site already being present on the network.

It is noted that planning permission was granted for a 300-space car park in November 2016 also within Rainton Bridge South, however this is for the exclusive use of the users of Rainton House (currently NPower), so this consent has not addressed the parking pressures of the wider area.

Trees and Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process, including minimising impacts and providing net gains in biodiversity. Paragraph 118 sets out that 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'.

Reflective of such aims, policy CN17 of the UDP encourages the retention of trees which make a valuable contribution to the character of an area and policy CN18 promotes the preservation and creation of habitat for protected species where possible. UDP policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

A Pre-Development Tree Survey has been provided which includes an Arboricultural Implication Assessment and Tree Constraints Plan. The results of surveys carried out of 42no. individual trees, 3no. groups of trees and 4no. hedges within the site have been provided together with a categorisation of each in accordance with British Standard 5837:2012. Of these, 28no. individual trees (all along the eastern boundary of the site) are categorised as B (i.e. of moderate quality and value, in such a condition as to make a significant contribution for more than 20 years), 13no. are categorised C (i.e. of low quality and value, in adequate condition for less than another 10 years) and 1no. is categorised U (i.e. in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed regardless of development). All three groups of trees are classified C and the hedgerows are not considered likely to be classified as 'important' as defined by the Hedgerow Regulations 1997.

Four individual trees, comprising the U-classified tree and 3no. C-classified trees, are proposed to be removed in addition to 3no. groups of trees and 2no. hedges and 12no. lime trees are to be crown lifted to 5 metres over the public highway. Given its state of decline, the U-classified tree was surveyed for potential bat roosting and no such evidence was found.

The proposed scheme of landscaping comprises four distinct zones. The first, relating to the northwestern site edge, shows a planting style to continue the existing, consisting of arcs of hedge and low shrub planting. The second zone relates to planting around the easternmost edges of the car park consisting of shrub planting and low maintenance grass seed with wildflower seed sown in the immediate margins of the existing retained hedgerows. At the site entrance, referred to as zone three, hedges will be planted to soften the views into the car park and grass verges will be planted with native bulbs to provide seasonal interest. The attenuation basin to the west comprises zone four, which will be seeded with native species-rich grass mixes to establish a grassland meadow and small groupings of woody shrubs will be included to provide structure and encourage wildlife.

An Extended Phase 1 Habitat Survey report has also been provided which has been assessed by the Council's Ecology Team, who notes that there are no figures in Appendix 1, the site boundary differs from that in an earlier version of the report (2014), other supporting documentation shows the removal of habitat and features previously to be retained, maintained and improved and it is not clear that the area in the northeast of the site has been assessed and the loss of habitat compensated, especially with regard to the older remnant hedgerow and trees. Field surveys were also undertaken at sub-optimal times, primarily with respect to flora, birds and invertebrates.

However the Ecology Team, crucially, advises that the conclusions and recommendations with regard to amphibians are appropriate and the ecology surveys and report broadly reflect the nature of the overall site, comprising semi-improved grassland which is not of high ecological value. As such, the proposal is acceptable in ecology terms subject to adoption and delivery of the recommendations set out by the report, clarification of the point relating to the site boundary and ecological assessment area and confirmation of an appropriate site lighting scheme.

The Ecology Team goes on to advise that the proposed planting plans offer an element of semi-natural landscaping that will be of benefit to wildlife (disturbance and lighting notwithstanding) whilst advising that the native planting and meadow areas and hedgerows be sustained through an appropriate maintenance programme. It is also advised that hedgerow replacement be equal or better than current provision and it is noted that a 3 metre minimum standoff from the root base of hedges, as recommended by the Habitat Survey report, is not evident in all areas in the site layout plan. In respect of the latter, the applicant has advised that the 3 metre buffer is a best practice suggestion and, within this buffer, Cellweb rather than asphalt surfacing will be used and herras fencing will be erected within the buffer area during construction.

The proposed scheme of landscaping is considered to be appropriate in terms of ecology and amenity and it is considered that all other matters set out above, including details of mitigation measures should an inadequate standoff be provided from hedgerows, can be conditioned should Members be minded to grant planning permission.

Amenity

One of the core principles of the NPPF (bullet point 4), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 of the NPPF highlight the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'.

The proposal comprises the erosion of a substantial area of open space, however it is accepted that it is situated within an established employment site and is of limited amenity and recreational value. The proposed car park is clearly predominantly functional in nature however, as set out above, the submitted scheme of landscaping is considered to be appropriate, particularly given that it would replace existing trees and hedges within the site with a comprehensive schedule of planting to the more prominent periphery of the site.

Given the notable distance from residential properties, it is not considered that the proposal would pose any notable impact on residential amenity. It is noted that the Council's Environmental Health section has recommended the imposition of a condition requiring the submission of a Construction Environmental Management Plan to ensure that the environmental impact of development works is adequately mitigated and to protect occupiers in the vicinity of the site, however given that there are no residential properties which would be likely to be significantly affected by construction works, it is not considered necessary to impose such a condition.

Flood Risk and Drainage

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

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

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

Upon consultation with the Council's Flood and Coastal Team, as Lead Local Flood Authority, the proposed drainage design, as amended to accommodate the revised scheme, is considered to meet the requirements to provide SuDS and prevent flood risk to and from the development, upon condition that detailed calculations and surface water drainage design are submitted prior to the construction of the drainage network and results from the Phase 2 Site Investigation are provided once available.

In addition, Northumbrian Water has confirmed that the proposal of discharging the surface water flows from the proposed car park at greenfield restricted rate is acceptable. Flows would be primarily directed into manhole 3605 and, should there be any capacity or other issues which do not allow this, flows would be directed to manhole 3603 either via the 450mm diameter surface water sewer or downstream.

Ground Conditions

Paragraph 120 of the NPPF sets out that, 'to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst EN12, as set out above, is also of relevance in respect of impacts on the quality on ground and surface water. In addition, UDP policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A Desk Study has been provided which includes a walkover survey, history based on Ordnance Survey mapping, geology details, an Envirocheck computerised search of environmental

databases and a Coal Authority Mining Report. The Desk Study identifies that the proposed car park is relatively insensitive to contamination, the site has no known previous contaminative history based on OS mapping, although the surrounding land has plenty of evidence for mining, a mineral railway came within 20 metres of the site but the only known industry on the land itself is agriculture, although the site does not appear to be productive and is prone to being waterlogged in the northwest. There are no sensitive water resources associated with the site and the site does not appear to be affected by landfilling, although sites in the vicinity are affected by mining waste. The underlying geology is unproductive (non-aquifer) Glacio-Lacustrine and Glacial Till drift deposits over Carboniferous Coal Measures. The Mining Report indicates there are recorded mine workings in six seams from 80m to 210m depth. The Desk Study recommends a Phase 2 report to obtain geotechnical information for design.

The Desk Study has been assessed by the Council's Environmental Health section who recommend that the desk based mining assessment be updated in the Phase 2 Report to confirm the depth of the High Main seam as this is anticipated to have been worked below the site. Depending on the depth of mine workings, it may be necessary to carry out investigations of bedrock to establish the risk for ground collapse due to the development of crown holes. It is not considered that rotary drilling is likely to be necessary, however if bedrock thickness above the shallowest seam must be proved Environmental Health advise that a proportion of drilling should be cored since this provides less ambiguous results.

No ground gas/mine gas risk assessment has been provided to confirm that gas monitoring will not be required, however this assessment can be included in the Phase 2 Report. Contamination assessment of risks for example to ground workers/maintenance workers may also be required in the Phase 2 Investigation if there is olfactory or visual evidence of soil contamination.

Environmental Health conclude that standard conditions can be applied to ensure the above points are addressed, however the scope of works for the Phase 2 investigation will not necessarily go beyond what is already planned by the applicant's consultant unless unexpected conditions are encountered. Unless unexpected visual or olfactory evidence of contamination is encountered, it is not anticipated that contamination testing of soils will be needed, however there may chemical testing required for other purposes such as waste classification or design of concrete for buried structures.

Summary

For the reasons set out above, the proposal is considered to be acceptable in land use terms and is considered to constitute sustainable development. It is not considered that the proposal would be detrimental to highway safety or the free passage of traffic, the arboricultural or ecological value of the site or its surroundings or the amenity of the local area and it is considered that it has been demonstrated that the site can be developed without posing a detrimental impact in respect of flood risk, drainage and exposure to contaminants.

As such, it is considered that the proposal accords with the provisions of the UDP and, in the absence of any material considerations to indicate otherwise, it is recommended that Members grant consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

RECOMMENDATION: Grant consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended)

Conditions:

- 1 The development must commence not later than three years beginning with the date on which this permission is granted.

Reason: To ensure that the development is carried out within a reasonable period of time and to comply with section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby granted permission shall be carried out in full accordance with drawing number CLXX(90)4001 Issue C: Site Plan dated 25.05.2017.

Reason: In order to ensure that the development accords with the scheme as approved.

- 3 No development shall commence until a comprehensive site investigation has been carried out to ascertain whether the land is contaminated and the results of such have been submitted to and approved, in writing, by the Local Planning Authority. The site investigation must be undertaken by competent persons and completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - a. human health
 - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
 - c. adjoining land
 - d. groundwaters and surface waters
 - e. ecological systems
 - f. archaeological sites and ancient monuments
- iii) a site specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

Reason: To ensure that risks from land contamination to 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 policies EN12 and EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

- 4 If any hazard or hazards are identified from any form of contaminant by any site investigation, as determined by the Local Planning Authority, no development, except demolition, shall commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990

in relation to the residential use of the land. Each phase of development shall be carried out in full accordance with the approved strategy.

Reason: To ensure that risks from land contamination to 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 policies EN12 and EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

- 5 If a hazard or hazards are identified on the site from any form of contaminant by any site investigation, as determined by the Local Planning Authority, the car park shall not be brought into use until the approved remediation works have been completed and a verification report that demonstrates the effectiveness of the remediation works has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the effectiveness of any remediation works and the risks from land contamination to 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 policies EN12 and EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported, in writing, immediately to the Local Planning Authority and all works within the affected part of the site shall cease on site until an investigation and risk assessment and, when remediation is necessary, a remediation scheme has been submitted to and approved, in writing, by the Local Planning Authority. The development of the affected part of the site will be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme and prior to the affected area being brought into use, a verification report shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to 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 policies EN12 and EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

- 7 No development, other than site investigations and remediation works, shall commence until full details of the management of foul and surface water have been submitted to and approved, in writing, by the Local Planning Authority. Such details shall accord with the principles set out by the Drainage Strategy reference 1013515-CL-RPT-001 dated 14.03.2017 and the email from Cundall to Northumbrian Water dated 09.05.2017 and shall include a timetable for their implementation together with a strategy for their maintenance. All drainage features shall be installed and maintained in accordance with the approved details.

Reason: To ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality and to comply with policies EN12 and B24 of the adopted Unitary Development Plan and paragraph 103 of the National Planning Policy Framework.

- 8 The development hereby approved shall be carried out in complete accordance with the mitigation measures detailed in section 4 of the Extended Phase 1 Habitat Survey dated January 2017 and the car park shall not be brought into use until details of the location of all ecological mitigation and enhancement features identified in the reports, including lighting details to protect ecological features and mitigation where a clearance of less than three metres is provided from any hedgerow, together with a timetable for their provision and details for their long-term maintenance have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to protect and enhance the biodiversity of the site and to comply with policy CN18 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

- 9 No development shall be carried out within the root protection zone of any tree or hedgerow to be retained, as defined by drawing number 13518: Tree Constraints Plan of the Pre-Development Tree Survey reference PA-13518 dated 12 January 2017, until a methodology for the protection of that tree or hedgerow, should this involve any development within the root protection zone, and/or details of measures to protect that tree or hedgerow during construction works, including a timetable for their installation and removal, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with such details.

Reason: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

- 10 The car park shall not be brought into use until full details of all boundary treatments, including the barrier controlled access, have been submitted to and approved, in writing, by the Local Planning Authority and all such boundary treatments have been installed in accordance with the approved details.

Reason: In the interest of visual and residential amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

- 11 All soft landscaping and planting, seeding or turfing shall be carried out in accordance with drawing numbers L-1724-PPP-010 revision 02: Planting Plan, Key Plan and Schedule, L-1724-PPP-011 revision 02: Planting Plan Sheet 1, L-1724-PPP-012 revision 02: Planting Plan Sheet 2 and L-1724-PRP-002: Planting Design Concept Zones in the first planting season following the practical completion of the development. Should any plants die, are removed or become seriously damaged or diseased within a period of five years from the completion of any Phase, they shall be replaced in the next planting season with others of a similar size and species or an alternative as approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity, nature conservation and mobility and to comply with policies B2, T14, CN18 and CN22 of the adopted Unitary Development Plan and paragraphs 56 to 58 of the National Planning Policy Framework.

Reference No.: 17/00743/FU4 Full Application (Reg 4)

Proposal: Erection of a single storey extension to existing production building to allow installation of a new production line, erection of a covered storage area canopy and the creation of 5 no additional car parking spaces.

Location: Tacle Unit 2 Phoenix Way Rainton Bridge Industrial Estate Houghton-le-Spring

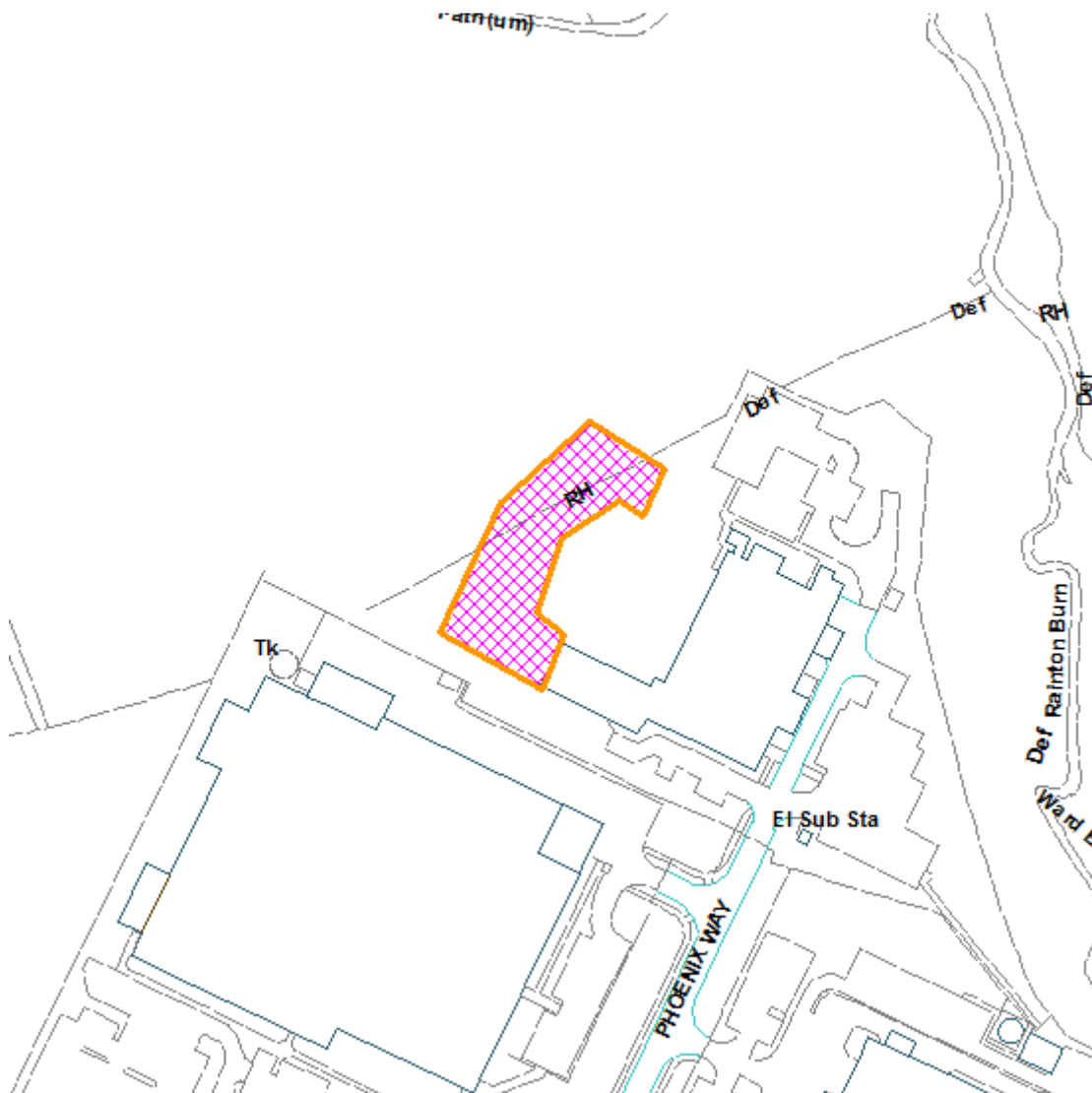
Ward: Hetton

Applicant: Tacle Seating UK Ltd

Date Valid: 12 April 2017

Target Date: 12 July 2017

Location Plan



PROPOSAL:

The proposal relates to the extension of the existing production / storage building and a new research and development area, a covered storage area canopy along with an additional five car parking spaces at Tacle Seating UK Ltd, Unit 2, Phoenix Way, Rainton Bridge Industrial Estate.

Tacle Seating UK Ltd (Sunderland facility) provides 11000 square metres of manufacturing floorspace, to provide seats, sequence wire harnesses and smart junction boxes for the nearby Nissan Manufacturing Plant.

Members may recall that planning permission was granted for an extension to the existing production line in May 2014 under reference 14/00632/FUL, these works have now been fully implemented. A further application was approved in 2016 for a new canopy under reference 16/01229/FUL. The canopy has not yet been constructed.

The factory currently employs 106 staff, with a total number of parking spaces for 266 vehicles.

Located to the west side of Rainton Bridge Industrial Estate, approximately 0.5 km to the west of the A690 and approximately 1.5 km to the southwest of Houghton-le-Spring town centre. The main residential areas of Dairy Lane Estate and Chilton Moor Estate both lie to the north east and north west of the site respectively, with the nearest dwellings separated by a distance of approximately 150 metres.

Unit 2 is sited on land owned by Sunderland City Council.

The application has been accompanied by a number of supporting documents as follows:

- Design and Access Statement
- Drainage Statement
- Extended Phase 1 Habitat Survey
- Phase I and II Geotechnical & Geoenvironmental Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Southern Area Command - Police
Northumbrian Water
Natural England
Nexus
Hetton Town Council
Hetton - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health

Final Date for Receipt of Representations: **11.05.2017**

REPRESENTATIONS:

Natural England - No comments.

Northumbrian Water Limited - No comments.

Nexus - No comments.

Lead Local Flood Authority - Additional information has been requested in relation to the submitted Flood Risk Assessment, detailed flood and drainage design drawings along with detailed calculations to illustrate how the drainage network will perform in critical storm events. It is anticipated that this information will have been received, considered and comments received summarised in a report for circulation.

Public Protection and Regulatory Services - A combined Phase 1 / II has from Cundall dated 10th March 2017 has been provided for extension of the Lear factory and five additional parking spaces. The proposed extension according to the desk study is a single storey, conventionally braced steel framed building with ground bearing floor slab for use as a storage and R&D area.

The study includes a site walkover (undocumented), site history based on Ordnance Survey mapping (copies not provided), Envirocheck computerised search of environmental databases from landmark dated 4th March 2014 (not provided), geology based on 1:10,000 scale mapping (1990) Sheet NZ34NW and BGS onshore borehole database and Coal Authority Mining Report dated 4th March 2014 (not provided). The missing information is provided in Cundall (March 2014), Phase I Geotechnical and Geoenvironmental Desk Study Report, report reference 1009233-RPT-00002, a copy of which is provided on the Planning Portal number 14/00632/FUL. The information from the 2014 report has been checked against the 2017 findings.

The mapping provided in 2014 shows the area of the extension, which is immediately north of the area considered for planning under 14/00632/FUL, to be previously undeveloped. There is no contaminative industry associated with the extension with the possible exception of the existing factory.

The drift geology is anticipated to be Glacio-lacustrine deposits (laminated clays and sands) with Pennine Middle Coal Measures bedrock. The Coal Measures are a Secondary (A) Aquifer however there are no Groundwater Source Protection Zones or licensed groundwater abstractions associated with the site. Alluvium is anticipated along the course of Rainton Burn 120m east of the site however this is not expected on the site. The underlying soils are classified by the EA as having a low leaching potential. The site does not appear to be particularly sensitive to contamination of controlled waters.

One historical landfill site is located approximately 25m to the southwest of the site with the last recorded waste being deposited in 1981. The landfill was licensed for inert waste from industrial, commercial and household sources. Gas monitoring carried out on the existing factory site to the south found Carbon Dioxide concentrations of 5.7%v/v slightly above the screening level of 5%v/v with low borehole gas flow rates of 0.3 l/hr, although the oxygen levels were depressed to 7.6%v/v. The design of the factory itself was not regarded as sensitive to the low gassing conditions encountered.

The area of the Coal Authority Mining Report does not include the current site. Due to the proximity of the site to the area of the report it is likely that the data for recorded mine workings of six seams between 70m and 200m depth last worked in 1961 is relevant and all ground movement associated with this mining should by now have ceased. However the information regarding mine entries should be extended to include 20m from the current site. Given the age of

the Mining Report (2014), the current disclaimer on the Coal Authority website regarding reliance on the online database and Sunderland's regulatory position we recommend that an up-to-date Mining Report be provided for the planning area.

Six windowless sampler boreholes were excavated within the factory extension site. Topsoil (0.3m) has been logged by Dunelm as Made Ground however the only anthropogenic content noted has been brick. The strata has been reclassified by Cundall as Topsoil. Two boreholes encountered underlying soft clay (0.5m thick), and all boreholes found firm to stiff clay to depths of between 2.2m and 2.7m. With the exception of WS106 to the northwest sunk to only 1.2mbgl, boreholes encountered sand underlying the clay to a maximum depth of 6m.

Three boreholes were installed with monitoring instruments between clay (upper) and sand (lower). Due to the high level of the water table these would not be expected to detect appreciable gas generation. Four rounds of gas monitoring were planned with the first being reported at an ambient barometric pressure of 997mbar. No gas flow was detected and concentrations of Carbon Dioxide were minimal (maximum of 1.3%v/v) with no Methane detected. Concentrations of Oxygen were slightly depleted to a minimum of 16.4%v/v. Based on preliminary results it is anticipated that the site would classify as Characteristic Situation 1 (no gas protection measures required).

Three samples of Topsoil from 0.2mbgl and three samples of firm clay from 0.5mbgl were tested for pH and contamination by metals, speciated USEPA Priority 16 PAHs and soluble sulphate. Concentrations of analytes in topsoil and clay were very similar and no evidence of contamination is indicated for metals, PAHs or Sulphate.

Conclusions

The combined Phase I / II report is missing an up-to-date mining report including the planning area. Although information has been provided to indicate that legacy mining risk is low it is recommended that Sunderland be consistent in requesting a dedicated Mining Report within the Coal Mining Reporting Area.

There do not appear to be any constraints on development due to soil contamination.

The gas assessment is incomplete and would benefit from an updated Mining Report to confirm there are no nearby mine shafts.

Recommendation

It is recommended that the gas risk assessment be completed with an up-to-date Mining Report to confirm there are mine entries or other legacy coal mining risks that may impact the site. Subject to this report indicating no gas protection is needed, there would appear to be no need for a remedial strategy/verification plan or verification report.

In light of the above, Cundall's have provided an amended Phase 1 and Phase II Geotechnical and Geoenvironmental Assessment to address the above comments.

No third party representations have been received.

COMMENTS:

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

1. The Principle of the Use.
2. The Layout and Design of the Proposal.
3. The Access, Parking and Service Arrangements.
4. The Impact upon Ecology.
5. Environmental Considerations.
6. The Impact on Neighbouring Properties.

1. The Principle of the Use.

In assessing the principle of the land use, and the overall development of the site, due consideration has been given to both the National Planning Policy Framework (NPPF) and the City of Sunderland Unitary Development Plan (UDP).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The application site is located within Rainton Bridge Industrial Estate, which is an allocated industrial/business area on the approved Unitary Development Plan (UDP) and as such is covered by policies HA1.5 and EC4. The proposal is for the extension to the existing unit and as such the principle of the scheme is therefore considered to be acceptable.

2. The layout and Design of the Proposal.

With the NPPF in paragraph 17 are a set of 12 core land-use planning principles that should underpin both plan-making and decision-taking. In this instance the fourth principle is of particular relevance and states that:

"planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings."

Whilst policy B2 of the UDP requires that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

In terms of layout, the proposed extension is irregular in shape and is to be attached to the north west facing elevation of the existing building. Measuring 48 metres in length along the westernmost elevation, 24.5 metres in length along the easternmost elevation and 14.4 metres in width and is the same height (7.9 metres) as the existing production facility. The proposed layout requires the redirection of the existing boundary enclosure which is 1.8 metres high green palisade fencing and the proposal seeks to introduce a 5 metres buffer around the perimeter of the building prior to erecting the new fencing.

With reference to design, the appearance of the new buildings will mirror the aesthetics of the existing buildings in terms of the colours and types of materials used on the roofs and external walls.

With reference to the above, the layout of the proposed development is considered to be acceptable, expanding the existing operation within the envelope of the existing Industrial Estate, whilst the design ethos for the proposal is considered both sympathetic and harmonious to the host unit. The proposal is considered to comply with both NPPF guidance in paragraph 17 and policy B2 of the UDP.

3. Access, Parking and Service Arrangements.

Policy T14 of the UDP relates to new developments and seeks to ensure that proposals apply up-to-date standards in terms of accessibility, parking, loading/unloading, access and egress and not causing congestion on the existing road network.

The proposal does not seek to introduce any new access points to the site, merely utilise the existing access points off Phoenix Way. Within the site, the internal road network requires only a minor modification to introduce five car parking spaces adjacent the canopy, to facilitate access to the Research and Development area, but it has been confirmed that there will be no additional staff on site.

Following the expiry of consultation period and confirmation over the numbers of staff on site and shift patterns there are no adverse comments to report and the proposal is considered to be in compliance with policy T14 of the UDP.

4. The Impact Upon Ecology.

There are a number of policies that relate to the site from a nature conservation perspective. Paragraph 118 of the NPPF is of particular relevance and requires in part that development proposals where the primary object is to conserve or enhance biodiversity should be permitted, whilst UDP policies CN17 and CN22 seek to ensure that both habitats and species are safeguarded from unmitigated development.

Policy CN22 of the UDP states that:

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate planning obligations, and the overall effect will not be detrimental to the species and overall biodiversity of the city."

The application has been supported by an Extended Phase 1 Habitat Survey by Argus Ecology dated 10.03.2017 that indicates that a number of mitigation measures need to be followed during the construction process. These include:

1. Avoiding impacts on the water environment.
2. Timely vegetation removal.
3. Minimising Light spillage.
4. Replacing lost hedgerows.

In summary the report concludes that the development represents a small scale, incremental addition to the existing Industrial Estate that will result in the loss of a small area of habitat of low ecological value common in the surrounding area. Via the imposition of appropriate mitigation, it is

considered that there will be not net loss in ecological habitat or species as a result of the proposed works.

The proposal is considered to be compliant with both local and national planning policy.

5. Environmental Considerations.

Policy EN14 of the UDP is relevant. This policy requires development proposals on land where there may be contamination, instability or gas from landfill to carry out necessary investigations and to provide appropriate mitigation, where necessary. In this case a Phase I and Phase II Geotechnical and Geoenvironmental Assessment revision B dated 10.05.2017 has been provided in support of the proposal that concludes that no further action with respect to contaminated land risks is considered necessary or proportionate. The report also stipulates that that the final conclusion will be submitted upon completion of the ground gas monitoring period. With this in mind it is considered that a condition be imposed should Members be minded to grant consent requiring submission of final gas monitoring report that will inform whether there will be need for a remedial strategy/verification plan.

Policy EN12 of the UDP seeks to ensure that new development will not impede the flow of water or increase the risk of flooding elsewhere, nor adversely affect the quality of ground or surface water or other waters. The proposal has been supported by a Drainage Statement dated 10.03.2017, which has been subject to consultation with the Lead Local Flood Authority who have requested additional information and it is envisaged that this information will be provided in a report for circulation.

6. The Impact on Neighbouring Properties.

The application site and proposed extension is located within an established industrial estate and separated from the nearest residential properties to the north east within Dairy Lane Estate by a distance in excess of 200 metres, with the vast majority of the northern boundary of the industrial estate screened by trees.

The design of the extension is such that it is to be connected to the north west elevation of the existing unit. In light of the proposed dimensions of the extension which mirrors that of the existing unit, it is not considered that the proposal will be detrimental to the visual amenities of the residents on Dairy Lane Estate or Chilton Moor Estate.

In terms of residential amenity, and in particular noise, the processes undertaken on site are to be contained within the proposed structures and subsequently it is not considered that this additional extension will be provide a noise sensitive source.

In light of the above, it is considered that the proposal will not lead to conditions prejudicial to either visual or residential amenity and complies with policies B2 and EN5 of the UDP.

Conclusion.

The proposal is considered to be generally acceptable; and subject to receipt of comments that are still awaited from the Lead Local Flood Authority on amendments to the proposed drainage strategy, the application is considered to be acceptable subject to the conditions listed.

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

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended).

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. 0001 Rev P2, Site Location Plan received 10.04.2017.

Drawing No. 0002 Rev P2, Site Plan received 10.04.2017.

Drawing No. 0401 Rev P2, Existing Plans received 10.04.2017.

Drawing No. 3001 Rev P2, Proposed Plans received 10.04.2017.

Drawing No. 3601 Rev P2, Proposed Elevations received 10.04.2017.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 5 The remediation scheme approved under Condition number 4 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in

writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the submitted site characterisation. and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 4 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 5 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 7 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 8 The development shall be carried out in accordance with the Extended Phase 1 Habitat Survey dated 10.03.2017 with particular reference to paragraph 6.3 : Mitigation measures submitted with the application and the subsequent. Prior to the commencement of development, copies of the aforementioned report and assessment shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details

for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

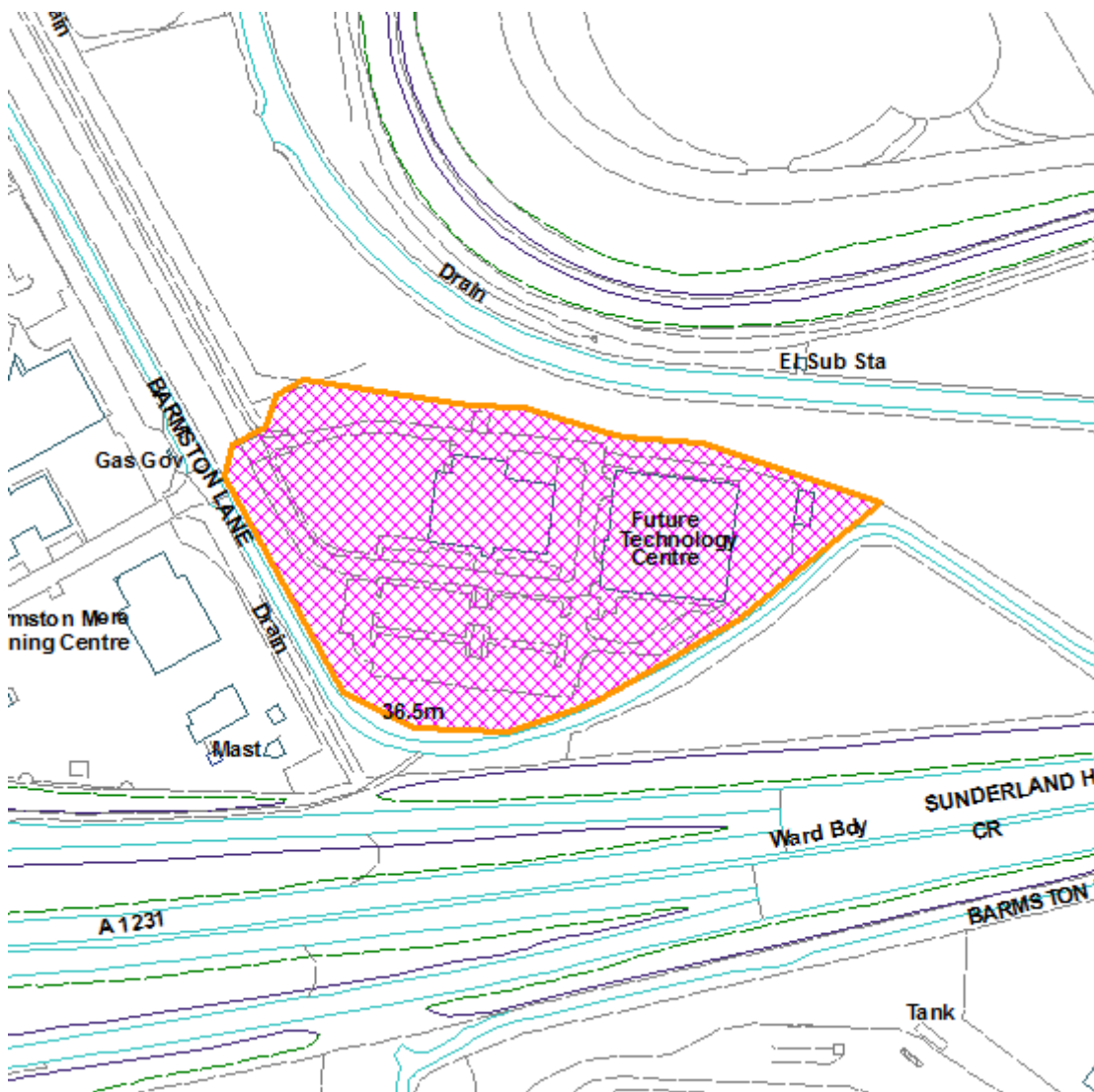
Reference No.: 17/00938/FUL Full Application

Proposal: **Creation of 50 no. replacement parking spaces to facilitate the formation of a vehicle training facility within existing car park area.**

Location: Future Technology Centre Barmston Court, Nissan Way Sunderland Washington

Ward: Washington North
Applicant: Gateshead College
Date Valid: 12 May 2017
Target Date: 11 August 2017

Location Plan



PROPOSAL:

The proposals being considered have arisen as part of the growth strategy of Gateshead College Group. At present, the college provides road-transport based training courses at a site at Kingston Park in Newcastle. However, due to the continual rationalization of the college, their Future Technology Centre in Washington has been selected as a more appropriate location, due to the centres focus upon vehicular technologies and associated activities.

In order to accommodate these activities on site, some modest alterations are required to the current layout of the site, namely the reallocation of an area of existing car parking, in order to create an area solely dedicated to vehicle training. These works involve the burning-off of the markings of 58 no. car parking spaces to the south of the site, which will then be re-marked in order to facilitate the training. 53 no. replacement parking spaces will then be formed in an area that is currently set aside as landscaping. When the college redeveloped the site in 2013, it was intended that this land be reserved to allow for the potential future expansion / extension of the original building on site but due to the change in nature of the Colleges growth plans, this is no longer considered as being necessary to be reserved as such.

In terms of location, the site is located in-between Turbine Business Park (to the north and east); the Tyne and Wear Fire and Rescue service headquarters (to the west) and the A1231 Sunderland Highway to the south.

Background

The premises occupy an area of land which was formally part of Nissan UK and is set within the A19 Low Carbon Vehicle Enterprise Zone (A19EZ) in Washington. Confirmed by Government in 2011, the A19EZ was established to build upon the success of the automotive sector in this location and to create over 3,000 jobs and generate around 140,000m² of new development between 2012 and 2037.

Prior to its redevelopment in 2013, the site had lain redundant for some time, before being acquired by Gateshead College as the base for the Zero Carbon Futures arm of its business, which acts as the lead for the innovation strand of the North East Automotive Alliance (NEAA) - This is an industry-led cluster group, established to bolster additional support to the economic growth and competitiveness of the sector.

Following refurbishment of the existing building and the construction of a new building, the site has operated as the Future Technologies Centre. As well as providing teaching facilities, the centre focuses upon the research and development of new and emerging vehicular technologies and vehicle testing.

The application has been advertised accordingly via press and site notices and consultation letters.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington North - Ward Councillor Consultation
Network Management
The Coal Authority
Environmental Health
Flood And Coastal Group Engineer
Northumbrian Water

Final Date for Receipt of Representations: **13.06.2017**

REPRESENTATIONS:

Consultees

With regards Statutory consultees, the following responses were received:-

Coal Authority

The Coal Authority considers that the information submitted demonstrates that the application site is safe and stable for the proposed development and therefore has no objection to the proposed development.

Northumbrian Water (NWL)

An enquiry was received by NWL from the applicant for allowable discharge rates and points into the public sewer for the proposed development. The document stated that a restricted surface water discharge of 5l/sec would be permitted to discharge to the existing surface water sewer. The submitted Drainage Strategy is however contrary to this as it proposes to discharge surface water to this sewer at an unrestricted rate. As such, NWL have requested a condition be imposed requiring the surface water scheme to be approved by the LAP in consultation with NWL and the Lead Local Flood Authority prior to the commencement of development.

Neighbours

No comments were received from any neighbouring properties.

POLICIES:

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

EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
S_13_Resisting retail development on land allocated for industry
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
WA_1_Retention and improvement of established industrial / business area

COMMENTS:

The key planning issues to consider in relation to the application are:-

- o The Principle of Development
- o Siting and Layout
- o Ecological Considerations
- o Environmental Considerations
- o Highways Considerations

The Principle of Development

National Policy

The National Planning Policy Framework (NPPF) represents Central Government's latest policy guidance and was issued in March 2012. The NPPF establishes the presumption in favour of sustainable development, balancing the economic, social and environmental aspects of development proposals. The NPPF requires proposals to be of good inclusive design for all types of development, whilst not prejudicing appropriate innovation. The proposals are considered to accord with the NPPF, by creating an opportunity to help further enhance and consolidate the offer that is available at the site. By transferring the facility to this centre, it could potentially reduce the number of multi-site visits by staff / users, thereby providing a more sustainable solution than at present and also encouraging further innovation in the automotive field.

Enterprise Zone Status

As mentioned previously, the site lies within the A19 Enterprise Zone which was established to build upon the success of the automotive sector in this location. It is considered that the proposals further add to the offer of the A19EZ by enabling the Future Technologies Centre to provide necessary training in a sustainable manner that will be of use to neighbouring businesses in the automotive sector and potentially others, should they desire.

Local Policy

From a local perspective, the site is covered by the following applicable Unitary Development Plan (UDP) policies; namely, EC2, EC4 and WA1. All of these policies seek to secure and promote economic / employment growth in key locations of the city. Clearly, the proposals seek to further add to the offer currently available at this existing facility and are therefore considered to duly accord.

In addition, Policy M5 identifies the site as lying within a former coal-mining area. As explained earlier, the Coal Authority has been consulted as part of the application procedure and has no objections to the proposals.

As such, the proposals are considered to be in accordance with the UDP.

Siting and Layout.

A comprehensive and robust landscaping scheme was introduced throughout the site as part of the redevelopment works undertaken in 2013. As such, when looking into the site, the modest changes in layout are considered only to have a negligible impact on the setting of the site, particularly when taking into account the fact that the proposed replacement parking will be well screened by remaining landscaping, as will the vehicle training area. Furthermore, it should be remembered that the training area will be utilizing an existing area of hardstanding and there will be minimal changes to this, other than the installation of an access barrier and the construction of a new concrete containment kerb along the northern perimeter of the training area to prevent training vehicles do not pass into the adjacent parking area.

Ecological Considerations.

A Phase 1 habitat survey accompanies the application, which concludes that the proposals will have a negligible impact upon the biodiversity in the area. Whilst some landscaping will be removed in order to accommodate the replacement parking, further new planting is to be introduced, which will aim to complement the existing landscaping scheme and provide a visual buffer between the re-developed areas and the setting of the site. The planting styles will replicate the existing planting using predominantly native trees and shrub planting which will serve to maintain the existing biodiversity in the area.

Environmental Considerations.

Land contamination

A Phase 1 Desk Study Report has been provided in support of the application which has been assessed and it does not appear that contamination is a significant constraint to the type of development proposed. It is noted however that the site is close to the former Usworth RAF airbase (formerly Royal Air Corps and more recently Sunderland Airport and now home to Nissan Motors UK). With this in mind, it has been recommended by the councils Environmental Health (Pollution Control Section) that a preliminary UXO report to be undertaken as well as confirmation of how any unexpected contamination will be managed in the event of such discovery during construction. Such requirements can be achieved via the imposition of appropriately worded conditions, should Members be minded to approve the application.

Drainage

With regards drainage, it has been noted that the new replacement parking bays will be finished with a permeable concrete blocks in order to allow surface water to pass, thus ensuring that the drainage will be effective as possible, returning the rainfall to the water table. The vehicle training area is utilising the existing hardstanding, and therefore there will be no changes to the drainage of the area as a result. Notwithstanding this, further information has been requested from the applicant in order to satisfy the Lead Local Flood Authority and Northumbrian Water and discussions are ongoing in this respect. An update on this aspect shall be given at the meeting.

Highways considerations

From a highways perspective, the proposals raise two areas for consideration, namely

- o The reduction and re-allocation of parking spaces on site.
- o The introduction of large lorries and a mini bus onto the site to be used for vehicle training.

Each of which is considered in turn below.

The reduction and re-allocation of parking spaces on site.

At present the site currently has 125 no. car parking spaces and as mentioned earlier, 58 no. car parking spaces will be lost due to the siting of the vehicle training area and 53 no. new spaces provided in an area to the west of the site, currently set aside as landscape / amenity space. As a result, 5 parking bays will be lost as a result of the proposals. It is not considered that this small reduction will cause any adverse impact upon the day-to-day operation of the premises.

The introduction of large lorries and a mini bus onto the site to be used for vehicle training. In terms of vehicles being used for training purposes, these are as follows:

- o 1 no. Artic / Trailer combination (16m length)
- o 1 no. 18 Tonne Lorry (12m length)
- o 1 no. 7.8 Tonne Vehicle (10m length)
- o 1 no. Minibus (Ford Transit)

Their movements will be as follows:-

- o 4 x vehicles leave site between 7.30am and 8.15am.
(1 vehicle may remain to undertake practice driving. There will also be times when not all of the vehicles will leave the site due to the theory element of the driver courses.)
- o Each vehicle will return to site approximately 3 / 4 times during the day, either for practice in the test area or for lunch breaks.
- o All vehicles will be back on site and parked up for the evening between 3.30pm & 4.00pm.
- o Vehicles will travel in a loop around the site and then exit onto Turbine Way, where they will join the highway network to perform additional vehicle training on public roads. Details of these movements have been included with the submission.

With regards these activities and movements, it is not considered that these will have any adverse impact upon the day-to-day operation of the premises, as whilst on site, these are largely contained within their own dedicated area. Nor is it considered that the modest increase in vehicles being put out onto the highway network in this location will result in any such impacts.

As such, the proposals are considered to be acceptable from a highways perspective.

CONCLUSION

As set out in the above report, the proposal is considered to generally adhere with the relevant UDP policies and is considered to be acceptable. At the time of writing, further information is awaited at the time of writing with regards drainage and flood-risk and it is understood that this will have been satisfactorily resolved by the time of the committee meeting where an update will be given.

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 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.

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

Subject to the receipt of further satisfactory information with regards drainage and flood-risk, it is recommended that Members APPROVE the application subject to the following conditions:

RECOMMENDATION: APPROVE

Conditions:

- 1 The development hereby approved must commence no later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:-
 - o 16047 / OS Rev A
 - o 16047 / 01 Rev A

In order to ensure that the completed development accords with the scheme approved and to comply with policies EC2, EC4, EN12, EN14, WA1, S13 and T14 of the Unitary Development Plan.

- 3 Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details, in order to prevent the increased risk of flooding from any sources in accordance with the Policy EN12 of the Unitary Development Plan.
- 4 Prior to the commencement of development, a Preliminary UXO Risk Assessment should be undertaken as defined by CIRIA C681. Once prepared, a copy of this report shall be forwarded to the Local Planning Authority for their records, prior to the completion of the development, in order to ensure development is undertaken in a satisfactory manner, in accordance with Policy EN14 of the Unitary Development Plan.
- 5 If, during development, contamination not previously identified is found to be present at the site then no further works (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reasons: Unsuspected contamination may exist at the site which may pose a risk to controlled waters. In the interests of proper planning and the amenities of the surrounding area and to comply with policy EN14 of the Unitary Development Plan.

Reference No.: 17/01048/LP3 Local Authority (Reg 3)

Proposal: **Proposed entrance extension.**

Location: Biddick Primary And Nursery School Kirkham Biddick Washington NE38 7HQ

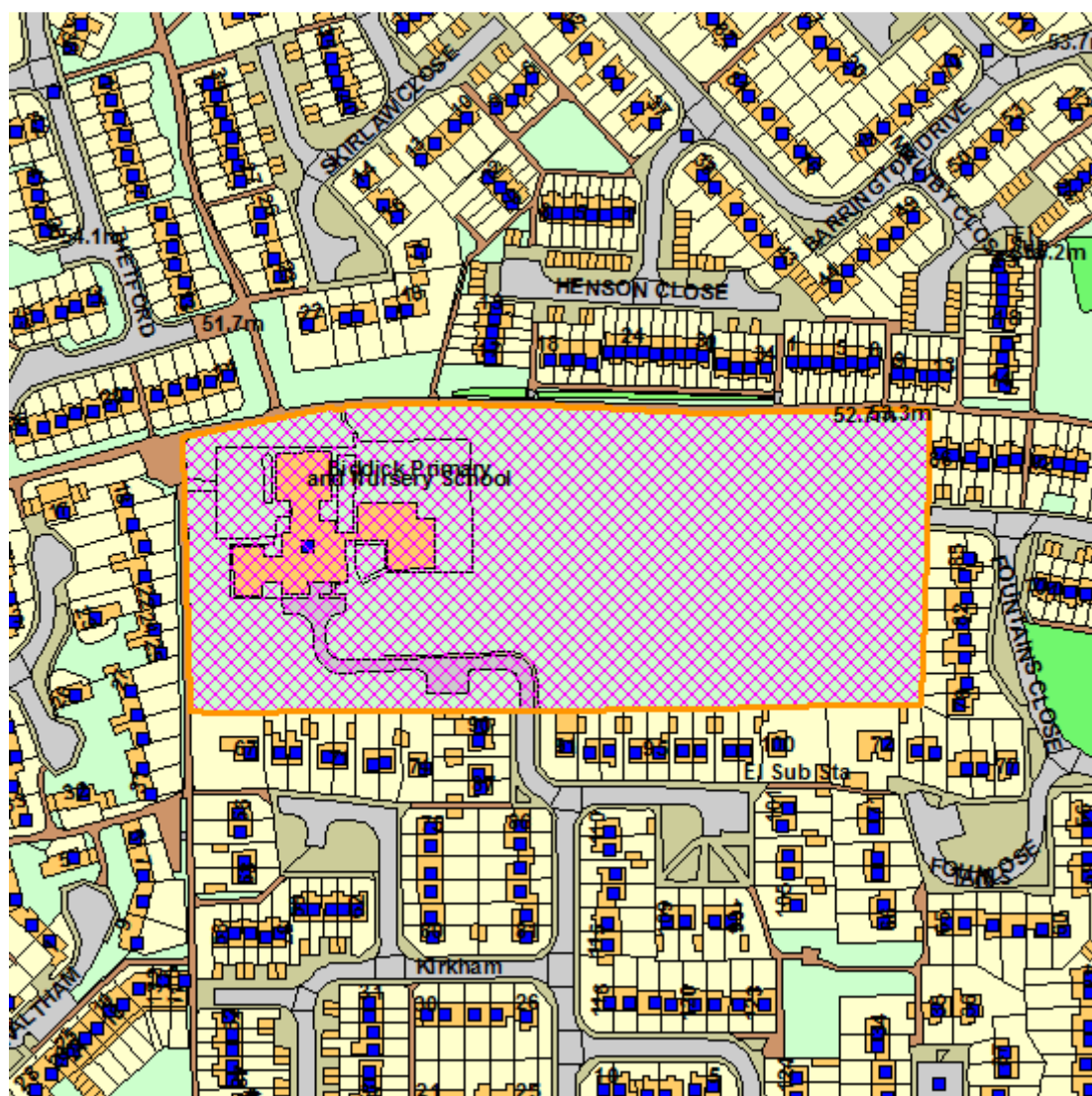
Ward: Washington Central

Applicant: Sunderland Local Education Authority

Date Valid: 1 June 2017

Target Date: 27 July 2017

Location Plan



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PROPOSAL:

The site to which the application relates is a single-storey predominantly flat-roofed primary and nursery school set within a substantial curtilage and surrounded by residential properties. Vehicular access to the site is from Kirkham to the south, whilst pedestrian access is also available from a footpath running along the northern boundary of the site. The site is bound to two sides by public footpaths.

Planning permission is sought for the erection of an extension to the entrance at the southern side of the existing school.

The proposed extension would provide a new main entrance and reception area with an ancillary office. The proposal would incorporate a flat roof to a height of 3.3 metres and would have a floor area of approximately 29.6 square metres. The building is to be finished with Istock silver grey rustic bricks and a mineral felt roof to match the existing building, it will incorporate powder coated aluminium doors and windows.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Washington Central - Ward Councillor Consultation

Network Management

Final Date for Receipt of Representations: **12.07.2017**

REPRESENTATIONS:

Neighbours

No representations have been received to date however; the public consultation does not expire until 12/07/17. Any representations received prior to committee will be reported to members accordingly.

Consultees

Highway Section

Following consultation with the Highway Section, no objections or recommendations were received in relation to the proposal. The agent dealing with the application has confirmed on the 21.06.17 that the extension does not result in any increase in staffing or pupil numbers.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

CF_5_Provision for primary and secondary schools

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

Following consultation with the Highway Section, no objections or recommendations were received in relation to the proposal. The agent dealing with the application has confirmed on the 21.06.17 that the extension does not result in any increase in staffing or pupil numbers.

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Highway issues

Principle of Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

Policy CF5 of the UDP requires that where possible, the requirements for the provision of education shall be met on existing sites.

The subject extension is to aid the use of the site for educational purposes and as such, the proposal accords with policies EN10 and CF5 of the UDP and is therefore considered to be acceptable, in principle.

Design and Impact on residential amenity

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

With regard to policy B2 detailed above, it is considered that the size and form of the proposed extension will not detract from the appearance of the existing school or wider area. The extension would be of an appropriate scale and massing and is to be constructed from materials which correspond with the existing building. As such it is considered that the design and appearance of the proposed extension is acceptable and complies with the requirements of Policy B2 of the adopted UDP.

Furthermore the proposed extension will be positioned within the built envelope of the school site and would not be easily visible from the nearest dwellings at Kirkham to the south, being at least 50m away. The proposal would also be screened by the existing 1.8m boundary fence. It is considered therefore that the proposed development will have no demonstrable impact on the living conditions of nearby properties over and above those already experienced. In this respect the proposed extension complies with the requirements of Policy B2 of the adopted UDP.

Highway implications

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

The proposal will not result in any increase in the number of staff or pupils and therefore should not result in any increased demand for car parking facilities.

In respect of the above, the Network Management team has confirmed that there are no objections to the proposal from a highway safety point of view and that the development would therefore comply with the requirements of policies T14 and T22 of the UDP.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992

This recommendation is made on the basis that no representations are received in advance of the expiration of the consultation period on 12.07.17. Should any representations in objection to the development proposed be received on grounds not addressed by this report, the application will be referred back to Members for final determination.

RECOMMENDATION: Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Existing layout plan, drawing number 0516012/BM/010, received 1.06.17
Proposed layout plan, drawing number 0516012/BM/011, received 1.06.17
Elevations and sections, drawing number 0516012/BM/012, received 1.06.17
Drainage layout, drawing number 0516012/BM/013, received 1.06.17
Roof plan, drawing number 0516012/BM/014, received 1.06.17
1.06.17

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external 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 B2 of the Unitary Development Plan.

Reference No.: 17/00672/FUL Full Application

Proposal: Change of use from agriculture to the keeping of horses and erection of field shelter.

Location: 8 Over The Hill Farm Steadings Houghton-le-Spring DH4 4NY

Ward: Copt Hill
Applicant: Mr & Mrs Douglas
Date Valid: 28 April 2017
Target Date: 28 July 2017

Location Plan



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PROPOSAL:

The proposal relates to the change of use of agricultural land for the purpose of keeping horses, to include the erection of a field shelter at 8 Over the Hill Farm Steadings, Houghton-le-Spring.

The application site is part of ten steadings, that were approved under planning reference 09/01790/FUL for the redevelopment of the buildings and land around the former Over the Hill Farmhouse. Located within an area of open space, the site forms part of a wider area of open countryside which is included in the Tyne and Wear Green Belt. The site is undulating in nature, rising generally from the south to the north, and is bounded by High Lane to the north (from which it is accessed) and the A690 Durham Road to the south.

The current proposal measures 7.8 metres in length, 4.3 metres in width and 2.5 metres in height and is to be constructed from wood with a metal sheeting roof.

The proposed development represents a departure from the Unitary Development Plan and has been advertised accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Network Management
Copt Hill - Ward Councillor Consultation
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **03.06.2017**

REPRESENTATIONS:

No letters of representation have been received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_1_Protecting and enhancing the rural area (general)
CN_2_Purpose of the Green Belt in Sunderland
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider are:

1. The principle of the development.
2. The effect of the development on the openness of the Green Belt.
3. The effect of the development on the character and appearance of the area.
4. The impact of the development upon neighbouring residential amenity.
5. The impact on highway safety.

1. The principle of the development.

Within the adopted UDP the site is subject to policy CN1 (iii) which seeks to resist development that is inappropriate due to the land use concerned or because it would have a harmful impact on the landscape because of its siting, materials or design. Policy CN2 states that a green belt will be maintained that will serve the five purposes of including land in it. Policy CN3 states that the construction of new buildings inside the green belt is inappropriate unless it is for specific purposes. Policy CN4 of the UDP adds that the carrying out of engineering operations is inappropriate within the green belt unless they maintain openness and do not conflict with the purposes of including land within the green belt. Policy CN5 states that care will be taken to ensure that the visual amenities of the green belt will not be injured by proposals for development within, or conspicuous from, the green belt.

Chapter 9 of the NPPF seeks to protect the green belt from inappropriate and harmful development, and reiterates the established five purposes that the green belt serves. Para 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and permanence. At para 81 local planning authorities are instructed to plan positively to retain and enhance landscapes and visual amenity.

Para 87 declares that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Para 89 of the NPPF instructs LPAs to regard the construction of new buildings as inappropriate in the green belt. Exceptions to this are;

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development .

Para 90 of the NPPF indicates that certain other forms of development are not inappropriate provided they preserve the openness of the green belt and do not conflict with the purposes of including land within it. These are;

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a
- Green Belt location;

- the re-use of buildings provided that the buildings are of permanent and
- substantial construction; and
- development brought forward under a Community Right to Build Order

Paragraphs 87 and 88 of the NPPF are clear that "inappropriate development" is by definition harmful to the Green Belt and should not be approved except in "very special circumstances." Local Planning Authorities should ensure that substantial weight is given to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. Therefore, in considering whether to allow inappropriate development in the Green Belt, the Local Planning Authority must first consider the definitional harm arising from the Green Belt caused by the development, and then secondly consider countervailing benefits said to be served by the development, and then consider whether those benefits (individually or in combination) clearly outweigh the harm so as to amount to very special circumstances. The current proposal has provided no evidence as to why the proposal would constitute very special circumstances

The proposed change of use of land for the keeping of horses and the erection of a field shelter are not considered to fall within any of the above categories. It follows, therefore, that for the purposes of the development plan and the NPPF, the proposal constitutes "inappropriate" development within the Green Belt. It is therefore considered that the proposal is harmful in principle and contrary to Green Belt policy CN3 of the UDP and chapter 9 of the NPPF.

2. The effect of the development on the openness of the Green Belt.

Whilst there is no definition of openness in the NPPF but, in the Green Belt context, it is generally held to refer to freedom from, or absence of, development. The essential characteristics of Green Belt and their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open.

In light of that the proposed development will introduce a rectangular shaped structure in a field that currently remains vacant of any buildings, it is considered that the openness of this area of Green Belt will be affected to a significant degree. As para 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the substantial harm that the development is likely to cause to the openness of the Green Belt must therefore be given significant weight.

3. The effect of the development on the character and appearance of the area.

UDP policy B2 dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy, whilst policy CN5 adds to the aforementioned by ensuring the visual amenity of the Green Belt is not injured by development proposals.

It is worthy of note that the wider Over The Hill Farm development has been subject to numerous enforcement proceedings since 2013, that has seen the removal from steadings of unauthorised land uses, hard surfacing, and structures as a result of their harmfulness and obtrusive appearance.

In light of the above and the decision of the Local Planning Authority to serve enforcement notices at the site for developments akin to the current proposal, it is considered that the current proposal would introduce a structure which would be out of character on this large tract of open farmland.

The proposal is therefore considered to be contrary to policies B2 and CN5 of the UDP.

4. The impact of the development upon neighbouring residential amenity.

Given the isolated location of the proposed field shelter, it is considered that there is sufficient distance between the nearby residential receptors that both the proposed use and associated structures are unlikely to adversely impact upon the amenities of nearby residential properties. With this in mind this element of the proposal is considered to be acceptable and in accordance with the relevant part of policy B2 of the UDP.

5. The impact on highway safety.

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highway safety problems on existing roads whilst adequate provision shall be made for parking of vehicles.

The Network Management team has assessed the proposal and has commented that the change of use for keeping horses should be for a personal use and not for business use.

Conclusion.

Paragraph 88 of the NPPF requires Local Planning Authorities to give substantial weight to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt, is clearly outweighed by other considerations.

No very special circumstances are specifically proposed, nor are they implied or otherwise evident within the submission.

In light of the above, it is therefore considered that the proposal will result in harm to the Green Belt by reason of inappropriateness and other harm, specifically, the detrimental impact of the development upon the openness of the Green Belt and the effect of the development on the character and appearance of the area. Significant weight must be given to these matters and therefore, in accordance with the provisions of the NPPF, in the absence of very special circumstances that would clearly outweigh the harm by reason of inappropriateness and any other harm to the Green Belt, the proposal should not be approved.

For the reasons given above the proposal is considered to be unacceptable and Members are recommended to refuse the application.

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: Refuse.

Reasons:

- 1 The proposal represents an inappropriate form of development within the Green Belt and in the absence of any very special circumstances would by its inappropriateness have a detrimental impact on the openness, character and appearance of the countryside. As such the proposed development is contrary to the advice provided in Chapter 9 of the National Planning Policy Framework (NPPF) and policies CN1, CN2, CN3, CN4, CN5 and B2 of the UDP.

