

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/

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/00787/ADV Advert Application

Proposal: **Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.**

Location: Various Roundabouts City Centre/South Sunderland

Ward: Hendon

Applicant: Community Partners Ltd

Date Valid: 10 May 2017

Target Date: 5 July 2017

PROPOSAL:

The sites

The application sites relate to 54 roundabouts located within the south of Sunderland. One of the sites lies within a designated Conservation Area.

The proposals -

Advertisement Consent is sought to erect some 179 separate signs across the 53 roundabouts. The signs would be non-illuminated measuring 1200mm in width by 500mm in height. The boards would be erected on two 50mm diameter posts which would extend 450mm from ground level to the base of the signage board. The visual content of the signs will vary to change in line with the nature of the advertiser but the drawings illustrate the Sunderland City Council's logo will be positioned along the bottom of the board.

The application is accompanied by a typical elevation drawing and individual location plans of the roundabouts in question with each plan identifying the number and position of the proposed signs.

Following the validation of the application it became apparent that a significant number of the advertising boards could not be physically displayed in the positions that had been identified on the location plans. The applicant was therefore advised to re-survey the roundabouts to address this matter. The revised plans submitted on 24 October 2017 identify that the number of individual signs have been reduced from 195 to 179.

Further applications have also been submitted for North Sunderland, Houghton-le-Spring and Washington. At the time of writing this report those applications are still pending consideration.

CONSULTEES:

Barnes - Ward Councillor Consultation

Hendon - Ward Councillor Consultation

Millfield - Ward Councillor Consultation

Pallion - Ward Councillor Consultation

Ryhope - Ward Councillor Consultation

St Annes - Ward Councillor Consultation

St Chads - Ward Councillor Consultation

St Michaels - Ward Councillor Consultation
Sandhill - Ward Councillor Consultation
Silksworth - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **12.06.2017**

REPRESENTATIONS:

Consultee responses -

Highways - The Council's Network Management section has offered no objection to the installations in principle. As outlined above the initial comments picked up on the fact that many of the signs could not be displayed in the positions that were identified within the original plans. (This was primarily down to the fact that they conflicted with existing chevrons or other physical structures).

It has been recommended that arrangements for installation and maintenance of the sign boards/adverts be submitted to the Council's Network Operations Team prior to installation/commencement along with details of any necessary traffic management that will be required.

Ward Councillors - One representation has been received from Cllr Christine Marshall of Doxford Ward. The Cllr has stated that she cannot support the proposals as they will lead to a plethora of adverts in the Doxford area.

POLICIES:

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

B_21_Advertisement & Control

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

COMMENTS:

Planning considerations and assessment

Pursuant of the requirements set out by The Town and Country Planning (Control of Advertisement) (England) Regulations 2007, policy B21 of the City Council's adopted UDP states that applications for advertisement consent will be determined on the basis of their impact on amenity and public safety. This policy is considered to be consistent with paragraph 67 of the National Planning Policy Framework (NPPF), which states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment...advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'. It also states that advertisements should only be subject to local authority control in the interests of amenity and public safety, taking account of cumulative impacts'.

With regard to the above the main considerations are the impact of the signage on amenity and highway safety.

Amenity

During officer site visits it was noted that a small proportion of the roundabouts already had existing Council signs in situ. The applicant has however confirmed that there is an agreement with Sunderland City Council to remove these particular signs prior to the installation of the proposed signage in order to avoid unnecessary clutter. In addition and as a result of the re-survey work, some of the proposed signs have been deleted most notably from roundabouts (SUN 21 and SUN22 located on Weymouth Road in Doxford Ward) due to conflict with existing chevrons.

In assessing the merits of scheme it is noted that the proposed signs will follow a standardised formula in terms of their design and construction thereby offering a co-ordinated appearance within the context of each roundabout. The scale and massing of the boards are not considered to be unduly large and will be proportionate to existing signs currently being displayed on roundabouts in neighbouring Local Authority areas.

Only one of the roundabouts sits within a Conservation Area (the intersection of Tunstall Road, Belvedere Road and Thornholme Road). The roundabout is relatively large and offers a backdrop of landscaping. Given the size of the roundabout and the presence of the landscaping it is not considered that four signs of a scale and size proposed would be of particular detriment to the character and appearance of the Conservation Area in this instance.

A large number of the signs would be viewed in tandem with existing street signs such as chevrons whilst landscaping also provides a backdrop to the signs on some of the roundabouts. Overall, it is not considered that the proposed installations would appear particularly conspicuous within their respective settings. In this respect the cumulative effect of the advertisements upon the character and appearance of each roundabout is considered to be acceptable.

Highway safety

Following the re-survey, the City Council's Network Management has confirmed their agreement to the individual locations of each signage board and no objections have been offered. On this basis there are considered to be no grounds to suggest that the installations would be of detriment to highway and public safety.

Conclusion

In light of the reasoning offered above, it is considered that the proposed siting and design of the signage is appropriate without appearing appear unduly prominent within the context of their setting. The impact of the scheme on the visual amenity of the respective localities is therefore considered to be acceptable in this instance.

In respect of highway/public safety, the City Councils Network Management Section has offered no objections to the siting of the structures.

Consequently the proposals are considered to accord with local and national policy and Members are recommended to grant advertisement consent for the scheme subject to the following conditions outlined below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant Advertisement Consent

Conditions:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2 No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (Civil or Military)

b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair the visual amenity.
- 6 The consent hereby granted shall be for a period of 5 years from the date hereof in the interests of visual amenity and to comply with policy B21; of the UDP.

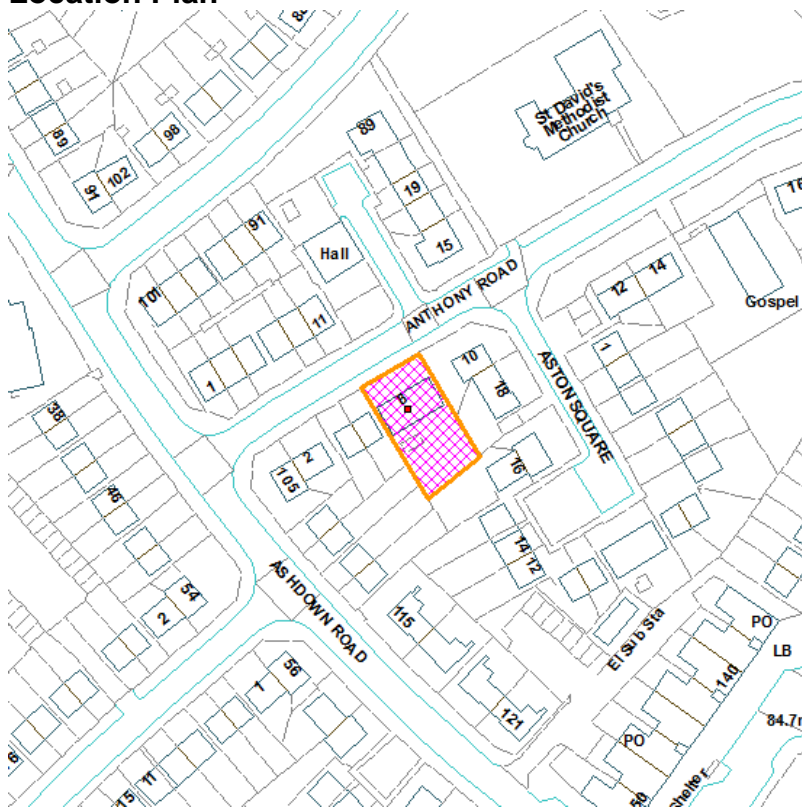
Reference No.: 17/02185/LP3 Local Authority (Reg 3)

Proposal: **Change of use from residential home (C2) to dwelling house (C3).**

Location: 8 Anthony Road Farringdon Sunderland SR3 3HG

Ward: St Chads
Applicant: Sunderland City Council
Date Valid: 6 November 2017
Target Date: 1 January 2018

Location Plan



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PROPOSAL:

Planning permission is sought for the change of use of 8 Anthony Road from a residential home (Class C2) to a dwelling house (Class C3). The property is detached and is situated within a street that is predominantly residential in nature. It was formerly a single dwelling house and remains so in terms of character and appearance.

Permission was granted during 1997 for a change of use of the property from a social services area office with construction of a single storey extension to the rear and porch canopy, to form a group home for adults with learning disabilities. Sunderland City Council is seeking a change of use as the building has been declared surplus to requirements and has ceased being used for C2 purposes.

There are no alterations proposed to the exterior of the building. Internally, the dwelling would have five bedrooms on the upper floor and one on the ground floor with en suite facilities, along with a utility room, kitchen and an office. There is a large rear and front garden but historically no on site car parking is available.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Chads - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **12.12.2017**

REPRESENTATIONS:

Neighbours - No representations have been received as a result of the publicity and consultation procedure.

Network Management - Comment that the use of the property as a dwelling house would be less intensive than as a care home. However, as there is no in curtilage parking a hard standing space could be made available to the front of the property in the future, to avoid on- street parking.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
T_22_Parking standards in new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues are whether or not the proposed change of use is appropriate in this location, whether there would be any adverse impact on residential or visual amenity, and whether highway safety would be compromised.

Policy EN10 of the UDP is applicable in this location. This states that proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood. In this case the property is located within a residential estate where there are some community facilities such as a church and a social club. However, the proposed use is consistent with the predominant character of the locality and the proposal therefore complies with the above policy.

Impact on residential and visual amenity

The property is relatively large and its conversion into a single dwelling would provide a substantial family home with five bedrooms. The arrangement of bedrooms and other communal areas would remain the same as the previous permitted use as a residential home, however, and there would be no change in character other than a potential reduction in the amount of activity associated with the previous use as a residential home where staff would have been present on site. No external alterations are proposed at the property and its character and appearance would remain as a dwelling house, which is consistent with the overall character of the Anthony Road.

In light of the above the proposal is considered to be acceptable and accords with policy B2 of the UDP, which seeks to ensure that all new development should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Highway safety

It is acknowledged that the property does not currently benefit from any off street parking facilities, which is consistent with the majority of dwellings in the street. Parking was historically provided by unallocated off site and street parking. There is scope for a parking space to be provided within the front garden area of the property. However, given that the proposed use may be seen as less intensive than the previous use for residential care it is not considered to be reasonable to require such a space to be provided as part of this application. Should the future owner/occupier of the dwelling wish to provide such a facility then this may be accommodated. In this way the proposal would accord with policies T14 and T22 of the UDP, which seeks to ensure that all new development provides for its parking needs and does not cause any highway safety problems.

CONCLUSION

The proposal would provide a larger than average dwelling house in a predominantly residential area and would not result in any adverse residential, visual or highway safety issues. Permission is recommended, subject to the conditions below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992

Conditions:

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

Site and location plan 001/A/ATH and Existing and proposed floor plans received 6th November 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.

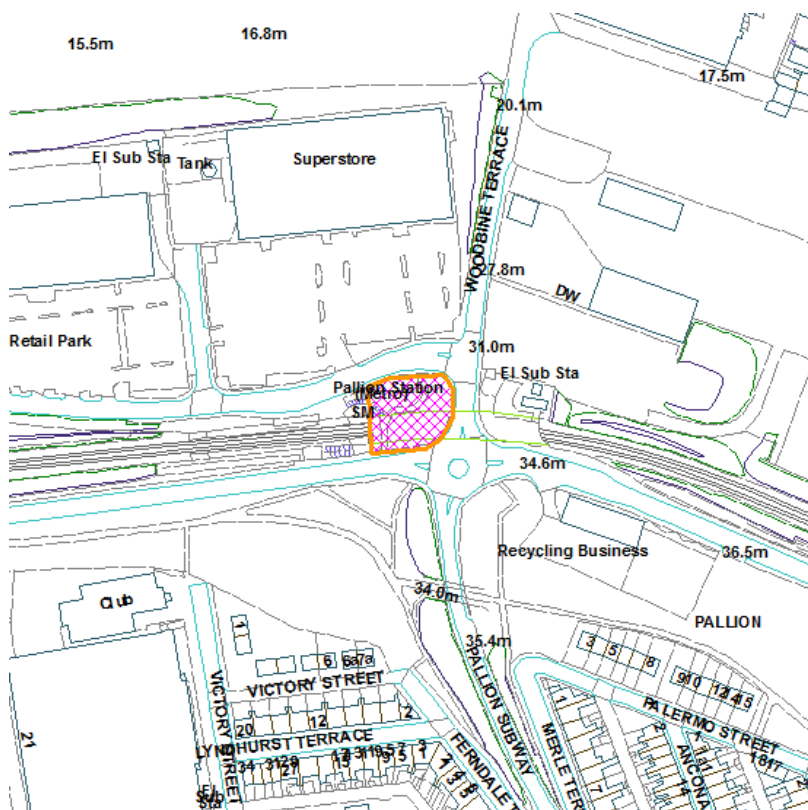
Reference No.: 17/02216/LP3 Local Authority (Reg 3)

Proposal: Erection of a freestanding feature wall (size approx. 2.4m wide, 1.4m high) to commemorate the location of the former Crown Works at Pallion using the original header and date stones that were salvaged from the former Crown Works head offices prior to its demolition.

Location: New Wear Crossing North West Corner Of The Junction Of The Eastbound Lane Of The Southern Approach Link/Riverside South Link Road Sunderland

Ward: Pallion
Applicant: Sunderland City Council
Date Valid: 13 November 2017
Target Date: 8 January 2018

Location Plan



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PROPOSAL:

The proposal is for the erection of a freestanding feature wall (size approx. 2.4m wide, 1.4m high) to commemorate the location of the former Crown Works at Pallion using the original header and date stones that were salvaged from the former Crown Works head offices prior to its demolition.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Pallion - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **20.12.2017**

REPRESENTATIONS:

No representations have been received to the proposed development to date. However, it should be noted that the Site Notice does not expire till the 20th December 2017, which is after the preparation of this report.

Network Management - No adverse comments have been received to the proposed development. The engineers have confirmed that the development is not located in the adopted highway.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
T_18_Design of street furniture and landscaping associated with highways schemes

COMMENTS:

The proposal is for the erection of a freestanding feature wall (size approx. 2.4m wide, 1.4m high) to commemorate the location of the former Crown Works at Pallion using the original header and date stones that were salvaged from the former Crown Works head offices prior to its demolition.

The name and date header stones were reclaimed from the head office building of the former Crown Works which stood in this location prior to making way for the New Wear Crossing. Crown works was named as such in 1939 on the former Egis Shipyards.

The proposed development is considered to add a unique feature to contribute to the New Wear Crossing to remember the heritage of Sunderland. The extract wording has yet to be agreed, the scale, massing and layout of the proposed wall is considered to be acceptable in principle, subject to a condition in respect of the materials to be used. In respect of the wording a condition will be imposed to it is agreed prior to the construction of the wall. An indicative drawing has been submitted to show how it could potential look.

The proposed scale, massing and layout of the wall are considered acceptable in principle and as such comply with policies B2 and T18 of the adopted Unitary Development Plan, subject to appropriate conditions being imposed in respect of materials and final wording to be agreed.

Recommendation : Members are minded to Grant Consent under the Town and Country General Regulation Order 1992 subject to conditions and the expire of the Site Notice on the 20th

December 2017. Should any adverse comments or representation be received that raises issues not covered in the report then the application would be referred back to the next available sub committee meeting.

RECOMMENDATION: Grant Consent under the Town and Country General Regulation Order 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:

Site location of wall as set out on plan NWC/D/JCS/07/ENV/30023 Rev C05 received 12.11.2017

Proposed wall excluding wording on plan NWC-ATK-SKT-0182 received 12.11.2017

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 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 policies B2 and T18 of the Unitary Development Plan.
- 4 Notwithstanding any wording given in the application, no development shall take place until the wording to be displayed on the wall 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 policies B2 and T18 of the Unitary Development Plan.

Reference No.: 17/01780/VAR Variation of Condition

Proposal: Variation of conditions 2 (plans) and 9 (tree protection) of planning permission ref. 16/02081/SU4 comprising replacement of 1no. 1-bedroom suite for people with learning difficulties to office for support staff (resulting in reduction in number of dwellings to 74no.) and removal of additional hedgerow

Location: Land At Nookside Sunderland

Ward: St Annes

Applicant: Thirteen Group And Keepmoat (Joint)

Date Valid: 5 October 2017

Target Date: 4 January 2018

PROPOSAL:

SITE DESCRIPTION

The application site has an area of 1.67 hectares, is situated on the north side of Nookside and is currently vacant, comprising planting, numerous trees, fencing and hardstanding which is being used for car parking, having partly previously accommodated the Nookside Day Centre until it was demolished in 2010.

The site generally slopes upward from east to west and its northernmost section is slightly raised. The south of the site is bordered by boundary walls of either approximately 1m or 2m in height and two vehicular access are currently afforded to the site whilst a further access runs along its east side serving the Sycamore Care Centre to the north. Large mature trees line the southern boundary of the site, there is a dense cluster of mature specimens centrally within the site and the trees in the northern section of the site are protected by a tree preservation order (TPO 158), which also covers the trees which border the site to the west and north and a number of those which line the access to the Care Centre.

Grindon Hall Christian School borders the site to the north and Grindon Mews abuts the western boundary of the site, a care facility for which planning permission has recently been granted to be changed to a short break residential unit for people with disabilities, and Nook Lodge, a supervised living unit, exists to the east. The remainder of the surrounding area is comprised predominantly of dwellings; those opposite the application site on the south side of Nookside are mostly single storey and two storey properties exist on corner plots further to the west.

PLANNING HISTORY

Member may recall that it was deemed to grant planning permission at the Development Control Sub-Committee meeting of 21.02.2017 for the development described as follows on the site:

Erection of 75no. dwellings for sale and affordable rent comprising 12no. 2-bedroom bungalows for sale, 8no. 2-bedroom dwellings for sale, 15no. 3-bedroom dwellings for sale, 32no. 2-bedroom

apartments for affordable rent and 8no. 1-bedroom suites for people with learning difficulties in partnership with Grindon Mews and associated access and landscaping

This consent was issued on 31.03.2017 following the completion of an agreement under section 106 of the Town and Country Planning Act 1990 (a "Section 106 Agreement") to secure affordable housing in perpetuity and financial contributions to offset impacts and enhance play space and ecology.

Since the grant of this planning permission, development has commenced on site, Conditions 3 (off-site parking bays) and 4 (Scheme of Working / Dust Management Plan) were discharged in October 2017 (ref. 17/01282/DDI) and Conditions 5 (drainage), 6 (boundary details) and 8 (landscaping) were discharged in November 2017 (ref. 17/01609/DIS). The applicant has advised that the Section 106 contributions have now been paid and confirmation of this is currently awaited from the Council's finance section.

PROPOSAL

The current application proposes to vary Conditions 2 (plans) and 9 (tree protection) of planning permission ref. 16/02081/SU4.

The proposed variation of Condition 2 would facilitate a "material minor amendment" comprising the replacement of one of the eight 1-bedroom suites for people with learning difficulties to an office for support staff, which would result in a reduction in the total number of dwellings to 74no.

A variation of Condition 9 is proposed in order to remove a hedgerow which was previously to be retained to the northwest boundary of the site, identified as "Hedge 3B" on the submitted tree plans.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management

St Annes - Ward Councillor Consultation

Northumbrian Water

Fire Prevention Officer

NE Ambulance Service NHS Trust

Southern Area Command - Police

Natural England

Director Of Childrens Services

Flood And Coastal Group Engineer

Environmental Health

Final Date for Receipt of Representations: **08.11.2017**

REPRESENTATIONS:

No representations have been received from neighbouring properties.

Northumbrian Water has confirmed that it has no additional comments to make.

The Council's Network Management section has confirmed that no observations or recommendations are offered in this instance.

The Council's Flood and Coastal Team, as Lead Local Flood Authority, has advised that the proposal poses no significant impact in relation to flood risk and drainage.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_24_Appropriate provision for utility services in building development
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_1_Improvement of the environment
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_1_Provision for new housing
H_4_Density of housing development to at least reflect that of the locality
H_8_Windfall sites to accord with other policies unless specific benefits are provided
H_14_Negotiation for special needs housing in major developments
H_16_Negotiation for affordable housing in major developments
H_21_Open space requirements in new residential developments (over 40 bed spaces)
R_1_Working towards environmentally sustainable development
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
R_3_Infrastructure provision, etc. in association with developments
R_4_Incorporation of energy saving measures
SA_9_Allocation of site for new housing (over 10 units)
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

Does the proposal constitute a "minor material amendment"?

The National Planning Practice Guidance (NPPG) (Paragraph: 018 Reference ID: 17a-018-20140306 Revision date: 06 03 2014) states that there is no statutory definition of a "minor material amendment" but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

The currently proposed amendments must be considered relative to the entire approved development consisting of 75no. residential units. A reduction to 74no. units is proposed, which is not considered to be significant relative the overall scheme, and the remaining unit would be used to accommodate an office for support staff which would be compatible with the approved development and would not alter the use of the remaining 7no. suites for people with learning

difficulties. As such, it is accepted that the proposed conversion of a single residential unit to an office constitutes a minor material amendment.

The main issues which were considered in the assessment of the original application were:

- o Land Use;
- o Appearance, Conservation and Archaeology;
- o Amenity;
- o Highway Implications;
- o Flood Risk and Drainage;
- o Ecology; and
- o Ground Conditions / Contamination

For the reasons given above, it is not considered that the proposed replacement of a single residential unit to an office for support staff has a material impact of any of these issues and it is accepted that this amendment is necessary to facilitate the effective operation of the 7no. remaining suites.

A revised Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted which identify the hedgerow which is currently proposed for removal as being of moderate quality. This hedgerow, a Leyland cypress, is currently around 13m in height and is anticipated to comfortably reach 20m. It was originally intended to reduce and maintain this hedgerow to a height of 4m and it now proposed to remove this hedgerow in its entirety.

The applicant has provided additional justification from an arboricultural consultant wherein it is noted, making reference to the Royal Horticultural Society, that pruning of leylandii is recommended up to three times per year to maintain at the preferred size, which brings about significant cost implications. The following justification is also provided:

"When pruning the tree new growth will not generate from the older leafless growth on the dysphotic zone inside of the canopy. As such, the extent of reductive pruning is dictated by the present size of the tree. Healthy leylandii will tolerate a reduction in height of around one third with little ill consequence - lateral side branches will turn skyward and take over the vertical growth. However, when pruning/reducing the sides of the tree, there must always be a layer of green foliage left - there is a limit to the extent of pruning which can be conducted on the faces of a leylandii before bare wood is reached. To this end, once a leylandii reaches a certain spread, there is little that can be done to make the tree smaller again, save for pruning back to bare wood which looks ugly and unsightly. Pruning works must be adhered to rigorously to prevent an overgrown and unmanageable hedge.

Leylandii also have a very high water demand and can quickly dry surrounding soil. This can make it problematic to grow other plants in the vicinity, which is undesirable in residential gardens. The usual solution is to remove the offending leylandii or to provide a comprehensive watering solution for the other plants, which is likely to be either arduous or expensive.

While the hedgerow is to the north of the development and will cast relatively little shading on the gardens, many people find tall leylandii hedgerows to be oppressive and undesirable in urban situations, thus limiting their ability to enjoy their own garden space".

This technical justification is accepted and it is noted that, even if the existing hedgerow were reduced in height by one third (i.e. the approximate maximum reduction without compromising its health), it would still reach some 8m in height, which is considered excessive relative to its proximity immediately to the rear of residential properties.

The hedgerow would also be replaced with ornamental shrubs, as detailed by the submitted planting plan (drawing no. L273-ONE- ZZ-XX-DR-L-0201 rev. C02), which is considered to be a more appropriate means of planting for the affected part of the site which ensures that the amount of soft landscaping would not be significantly affected.

Conditions and Obligations

The host planning permission is subject to a total of 12no. conditions. The first requires development to commence within three years which has taken place, so this condition can be deleted. The remaining conditions remain applicable and it is recommended that these be updated in light of the additional information which has been submitted following the grant of the host planning permission, where applicable, should Members be minded to approve this application; a summary of the review of the original conditions is provided below:

- 1 deleted
- 2 (renumbered 1) amended
- 3 (renumbered 2) amended
- 4 (renumbered 3) updated
- 5 (renumbered 4) updated
- 6 (renumbered 5) updated
- 7 (renumbered 6) unchanged
- 8 (renumbered 7) updated
- 9 (renumbered 8) updated
- 10 (renumbered 9) unchanged
- 11 (renumbered 10) unchanged
- 12 (renumbered 11) unchanged

As noted above, the original planning permission was subject to a Section 106 Agreement requiring contributions of £45,000 for ecological mitigation and enhancements and £24,535 towards play facilities upon commencement of construction of the first dwelling. This Agreement also secures at least 8no. affordable units in perpetuity; whilst although the applicant has set out that 34no. apartments would be affordable rented, the Council's current policy only allows 10% of units to be reasonably secured as affordable through a Section 106 Agreement.

The Section 106 Agreement applies to the original planning permission as well as "any subsequent planning permission that may be granted on an application pursuant to Section 73 of the Act relating to, and/or in connection with, the [original] Planning Permission". Therefore, provided that the contributions set out above have been paid, which will be confirmed at or before the meeting of the Sub-Committee, it is not necessary to vary the Section 106 Agreement.

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.

Conclusion

For the reasons given above, the proposal is considered to represent a "minor material amendment" to the consent which it seeks to vary and it is not considered that such amendments would pose any adverse impact in respect of any of the material considerations set out above whilst a more appropriate means of planting would be provided.

The proposal is therefore considered to accord with the development plan and, in the absence of any material considerations to indicate otherwise, it is recommended that Members be minded to approve the application, subject to confirmation that the Section 106 contributions have been paid and the conditions set out below.

RECOMMENDATION: Members be minded to approve

Conditions:

- 1 The development hereby granted permission shall be carried out in full accordance with the following approved plans all received 08.11.2016, unless otherwise stated:

Drawing no. 14004 L01: Location Plan
Drawing no. 14004 P100L: Site Plan received 10.02.2017
Drawing no. 14004 P102: Dwelling Plans Plots 1-17, 20 and 21
Drawing no. 14004 P103: Dwelling Plans Plots 18, 19, 22-33
Drawing no. 14004 P104: Dwelling Plans Plots 34-42
Drawing no. 14004 P105A: Dwelling Plans Plots 43-50, Detached Garages of Plots 50 and 51 received 14.12.2016
Drawing no. 14004 P106: Dwelling Plans Plots 51-69
Drawing no. 14004 P107: Dwelling Plans Plots 70-77
Drawing no. 14004 P108: Dwelling Plans Plots 25-32 received 18.01.2017
Drawing no. 14004 P110: Streetscene Elevations Plots 9-11 and 46-52
Drawing no. 14004 P111: Streetscene Elevations Plots 01-08, 36-43 and 66-74
Drawing no. 14004 P113: Elevations Plots 1-10
Drawing no. 14004 P114: Elevations Plots 11-15
Drawing no. 14004 P115: Elevations Plots 16-33
Drawing no. 14004 P116: Elevations Plots 34-42
Drawing no. 14004 P117: Elevations Plots 43-46
Drawing no. 14004 P118: Elevations Plots 47-51
Drawing no. 14004 P119: Elevations Plots 52-65
Drawing no. 14004 P120: Elevations Plots 66-77
Drawing no. 14004 P121: Elevations Plots 25-32 received 18.01.2017
Drawing no. 14004 P125: Roof Plans Plots 1-17, 20 and 21
Drawing no. 14004 P126: Roof Plans Plots 18, 19 and 22-45
Drawing no. 14004 P127: Roof Plans Plots 46-77
Drawing no. 14004 P130: Typical Sections
Drawing no. 14004 P135: Existing Site Sections
Drawing no. 14004 P300A: Materials Schedule received 11.07.2017

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

- 2 Parking bays which can accommodate at least 15no. cars shall be maintained and made available for parking at all times in accordance with drawing no. TRS/17/MD0001/P/0101 revision A: Replacement Parking General Arrangement dated 27.01.2017 and the Cellweb Tree Root Protection System details approved through discharge of condition application reference 17/01282/DDI and for no other purpose, in the interest of highway safety and the free passage of traffic and to comply with policies T14 and T22 of the adopted Unitary Development Plan.
- 3 The development shall be carried out in accordance with the following details approved through discharge of condition application reference 17/01282/DDI:
- o Drawing no. JR003853-SSD 01 revision D: Site Setup Drawing dated 22.06.2017
 - o Document entitled "Nookside Grindon Asbestos Management Plan"
 - o Risk Assessment reference SF-H&S-11 issue four dated March 2015
 - o Traffic Management Plan reference SF-H&S-26 issue two dated May 2015

- o Construction hours of 8:00-17:00 on Mondays to Fridays, 8:00am-13:00 on Saturdays and at no time on Sundays and Bank Holidays

In order to protect the amenity of adjacent occupiers and the adjacent highway network and in order to comply with policies EN1, EN5, EN14 and T14 of the adopted Unitary Development Plan.

- 4 No dwelling shall be occupied until the scheme of drainage approved through discharge of condition application reference 17/01609/DIS comprising the following has been implemented in full accordance with the approved details, which shall be maintained in accordance with the approved details thereafter:

- o Drawing no. 2016015 003-01 rev. K: Engineering Layout dated 20.07.2017
- o Drawing no. 2016015 004-01 rev. D: Typical Road Construction Details dated 04.04.2017
- o Drawing no. 2016015 005-02 rev. A: Hydrobrake Manhole S9 Detail dated 20.12.2016
- o Drawing no. 2016015 005-03 rev. B: Aquacell Surface Water Attenuation Typical Details dated 04.04.2017
- o Drawing no. 2016015 008-01 rev. D: Section 104 Layout dated 15.06.2017
- o Drawing no. 2016015 013-01 rev. A: Impermeable Areas dated 04.04.2017
- o Drawing no. 2016015 013-02: Flood Route Layout dated 17.11.2016
- o Keepmoat Contract Programme rev. F dated 23.03.2017

To ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding and to comply with paragraph 103 of the National Planning Policy Framework and policy B24 of the adopted Unitary Development Plan.

- 5 All boundary enclosures shall be provided in accordance with the following details, as approved through discharge of condition application reference 17/01609/DIS:

- o Drawing no. 14004 P100L: Site Plan received 10.02.2017
- o Drawing no. 14004 C15: Fence Details Sheet 01 dated 23.03.2017
- o Drawing no. 14004 C16: Fence Details Sheet 02 dated 23.03.2017
- o Keepmoat Contract Programme rev. F dated 23.03.2017

In the interests of visual amenity and highway safety to comply with policies B2 and T14 of the adopted Unitary Development Plan.

- 6 The development hereby approved shall be carried out in complete accordance with the mitigation measures detailed in the submitted Ecological Impact Assessment dated September 2016, Habitat Regulations Assessment dated July 2016, Preliminary Ecological Appraisal and Bat Survey dated July 2016 and Breeding Bird survey dated July 2016 and no dwelling hereby approved shall be occupied until details of the location of all ecological mitigation and enhancement features identified in the reports 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, in order to protect the biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

- 7 All planting, seeding or turfing of drawing no. L273-ONE- ZZ-XX-DR-L-0201 rev. C02: Planting Plan shall be carried out in accordance with the timetable set out by the submitted Keepmoat Contract Programme rev. F dated 23.03.2017, as approved through discharge of condition application reference 17/01609/DIS, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, in the interests of visual amenity, to protect the biodiversity of the site and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.
- 8 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Method Statement (revision C) and drawing ref. AMS TPP revision C dated 21.08.2017 as well as British Standard 3998 (2010): Recommendations for Tree Work, no development shall be carried out unless all tree protection measures set out by this report and plan have been fully installed and all tree protection measures shall remain in place until the development is complete, in order to ensure that no damage is caused to retained trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan.
- 9 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. Such parking areas shall then be retained and permanently reserved for the parking of vehicles and all driveways will be retained to a usable length of at least 4.8 metres, 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 Unitary Development Plan.
- 10 No dwelling shall be occupied until a verification report demonstrating completion of works set out in the Remediation Strategy provided by Sirius dated December 2016 (ref. C6162B) and the effectiveness of the completed remediation work has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Testing for asbestos shall be undertaken within made ground (where present) within the top 600mm below formation level at the base of excavation within each plot where made ground is granular and contains construction rubble. Imported top soil shall be tested in accordance with BS3882:2015 and imported subsoil certified in accordance with BS8601:2013. The report shall include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, which shall be implemented thereafter, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.
- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority and only under the supervision of a qualified asbestos surveyor) shall be carried out until a revised remediation strategy and risk assessment has been submitted to and approved, in writing, by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and managed in accordance with the Control of Asbestos Regulations. In the case of asbestos, relevant works shall be suspended if visible asbestos is identified, quantifiable asbestos (exceeding 0.001%) is detected in soils or trace quantities asbestos (exceeding 1 or 2 fibres) are present in recovered or imported soils used for the cover layer. The remediation strategy shall then be implemented in

accordance with the approved details, in order to comply with the requirements of paragraph 109 of the National Planning Policy Framework and policy EN14 of the adopted Unitary Development Plan.