

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

Reference No.: 19/01062/FUL Full Application

Proposal: **Construction of 4no. two storey buildings (Use Class B2/B8) including access onto Turbine Way, parking and turning space and landscaping**

Location: Land At Turbine Business Park Turbine Way Sunderland

Ward: Washington North

Applicant: Barmston Developments

Date Valid: 16 October 2019

Target Date: 15 January 2020

PROPOSAL:

The application seeks full planning permission for the construction of four two-storey buildings on three parcels of land at Turbine Business Park, Washington.

The sites lie to the north of the A1231 and to the east of Nissan Way. The surrounding land uses include other types of industrial development and solar panels to the north east. The sites cover a total of circa 3.5 hectares.

The details of each plot can be seen below

Plot 1 (T17) to the west of Brenntag, approximately 0.4 hectares

Building: Footprint of circa 1,675m², total floorspace of around 1,850m² and ridge height of 8.5m.

Parking: 12 parking spaces, 13 cycle parking spaces.

Plot 2 (T28) to the south of Washington Business Centre, approximately 0.65 hectares

Building: Footprint of circa 2,500m², total floorspace of around 2,700m² and ridge height of 11m.

Parking: 34 parking spaces, 10 cycle parking spaces.

Plot 3 (T47) to the north of Brenntag: approximately 1.1 hectares

Building: Footprint of circa 4,325m², total floorspace of around 4,725m² and ridge height of 13.5m.

Parking: 5 parking spaces, cycle store.

Plot 4 (T71) to the north east of Brenntag: approximately 1.75 hectares

Building: Footprint of circa 6,000m², total floorspace of around 6,350m² and ridge height of 13.5m.

Parking: 61 parking spaces, cycle store.

The accesses for each plot are proposed to be off Turbine Way which, in turn, connects to Nissan Way and the A1231 / A19.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Environmental Health
Washington North - Ward Councillor Consultation
Tyne And Wear Archaeology Officer
Northumbrian Water
The Highways England
Network Management
Natural England
Environment Agency
Fire Prevention Officer
NE Ambulance Service NHS Trust
Northumbria Police
Business Investment
Flood And Coastal Group Engineer
Fire Prevention Officer
The Coal Authority

Final Date for Receipt of Representations: **31.08.2020**

REPRESENTATIONS:

None received from members of the public.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies:

SP1, SP3, SP7, EG1, HS1, HS2, HS3, ST2, ST3

COMMENTS:

Principle of the Development

The Core Strategy and Development Plan (2015-2033), at policy SP1 (Development Strategy), states that

"To support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will...develop at least 95ha of employment land"

The Core Strategy and Development Plan (2015-2033), at policy SP3 (Washington), states that

"Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland. In order to achieve this economic growth will be focused in identified Employment Areas (Policies EG1 and EG2)"

The Core Strategy, via the policies map, identifies the site as lying within a "Primary Employment Area" (PEA 9). The relevant policy, EG1 (Primary Employment Areas), states that these areas will be

"safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses".

The submitted application form, at box 18, identifies that the use of proposed floorspace would be B2 / B8. The proposal would therefore accord with the above policies both in terms of the specific allocation for the site itself and the broader strategies for both Washington and the wider City.

In the absence of any material considerations to the contrary, the principle of the proposed development would accord with the development plan.

Amenity

The submitted Noise Assessment Report states that:

"Given the nature of the existing noise climate around the site, which already includes industrial noise of a similar character, this level of noise impact is considered to be low and unlikely to have negative effects on nearby residential amenity. The buildings can be designed and built to achieve suitable internal noise levels. It is recommended that the acoustic design of the units be reviewed once the design develops and more detail of the potential end users is known, in order to ensure that noise impact is suitably controlled."

The Environmental Health Officer has advised that "the development is acceptable" and have recommended conditions ensuring the provision of a detailed noise assessment.

Officers would also advise that the proposed development would not appear to lead to a material loss of amenity for the occupiers of nearby land and properties caused by a loss of daylight or privacy.

In the absence of any material considerations to the contrary, the proposal would accord with policies SP7 (Health and safe communities), HS1 (Quality of life and amenity) and HS2 (noise-sensitive development) of the Core Strategy and Development Plan (2015-2033); subject to the recommended conditions.

Design

The submitted Design and Access Statement says:

"The proposed materials will comprise panels of composite cladding with the two-storey office development having ribbon window glazing and curtain walling to accentuate the proposed entrances the frontage onto Turbine Way. The remainder of the building elevations will comprise of built up vertical and horizontal cladding panels.

The design approach embraces the scale and massing of the buildings and responds to their specific settings within the business park and to its surroundings. The intension is to create a set of simple, honest, crafted, buildings without over or applied detailing but to rely on its quality of colour, material, detail and mass."

Officers are of the opinion that the proposed development would sit comfortably within its context of the wider industrial estate. The plots would provide a two-storey building surrounded by parking / turning space and landscaping. Officers would recommend conditions covering the timing of landscaping works.

In the absence of any material considerations to the contrary, the proposal would accord with policies BH1 (design quality) and BH2 (sustainable design and construction) of the Core Strategy; subject to the recommended conditions.

Drainage

The submitted Drainage and Flood Risk Assessment states that:

"The site is... at... a low risk for flooding from river or sea... Other sources of flooding have been assessed and the risk of flooding from these sources is considered to be low.

Surface water shall discharge at a restricted rate... Surface water run-off... shall be passed through a suitably designed oil separator... foul water shall discharge... to the existing foul water public sewer..."

The Lead Local Flood Authority (LLFA) have advised that they "suggest that further details could be provided with regard to the drainage assessment... in particular details relating to source control provision and infiltration testing..."

The above matters are currently the subject of ongoing discussion between the applicant's drainage engineer and the LLFA. Officers would therefore respectfully request that if Members were minded to grant planning permission, the resolution of these matters should be delegated to Executive Director of City Development (including any additional / amended conditions).

Ecology

The submitted Ecological Appraisal advises that

"Amphibians, bats, badgers, birds and otters have been recorded in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

The vegetation to be cleared comprises species associated with disturbed ground. There are no trees or hedgerows within the site or on its boundaries.

Great crested newts have been recorded locally but no ponds or potentially suitable terrestrial habitat will be affected by the proposals. The risk of an offence occurring at the site in relation to this species is highly unlikely."

The Appraisal subsequently recommends mitigation including any landscaping scheme to be wildlife friendly and recommendations during construction.

The Council's Ecologist has advised that the "proposal is acceptable in principle but requires further modification"; including a mitigation strategy and a landscape plan.

The above matters are currently the subject of ongoing discussion between the applicant's ecologist and the Council's Ecologist. Officers would therefore respectfully request that if Members were minded to grant planning permission, the resolution of these matters should be delegated to Executive Director of City Development (including any additional / amended conditions and contributions made via Section 106 agreement). The contributions made via Section 106 agreement are likely to be an off-site financial contribution focused on a programme of habitat improvement works at nearby Local Wildlife Sites.

Groundworks

The submitted Preliminary Appraisal Report states that the site has "remained largely undeveloped since the mid-1800s".

The Report continues by saying that there could be a "potential stability risk in the local area associated with possible shallow unrecorded (mine) workings... consequently, a site specific programme of rotary drilling may be required..."

The Report further states that "it is considered unlikely that the historical uses of the site have given rise to significant widespread contamination... however, the presence of previously unidentified areas of made ground on the site cannot be fully discounted at this stage... It is recommended that, as part of an intrusive investigation, any made ground identified... is screened."

The Report also states that "no significant sources of hazardous ground gases have been identified on, or within 250m of the site".

The Environmental Health Officer has advised that "the development is acceptable"; subject to conditions ensuring the provision of a phase 2 report, remediation strategy, verification report and unexpected contamination.

The Coal Authority have also advised that they "concur with the recommendations of the Preliminary Appraisal Report" and have "no objection...subject to the imposition of... conditions". The suggested conditions ensure the provision of intrusive site investigations.

In the absence of any material considerations to the contrary, the proposal would accord with policy HS3 (contaminated land) of the Core Strategy; subject to the recommended conditions.

Highways

The submitted Transport Assessment states that:

"the proposed development... is considered to be accessible to local areas on foot, by cycle and by public transport, providing the opportunity for employees to travel sustainably..."

Vehicular access... will be taken directly from Turbine Way... an industrial road... designed to accommodate large industrial type vehicles... suitable to accommodate the vehicles likely to be generated by the development.

An appropriate number of parking spaces will be provided for each development...

The impact of these additional trips will not be significant and will not have a material impact on the operation of the local highway.

The proposed development site will be accessible by all modes of transport, and the local highway network will continue to operate satisfactorily. It is therefore considered that there are no transport reasons why planning approval should be withheld."

The agent has also submitted a Travel Plan which proposes a range of measures; including a travel guide and promoting cycling to work.

The Local Highway Authority have advised that they have "no objections"; subject to a condition ensuring the implementation of the submitted Travel Plan.

Highways England, the operator of the A19, have also stated they have "no objection".

The Fire Service did initially state that they "must object in the strongest of terms to the application, and more specifically, to the portion identified as the "container park"... "The agent subsequently removed the container park from the submitted drawings. The Fire Service have been re-consulted and their latest responses says they now have "no objections to this proposal"; subject to "the provisions detailed in the enclosed report". Officers would advise that report covers matters relating to Building Regulations.

In the absence of any material considerations to the contrary, the proposal would accord with policies ST2 (local road network) and ST3 (development and transport) of the Core Strategy; subject to the recommended conditions.

Conclusion

The principle of the proposed development would accord with the relevant policies found within the development plan.

The detailed impacts of the proposed development, such as groundworks and highways, also accord with the relevant policies of the development plan; subject to the draft conditions below.

There are not any material considerations that indicate a decision should be made otherwise.

The exceptions to the above are the detailed matters relating to drainage and ecology which are currently the subject of ongoing discussions between the applicant's consultants and the Council's Ecologist and Lead Local Flood Authority. Officers would therefore respectfully request, if Members were minded to grant planning permission, that the resolution of these matters are delegated to the Executive Director of City Development; including any amended or additional planning conditions and contributions via 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.

RECOMMENDATION

Delegate to the Executive Director of City Development, who is MINDED TO APPROVE the application, subject to

1. The resolution of the outstanding matters relating to drainage, to the satisfaction of both the Lead Local Flood Authority and Northumbrian Water (including any amended or additional planning conditions).
2. The resolution of the outstanding matters relating to ecology, to the satisfaction of the Council's Ecologist (including any amended or additional planning conditions and contributions via Section 106 agreement).
3. The draft conditions below.

Draft 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.

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

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

T17 Site Plan (Number 2001, Rev. P2)
T17 Building Plan (Number 2002, Rev. P2)
T17 Elevations (Number 2003, Rev. P3)
T28 Site Layout Plan (Number 2004, Rev. P1)
T28 Building Plan (Number 2005, Rev. P1)
T28 Elevations (Number 2006, Rev. P2)
Site T47 Site Plan (Number 2007, Rev. P1)
T47 Building Plan (Number 2008, Rev. P1)
Unit 47 Elevations (Number 2009, Rev. P2)
T71 Site Plan (Number 2010, Rev. P1)
Unit T71 Building Plan (Number 2011, Rev. P1)
Unit T71 Elevation (Number 2012, Rev. P2)

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

3 No development shall commence on each respective plot until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of construction hours, how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. The development of the site in question shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved would not have an unacceptable impact upon amenity.

4 No development shall commence on each respective plot until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

5 Where the findings of the intrusive site investigations (required by condition 4 above) identify that coal mining legacy on the on each respective plot poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for

consideration and approval in writing. Following approval, the remedial works shall be implemented on the site in question in complete accordance with the approved details.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in adverse effects arising from ground instability.

6 No development shall commence on each respective plot until a Phase II: Site Investigation report which ascertains whether the land is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report shall be based upon the findings of the approved Phase I report and any additional comments provided by the Local Planning Authority, shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall 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, neighbouring land, controlled waters and ecological systems are minimised 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 SP7, HS1 and HS3 of the Core Strategy.

7 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no development shall commence on each respective plot until a detailed Remediation Strategy and Verification Plan to bring the plot in question 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 shall 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.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 SP7, HS1 and HS3 of the Core Strategy.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above

have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 SP7, HS1 and HS3 of the Core Strategy.

9 No plot shall be brought into use until a detailed noise assessment, including any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises (including scale plans and elevations), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include assessment of any mechanical services, ventilation equipment or external fired plant. The assessment shall demonstrate that the outline limits of Table 5 found within the submitted Noise Assessment Report can be achieved. The assessment shall be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards and make reference to World Health Organisation Guideline Values for Community Noise, BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and BS 4142: 2014 Methods for rating and assessing industrial and commercial sound as appropriate. The approved mitigation shall be installed before the respective plot has been brought into first use and shall thereafter be retained.

Reason: To ensure, in accordance with policy of HS2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes noise mitigation.

10 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, each respective plot hereby approved shall not be brought into first use until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been 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, neighbouring land, controlled waters and ecological systems are minimised 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 SP7, HS1 and HS3 of the Core Strategy.

11 No plot shall be brought into use until an Action Plan, in accordance with paragraph 6.3 of the submitted Travel Plan, has been developed. The Action Plan shall thereafter be managed in accordance with paragraph 6.4 of the submitted Travel Plan.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved demonstrates appropriate mitigation.

12 The development hereby approved shall only be used for purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent order).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

13 The Gross Internal Area of the buildings on each plot shall not exceed 20,000 square foot (site T17), 29,000 square foot (site T28), 50,750 square foot (site T47) and 68,250 square foot (site T71).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

Proposal:	Application for the erection of a 50 bedroom Care Home with associated car parking and landscaped gardens.
Location:	Land Adjacent To Springfield House Bunker Hill Houghton-le-Spring DH4 4TN
Ward:	Copt Hill
Applicant:	Springfield Care Home
Date Valid:	15 April 2020
Target Date:	15 July 2020

PROPOSAL:

The proposal includes the construction of a 50no. bed care home at the land adjacent to Springfield House, Bunker Hill, Houghton-Le-Spring, DH4 4TN.

The site previously occupied a 50no. bed care home which has been demolished and the site has been cleared. The site has a gentle slope north to south and is located over 2 metres above the ground floor of the adjacent care facility, Springfield House Residential Home.

The site is located on Bunker Hill in Philadelphia which is an outlying village close to Houghton-Le-Spring and Shiney Row. The access road to the site is privately owned and links to Success Road, a key distributor route through Philadelphia and it provides access to the A183.

There are no trees on the site, but a number around the site boundary. To the north west lies Philadelphia Cricket Ground, whilst two detached dwellings are located on the south-western boundary. Semi-detached properties are sited to the north west along Success Road.

The proposal seeks to construct a two-storey care home, providing 23 bedrooms at ground level and 27 bedrooms at first floor level. Ancillary kitchen, laundry and hair salon are all provided at a lower ground floor level.

The applicant has confirmed that the care home would operate an 8am to 8 pm to 8am shift rota system, Monday to Wednesday, Thursday to Friday and the weekend, giving 6 shifts in total.

Daytime staff would represent the largest number, with a manager, chef/cook, handyman and care staff (approximate ratio of one staff to seven residents) and two cleaners. Evening staff would be four in total, having two staff members per floor of residents.

Car parking on site provides 29 total spaces.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Network Management
 Copt Hill - Ward Councillor Consultation

Flood And Coastal Group Engineer
Northumbrian Water
Environmental Health

Final Date for Receipt of Representations: **03.11.2020**

REPRESENTATIONS:

Northumbrian Water

Having assessed the proposed development against the context outlined above Northumbrian Water has the following comments to make:

We would have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy February 2020". In this document it states that foul flows will enter the existing onsite foul network and surface water flows will be restricted to 5l/s.

We would therefore request that the Drainage Strategy February 2020 (ref: JCC20-047-C-02 rev 00) form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

Public Protection and Regulatory Services

Environmental Health has examined the submitted documentation and considers that the proposal is acceptable in principle, subject to the inclusion of the following conditions on any granted consent:

Land Contamination

Conditions are appropriate for a Phase II and if necessary, a Remediation Strategy/Verification Plan and Verification Report, in addition to a Condition dealing with unexpected contamination.

Construction.

Prior to commencement of any development the applicant should submit for the approval of the LPA a suitable Construction Environmental Management Plan which shall identify potential impacts of site clearance and construction activities. The Plan shall also identify suitable mitigation measures to minimise those impacts upon the local environment and nearby occupiers; those measures to be implemented on site.

Noise:

Prior to occupation, all fixed refrigeration, air conditioning and extraction plant or equipment to be installed external to the building must first be subject to a noise assessment utilising BS 4142:2014. The rated noise level from any such plant shall not exceed the background noise level (the LA90) at the nearest noise sensitive properties. Mitigation measures necessary to meet this objective shall be specified and thereafter implemented prior to commencement of operation.

Odour Control:

Prior to occupation the applicant should submit for the approval of the LPA a suitable scheme of odour control and extract ventilation in respect of any food preparation and cooking facilities.

Ecology Team

Reference the Ecological Impact Assessment December 2019 report by Brooks Ecological.

1. The ecological impact assessment (EclA) report summarises the key ecological points as:
The site has been assessed as having a Biodiversity Unit score of 1.08. Proposals currently see 0.12 habitats units, and 0.14 hedgerow units delivered following development. This will result in a net loss biodiversity.
 - o Invasive non-native species are present on site and measures need to be put in place to control their spread.
 - o A Biodiversity Enhancement Plan is recommended to maximise areas of enhancement for biodiversity.
2. The recommendations in the EclA report should be adopted and implemented, with additional information submitted to fully inform a decision.
3. The field survey was undertaken at a sub-optimal time and with access restricted by dense vegetation, and there is limited information on breeding birds and bat use (two mature trees immediately adjacent the site may have potential for roosting bats); however the Ecology Team accepts the findings presented are a reflection of prevailing ecological conditions and that the development will not significantly impact negatively on protected or priority species and habitats.
4. A Biodiversity Management Plan is required, with achievable and sustainable measures, to provide certainty with regard to biodiversity net gain; reference the NPPF and CSDP. Ecological mitigation and enhancement measures could include bat roost units in buildings and similar bird nesting opportunities, and provision for hedgehog, as recommended in the EclA report. Offsite provision may also be an option.
5. Working methods during site investigation, preparation and construction should include provision for best practice with regard to invasive/non-native species (and include buddleia), and site clearance, open excavations and materials stockpiles with regard to, for example, mammals and amphibians.

3rd Party Representations

Following the expiry of the consultation process three letters of representation were received raising concerns relating to the following:

1. Traffic, access and repair of infrastructure.
2. Loss of privacy.
3. Loss of light/overshadowing.
4. Increased of noise and disturbance.
5. Construction management issues.
6. Boundary netting and gates.

Matters raised are addressed within the main body of the committee report.

POLICIES:

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

EN10, BH1, ST2, ST3, HS1, HS2, HS3, WWE3, NE1, NE2, NE3, NE4, NE7, NE8, NE9, NE11

COMMENTS:

Planning Policy:

The Local Plan is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs inline with the presumption in favour of sustainable development. It includes broad locations, land use designations and allocations to deliver this strategy. Sunderland's Local Plan is in three parts.

1. Core Strategy and Development Plan 2015 - 2033 (CSDP).
2. Allocations and Designations Plan (A&D).
3. International Advanced Manufacturing Park (IAMP) and Area Action Plan (AAP) 2017 -2032.

The above plans have superseded saved policies of the Unitary Development Plan (UDP) 1998 and UDP Alteration No.2 (2007) with the exception of a number of policies that will remain as saved policies until such a time that the A&D plan is adopted.

Considerations:

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

1. Principle of development.
2. Character and appearance.
3. Residential amenity.
4. Highways Conditions.
5. Ground Conditions and Construction Management.
6. Flood Risk and Drainage.
7. Ecology.

Principle of Development

The site in question is not allocated for any specific land use by adopted UDP and, as such is subject to Policy EN10 of the UDP. This policy has been retained until the A&D plan is adopted. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

The area surrounding the application site is residential in nature and as mentioned previously the site was occupied by a 50no. bed care home which has subsequently been demolished. Therefore it is considered that the redevelopment of the site for a 50no.bed care home would be compatible with the land uses within the locality of the site.

As a consequence, the principle of the proposed development is considered to be broadly acceptable and it is in accordance with Policy EN10 of the UDP.

Character and Appearance

The National Planning Policy Framework (NPPF) Section 12 : Achieving well-designed places, places significance emphasis upon the character and appearance of new developments. Paragraph 124 states in part that:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

In accordance with the above framework the CSDP seeks to deliver excellence in development quality via Policy BH1 Design Quality. The policy covers fourteen areas which requires adherence for new development to embrace the principles of sustainable design, positively respond to the character and setting, as well as avoiding harmful and/or cumulative impacts to the amenity of neighbouring buildings, local character and heritage assets.

The current two storey development proposes to be constructed in predominantly facing brickwork with red concrete roof tiles. The eaves are broken with intermittent, small pediment gables and ridge lines broken up with chimneys and other roof features. Projecting bays and gables add to the facade appearance with subtle changes in facing materials to create visual interest.

The gardens for the proposed development provide three main useable spaces.

To the rear of the building (north east facing elevation) a large patio dining area is proposed outside of the ground floor cafe. Adjacent to this area will be a level lawn, a timber gazebo and ornamental planting. To the south east of the development a small woodland garden is proposed with the planting shade tolerant and low maintenance. To the front of the building a small patio and garden space is proposed.

The remainder of the site will be planted and landscaped. The current close boarded fence that secures the site is to be replaced with a mixture of more suitable designs and sizes of walls and fences.

In accordance with both national and local planning policy the appearance and character of the proposal is considered to provide a positive addition to the existing site, replacing the previously cleared site with a form of development sympathetic with surrounding buildings.

Residential Amenity

Paragraph 127 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that they provide a high standard of amenity for existing and future users.

Meanwhile, Policy BH1 of the CSDP requires that new development retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Following the adoption of the CSDP in January 2020, Interim Development Management Planning Guidance was introduced in February 2020. The guidance is a material consideration and includes, on an interim basis, the Council's 'Residential Design Guide' Supplementary Planning Document (SPD) and the Household Alterations and Extensions SPD and links directly to policy BH1 of the CSDP.

The Council's Residential Design Guide Supplementary Planning Document (SPD) requires that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, this arrangement ensures dwellings are afforded acceptable levels of privacy and main living room windows are afforded a middle-to long-distance outlook.

Also, for every 1 metre in difference of ground levels 2 metres should be added to the horizontal difference. E.g. if the difference in plot level is 1 metre then the minimum distance between the main facing window and the side or end elevation should be 16 metres.

The site analysis and site plan as proposed show the limit of overlooking and the minimum distance to be retained between the existing properties and the proposed building. Further section drawings have confirmed that the required spacing standards can be satisfied.

Further consideration of the impact of the proposal on the residential amenities of the occupiers of the neighbouring properties has also been given to the potential siting of Close Circuit Television and Security lighting which may overlook or illuminate the rear garden areas of the residential properties on Success Road. With this in mind and should Members be minded to approve the application it is recommended that two separate conditions are imposed requiring details of siting and field of vision or spill of each of the aforementioned potential additions to the building.

Highway Conditions

The NPPF states that planning decisions should ensure that safe and suitable access to the site can be achieved and paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policies ST2 (Paragraph 2) and ST3 (Paragraphs 4 &5) of the CSDP, seek to ensure that developments have no unacceptable adverse impact on the Local Road Network, whilst including appropriate levels of vehicle parking and cycle storage.

Further to initial comments on the proposal, received from Transportation Development an updated Transport Statement was submitted for consideration.

With a provision of 29 car parking spaces including 2 disabled parking bays and cycle parking all on site, the proposed layout of the development is considered to be over and above the guidelines required for such a facility. In light of this situation the Transportation Development section have confirmed they have no objection to the planning application.

Ground Conditions and Construction Management

Paragraph 178 of the NPPF requires planning decisions to ensure that the site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination.

Policies HS1 Quality of life and amenity, HS2 Noise-sensitive development and HS3 Contaminated Land of the CSDP cover matters relating to public health.

The application has been supported by a Geo Investigate, Phase 1 Desk Study Site Investigation Report. Following consultations with the City Council's Public Protection and Regulatory Services Section and should Members be minded to approve the application, it is recommended that conditions be imposed for a Phase 2 investigation and if necessary a Remediation/Verification Plan, a Verification Report and a condition dealing with Unexpected Contamination.

Further conditions are also suggested relating to protecting amenity, including the imposition of a Construction Environmental Management Plan (CEMP). Any such plan should Members be minded to approve the application should have regard to the impacts of noise and vibration, lighting, dust and other airborne pollutants, and should set out how these will be minimised.

Floodrisk and Drainage.

Paragraph 155 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 not satisfied. Meanwhile policy WWE3 Water management of the CSDP seeks to ensure the sustainable drainage of the site and immediate surroundings.

The site is located within Flood Zone 1 for flooding from rivers and has a low risk of surface water flooding.

Further to consultations with the Lead Local Flood Authority, a revised drainage strategy for the site has been received and is currently under consideration, it is anticipated that the findings of this updated report will be reported to Members in a report for circulation.

Ecology

On a national level section 15 of the NPPF sets out a general strategy for conservation and enhancement of the natural environment. Paragraph 170 of the NPPF states that planning policies should minimise the impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and paragraph 175 advises that planning permission should be refused for development which has significant harm on biodiversity.

CSDP policies NE1(Green and blue infrastructure), NE2 (Biodiversity and geodiversity), NE3 (Woodlands/hedgerows and trees), NE4 (Greenspace), NE7 (Settlement Breaks), NE8 (Development in the open countryside), NE9 (Landscape character) and NE11(Creating and protecting views) are all applicable in considering the proposal.

Following initial consultations with the City Council's Ecologist, comments which are detailed in the consultation section of the agenda report a Biodiversity Management Plan (BMP) was submitted. The BMP provides a list of 6 aims in terms of site management, including preventing the spread of invasive species, protection of off-site trees, provision of bat roosting opportunities, provision of bird nesting opportunities, provisions of hedgehog habitat and the provision of bat and bird foraging habitat and reinforcement of the southern small scale wildlife corridor.

Further consultations are underway on the contents of the report and it is anticipated that the findings will be reported to Members in a report for circulation.

Conclusion.

The proposal is considered to provide an appropriate form of redevelopment of the site, matters relating to design, amenity and highways have all been satisfactorily addressed, it is anticipated that confirmation relating to the final drainage details and ecological mitigation will be reported to Members in a Report for Circulation prior to committee.

The proposal is considered to be compliant with both National and Local Planning Policies.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

o age;

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE subject to the conditions listed below:

Conditions:

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

Location Plan received 16.01.2020.

Drawing No. 3094.01.101, Existing Site Plan received 07.01.2020.

Drawing No. 3094.01.105, Existing Site Sections received 07.01.2020.

Drawing No. 3094.01.110C, Proposed Site Layout received 23.07.2020.

Drawing No. 3094.01.120D, Proposed Site Layout received 23.07.2020.

Drawing No. 3094.01.130D, First Floor Plan received 23.07.2020.

Drawing No. 3094.01.150C, Roof Plan received 23.07.2020.

Drawing No. 3094.01.200D, Proposed Elevations received 23.07.2020.
Landscape Masterplan received 16.01.2020.
Planting Details received 16.01.2020.
Drawing No. 3094.01.210, Elevations Section received 23.07.2020.

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

2 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.

3 No development shall commence until an Updated Phase II Report, detailed Remediation Strategy and Verification Plan 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 shall 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. The Remediation Strategy and Verification Plan are required to ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP and paragraph 178 of the National Planning Policy Framework.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details. The abovementioned is required in order to ensure that risks from land contamination to future users of land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP and paragraph 178 of the National Planning Policy Framework.

5 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 HS1 of the CSDP.

6 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Drainage Strategy dated October 2020 (ref JCC20047-C-02 rev 02

To ensure accordance with policy WWE3 of the CSDP , the development hereby approved does not impede the flow of water and respects the best qualities of the locality.

7 Prior to occupation, all fixed refrigeration, air conditioning and extraction plant or equipment to be installed external to the building must first be subject to a noise assessment utilising BS 4142:2014 and thereafter submitted and agreed in writing with the Local Planning Authority. The rated noise level from any such plant shall not exceed the background noise level (the LA90) at the nearest noise sensitive properties. Mitigation measures necessary to meet this objective shall be specified and thereafter implemented prior to commencement of operation. in order to ensure compliance with policy HS2 of the CSDP.

8 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy HS1 of the CSDP.

9 The development hereby approved shall be carried out in accordance with the Conclusions and Recommendations Section of the Ecological Impact Assessment Ref : ER-4290-01 dated 05.12.2020, to ensure compliance with policy NE2 of the CSDP.

10 Before the development hereby approved is commenced the details of any floodlighting/ exterior lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved plans before the building is occupied, in order to ensure a satisfactory form of development and to comply with policies HS1 and NE2 of the CSDP.

11 Before the development hereby approved is commenced details of any close circuit tv (CCTV) shall be submitted to and approved in writing by the local planning authority, to prevent it/them being zoomed into garden areas/ windows of neighbouring residential properties. The CCTV shall be installed in accordance with the approved plans before the building is occupied, in order to ensure a satisfactory form of development and to comply with policies BH1 and HS1 of the CSDP.

12 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 BH1 of the Core Strategy and Development Plan.

13 No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the submitted Transport Statement rev 862-TA-Rev 2. These facilities shall then be retained and permanently reserved for bicycle parking to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policy ST3 of the CSDP.

14 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 BH1 of the UDP.

15 No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available 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 policy ST3 of the CSDP.

Proposal:	Application for improvements to football pitch with associated infrastructure including flood lighting columns, dugouts, covered spectator stands, turnstile and fencing.
Location:	Northern Area Playing Fields Stephenson Road Stephenson Washington
Ward:	Washington North
Applicant:	Washington AFC
Date Valid:	9 June 2020
Target Date:	8 September 2020

PROPOSAL:

Planning permission is sought in relation to the formation of a football playing pitch with associated infrastructure including 6no. 15metres high floodlighting columns, dugouts, covered spectator stands, turnstile, fencing and minor external alterations to existing clubhouse on land at the Northern Area Playing Fields, Stephenson Road, Washington.

The land currently comprises of a number of sports pitches which are located to the east side of the A195. The site includes an existing single storey clubhouse building which would be used by Washington Football Club in conjunction with the use of the pitch. There is an existing car park to the south of the clubhouse.

Land to the west of the site provides the recently completed Northern Area Playing Fields Sunderland Parklife Football Hub.

The current proposal seeks to facilitate a new home base for Washington AFC (WAFC) to the standard acceptable by governing league body and Sport England. Over the past 12 years, WAFC have expanded in size and presently have over 500 players, 50 teams and 90 volunteer coaches.

Whilst the use of the land will remain for recreational purposes, namely playing fields, the following improvements are required to bring the facility up to the appropriate standard.

Formation of 1No. 11 per side grass pitch with improved drainage.

Pitch perimeter barrier.

Pitch surround hard standing.

2No. prefabricated dugouts.

2No. Prefabricated supporter stands holding 50No. capacity.

6No. floodlights masts (15 metres high).

Prefabricated entrance turnstile.

Minor external amendments to the existing clubhouse.

Additional site perimeter fencing.

The application has been supported by the following:

Design and Access Statement.

Planning Statement.

Ground Investigation Report.

Light Impact Assessment.

Noise Assessment.

Transport Assessment.

Visual Impact Assessment.

Flood Risk Assessment.
Preliminary Ecological Assessment.

The site is located within a designated open space and wildlife corridor within the Tyne and Wear Green Belt.

The proposal represents a departure from the development plan and has been advertised accordingly.

It is also noteworthy that the proposal has been subject pre-application discussions.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Environmental Health
Flood And Coastal Group Engineer
Washington North - Ward Councillor Consultation
Network Management
Sport England
Environment Agency
Northumbrian Water
Northumbria Police

Final Date for Receipt of Representations: **22.09.2020**

REPRESENTATIONS:

Sport England - It is understood that the proposal prejudices the use, or leads to the loss, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The consultation with Sport England is therefore a statutory requirement.

Sport England is satisfied that the proposed development meets the development needs exception 2 of their playing fields policy in that:

"The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use."

This being the case, Sport England does not wish to raise an objection to the application.

Context. - The current proposal has a broader link with the housing development proposed at Albany Park, Spout Lane, Washington ref 19/01252/FUL. The Football Foundation set out the WAFC's current situation in their response to the aforementioned development.

Washington Football Club currently play with the Northern League Division 2 (FA National League System Step 6) and are having to play their games outside of the town at Ferens Park in the City of Durham.

The Club are aligned with WAFC, and between them hold FA Charter Standard Community Club status, meaning they provide playing opportunities for all ages and formats of the game and are ran by one club committee.

That arrangement is one that has only come about in recent years, and following numerous discussions between the two parties when Washington FC were on the brink of folding. The alignment of the two sections has greatly raised the profile for the club as a whole and now a clear pathway is in place from junior to senior football, and numerous volunteers and committed personnel that are devoted to supporting the long term future of the club. For the club to sustain the pathway to the first team, they need to be based back in Washington and build their sustainability through attracting supporters, including their junior section, to Northern League matches.

Washington FC have been involved in detailed discussions as of January of this year to look at options to locate back to the Town, and find themselves a new home. The club are keen and need to reconnect with the local community, and a new ground in the town.

Sport England's position has been that it would be minded to accept the loss of Washington FC's former ground at Albany Park to housing development provided a Section 106 on that development helped fund the provision of the new ground and that timing mechanisms within the housing development approval ensured that the new ground was brought into use prior to the occupation of the new houses.

In light of the above, Sport England also wishes to express its support for Washington FC's ground as it would help to consolidate community football opportunities and has the potential (along with the Parklife Hub) to be beneficial to the development of football in the town.

Northumbrian Water Limited - No observations

Northumbria Police - No comment to make regarding the application as detailed except to the extent that it is disappointing that the Football Club hasn't included provision to control its car park outside the hours of normal operation.

There have been incidents of "boy racers" meeting and only this week unlawful encampment in the vicinity and it is appropriate and the Football Hub might consider to what extent they could take more control of the entrance road by establishing a securable boundary stood off from the currently protected areas.

Public Protection and Regulatory Services - Environmental Health has examined the submitted documentation and considers that the proposed development is acceptable. However, additional information is requested in respect of land contamination as detailed below;

The ground investigation report referenced as STP4243M-G02, Revision 03, January 2019 should be provided as an appendix in an updated report for review. A commentary on the testing undertaken and its appropriateness for this site area should be discussed;

A Coal Authority report for the site area should be obtained to confirm the mining risk at the site;

A complete set of historical maps should be included in the report;

The report should be updated to include a detailed discovery strategy to be put in place during construction works.

Further to receipt of the additional information requested, Environmental Health have reviewed the revised report (Ref: STS-5082M-R01 Rev B) submitted for the Proposed floodlit natural turf

pitch, Northern Area Playing Fields, Washington (Planning Ref: 20/00839/FU4) and can confirm that the report now addresses all of our previous comments.

Natural Heritage.

Further to receipt of the proposal initial comments identified the following for further consideration.

1. Details are required of the design, implementation and management of the ecological measures summarised in Preliminary Ecological Appraisal Report May 2020 by Penn Associates (section 6.0); and the applicant should demonstrate how sustainable Biodiversity Net Gain will be achieved either on or off site. Net Gain can be calculated using the Defra Metric 2.0.
2. The ecological mitigation measures should address the impacts from the closed site boundary perimeter fence on connectivity for larger mammal species.
3. The construction phase method statement should include measures to address any possible negative impacts on wildlife from open excavations and materials stockpiles, and be mindful of recommendations with regard to the need for updating ecological surveys at certain times hence.
4. Consultation with the Arboricultural Officer is recommended re possible impacts from the proposed development on, and protection of, existing trees in/adjacent the site, with particular regard to the installation of the proposed boundary fencing; and potential future access for (off-site) woodland or other management purposes.

The above comments were addressed in the subsequent Ecology Response Statement dated Aug.2020 ref:TFA/ERS/V1.0 and highlighted how to avoid, reduce, compensate and enhance effects and impacts.

In light of the above and following further consultations, the City Council's Ecologist confirmed the below:

"The applicant's ecologist can ensure their recommendations and the measures adopted during construction and operation of the development are delivered appropriately and advise the applicant on how and where ecological enhancement (Biodiversity Net Gain) will be achieved on or off site."

Lead Local Flood Authority (LLFA).

Further to receipt of additional reports in the form of Drainage Strategy Summary Statement Aug 2020 Version 1.0 in addition to the Flood Risk Assessment the LLFA have confirmed they have no objection to the proposal subject to the following.

With regard to 20/00839/FU4 and in relation to flood risk and drainage I would now suggest that enough detail has been provided to suggest for approval of the application. I would suggest a verification condition on the application to say something along the lines of before first use a final drainage layout to include final pipe sizing, invert and cover levels of all connections to the d/s manhole should be provided.

POLICIES:

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

NE2, NE4, NE6, NE9, NE11, HS1, HS2

COMMENTS:

Relevant Planning Policy.

The site is located within a designated open space and wildlife corridor within the Green Belt and the changes relate to the playing fields closest to Northumberland Way (A185). As the site would be located within the Green Belt, both the National Planning Policy Framework (NPPF) and Core Strategy and Development Plan policy NE6 : Green Belt are relevant.

Paragraph 145 of the NPPF sets out a list of exceptions when new buildings in the Green Belt would not be considered as inappropriate. In part the paragraph states exceptions to this are:

"b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land with it:"

The site is also partly located within a designated Wildlife Corridor, consequently Policy NE2: Biodiversity and Geodiversity is relevant. In particular criterion 6 of the policy is of relevance, which dictates that development would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

The site is considered a designated open space, consequently CSDP Policy NE4: Greenspace applies. It sets out that the Council will protect, conserve and enhance the quality, community function and accessibility of the green space. In addition, the Northern Sports Fields are also considered a community facility and consequently, CSDP Policy VC5: Protecting and Delivery of Community Facilities and Local Services is relevant. Criterion 2 of Policy VC5 sets out support for development which enhance community facilities.

It is noted that the proposal would introduce flood lights. CSDP proposals NE9 and NE11 both provide criteria on issues related to visual impact. In relation to design quality CSDP Policy BH1: Design Quality is relevant.

Having regard to amenity issues such as noise and illumination CSDP Policies HS1: Quality of Life and Amenity and HS2 : Noise Sensitive Development are particularly significant.

ISSUES TO CONSIDER

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

1. Principle of development
2. Implications of development in relation to residential amenity, visual amenity and design
3. Impact of development on highway and pedestrian safety
4. Flood risk and sustainable drainage implications of proposed development
5. Implications of development in relation to ecology and trees
6. Implications of development in relation to land contamination

1. Principle of development

Relevant Green Belt policy

As noted previously, the application site lies entirely within the Tyne and Wear Green Belt and so the local and national planning policies which govern development within the Green Belt are applicable. Firstly, it is considered appropriate to reiterate that, as is set out at paragraph 133 of the NPPF, the Government attaches great importance to Green Belts and their fundamental objective of preventing urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.

Paragraph 134 of the NPPF goes on to highlight the reasons for land being designated as Green Belt and in this regard, it states that the Green Belt serves five purposes, these being:

- o To check the unrestricted sprawl of large built-up areas;
- o To prevent neighbouring towns from merging into one another;
- o To assist in safeguarding the countryside from encroachment;
- o To preserve the setting and special character of historic towns; and
- o To assist in urban regeneration, by encouraging the recycling of derelict and other land;

In terms of determining planning applications for development proposals within the Green Belt, paragraph 143 of the NPPF states that "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 144 then advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

To qualify the guidance of paragraphs 143 and 144, paragraph 145 of the NPPF states that "a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- o Buildings for agriculture and forestry;
- o Provision of appropriate facilities, (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- o 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;
- o The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- o Limited in-filling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- o Limited in-filling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development: or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The recently adopted CSDP Policy NE6 : Green Belt at criterion 3, sets out that development in the Green Belt will be permitted where they align to the exemption list within the NPPF (as set out above).

Consideration of proposals with regard to Green Belt policy

As set out above, paragraph 145 of the NPPF encourages local planning authorities to plan for enhanced outdoor sport and recreation opportunities in the Green Belt. Given that the proposals are ultimately designed to improve the outdoor football facilities available at an established complex and will improve the public recreational offer of the site, it is considered that, in the broadest possible terms, the development is consistent with the NPPF's land use objectives in relation to the Green Belt.

New buildings and appropriateness

Paragraph 145 of the NPPF requires that the construction of new buildings (and at this point, Members should note that the definition of 'buildings' provided by section 336 of the Town and Country Planning Act 1990 (as amended) refers to 'any structure or erection', such as floodlights, fencing etc.) for outdoor sport and recreation can be considered as being not inappropriate development where the buildings provide 'appropriate facilities' for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Considering the application in this context, it is noted that the proposed development involves a limited range of new structures, including a covered spectator stand, turnstile and fencing, dugouts and flood lighting columns, to complement the existing playing pitch, changing facilities and car parking area. In order to establish whether the new buildings are 'appropriate' for outdoor sport and recreation, it is pertinent to consider the role the buildings and structures will play in supporting the wider complex and in this regard, reference is made to Sport England's 'Planning for Sport: Development Management' (guide 3 of 4), which advises that "the provision of appropriate facilities should include those which help to secure the long-term sustainability of a sports facility, or enhance their quality and/ or accessibility thereby maintaining and increasing participation".

In light of the above, it is considered that the current proposal seeks to introduce a range of facilities that represent a very basic level of infrastructure required by WAFC to establish a new home playing facility, whilst meeting the minimum required by the league in which the club currently compete. With this in mind it is considered that the proposal does represent an appropriate form of development within the Green Belt.

Notwithstanding this aspect of the consideration of the application proposal, it is also considered necessary to assess the application proposal in terms of whether it preserves the openness of the Green Belt and whether the application proposal conflicts with the purposes of including land within the Green Belt.

With regard to the Green Belt's purpose of restricting urban sprawl, preventing the merging of settlements and safeguarding encroachment into the countryside, it is recognised that the proposed development will serve to increase the number of buildings and structures already present at the complex. The proposals do, however, focus development at an established site where buildings and structures already support the existing outdoor sports facilities - the proposals do not, for instance, encroach beyond the established boundaries of the northern areas playing fields complex. Furthermore, despite the proposed development, the complex would still be characterised by outdoor sports pitches and expanses of grassed landscaping, tree planting and woodland.

In terms of the Green Belt's role in supporting the regeneration of existing urban areas and while the development does not directly assist in regenerating an established built-up area of the City, the proposals will at least support the significant improvement and revitalisation of an established outdoor sports complex on the urban edge of the City. Lastly, the Green Belt at this location does

not perform a function that can be considered as preserving the setting and special character of an historic town and as such, the application proposal is not considered to conflict with the five purposes the Green Belt serves, as per paragraph 134 of the NPPF and policy NE6 of the CSDP.

However, and as highlighted previously, paragraph 145 of the NPPF also requires buildings providing appropriate facilities for outdoor sport and recreation to preserve the openness of the Green Belt. The relevant Practice Guidance states that in assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstance of the case and that the Courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

1. openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume.
2. the duration of the development, and its remediability- taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
3. the degree of activity likely to be generated, such as traffic generation.

In this regard, it is considered that the current proposal, as highlighted previously, can be considered as minor ancillary features, to an existing facility and very low key when assessed against the recently operational Washington Football Hub which is directly alongside. With all the above in mind, it is considered that given their siting, design and size, the proposed facilities will not have any significant or appreciable impact on the openness of the Green Belt.

With reference to CSDP policies NE4 and VC5. Policy NE4 states in part that:

"The council will protect, conserve and enhance the quality, community value and function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit Report."

Whilst policy VC5 seeks to protect and enhance existing community facilities, by supporting the shared use of facilities and supporting extended community facilities. Both CSDP policies NE4 and VC5 support the enhancement of the site, both in respect of the site's status as open space and its status as a community facility.

With the above in mind it is considered that the current proposal is an appropriate form of development within the northern areas playing field site and is consistent with both Green Belt policy NE6 and policies NE4 and VC5 of the CSDP.

2. Implications of development in relation to residential amenity, visual amenity and design
CSDP Policies BH1 NE9 and NE11 are of particular relevance in considering matters relating to amenity and design. Policy BH1 : Design Quality seeks to achieve high quality and positive improvement and development should in part be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst policy NE9 : Landscape character aims to protect, conserve and enhance the varied landscape character. Policy NE11 Creating and protecting views into, out of and within development.

In assessing the prevailing characteristics of the site, it is firstly noted that the site lies on the edge of the existing urban area and already contains an existing changing room building and car park. It is also observed that views into the complex are limited due to it being almost completely surrounded by trees and woodland, which serve to screen and filter the views towards the existing site and adjacent Washington Hub site, when approaching from along the access road, the site

topography and woodland plantation means the new structures and facilities will only be apparent when almost within their immediate setting.

The proposed dugouts will be small structures (approximately 4m x 1.2), located to the west side of the pitch and separate from the spectator stands. Lightweight in structure and constructed from polyester, the dugouts would be transparent.

The spectator stands measure 3m x 7m and are open on three sides, with a roof to provide shelter reaching a height approximately 3m. The overall design of the stands have been carefully chosen to minimise any potential impact upon the openness of the site, with four rows of stadium seating. In comparison to other buildings on the site, namely the changing facilities and hub pavilion, the footprint of the stands represents 5% of the recently constructed hub site pavilion. It is noteworthy, that both the dugouts and stands are prefabricated and removable.

With regard to the six floodlights that measure 15 metres in height, these are a slender design and limited in number. In terms of context the adjoining site provides 26 similar floodlighting columns. Each of the lighting columns are fixed to ground level base plates and removable.

The small turnstile facility is also a prefabricated structure, designed with a shallow pitched roof.

The security and ball-stop fencing to the west of the site, meanwhile, is largely screened from views taken from outside the complex, and whilst the overall extent of new fencing means it will be readily apparent from within the complex, its lightweight, dark-green mesh design will serve to limit its visual presence and its impact on the openness of the Green Belt.

To summarise, it is considered that whilst there will be some additional structures proposed to the site and minor modifications to the fenestration of the existing changing room facility, their design and materials proposed suggest that there will no impact upon the landscape character, views of the site or appearance of the facility as a sporting venue. Added to the need to reduce the impact of the proposal upon the openness of the Green Belt, the use of transparent materials, prefabricated and removable buildings, it is considered that the proposal is compliant with relevant CSDP policies BH1, NE9, NE11 and NE6.

3. Impact of development on highway and pedestrian safety

Section 4 of the NPPF promotes sustainable transport, with paragraph 111 stating that:

"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impact of the proposals can be assessed."

CSDP Policies ST2 : Local Transport Network and ST3 : Development and Transport are reflective of the above guidance.

Following consultations with the Transportation Development Service have provided the following comments:

"It is considered that the Transport Statement submitted in support of the planning application has satisfactorily demonstrated that the proposed development will not have a material impact on the operation or safety of the local road network."

With the above in mind and subject to the imposition of the following conditions should Members be minded to approve the application, there is no objection to the planning application.

"A Welcome Pack should be prepared and approved by the local planning authority in writing, prior to the opening of the proposed development. The Welcome Pack should be issued to all staff, members, visitors and visiting teams should include as a minimum:

- * Information about travelling to the Club by sustainable means of transport;
- * Offer visiting teams (and supporters) in producing personalised local travel arrangements, highlighting the travel options available to them by walking, cycling and public transport and the benefits thereof; and
- * Telephone numbers to local taxi companies."

"A Construction Traffic Management Plan should be prepared and approved in writing by the local planning authority prior to the commencement of works on the proposed development to ensure that the impact to local residents is minimised."

4. Flood risk and sustainable drainage implications of proposed development.

Paragraph 163 of the NPPF seeks to control flood risk and states:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood -risk assessment."

Whilst CSDP policy WWE3 : Water Management, reinforces the above guidance and states in part:

"Development must consider the effect on flood risk, on site and off-site, commensurate with the scale and impact. Development must be accompanied by a Flood Risk Assessment (where appropriate), to demonstrate that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere and where possible will reduce flood risk overall."

As set out in the Representations section of the agenda report, the Lead Local Flood Authority are satisfied that with the imposition of a condition should Members be minded to approve the application, the development will not lead to conditions prejudicial to surface water flooding.

The proposal is considered to be in compliance with CSDP policy WWE3.

5. Implications of development in relation to ecology and trees.

Section 15 : Conserving and enhancing the natural environment sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

CSDP policy NE2 Biodiversity and geodiversity expands upon the above in stating:

"Where appropriate, development must demonstrate how it will provide net gains in biodiversity and avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

Further to consultations with the Natural Heritage section, it is acknowledged that the proposal is acceptable subject to a conditions requiring the appropriate mitigation measures to be included should Members be minded to approve the application.

6. Implications of development in relation to land contamination

CSDP Policy HS3 Contaminated land states in part that development should demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

Following consultations with the City Council's Public Protection and Regulatory Services Section (PPRS) where it was identified additional information was required to clarify the condition of the existing site an updated report in the form of Ground Investigation Report dated August 2020 ref STS-5082M-R01 Rev B was provided for consideration. Further to consultation PPRS have confirmed that they have no objections to the proposed facility improvements at Northern Area Playing Fields.

PPRS have also confirmed that details provided relating to light spillage from the Floodlights and the supporting noise assessment are considered to be acceptable and not lead to conditions prejudicial to residential or visual amenity.

CONCLUSION

The proposals have been assessed with careful regard to the national and local planning policies which govern development in the Green Belt. For the reasons set out above, the proposed facility improvements are considered to provide an appropriate form of development, whilst not causing harm to the openness of the Green Belt.

The principle of the development in land use terms is therefore considered to be acceptable.

In addition, for the reasons discussed above and subject to the imposition of appropriate conditions as recommended throughout the report, the proposals are considered to be acceptable in respect of matters relating to visual and residential amenity, highway and pedestrian safety, drainage, ecology and biodiversity, trees and land contamination.

The proposals are therefore considered to comply with the requirements of the core principles and relevant paragraphs of the NPPF and relevant policies of the CSDP.

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 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions below:

Conditions:

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

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

Location Plan received 29.05.2020

Site Plan as existing and proposed received 29.05.2020.

Elevation as existing and proposed received 29.05.2020.

Floor Plans as existing and proposed received 29.05.2020.

Turnstile/Dugout details received 29.05.2020.

Barrier Fence details received 29.05.2020.

Lighting Column details received 29.05.2020

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

3 The external materials to be used, including walls, fences, roofs, doors and windows shall be as identified with the submission details of the application, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Notwithstanding the details provided within the Drainage Strategy Summary Statement dated August 2020, a verification report shall be provided prior to first use to the Local Planning Authority in writing and agreed that demonstrates a final drainage layout to include final pipe sizing , invert and cover levels of all connections to the d/s manhole in the interest of surface water drainage and to comply with policy WWE3 of the CSDP.

4. Houghton

Reference No.: 20/01006/FUL Full Application

Proposal: **Change of use from garden room to hair salon.**

Location: 23 Lyons Gardens Hetton-le-Hole Houghton-le-Spring DH5 0HL

Ward: Hetton

Applicant: Mr Brian Harrison

Date Valid: 23 June 2020

Target Date: 18 August 2020

PROPOSAL:

The property to which the application relates is a two-storey detached dwelling located at the head of a cul-de-sac, with allotment gardens to the south. The host dwelling benefits from a detached summerhouse (former garage) to the front which is attached to the garage to the side of no.24. The property sits within a modern estate which was granted permission in 2005 (application reference 05/03916/LEG).

The garage to the front of the property has already been converted into a summerhouse, with the addition of a window replacing the roller shutter door and a door in the side facing the host property. It is noted that this work constitutes permitted development and formal planning permission would not be required however, the applicant now proposes to operate a hair salon from the summerhouse.

It is proposed that there will be one hairdresser (his wife) and that the salon will operate from 10:00-14:00, 3 days per week with 3 clients per day on an appointment basis. The salon would not be open on Sundays or Bank Holidays.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Environmental Health

Network Management

Hetton - Ward Councillor Consultation

Hetton Town Council

Final Date for Receipt of Representations: **19.08.2020**

REPRESENTATIONS:

1 no. letter of support was submitted by Mrs Kay O'Neill:

"I used to live in this cul de sac. It is set out in such a way that any visitors can do so privately and independently of other residents.

The access to number 23 proposed hair salon is both private (not visible to any other residents unless they walk onto number 23 garden path) and accessible without causing inconvenience to other residents. The property has 2 parking spaces which will be available to visitors of no 23 during the day.

During these unprecedented times changes like these should be applauded. Providing a one to one service, eliminating increased risks of contracting Covid 19, should be supported by local authorities.

I am the mother in law of applicant. I previously lived in 23 Lyons Gardens".

2 no. letters of objection were received from the occupiers of no's 23 and 24 Lyons Gardens. The following concerns were raised:

- o Change of use of garage to garden room
- o Adverse effect on house value
- o This will set a precedent in the area
- o Increase in traffic on estate and parking is already limited
- o Public drains and sewers not suitable for commercial use
- o Removal of commercial waste from site
- o Increase in noise levels due to operating hours and devices used
- o No indication of ventilation indicating that doors and windows will be opened during operating hours
- o Increased traffic and footfall will increase noise levels
- o Impact on privacy
- o Fire safety concerns due to numerous electrical devices used throughout the day
- o The driveway is shared so concerns with liability.

Hetton Town Council also submitted a formal objection on the following grounds:

1. The proposed development would lead to the attraction of additional vehicles to and from the site and without adequate off street parking facilities would lead to the creation of conditions prejudicial to road safety and as such is contrary to policies T14 and T22 of the UDP.

2. The proposed use is considered to be of a commercial nature that is an inappropriate use within a residential area and is likely to have a detrimental effect on the amenities of nearby residents by reason of noise and disturbance and as such is contrary to policy B2 of the UDP.

With reference to the conversion of the garage to a summerhouse, as stated above this would constitute permitted development and would not require a formal planning application.

With regard to fire safety, the removal of commercial waste and use of the domestic drainage system, these matters are dealt with by other regulatory bodies and as such cannot be considered in the context of the planning application.

With regard to the shared driveway and liability, any dispute relating to ownership and use of this land would need to be addressed by the relevant parties as a civil matter.

The other concerns raised above will be considered within the following report.

POLICIES:

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

EN10, BH1, HS1 and ST3.

COMMENTS:

RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development.

More specific guidance of the NPPF is referred to, where relevant, throughout this report.

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

The policies which are considered to be pertinent to the determination of this application are saved UDP policy EN10 and policies BH1, HS1 and ST3 of the CSDP.

With regard to the above relevant national and local planning policies, the main issues for consideration in the determination of this application are as follows:

1. Principle of use;
2. Impact of development on residential amenity;
3. Highway safety.

CONSIDERATION

1. Principle of use

The application site and surrounding locality is not allocated for a specific land use by the CSDP policies map and so, in accordance with saved UDP policy EN10's requirements, the proposal must respect the prevailing character of the neighbourhood.

Within the National Planning Policy Framework (NPPF) local planning authorities are encouraged to support sustainable economic growth through a range of strategies including facilitating flexible working practices such as the integration of residential and commercial uses within the same unit.

The operation of a business from home would not, therefore, necessarily be considered incompatible with the primary residential use of the neighbourhood, provided that the operation of the business does not adversely impact upon residential amenity or highway safety or give rise to any other insurmountable planning concerns.

Consequently, in order to determine whether the proposed use is compatible with the neighbourhood, regard must be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

2. Impact of development on residential amenity.

Paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.

Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

On a local level policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policy HS1 meanwhile sets out that development must not result in unacceptable adverse impacts arising from air quality; noise; dust; vibration; odour; emissions; land contamination and instability; illumination, run off to protected waters; or traffic.

The Council's Public Protection and Regulatory Services team considered the information provided and noted that no detail had been submitted with regard to ventilation or sound insulation.

Their comments go on to state that without adequate control measures the introduction of such a use in a relatively close residential area may result in impacts upon neighbours.

They also pointed out that the proposal introduces a commercial custom to a restricted residential cul de sac and whilst the current intended level of activity may be limited, the property is not to the same standard of construction as a commercial/retail unit.

They concluded that any proposal for such a use should normally be accompanied with a suitable noise assessment and scheme of ventilation and/or extraction.

The applicant responded to this via email on the 01.09.20 and stated that an extraction fan could be installed so that it would not discharge or vent air onto the neighbouring properties but would extract toward the host property. The response went on to state that with regard to noise, the only equipment to be used would be a single hairdryer at any one time, that he would discuss soundproofing the walls with his builder and the double glazed doors should limit noise.

The Public Protection and Regulatory Services team considered the information provided and suggested that in terms of noise and ventilation associated with the proposed use of the summerhouse, given the restrictive nature of the premises in question and the adjoining garage use, these matters could be addressed by the application of conditions requiring detail of ventilation and soundproofing to be submitted prior to commencement of the use.

Despite the Public Protection and Regulatory Services team having no objection to the proposal on the grounds of noise generated within the structure and odour emission, the impact of coming and goings from site and the disturbance this may cause must also be considered.

The applicant has provided information regarding how he envisages the business will operate. Proposed business hours are 10:00-14:00, 3 days a week ,with 3 customers per day on an appointment basis. Although only a few appointments per day are anticipated at first, it is suggested that this would have the potential to increase if the business is successful.

It is noted that the dwellings within the estate are in close proximity to each other and the comings and goings and vehicular movements in the street associated with the additional 9 no. customers per week will be highly apparent. It is considered that this additional activity, generated by a commercial use, will be out-of-keeping with the prevailing quiet, residential characteristics of the

immediate surroundings of the application property and will cause occupiers of neighbouring dwellings to experience unacceptable levels of disturbance, to the detriment of their amenity.

Given the above, it is considered that the proposal would be detrimental to the prevailing character of the neighbourhood and the residential amenity of the surrounding neighbours and would therefore conflict with the objectives of the NPPF and policies BH1 and HS1 of the CSDP.

3. Highway safety

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The applicant stated within the application form submitted on 23.06.20 that 2 no. spaces would be available for parking.

The Council's Highways team considered the information provided and stated that as the property is located in a cul-de-sac and utilises a shared drive, suitable off-street parking for the proposed hair salon had not been provided.

They considered that the proposal would likely lead to increased levels of parking in Lyons Gardens and the shared private drive, which would be detrimental to highway safety and residential amenity and advised that the proposal is resisted.

It is noted that with regard to visitor parking, the original application for the estate was conditioned to ensure that car parking for visitors would be provided at a ratio of 1no. space per 3 units of residential accommodation in the interests of highway safety.

The applicant provided a number of alternate parking arrangements over the course of the application which are detailed below:

Alternative 1

The customer drives to the rear of the property and accesses the rear Garden through a gate. They would then walk through my Garden to the Hairdressers.

Alternative 2

The customer parks at Hetton Lyons Country Park car park and it is a short walk to the property.

Alternative 3

Customers park within an area of land to the south west, where allotment users park their vehicles here to enter the allotments to the side of my property.

Alternative 4

Use of visitor parking to side of 21 Lyons Gardens.

Alternative 5

Allow customer to park in applicant's parking space to front of garage and park applicant's car elsewhere.

It is acknowledged that the applicant has attempted to provide a solution to the parking issue. However, the Council's Highways team has considered all of the alternative options and unfortunately none of the arrangements were deemed suitable, as the applicant would not be able to enforce the parking of customers elsewhere. For the purposes of clarity the response to each individual option is provided below:

Alternative 1

The access is via a private access for other residents of Lyons Gardens and would likely pose the same problems as parking in the cul-de-sac close to/at 23 Lyons Gardens.

Alternative 2

The car park is some 350m away (approximately) to walk by foot and there is no pedestrian refuge on the B1285 providing safe crossing facilities.

Alternative 3

This area would appear to be private and not within the applicant's control.

Alternative 4

The adopted visitor parking in Lyons Avenue is for all visitors to Lyons Gardens (not for the sole use of no.23) and is not within the applicant's control, therefore the space/spaces could not be relied upon/maintained for parking for the proposed business use.

Alternative 5

This would not be considered to be an appropriate alternative as a space should be maintained at the front of the property for the applicant to park. It would not be considered feasible to condition this space to be used for customer parking and the issue would still remain as to where the applicant would then park their car.

Given the above it is considered that the development would result in an increase of on-street parking within the vicinity of the site to the detriment of highway safety. The proposal is therefore contrary to policy ST3 and is unacceptable from a highway safety point of view.

CONCLUSION

It is considered that the development will lead to the attraction of vehicles to the site without adequate off street parking resulting in conditions prejudicial to highway safety and contrary to the NPPF and policy ST3 of the CSDP. Further to this the comings and goings to the site by customers and their vehicles will cause an unacceptable level of disturbance contrary to policies BH1 and HS1 of the CSDP.

It is therefore recommended that Members should refuse this application for the reasons given below:

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: REFUSE, for the reasons set out below:

Reasons:

1 The proposed operation of the business will lead to an increase in vehicular activity and parking in the vicinity of the site which cannot be adequately catered for, giving rise to opportunistic parking and conflict with other road users and pedestrians in a confined residential environment. The proposal will consequently give rise to conditions which will be to the detriment of highway and pedestrian safety and contrary to the requirements of paragraph 109 of the NPPF and policy ST3 of the CSDP.

2 The proposed business operation will result in harm to the residential amenity of neighbouring dwellings by virtue of noise and disturbance from the increased number of vehicular journeys to and from the premises and the comings and goings of customers from the property, within a quiet residential environment. As such, the proposal is contrary to the requirements of paragraphs 127 and 180 of the NPPF and policies BH1 and HS1 of the CSDP.

Reference No.:	20/01595/MNQ Purchase notice under s137 of the Town and Country Planning Act 1990 (as amended)
Proposal:	Purchase Notice for land adjacent to 2 Boundary Cottages, Golf Course Road, Houghton-Le-Spring, DH4 4PL.
Location:	Land adjacent to 2 Boundary Cottages, Golf Course Road, Houghton-Le-Spring, DH4 4PL.
Ward:	Shiney Row
Applicant:	Persepolis Architecture
Date Valid:	25 August 2020
Target Date:	16 September 2020

INTRODUCTION

This report relates to a Purchase Notice which was served on the Council on 5th August 2020 under Section 137 of the Town and Country Planning Act 1990. The Purchase Notice relates to the land adjacent to 2 Boundary Cottages, Golf Course Road, Houghton-Le-Spring, DH4 4PL.

Members may recall that a planning application proposing the erection of a 4-bedroom dwelling at the land adjacent to 2 Boundary Cottages, application reference 19/01269/FUL was brought to Committee for Members consideration on 29th October 2019. A previous application for a 4-bedroom dwelling was refused planning permission under delegated powers on 18th April 2019, application reference 19/00314/SUB.

Members resolved to refuse application 19/01269/FUL for the following reasons:

1. The development of the former garden associated with no. 2 Boundary Cottages for a residential dwelling would result in the loss of an area of private open space which would have an effect on the amenity value of the site to the detriment of the established character of the locality. The proposal would fail to satisfy Policy B3 and H22 of the adopted Unitary Development Plan, Policy NE4 of the emerging CSDP and paragraph 70 and 122 of the NPPF which seek to retain an area's prevailing character and setting which includes residential gardens.
2. The location of the proposed dwelling, in close proximity to the front of the plot would result in a building which would be visually dominant to the detriment of the visual character and appearance of the street scene of which the property would form a part. The proposal would consequently conflict with Policy B2 of the adopted Unitary Development Plan, Policy BH1 of the emerging Core Strategy Development Plan and paragraph 127 of the NPPF which require development to respect visual amenity.
3. The existing Sycamore tree, T20 located within the application site is required to be removed to facilitate the development and is subject to a tree preservation order (No. 168). The tree is a mature and healthy specimen which has public amenity value, due to its location towards the front of the site and prominence in views from surrounding streets, including Chester Road. The tree is accepted as a 'category B' standard with a 20+ years life expectancy. The proposal would not allow for the replanting of a replacement tree and the removal would result in harm to the amenity of the area, as it would remove a landscape feature that makes a contribution to the visual amenity of the area. The proposal would therefore conflict with the objectives of Policy CN17 of the adopted Unitary Development Plan, Policy NE3 of the emerging Core Strategy Development Plan and paragraph 170 of the NPPF which seeks to encourage the retention of

trees which make a valuable contribution to the character of the area and the retention of trees in all new development where possible.

4. The development of the dwelling would be likely to lead to requests by the future occupiers of the property to have the trees within the site removed or heavily pruned. Such requests would be to the detriment of the trees and to the character and appearance of the site and the locality. Also, the construction of the dwelling may cause unavoidable damage to the protected trees both within and bordering the application site due to the significant overhanging of the canopies and the root protection areas within the construction area. The proposal is considered to be contrary to Policy CN17 of the adopted Unitary Development Plan, Policy NE3 of the emerging Core Strategy and paragraph 170 of the NPPF.

5. The siting of the proposed dwelling close to a number of mature trees within and bordering the application site would result in overshadowing of the proposed dwelling house and the garden area of the property which would reduce the outlook from the proposed dwelling and create a heavily shaded garden area to the detriment of the residential amenity to be enjoyed by future residents which would not satisfy Policy B2 of the adopted Unitary Development Plan, Policy BH1 of the emerging CSDP, the objectives contained in the Residential Design Guide SPD and paragraph 127 of the NPPF which seek to ensure a good standard of amenity for future occupants of land and buildings.

Application 19/01269/FUL was subsequently refused planning permission on 30th October 2019.

The applicant considers that the land adjacent to 2 Boundary Cottages cannot be used for any purpose because of the refusal of planning permission for residential development on the site. The Purchase Notice referred to above has therefore been served on the Council.

PROCEDURAL MATTERS

Purchase notices are rarely received by the Council and the Executive Director of City Development does not have delegated authority to determine the Council's position in relation to Purchase Notices under Section 139 of the Town and Country Planning Act 1990. The application has therefore been referred to Planning and Highways West Committee for endorsement.

LEGISLATIVE BACKGROUND

Section 137 of the Town and Country Planning Act relates to a Purchase Notice and in this case in relation to an application to develop land which was refused planning permission. The conditions of Section 137 allow the service of a Purchase Notice on the Council in cases where:

a. the land has become incapable of reasonably beneficial use in its existing state.

Under Section 139 of the Town and Country Planning Act 1990 the Council on whom the Purchase Notice is served shall serve notice on the owner by whom the purchase notice was served a notice (a "response notice") stating either:

a. that the Council are willing to comply with the Purchase Notice; or

b. that another Local Authority or Statutory Undertakers specified in the response notice have agreed to comply with it in their place; or

c. that for reasons so specified the Council are not willing to comply with the Purchase Notice and have not found any other Local Authority or Statutory Undertakers who will agree to comply with it in their place, and that they have sent the Secretary of State a copy of the Purchase Notice and of the Response Notice.

A response to the Purchase Notice must be served before the end of the period of three months beginning with the date of the service of the Purchase Notice which in this case would require a response to the request by 5th November 2020.

It should be noted that where the Council propose to serve a response which confirms that the Council are not willing to comply with the Purchase Notice and have not found any other Local Authority or Statutory Undertakers who agree to comply with it in their place they must send the Secretary of State a copy of the proposed Response Notice and a copy of the Purchase Notice.

THE SITE

The site originally formed part of the garden associated with the existing residential dwelling of 2 Boundary Cottages and was sold to the current owner. The plot has an irregular shape varying in width between 50 and 30 metres and it has a depth of 30 metres. The site contains several mature trees which are located along the north, eastern and southern boundaries of the site with the remaining site being grassed. The site is uneven and undulating grass which appears to result from the number of mature trees located on the site and the impact of the roots of these trees.

To the north the site is bounded by a stone wall fronting Chester Road and an existing panel fence along the western boundary. The site is surrounded by residential properties including nos.1 and 2 Boundary Cottages to the southeast, The Boundary to the northeast, nos. 39-36 Bowes Lea to the south west and Westway, Kia Mena, Cordale and Bonnyrigg to the northwest on the opposite side of Chester Road.

PLANNING HISTORY

18/01971/FUL - erection of 2no. 4-bedroom dwellings to the front garden area, application withdrawn.

19/00314/SUB - erection of 1no. 4-bedroom dwelling, refused planning permission on 18th April 2019 under delegated powers.

19/01269/FUL - erection of 1no. 4-bedroom dwelling, refused planning permission on 30th October 2019 following consideration of the proposal at Planning Committee on 29th October 2019.

APP/J4525/W/20/3245206 - appeal against the refusal of planning permission reference 19/01269/FUL, appeal dismissed 17th June 2020.

The Inspector, in the appeal decision letter, concluded that although no harm would be caused to the living conditions of future occupants, this does not overcome the harm that would be caused to the character and appearance of the area due to the impact on protected trees. The Inspector considered that the trees proposed for removal are located in such prominent positions adjacent to the boundary with Chester Road and are in such a condition as to make a significant contribution for many years to come. Due to the loss of the trees, the proposed development would be harmful to the character and appearance of the area and the appeal was subsequently dismissed.

REPRESENTATIONS

Letters have been sent to the relevant Statutory Undertakers requesting any interest in purchasing the land.

No responses have been received from any of the consulted Statutory Undertakers.

PURCHASE NOTICE

The Purchase Notice has been served on the Council by the owner of the land and states that subject to a planning decision reference 19/00314/SUB dated 18th April 2019 and subject to an appeal to the Secretary of State reference APP/J4525/W/20/3245206 dated 17th June 2020 refusing planning permission, as a result of these refusals the land has become incapable of reasonably beneficial use in its existing state and the owner requires the Council to purchase the interest in the said land.

The Council would outline that the appeal dated 17th June 2020 relates to application reference 19/01269/FUL, refused planning permission on 30th October 2019 rather than application reference 19/00314/SUB as quoted in the Purchase Notice.

RESPONSE TO PURCHASE NOTICE REQUEST

The Council considers that the land, which is currently in Use Class C3 dwelling house, can in its existing state be able to be of a reasonable beneficial use. The land was formerly used as the garden attached to the dwelling at 2 Boundary Cottages which was purchased by the current owner. The surrounding land is primarily residential in nature and is surrounded on three sides by the residential gardens attached to 1 Boundary Cottages, 2 Boundary Cottages and 36 Bowes Lea. The northern side of the land faces Chester Road and on the opposite side of Chester Road are further residential dwellings. Accordingly, the Council is of the opinion that the land has a reasonable beneficial use as any amenity land.

The land could also be used for public open space or revert back to part of a residential garden to the neighbouring property without the need for planning permission.

CONCLUSION

For the reasons specified above the Council consider that the land does have a reasonable beneficial use and the Council have not found any other Local Authority or Statutory Undertakers who will agree to comply with the Purchase Notice in their place.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;

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

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

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

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

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

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

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

RECOMMENDATION

For the reasons given in this report it is recommended that, in accordance with Section 139 of the Town and Country Planning Act 1990, Members agree that the Council are NOT WILLING to comply with the Purchase Notice and that a copy of the Purchase Notice and Response Notice will be sent to the Secretary of State.