

PLANNING AND HIGHWAYS (WEST) COMMITTEE

AGENDA

Tuesday 30th March, 2021 at 5.30 p.m.

This meeting will be held remotely. Joining details will be emailed to all participants.

**The meeting will be livestreamed for the public to view on the Council's YouTube channel, 'sunderlandgov' at:-
<https://youtu.be/MmH2tC2rCVI>**

Membership

Cllrs Blackett, Fagan, Lauchlan, F. Miller, Rowntree (Vice Chair), Thornton (Chair), P. Walker

ITEM	PAGE
1. Receipt of Declarations of Interest (if any)	
2. Apologies for Absence	-
3. Minutes of the meeting of the Committee held on Tuesday 2nd February, 2021 and the extraordinary meetings held on Tuesday 19th January, 2021 and Tuesday 2nd March, 2021 (copies attached)	1

4. **Applications made under the Town and Country
Planning Acts and Regulations made thereunder**

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

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

22nd March, 2021

Item 3

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 2nd FEBRUARY, 2021 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Armstrong, Blackett, Fagan, Lauchlan, F. Miller and P. Walker.

Chairs Announcement

The Chairman announced the news that a Member of this Committee, Councillor Dr Geoff Walker had sadly passed away at the weekend and requested the Committee hold a moments silence in respect of Councillor Dr Walker and that condolences be passed on to his family.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Rowntree.

Minutes of the last meeting of the Committee held on 15th December, 2020 and the extraordinary meeting held on 23rd December, 2020.

1. RESOLVED that the minutes of the last meeting of the Committee held on 15th December 2020 and the extraordinary meeting held on 23rd December, 2020 be confirmed and signed as correct records.

Reference from Cabinet – 8 December 2020 – Supplementary Planning Documents (SPD's)

(A) Draft Allocations and Designations Plan

(B) Land East of Washington (Washington Meadows) Supplementary Planning Document Scoping Report

(C) Draft Development Management Supplementary Planning Document

The Assistant Director of Law and Governance submitted a report (copy circulated) for the Committee to provide advice and consideration of the reports that were considered by Cabinet on 8 December 2020 which sought approval to undertake public consultation on the Draft Allocations and Designations Plan, the Land East of Washington (Washington Meadows)

Supplementary Planning Document Scoping Report and the Draft Development Management Supplementary Planning Document.

(For copy report – see original minutes)

Ms Catherine Auld, Assistant Director of Economic Regeneration and Ms Joanne Scott, Senior Policy Officer presented the report and were on hand to answer Member queries.

(A) Draft Allocations and Designations Plan

In response to Councillor Lauchlan's request for further clarification as to the exact location of Washington Meadows and how this affected the garden centre already located there, Ms Auld advised that she would be able to supply a location map outside of the meeting and that the consultation process would enable those residents to come back with any questions they might have and consider those boundaries and how they were altered or if this was appropriate.

(B) The land East of Washington (Washington Meadows) Supplementary Planning Document Scoping Report

Ms Auld presented the report and with there being no questions or comments raised by the Committee, the report was noted.

(C) Draft Development Management Supplementary Planning Document

Ms Auld presented the report and with there being no questions or comments raised by the Committee, the document was noted.

Having fully considered the report, the Chairman thanked Ms Auld and Ms Scott for their attendance

2. RESOLVED that the Committee received and noted the report with all comments made to be passed on to Cabinet.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

20/02413/TP3 – Felling of 4no. mature willow trees – Washington Cemetery, The Avenue, Washington Village, Washington

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

In response to Councillor Armstrong's enquiry over what danger the trees presented, the Planning Officer advised that it was a Health and Safety issue, as the trees had become a tripping hazard and the limbs, long and overhanging so were in danger of falling off which could potentially hurt somebody visiting the cemetery, due to the weight of the limbs.

Councillor Lauchlan advised that this application was located within his ward and he was aware of the trees and whilst he did not wish to see trees having to be cut down he was in agreement with the advice of the Council's Arboriculture Officer that these were quite dangerous and therefore agreed that they needed to be removed.

Councillor Armstrong commented that decisions to remove trees could not be taken lightly but if it was a safety issue then the Council needed to be sensible about it, however he was not convinced the trees posed any imminent danger.

The Planning Officer advised that they were not an imminent danger but the Council's Arboriculture Officer had determined that they were at risk of causing a serious injury and from a health and safety point of view they would put those visiting the Cemetery at risk. They had also taken into account that the benefit of the cemetery was that there was still a great deal of healthy mature trees there.

Councillor Fagan commented that the Council's Arboriculture Officer was very knowledgeable, having dealt with the Officer on many occasions on issues within her ward and that he would only recommend the removal of trees as an absolute last resort. Councillor Fagan also commented that she also loathed the removal of trees but if the experts recommended the removal then there must be no other option.

In response to Councillor F. Millers enquiry if the trees taken down would be replaced elsewhere, the Planning Officer advised that there were no plans to do this due to the amount of trees already within the cemetery and it was not felt necessary in this instance.

3. RESOLVED that Members be minded to Grant Consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended) for the proposed works subject to the expiry of the consultation period on 4th February and no objections being received and subject to the one condition listed within the report.

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

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

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

(Signed) M. THORNTON,
(Chairman)

At an extraordinary meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 19TH JANUARY, 2021 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Armstrong, Blackett, Fagan, Lauchlan, F. Miller, Rowntree, G. Walker and P. Walker.

Declarations of Interest

20/01360/FUL Erection of 86 no. residential dwellings (Class C3) – Land at Cragdale Gardens, Hetton-le-Hole, Houghton-le-Spring

Councillor Fagan made an open declaration on the item as her brother was an employee of Gentoo and withdrew from the meeting during consideration of the item

Councillor P. Walker made an open declaration on the item as a former employee of Gentoo and withdrew from the meeting during consideration of the item

Apologies for Absence

There were no apologies for absence.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report and circulatory report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

20/01360/FUL Erection of 86 no. residential dwellings (Class C3) – Land at Cragdale Gardens, Hetton-le-Hole, Houghton-le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The Chairman enquired if officers could confirm that the additional Section 106 money for play sites was to upgrade the play area that was closed at present within Peat Carr. The Planning Officer advised that the Section 106 money was ringfenced to the Hetton Ward so it would be possible to upgrade that particular play area.

In response to Councillor G. Walkers query as to why it was acceptable to only have one parking space per household rather than two, the Highways Officer advised that one space was our current adopted parking standards which was applicable to planning applications at this moment in time.

Councillor Blackett referred to the additional money proposed to mitigate for the ecological issues and the loss of open space aspects and enquired if there was there any more detail as to how this money would actually be spent. Councillor Blackett commented that he understood that the money would facilitate staffing to maintain the area over a couple of years but in the long term how would the money mitigate for the green space lost

The Planning Officer advised with reference to the contribution for ecology, this was a specific contribution to offset from the impact of the local wildlife site so there was specific criteria for the spending of that money such as the management and maintenance of the site, to improve the acid grassland that was particularly characteristic of that local wildlife site.

With regard to the other contributions for the loss of open space and the maintenance of others, the Hetton Ward had a high quantity of green space but did not have a high quality of green space so this section 106 money would go towards improving the quality of green space. The Planning Officer also advised that there was green space retained immediately adjacent to the development site and it was possible this site would benefit from the section 106 money.

Councillor Blackett referred to the Draft Allocation and Designation Plan mentioned and noticed within the paperwork that the consultation for that would not end until mid February and raised concerns that the residents views were not being taken into account and enquired as to what would happen to that consultation now.

The Planning Officer informed the Committee that the consultation was ongoing and whilst the Allocations Plan was a material consideration, it had very limited weight at the moment because it was only within the first stage of its consultation and was not an adopted document. The consultation sat outside of this part of the Planning process, within the Planning Policy Team so people could still make their representations on that but this application did not affect that at all.

Councillor Lauchlan commented that he was disappointed to see that it was proposed to be building upon green space once again but he had visited the

site and he did understand that it was a massive area and that there would be a lot of green space area left.

Councillor Lauchlan also commented that he was concerned how we considered the NE4 Criterion 3 & 4 and the impression that these conditions can be bought their way out of. These conditions were supposed to be there as way of protection.

The Chairman introduced Councillor Kay Rowham of Hetton Town Council who wished to speak in objection to the application. Councillor Rowham informed the Committee that this application was proposing to build upon amenity green space that had been allocated within the same UDP policy as the allocation's for outdoor sports facilities, the campaign to protect rural England's letter to Planning objects to this development on the grounds that there were no material considerations that justify departing from the fact that the site was clearly marked as open countryside in figure 29 in the SCSDP and that these areas should be protected from inappropriate development.

The report failed to address why the council recommended this planning application be approved yet refused planning approval to a local resident whose home was on the same title deed as this green space, siting policy B3 of the UDP which stated that public and private open space should be protected from development which would have a serious adverse effect and impact upon its amenity. The report also failed to address that granting approval would result in the loss of 50% of existing parking within Ennerdale Street or that the traffic statement was not an accurate reflection of the ongoing traffic issues at peak times as lockdown had just been enforced at that time.

Councillor Rowham commented that the report failed to acknowledge that Northumbria Police had considered the possible increase of crime due to this development was high. This application relied upon two claims which were being used in an attempt to override the constraints of the Sunderland Core Strategy and Development Plan and retained UDP Policy. The first claim was that it was okay for local people to lose their green space if good quality alternative green space was provided elsewhere and a contribution of monies was made and the play space area to be upgraded and maintained. Although the report admits that the quality of the green space and others in Hetton are poor, it failed to suggest where the elderly, the infirm and those with young families that did not have car could travel to as the steep climb to Moorsley bank was not an option.

Councillor Rowham commented that no Council should accept Section 106 monies, in this case approximately £60,000 from Gentoo, to then give it back to Gentoo to pay them to maintain the play area that it had failed to upkeep since it had acquired from the Council during the housing stock transfer nearly 20 years ago.

Councillor Rowham commented that the second claim related to the lack of affordable housing and stated that residents in Hetton believed this to be

untrue as there was no housing shortage in Hetton, affordable or otherwise as there were a number of empty Gentoo properties within Low Moorsely and Peat Carr as well as a plentiful supply of reasonably priced private properties for sale and rent throughout the area. According to the ONS, Sunderland's population on the whole has been declining for years so unless the Council planned to import hundreds of people from other areas, this claim was simply not true. The ONS also expected the entire population of the whole of the North East to increase by just 2.3% (61,000 people) from 2018 – 2028.

Councillor Rowham commented that even if the two claims were acceptable, they were not material planning considerations and she believed it was shameful in the way that Gentoo had rushed through this proposal in less than 9 months, Shameful in the way that the Planning department had appeared to have aided and abetted Gentoo in assisting them.

Councillor Rowham proposed on behalf of Hetton Town Council, that this Committee refuse the application on the grounds that there were no material considerations that justified the departure from the recently adopted SCSDP and that the land should be protected from inappropriate development as represented by the campaign to protect rural England.

The Chairman introduced Councillor James Blackburn who wished to speak in objection to the application. Councillor Blackburn informed the Committee that he had been a past member of Planning Committees in which he had to decide whether Planning Officers had made the right decision when recommending to approve a planning application and he knew how difficult this was for Members, especially when under pressure from constituents.

Councillor Blackburn commented that those applications he determined, paled in significance to this application submitted by Gentoo which sought to take away a grassed area which had been enjoyed by residents for decades and to be replaced with a brick jungle.

Councillor Blackburn commented that it was not a good enough reason that just because Gentoo owned the land, that it could be used for housing, especially when they could have used brownfield land that was also within their ownership and also within the Hetton Ward. This would then have averted the biggest outpouring of public condemnation against a planning application that he had experienced in his many years as a Ward Councillor.

Councillor Blackburn stated that this application, if approved could affect the lives of many of their residents in four villages within the Sunderland City Council Hetton Ward for almost two years with the extra traffic and the pollution from builders and delivery vehicles. The applicant intended to build almost 90 new houses right in the middle of a former council housing estate which had been left undisturbed for over 50 years. The amount of wagons, plant equipment, building materials and manpower that would need to travel along an unclassified road with older peoples bungalows situated along it, before turning to travel for more than 200 metres along a housing estate road to the actual building site was numerous.

Over the build period, the disturbance from increased traffic flow would encompass two 6 week summer holidays, 2 autumn school holidays, 2 Christmas school holidays and at least 1 easter school holiday. The very time children would be out playing and riding bikes on these very roads.

Councillor Blackburn informed the Committee that he was a governor of Hetton Primary School, which Council Members had just agreed to fund the building of a new school for, the site for the school was approximately 300-400 metres from this application site that was situated on the approach road for the applicants site. This new school would be constructed over the same period as the Cragdale Gardens application if Members were to accept the Officers recommendation.

Councillor Blackburn stated that it was the Committees responsibility to determine this application and unlike Planning Officers who must follow planning rules, Members also represent the residents of Sunderland and must balance the human cost against what was being recommended and this could be used as a possible reason to reject this application and urged Members to do just that.

The Chairman introduced Councillor Doris Turner who wished to speak in objection to the application. Councillor Turner informed the Committee that as one of the three Ward Councillors for the Hetton Ward, she supported the residents in objecting to this proposal.

Councillor Turner commented that if the development was to go ahead, it would deprive residents of key recreational space. Regarding the consultants report agreed by Highways which stated there was less car ownership on council housing estates, whilst this may be true on estates nearer a City Centre where there was at least 3 public service bus companies operating, plus metro stations and a railway station, however in rural areas such as Hetton, they had one public service bus company and a mini link which operated around three housing estates but not to the Peat Carr housing estate therefore anyone who did not work locally and had to travel (especially if they were on shift work) a car was a necessity.

Councillor Turner believed there had not been enough consideration given on car parking facilities on the proposed development. Regarding public service transport, the report mentioned that bus stops were within the desired distance from the proposed estate, which would be fine if there was a direct bus but if a resident required to travel to Durham, Dalton Park or Seaham on a Sunday they were required to travel to Houghton firstly, then change buses once again.

Also, there were less bus services on a Sunday which resulted in long waiting times. There was a bus shelter in North Road but there had been no bus services along this route for years. The report states that buses go direct to Boldon but does not mention that the Heworth bus is only running on evenings, replacing the Boldon bus which operated during the day, therefore

public service transport was inadequate for the needs of residents living in the Peat Carr area. The corner of Coal Bank Square was very narrow and cars were normally parked there, where this led to Coal Bank Road the traffic came to Low Moorsley Road, which was an unclassified road and led to a junction which was subject to great traffic, a bottleneck at peak times due to the traffic coming from Rainton Bridge Business Park. Most people who are familiar with this junction avoid it by using the Peat Carr Housing Estate as a rat run.

Councillor Turner informed the Committee that she had lived most of her life a few yards off the A182 and since the building of all of these housing developments over the past few years, together with extra employment that the Council had brought to the area such as Rainton Bridge Business Park and Hetton Lyons Industrial Estate, whilst an asset to the area it had also brought a huge increase in road traffic and also an increase in the size of the lorries that utilised the roads. These lorries had a great difficulty in negotiating the many roundabouts.

It was a nightmare around School closing times and peak times when commuters were travelling home from work. Councillor Turner felt that there should be no further plans for house building in the area until the road structure was improved.

Councillor Turner commented that if this development went ahead the proposed development of Hetton Primary School would be taking place at the same time which again would add to more traffic congestion, especially when the schools were fully occupied.

The Chairman introduced Ms Lyndsey Gibson who wished to speak in opposition to the proposal. Ms Gibson stated that the three sections of the proposed development did have covenants on the land and these were not just with the Coal Board and had been placed there to stop anything being built upon the land. Residents have had to adhere to these covenants on the land so why shouldn't Gentoo.

Should a development go ahead it would mean that the current residents would lose light and privacy due to the design of the plans and despite the officers comments about the 21 metres distancing, they would still lose this.

If the Houses were built, this would go against the Councils Core Strategy and Development Plan which was only adopted in January 2020. This stated that Green Spaces would be protected. Paragraph 2.24 of the Strategy stated that there would be an improvement in the infrastructure therefore Ms Gibson questioned where the evidence was of an improvement in the area prior to building these 86 dwellings. The area has one small post office with a shop attached and a takeaway, this was not good enough to support this.

Without the correct infrastructure in place and this large number of additional houses, there would be overcrowding in their area. Traffic issues were an ongoing problem already and the roads feed the 3 main schools and the traffic

report carried out did not show a true reflection of the situation as the vast majority of traffic observed was completed during COVID where many schools were closed or operating at reduced capacity and many people were working from home. A further 86 homes would generate many more cars and congestion in this area and create a further danger to their children that are crossing roads that did not have any patrols on.

Ms Gibson referred to the census figures used which were from 2011 and requested this be investigated and also referred to questions raised on the Planning Portal about the strength of the Transport Statement provided, questions claiming that the statement was flawed in its findings and its recommendations could not be trusted for various reasons. Ms Gibson enquired as to why these questions have not been answered to date.

Ms Gibson advised that the parking along the proposed entrance and exits currently struggle to accommodate the current residents. More houses, especially along Ennerdale Street would leave current residents with nowhere to park outside of their own homes. There was currently a public consultation on the closure of Hetton Nursery and if this development were to go ahead, they would have approximately another 150 vehicles using this road at peak times as they would be using Hetton Primary School.

Ms Gibson stated that the crime rate in the area was high and the Police had expressed a concern that more houses could generate further anti social issues. The proposed developer, Gentoo, did not maintain this area to a high standard with many homes having single glazing and long waiting times for repairs. The park had been closed for a long time, yet Gentoo were proposing to pay Section 106 money to regenerate a park that they already owned and should have maintained.

Ms Gibson questioned why the Peat Carr and Moorsley community should lose their playing fields when it had been commented that the Section 106 money may not even come back to those communities and actually be used in the Hetton area.

There was many empty properties in the Coalfield area and recent reports had shown 64 houses, 20 bungalows, 19 supported accommodation units that were empty, These were just Council owned properties alone, not forgetting the extensive list of Gentoo empty homes, private rented homes and homes that were for sale in the area, which were affordable. There was no need for more affordable homes in this area and what residents needed was the area brought to a better standard.

If Gentoo wanted to make a difference to bring a stronger, happier community they needed to listen to the residents and not go against their wishes and leave the much needed green space which had played a vital role during this COVID outbreak.

Ms Gibson advised that she had just been made aware of the Draft Allocations and Designations Plan, designations which includes the said land

and this document was only out for consultation until the 12th February and she proposed that she would like to make representations opposing this allocation.

Ms Gibson also raised concerns that information for the Committee had only been produced within the last day or so, this included a recommendation and list of conditions which she believed recipients should have had more time to consider and did not comply with the 5 day notice for such documents.

The Development Control Manager read out the written statements received from objectors to the application, which were as follows;

A Ms Niki Thompson submitted a representation stating why she felt that permission should not be granted.

The 8 properties designated for the south west of the development (opposite those already on Ennerdale Street) would create loss of light during winter months and loss of privacy at all times.

The sun rises lower in the sky over the winter months and the building of 2 storey houses directly to the south and in a position higher than that of the original properties on Ennerdale street would cause light to be blocked during the short winter months. The loss of privacy to those properties was also generated for the same reason as mentioned before the proposed builds would sit higher than the original houses. This would cause them to overlook straight into the main living quarters of those already living on Ennerdale Street where the living room and master bedroom were all located at the front of the properties. There had been no allowance to counteract this and the large window design along with the open driveway design on the new properties only seek to enhance this.

The whole area was covered by Title Deed TY372188 this is further broken down into a number of areas. The proposed development covers 4 of those areas all of which have covenants on. The first and forth schedule state "No building structure or works shall at any time be erected constructed placed or laid on or in the said land or any part or parts thereof". It also states, "the purchaser will at all times hereafter perform and observe the restrictions and stipulations contained within". The purchaser is Gentoo as they received the land on 31 July 2007 according to the transfer of whole title deeds. So therefore, the purchaser should be upholding the covenants regarding the land or applying to the Land Registry to have the restrictive covenants removed.

Ms Thompson stated that she was a local resident and was subject to the same covenants and when she purchased her land from Gentoo she was informed that no building was to take place on the land as it fell under a restrictive covenant. It cannot be one rule for one and one for another surely, as it all falls under the same title deed.

The increase in use of Moorsley Road both pedestrian and vehicular poses an issue, Ms Thompson was aware that the survey was carried out during a reduced traffic period (during a national lockdown) and showed no issues. As a paramedic she had attended a recent RTC on the road of which injuries were sustained, the road is narrow and although holds a 30 MPH limit this is often not adhered to, the minimum she would like to see is the placement of a puffin crossing to allow children, those children from the 86 family houses, to cross the road to get to 2 schools safely.

Ms Thompson advised that they also highlight in your letter that cycling could be utilised, the nearest cycle route is the off road route along the old train lines this could be acceptable if it wasn't littered with a vast amount of broken glass and burned out equipment (where Moorsley Road crosses over it and it goes under the bridge next to the school) this area has even been off limits to local Firefighters who have been pelted with stones when attending such incidents, I would suggest it is not very safe for the average commuter on their way home.

The report also highlights the recreational facility of Elmore Golf Club, this facility has had to close down due to the amount of illegal motorcycle use and its inability to maintain the grounds. So, recreation facilities in the immediate vicinity are limited, limited to a poorly maintained local play park which was locked prior to the national lockdown in March. This lack of facilities for the new development would lead to over development of a suburb of the town and possible over development of the town of Hetton le Hole if you take into consideration the recent new build estates which satellite it, Easington Lane and North Road are just 2 of the new developments that may fall into Hetton as the local resource for shopping and recreation.

A brownfield site was previously allocated for a housing development opportunity in the Low Moorsley area (in accordance with the Sunderland 2019 Brownfield Land Register) should this not be used before destroying greenfield sites. The planning permission for this development also stated that the proposed A690 - A182 link road would offer new residents a safer commute to work and reduce the flow of traffic on minor roads. This road is yet to be finished. The Core Strategy paragraph 4.26 – states “Prior to considering amending the Green Belt boundaries, the council has taken a proactive approach to identify alternative sources of land supply. If this is the case, then should the brownfield site not be developed first? The council also state with the Core Strategy that the Coalfield area “In seeking to meet the city’s agreed housing need over the plan period, the council has demonstrated that all sustainable non-Green Belt site alternatives have been fully considered and exhausted (including full consideration of site densities).” This is not the case if the brownfield site still exists. It would appear neither of these have been taken into consideration.

The Highways Officer referred to representations made in relation to on street parking around and on Ennerdale itself and advised that it had been

confirmed during the presentation that this development would not result in the loss of on street parking and there would still be the opportunity for residents of Ennerdale to park outside their homes if they so wish.

In terms of trip generation, whilst acknowledging the application had been submitted during the COVID-19 pandemic, it was important to state that the Traffic flows considered were over previous years, prior to March 2019. This had been discussed with the applicants transport consultant. In relation to the development itself and traffic generation, a development of this scale was considered by Highways Officers and they were satisfied with the suitability of the access and the trips associated with this could be accommodated on the highways network.

With regards to construction traffic, it was clear that this site would need construction access in order to build, but this could be managed and the normal process would be through a Construction Management Plan which was usually a planning condition and subject to the determination of this application, the developer would need to agree suitable measures and routes for construction traffic so they could ensure that there was no detrimental impact upon the safe operation of the network.

The Highways Officer advised that the level of car parking provision on this development was based on a minimum of 1 parking space per property, which was appropriate for a development of this scale. The points raised on public transport, based on the location of the development, it was an unfortunate reality that there would be a need for residents who wished to use the bus to have to change buses and use other networks in order to travel to Durham for example.

The visibility of Moorsely Road had been assessed and was adequate. In relation to the query made around questions made in 2011, these concerns did not relate to traffic but concerning the last census that was undertaken in 2011 which was used to inform on journeys to work and other sites so it was about understanding how trips spread across the network and looking at the destinations that people wanted to travel to.

With regards to a puffin crossing and cycling, the Highways Officer stated that they did encourage cycling and the request for a puffin crossing was something which sat outside of this application and the Council would need to consider this as part of the new Hetton Primary School and other schools.

The Planning Officer referred to the restricted covenant and informed the Committee that it was important to stress to Members that covenants were not material planning considerations, they sat outside of planning legislation and it was very common to grant planning permission on areas that had restricted covenants and it would be down to the owner of the site to have those covenants removed through legislation that sits outside of the planning process.

Regarding the UDP Policy allocation of the site, the application was a departure from the Plan and the Planning Officer advised that the Plan was a 23 year old policy and was significantly out of date and she believed the Council's aspirations had changed as had been shown by the emerging Allocations Plan so in respect of this, the planning application was a departure but had been publicised and advertised accordingly and reported to Members as such.

The Core Strategy Development Plan, the figure that was referred to by Councillor Rowham as showing the site as to be in open countryside, this was an error on behalf of the campaign to protect rural England who had misread that plan, the site was not in open countryside.

With regard to other applications made by private households which hadn't received planning permission, each application was judged on its own merits but with reference to that, there were significantly different considerations with regards to piecemeal developments from private householders to large scale developments of this type and also the B policies quoted from the UDP have now been replaced with Core Strategy policies.

The Planning Officer referred to representations made about concerns over where residents could go for recreation following this development and wished to point out that there was a large area of open space retained adjacent to Cragdale Gardens and Peat Carr Park. There was still green space available in the vicinity albeit at a reduced level.

In relation to the need for affordable housing in the area, the applicant was not required to evidence the need for affordable housing, there was no planning requirement for this however the Planning Officer did wish to point out that it was widely acknowledged that there was a national shortage of affordable housing and they had attached significant weight to the fact that there was 100% affordable housing proposed as part of this development.

With regard to objections made over Anti-Social behaviour and crime, there had been some comments received from the Police, however it could not be left to the Planning process to Police areas or to reduce crime levels. ASB was a matter for the Police and that was where it would need to be referred to. The design of the application before Members had natural surveillance, increased lighting and increased presence on site so this issue could not be given a lot of weight.

The Planning Officer referred to comments describing the development as a "brick jungle" and stated that there was still a significant amount of green space retained on the site and landscaping particularly between the properties to the North.

The Planning Officer also informed the Committee that the Authority could not control when applications were submitted and the Government had provided no dispensations for the ability to delay determining decisions during the

Pandemic and they had been told that it was business as usual from central government and that was the expectations placed upon them.

With regard to the construction whilst other developments construction were underway, when an application was granted, there usually is an implementation period of three years. We did not have any control over what point within that three years for construction to happen so it would be the case sometimes that different construction occurs together, this was unfortunate, but they could not control timings to that degree.

In relation to comments made about the circulatory report produced on the day, Ms Gibson was correct in stating that main agenda reports were required to be published with 5 days notice before the meeting and made public, that was what had happened in this case however it was normal practice when any minor issues or consultation responses remain outstanding for late sheets to be produced.

With regards to empty properties in the area and maintenance of existing housing stock, the planning authority could not address these issues and it may be for the application to answer.

The Planning Officer referred to concerns of overlooking and advised that this had been addressed within the presentation and whilst houses on Ennerdale Street would be able to see houses opposite, the spacing standards required were maintained so it was not considered that they could sustain a refusal on the basis of overlooking in that area. They had checked levels and differences in gradients on the site but the floor level was the same as the back of the pavement on the existing properties on Ennerdale Street so this had been taken into account.

The Planning Officer also informed the Committee that comments referring to this site as a green belt site were incorrect. This was not a green belt site but an area of green space therefore greenbelt policies did not apply.

With regards to Mr Newtons representation on the Planning Portal, the Planning Officer advised that this had been sent to colleagues within the Transportation Team to be specifically looked at, so it had been considered but every part of every individual representation does not get included within the agenda reports as these would result in huge agendas. The content of that submission had been considered and had been responded to by the Councils Highways Officers who considered the application and the supporting documents to be satisfactory and are acceptable in terms of impact on the road network and the proposed development meets the policy requirements.

The Chairman introduced Ms Sandra Manson, the Agent on behalf of the applicant who wished to address the Committee to inform of the benefits of the development.

Ms Manson thanked the Members for the opportunity to present to the Committee and advised that the delivery of the Gentoo affordable development programme was a significant opportunity for Sunderland to deliver around 900 new affordable homes across the City by 2024, supported by Homes England grant funding.

The programme to be delivered by Gentoo Group was a commitment to deliver a meaningful range of sites with a programme that supported job creation, social, economic and environmental benefits. This needed to be considered in the context that Sunderland had a continuing significant affordable home deficit as identified in the Authority's own Strategic Housing Market Assessment of 2187 dwellings. The SHLAA goes on to identify the importance of the Gentoo Affordable Housing Programme in meeting that affordable need and 86 dwellings was a significant contribution and as such carries significant weight in determining this scheme.

Ms Manson commented that at present Gentoo had over 15,000 people on the waiting list for a Gentoo home and whilst that would include a significant proportion of tenants already on the books looking to move to a bigger house or a house in a different area it was nevertheless a compelling figure of need being expressed. In terms of demands, Gentoo got on average 134 expressions of interest in every property that was advertised. This was based on existing stock and where new build stock was advertised, demand was significantly higher.

This need was likely to be exacerbated through the impact of the current Covid crisis that we continued to face with a sharp rise in the number of people claiming universal credit and job seekers allowance.

The number of claimants within Sunderland had significantly increased by over 5600 people between March and August 2020 which meant that more people were likely to be experiencing financial pressures which then in turn led to pressure on an affordable housing need in Sunderland.

Ms Manson commented that the need for good quality affordable housing was significant and hence the importance of delivering this programme. It was also important to note that Gentoo were looking to invest in their current homes within the area as well with a spend of £5.6 million proposed over the next 5 year period to over 12,000 properties in Hetton, Peat Carr and Moorsley area.

Ms Manson referred to the economic benefit statement submitted with the application which emphasised a range of social and economic benefits with Officers mentioning the high design quality of the scheme.

In relation to comments made about security and police concerns, there was discussions with the Police Liaison Officer and the Urban Design Team and amendments made to the scheme so it would be a silver standard award designed scheme when completed, which demonstrated the approach to ensuring the minimising of any impact from crime.

In relation to comments made on parking standards, Ms Manson wished to emphasise that whilst the Councils parking standards was one parking space per dwelling, the scheme did provide two parking spaces for all the three and four bedroom dwellings and also visitor spaces so it did go above and beyond the parking requirements which would ensure no exacerbation of issues on site.

With regards to construction impacts and construction traffic, Gentoo were committed to working with the Highways Authority and the Construction and Environmental Management Plan would have to be approved by the Authority to minimise any impacts going forward.

Ms Manson turned to discussion of open space and the play areas that currently sit adjacent to the application site and as explained, the play area was closed due to vandalism but Gentoo did have proposals to bring forward vandal proof equipment at the appropriate time when we came out of this lockdown situation, currently all play facilities were closed in accordance with government guidelines.

In relation to the Section 106 money and the play contributions, Gentoo were willing to work with the Authority and the Town Council in terms of how those monies were to be spent, if to be spent on the land adjacent to the site or equally there was no issue on that money being spent elsewhere within Hetton, wherever that was considered the most appropriate place.

Ms Manson thanked Members for their time and asked that the application be approved.

Councillor F. Miller enquired what sort of work was planned by Gentoo to stop the vandalism that had been occurring to the Play park in the past. Ms Manson advised that the site itself, in the scheme that would come forward was to be designed in such a manner that it was as vandal proof as it could be in these circumstances. By increasing surveillance of the play area by the creation of the new residential community development on the adjacent land you would have an increased surveillance which would in effect assist in trying to minimise that vandalism that is taking place.

Councillor Armstrong enquired if there had been alternative areas of brownfield land that had been or could be considered, and if there was, why was an area of greenspace chosen instead.

Ms Manson advised that Members would be aware that it is the application before them that needed to be determined and she was not in a position to comment upon any alternative sites. This site had been well considered and they had worked closely to address all the issues, satisfy all policies and create a meaningful development that would address a lot of issues in the local area.

Councillor Blackett commented that thinking back to when the Core Strategy Plan was being considered not so long ago, Officers had told Members by

passing this they would be able to protect green sites. This plan was meant to last until 2033 and now a year or so later we were moving to a Draft Allocation Plan that allows the building on these sites and whilst he had heard what the Officers had reported they had admitted themselves that the green space in Hetton was of poor quality and he was not currently satisfied that the money being put aside would lead to a long-term improvement in quality.

Councillor Rowntree, duly seconded by Councillor G. Walker moved that the Officer recommendation be put to a vote.

Having been put to a vote, with 4 Members voting against and 3 Members abstaining, the Officer recommendation was rejected.

At this juncture it was advised that an alternative recommendation and suitable reasons for the motion would be needed.

Councillor Lauchlan suggested that the loss of green space was the fundamental reason for refusing this application. The NE4 Criterion 3 and 4 had not been satisfied and the provision of Section 106 monies did not override this. Councillor Armstrong commented that he would second this recommendation.

Having been put to the vote , with 7 Members voting in favour of the alternative recommendation, it was unanimously agreed that

1. RESOLVED that the application be refused.

20/01722/LP3 – External highways works to provide over-flow (parent drop-off) car-parks and set down lay-by to Houghton Road, Hawthorn Street and Fairbairn Drive, to provide additional car-parking capacity to Newbottle Primary Academy – land Adjacent to Newbottle Primary Academy, Houghton Road, Newbottle, Houghton-le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that the application be approved for the reason set out in the main report and subject to the conditions listed within the circulatory report

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

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

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

(Signed) M. THORNTON,
(Chairman)

At an extraordinary meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 2ND MARCH, 2021 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Armstrong, Blackett, Fagan, Lauchlan, F. Miller, and P. Walker.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Rowntree.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report and circulatory report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

Change in Order of Business

The Chairman advised of a change in the order of business as there were a number of speakers in attendance for the second application – Land to the North of Mount Lane, therefore it was appropriate that determination of this application be made first so that they weren't unduly inconvenienced in having to wait.

20/01754/FUL – Residential development of 75 dwellings (Use Class C3) including 15% affordable housing, vehicle access from Mount Lane, landscaping, public open space, pedestrian footpath, children's play area, surface water flood attenuation, and associated ancillary works (amended plans and revised drainage strategy submitted) – Land to the North of Mount Lane, Springwell, NE9 7UQ

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

Councillor Fagan referred to Page 21 of the report and the NHS CCG comments that this development would overwhelm the local primary care infrastructure and requested a payment of £56,700. Councillor Fagan enquired if this had been addressed or was going to be addressed in the Section 106 agreement.

The Planning Officer advised that the request had been considered by Officers who had been in discussions with the CCG over a number of years and the current position was that Officers were not satisfied that the information provided to underpin the requests made by the NHS and CCG was robust and did not think that the figures used were appropriate for the request that was being made. Officers also had concerns over how the money would be able to be spent and Officers did not think it would meet the tests set out in National Planning Policy Framework and Community Infrastructure Levy Regulations so on that basis they did not think it was something that we were in a position to request from the developer as it did not meet the statutory tests.

Councillor Fagan enquired if Officers believed the local NHS primary care services would not be overwhelmed by this development and the local services would be able to take on these extra 75 dwellings.

The Planning Officer advised that he had checked with the Health Centres in the locality, within Wrekenton and in Washington and all local health centres did appear to be able to take on new patients, which suggested that there wasn't an overwhelming issue with capacity in those areas. Any section 106 requests that comes in does have to meet relevant tests in the National Planning Policy Framework and Planning Regulations. The information provided to the Council from the NHS and CCG, Officers did not feel was robust to pass those tests.

Councillor Blackett commented that he understood some of the land that the houses would sit on were being removed from the greenbelt and enquired if any other parts of the development would touch on parts of the land that was still part of the greenbelt and if so what proportion would still be greenbelt.

The Planning Officer advised that the area covered by the housing development was allocated for housing through Policy HJ1 and was removed from the greenbelt on the adoption of the plan, the development site does include areas which remain in the greenbelt and that was the corridor for the footpath connection to the North, the route of the access road down to Mount Lane to the South, there was also a strip of land immediately along the western boundary which was out with the allocated area and remains within the greenbelt. Officers had considered the development that was proposed within the greenbelt against national greenbelt policies and they had found that the development which involves the footpath, the access road and areas of landscaping and sustainable drainage infrastructure, they had found that not to be inappropriate within the greenbelt, so did not feel there was any conflict with national greenbelt policy in terms of what was actually being proposed.

Councillor Armstrong enquired as to what respect this development accords with the Councils Climate Emergency declaration as we were building over green spaces, adding to the problem and the emergency we were currently facing.

The Planning Officer advised that the site was allocated for housing development through the adoption of the Council's Core Strategy, this site was envisaged to come forward for housing to meet the Councils housing land supply needs and its housing delivery needs. In terms of sustainability Officers did feel that the site was well connected to the local footpath network, attractive routes created for pedestrians and routes to local public transport options and the developer has also agreed to make a contribution to encourage the use of local public transport through the delivery of travel tickets and the developer has also set out within the supporting documents within the application to have sustainability principles of the construction of the development.

The Chairman introduced Councillor H. Trueman who wished to speak in objection to the application as the Ward Councillor for this area. Councillor Trueman advised of historic concerns over the infrastructure in the village and commented that anyone who has travelled through Springwell will see that, it was unlike any other part of the City.

Councillor Trueman advised that the people who live there are very proud of where they live, they get involved in their surroundings with the aim to improve them and there was some fine examples of this. Councillor Trueman commented that he did not believe Mount Lane was a road big enough to take the amount of traffic that would come on to that entry and exit. Mount Lane was a typical village track/road with a bend that when he has travelled on has had oncoming traffic come onto his side of the road, so it was a very poor road for the access and exit of the traffic that would be generated.

Councillor Trueman commented that looking at the 1288, which was the main road through Springwell, it has never been big enough or good enough for the traffic that it sees today, it has become a rat run to and from the A1 and it was only designated as a B road to take high roads not wide roads.

Council Officers working with residents had chicaned parts of the road to tackle speeding motorists rather than use speed cushions and whilst done with good intentions this has created problems for the road. This road had a chapel, a school, a club and pub, a very well used community centre, a Quarry and some industrial use. Councillor Trueman did not think use of Mount Lane was acceptable and he certainly did not think using the B road was acceptable for this development

Councillor Trueman advised that the residents take a great pride in their area and have researched this development a great deal and will show in their representations that their objections are based on planning grounds, they are not "NIMBYS".

Councillor Trueman also wished to stress that putting a footpath on Mount Road would result in that road becoming even more narrow and referred to the recent application for the Quarry in which the Council conditioned that their own vehicles would not travel through Springwell when delivering rubbish to the tip, however he had received reports recently of wagons using this route and Enforcement Officers have had to become involved.

The Chairman introduced Ms Liz Reid who wished to speak in objection to the application. Ms Reid advised that she was part of Springwell Village Residents Association, speaking on behalf of residents here, many of whom have submitted the 505 objections to this application.

Ms Reid commented that residents supported the Core Strategy and accepted that this site was allocated for around 60 houses, but none of the people involved in this, planners, applicants and their consultants or the committee lived here. They did and they know exactly what the practical implications of these proposals were.

In developing the Core Strategy the Council ignored over 8000 objections, it took a Planning Inspector to visit just a couple times to work out that those objections were valid. The same inspector supported approximately 60 houses on this site. The Council adopted the Plan and even they are now accepting that 75 is significantly more than that. So there was agreement that there are too many houses.

Ms Reid commented that it seemed that this alone was not grounds to refuse. Apparently, If the applicant promises to address policy issues by planting a few trees and hedges and putting in a footpath, too many houses on the site is ok. Affordable housing that is different from the other houses and stuck in the farthest most awkward corners of the development is also apparently acceptable, this was shocking.

Despite this and with over 500 objections covering at least 34 places where the proposals go against the Local Plan caused overwhelmingly by the practical implications of over-development, approval was still recommended. This does not mean Planners were right and we were wrong, it simply means they disagree from the comfort of their desks finding ways around the Core Strategy rather than complying with it.

The report sets out the objections and the responses to them – independent response is scarce and is never based on what it is actually like to live there. When the applicant engages consultants to articulate responses the inevitable result is reports that favour the proposals. They effectively say how the applicant can get around the policy demands. They simply confirm what the applicant said in the first place.

Ms Reid stated that examples of this included the difference between the applicant's consultants and Nexus, where the applicant claims the site is well served by public transport and Nexus confirm it is "tolerable". Nowhere near good as there is only one bus an hour and this stops at 4pm, and where they

claim employment sites were within cycling distance, they aren't. The main employment site of Team Valley is 4 miles away and also has no direct bus link. Springwell is on a hill as high as Penshaw Monument so would be too difficult to cycle.

Claims by the Applicant and Officers that the road network can accommodate the traffic generated by the proposals make it clear that their local knowledge is very poor and they don't understand the constraints of this pit village. The roads here were never built for cars and cannot be widened. These are people who don't have to take their lives in their hands to get kids to school or be late for work because of traffic jams on a daily basis, let alone deal with the absolute chaos if there are problems on the nearby A1M which was a regular occurrence.

Ms Reid further commented that the assumption that Mount Lane could take more traffic was ludicrous. It was a country lane already suffering from overuse with two blind bends and a terrace of houses at its pinch point. Ward members confirm this has been a problem for years.

Claims that the Quarry and the Bowes Railway present no noise issues also show a complete lack of local knowledge, on average there are lorries dumping 20 tonnes of rubble, 50 times a day on the site.

Ms Reid stated that the Applicants had crammed in as many houses as possible onto the site, and in doing so have had to encroach the greenbelt. They have gone along with making amendments to respond to objections where it has been relatively cheap and easy but stopped short of reducing the number of houses.

Residents were not asking to go against the Core Strategy, but asking the Committee to do their job and make sure it was delivered. They support the Local Plan and accept 60 houses on this site but not 75.

The Chairman introduced Dr Ian Edworthy who wished to speak in objection to the application. Firstly, Dr Edworthy wished to say that he had taken a long term interest in consulting with both the development of the local plan and this specific application and he found it disheartening that views that have been presented to the council by the residents of Sunderland seem to have been consistently ignored with regard to development matters.

For this application, he strongly believed that it should be rejected on the grounds that it includes development of the irreplaceable green belt in Sunderland. The HGA1 site in the local plan is 3.21 hectares, as specified in the latest SHLAA, but the application form requests development on 3.78 hectares of land. This discrepancy of nearly 20% of the size of the site is significant and means the proposals for development are not limited to the housing release site set out within the local plan. Dr Edworthy strongly believed that green belt boundary needed to be protected, it was stated that it should be defensible in the local plan and he thought that allowing development on green belt land sets a dangerous precedent for future

development applications. Given the application is for 25% more houses than stated within the local plan housing target for the site, this suggests that the plans for this HGA1 site includes over development and wouldn't be able to fit all the landscaping and other nice amenities the developer wants to put in within the actual site boundary.

Dr Edworthy believed that the increased number of cars generated from this development, that includes over 200 car parking spaces for residents would cause significant traffic issues through the village. Even now, leaving the village towards Gateshead causes lengthy delays at the junction with Springwell Road and the potentially additional 200 cars will only make this situation worse and results in lengthy queues of traffic back into the village at peak times. There was also a single lane traffic calming measure in front of the Springwell Village Primary School playground which often has stationary traffic waiting there and Dr Edworthy queried if the planning officer had considered the potential negative health impact on the pupils in the school from the increased pollution generated from an additional 200 cars. This did not seem to be sustainability minded.

Dr Edworthy commented that he was genuinely concerned about the fact that this application would remove the current flood defences that have been installed at great expense to the council. These have made a massive difference to the risk of flooding in the village and to remove them and replace it with a stagnant pond that will require regular maintenance seemed ludicrous. Also, the fact that the pond would be placed next to a children's play area seemed a potentially dangerous proposition. At no point in the application report on flooding commissioned by the applicant is the fact that an underground reservoir is being built on the land adjacent to the site considered or what potential impacts this will have on flood risk for the area and the suitability of the proposed SUDS pond. The applicant was aware of the reservoir plans since the applicant owned the land before Northumbrian Water and requires the reservoir access road to get to the development site.

Dr Edworthy questioned the timing of the development of this specific site at this time. At the consultation meeting for the local plan with the planning inspectorate it was clearly stated that this site was not within the current 5 year housing supply plan but for later development, so he wondered why there was such a rush to develop this greenfield site ahead of the many suitable brownfield sites that were within the current 5 year housing supply plan, particularly at this incredibly challenging time and the downturn in the economy that had seen the pressure on the housing market shrink considerably. Is this development really what Sunderland needed right now?

In the local plan it was highlighted that there was a lack of council tax band F and G homes in Sunderland and during the consultation events he attended this site was identified for this requirement, how many homes in these bands will this development deliver for Sunderland? In addition, related to the timing of the development, the traffic involved would be a major concern since the

approved reservoir would be under construction simultaneously, adding many vehicles to a narrow road furthermore additional noise and pollution.

Another concern Dr Edworthy raised was the lack of local input into this, and queried if the planning officers for this application had visited the site. When he attended a meeting to consult on the draft local plan, the planning officer he spoke to admitted having never been to Springwell Village despite the draft local plan recommending housing release sites. This should not just be a paper exercise, this should be an active exercise in understanding the specific needs and requirements of the ward, the ward councillors and large numbers of the residents have made suggestions regarding the development to which the applicant has paid no attention to. Dr Edworthy commented that he was sure if the development was within your wards you would want the developer to work with the local community and provide what is required to meet the needs of the ward and the City of Sunderland.

Therefore, he urged the Committee to turn down the application at this time, as it does not comply with the local plan or the recommendations of the planning inspectorate following the consultation exercise, it was not in the plan for development for the next 5 years, there were flooding concerns, the plans for the site include overdevelopment in terms of number of houses and extending the boundary of the site, the traffic concerns and safety issues about placement of a children's park adjacent to a pond and the main entrance to the development. This development was not in the best interests of Sunderland at this time, this application was to maximise profits for the developers with no regards to the opinions of the people of Sunderland who know the area and have no monetary gain to be had.

The Chairman introduced Mr Dean Proudfoot who advised that as a residential and commercial neighbour with a shared boundary to the above application, he would like to register both his support and concerns for the proposed scheme.

Mr Proudfoot welcomed and supported the much-needed additional housing stock that the scheme would add to the local community along with the economic boost the new homeowners would bring to local businesses like his own.

Mr Proudfoot stated that he was concerned and uncertain however that sufficient attention had been paid to the mitigation of sound transmission between his business, Fernhill Animal Board, and the nearest dwellings proposed by the developer therefore he wished to remind the Planning Department of planning approval reference."15/00264/FUL - Demolition of smaller existing stables and erection of dog kennels and conversion of larger existing stables into a cattery"

While final completion of the kennels had been delayed due to the Covid-19 pandemic, demolition of the existing stables had recently been resumed and

they anticipated construction to complete in the summer, with commercial operations beginning in September 2021.

Mr Proudfoot added that while Fernhill Animal Board welcomes their new neighbours and potential new customers to their community, they request any planning approval be granted conditionally on the developers providing sufficient noise mitigation measures so as future occupiers do not suffer nuisance from the expanded kennels and cattery.

The Assistant Director of Infrastructure, Planning and Transportation read out the written statements received from objectors to the application, which were as follows;

Councillor Bernard Scaplehorn submitted a representation opposing the application as Ward Councillor for the area. Councillor Scaplehorn advised that he had worked in the community in Springwell Village for more than 30 years and much of that time had been spent in trying to do something about the horrendous traffic that goes through there every day. It had got worse year on year.

Residents on Mount Lonnen have a lot to put up with. They have no alternative but to park cars opposite their houses and there was nowhere else. So vehicles traveling west have to go to the wrong side of the road meeting on-coming traffic head-on, right outside people's front doors. You risk getting run over when you talk to your neighbour or knock at someone's door.

This happens a lot because the traffic is heavy as it's used as a rat run constantly. There was room for only one car to pass the blind bend at the end of the road so at peak times cars queue along the narrow country lane and when there's a problem on the A1, which was often, there is chaos.

In the centre of the village it is worse. To stop speeding they have had to put a chicane outside the school, and it hasn't worked. They've installed a 20mph limit but it's not policed therefore it doesn't work.

Councillor Scaplehorn advised that Parents were worried about safety with the school gates having been wrecked in a crash so it did not inspire confidence.

Everything has been tried but the reality was that too many cars go through a village that simply cannot cope. It's unsafe and intolerable for the people who live there. We should not make it any worse.

Councillor Scaplehorn stated that as an authority we have adopted a plan that took five years and hundreds of thousands of pounds worth of public money to complete. It was up to us to stick to it. All of the issues have already been thought through so why were we revisiting them after only a year.

We should be grateful for communities like this who stick together and do their best to make it a good place to live. We've already approved a reservoir that

will see a field where horses now graze turn into to an escarpment as high as the houses and where there was supposed to be reinstatement of countryside, Thompsons are now able to operate indefinitely.

Councillor Scaplehorn believed enough was enough. The plan says "approximately 60" houses. This was 25% more, so 25% more traffic and 45 more cars on the road, 25% more emissions, 25% more environmental impacts, and 25% more pressure on local health services.

The village would be hard pushed to cope with 60 houses, we should not make it worse by approving 75.

A Ms Pauline Cooper submitted a representation stating why she felt that permission should not be granted. Ms Cooper stated that there was good reason why there are over 500 hundred objections to this planning application as residents who lived here know exactly how detrimental it would be.

The developer and everyone connected with this application have either ignored, not understood or not dealt adequately with a number of issues, some of which conflict with Council policies. The proposals would result in massive overdevelopment of the site. At the first stage of the CSDP process 48 houses were proposed here, later increased to 60 and residents were assured by Policy Planners that this would not increase. We are now faced with 75 houses, an increase of 25% from that agreed by both the Planning Inspector and the Council.

Planners now agree that 75 is significantly more than the 60 in the plan. Ms Cooper queried how this could possibly be acceptable. Ms Cooper commented that to add insult to injury, the developer was proposing to take up adjoining green belt land to facilitate the development. There would be no need for this if the original housing numbers were adhered to.

Overdevelopment would result in significantly more traffic, more pollution, more environmental destruction and would make the road network in and around the village less safe. The only access road to the proposed development was off Mount Lane, a narrow country lane used by walkers, joggers, cyclists, dog walkers and the local horse riding community. This lane was in a state of disrepair and has a dangerous double blind 'S' bend at Mount Lonnen, where traffic was forced onto the wrong side of the road due to parking by residents who have no option but to park there.

Traffic exiting Mount Lane to the East has to join Springwell Road where traffic joining from the B1231 regularly exceeds speed limits. Springwell was a former pit village with narrow, congested roads not constructed to cope with existing traffic, let alone extra traffic from an overdeveloped site. Springwell Road suffers from high amounts of traffic from elsewhere that uses the village as a rat run and was difficult to access, particularly at morning evening rush hours.

Ms Cooper informed that during the 20th Century, Springwell Village had 17.9% growth rate. This was appropriate and development was clustered

around the centre with great public transport and positive impacts on the local community and services. This proposal was outside the established curtilage of the village and would be the beginning of urban crawl.

The development site was identified on the UK Govt Magic website as being located within a Site of Special Scientific Interest Impact Risk Zone and there were 3 Local Wildlife Sites within 1km of the site. The site was located within/adjacent to a designated wildlife corridor which was afforded protection under local planning policy.

Ms Cooper queried what was the point of Sunderland Council's Climate Emergency Declaration if overdevelopment of this site was allowed and the only mitigation measures offered were a few trees and a meadow. This was woefully inadequate.

Ms Cooper added that residents here have been called NIMBYs. This was absolutely not the case, in fact the recent development of 90 houses by Taylor Wimpey (2015) attracted only 1 objection and that was from Thompsons (Springwell Quarry) who were concerned about the likely complaints arising from a new housing estate on its doorstep.

Ms Cooper asked that the planning committee to listen to the voices of residents who actually live there and understand their area and its problems far better than developers and consultants whose sole interest was in making money. They would walk away from this mess with pockets full of money and leave residents to pick up the pieces.

The Planning Officer advised that in relation to Councillor Trueman's comments on traffic, the site was allocated for approximately 60 dwellings through the Core Strategy adoption process, impact upon local highway networks were considered as part of that process. The impact of 75 dwellings proposed in the application has also been given very careful consideration and the application has been supported by a range of transport assessments and statements. The conclusion reached by Officers was that road network was capable of accommodating the traffic generated by the development and could do so in a safe manner.

In relation to comments on the amount of objections raised, Officers had taken this into account and clearly there was a significant swell of opinion against the development and acknowledge that the vast majority of comments made raised material planning considerations. Officers did consider however, having gone through all the relevant policies of the plan and taken into account all other material planning considerations that the development of 75 dwellings did not create any unacceptable conflict with the policies of the Plan and there were no grounds to refuse the development of 75 dwellings.

In terms of the distribution and location of the affordable housing, the Planning Officer advised that they did have a policy which requests that affordable housing was scattered throughout the development site and the layout

proposed does achieve that and Officers were satisfied with the location of affordable housing and type that was to be delivered.

With regards to public transport connections and connections to employment, it was recognised that the bus route along Mount Lane was infrequent but the village itself and the main road was served by frequent bus routes to Newcastle, Sunderland and Washington and the development did provide good connections to the main road through the village. The Planning Officer advised that the Inspector would have taken this into account in accepting that the site could be allocated for development.

In relation to Noise, the planning application had been accompanied by a noise assessment which considered the competing noise environment including the potential impacts from the Quarry and the kennels/cattery which Mr Proudfoot referred to. The assessment actually took into account the assessment that had been submitted in Mr Proudfoot's planning application and the data available from that to assess the likely noise output from that development and in consultation with the Council's Environmental Health Officer considered that the residents of the development would not be unacceptably affected by any noise from sources in the area.

Moving onto concerns over the amount of development that was proposed, the Planning Officer acknowledged that 75 dwellings was greater than the 60 approximated in the Plan but Officers had considered the plans with the Council's Urban Design and Landscape Officer and they were of the view that the quality of the development was good, it was not a great density of development for the site and the landscaping that would be provided would be of good quality.

With regards to incursion into the greenbelt, the Planning Officer advised that it was inevitable that the development would have to include some greenbelt land to create the road connection down to Mount Lane as that land crossed by the road remains within the greenbelt and the same applied to the footpath connection to the north so any planning application that was to come forward, the site would always have to include some elements of greenbelt land in order to provide the appropriate road and footpath connections. Officers had considered the proposals which affect greenbelt land in detail against national planning policy framework policies in relation to greenbelt development and have found that the elements of the development which were within greenbelt were not inappropriate development and there was no conflict with greenbelt policy.

The Planning Officer also wished to point out that the land that was affected by the greenbelt development would stay within the greenbelt and would retain its protected status and there wouldn't be any change which would mean that no future development within the greenbelt would be looked upon more favourably and would still be subject to the same greenbelt policies which are very restrictive in terms of new development.

In relation to flood risk/flood defences, the development was accompanied by a comprehensive sustainable drainage strategy and the Planning Officer confirmed that this did take into account the sustainable drainage strategy that had been agreed for the reservoir development and it also incorporated measures which had been mentioned by objectors. There had been a flood defence scheme installed by the Council and the development proposals do incorporate those to ensure that those properties would be acceptably protected from additional flood risk and the proposal had been considered in detail by the Councils Flood and Coastal Team, the lead Local Flood Authority and they have accepted that the Sustainable Drainage Scheme accompanying the application was acceptable and ensured the scheme wouldn't materially increase the risk of flooding elsewhere.

In terms of air pollution, the Planning Officer informed that an air pollution/air quality assessment was submitted with the application which was reviewed by the Councils Environmental Health Officers and the conclusions of those were acceptable and the development would not hit any unacceptable triggers with regards to air quality.

The Planning Officer referred to questions over need for this development and its position within the Councils five year housing supply and advised that the site was coming forward earlier than envisaged but that was not a concern in terms of the housing delivery chain of sites for the Council.

Representations were made querying if an Officer had visited the site, the Planning Officer advised that as the case officer for the planning application, he had visited the site many times and had a full understanding of the site and knew Springwell Village well through his experience of working for the Council.

With regards to ecology, as was set out in the main report, the application would deliver a biodiversity net gain and there wasn't a SSSI within the vicinity of the site, the nearest site was Penshaw, so it could not be concluded that the development would affect a SSSI. It was recognised that there could be impacts upon the local wildlife site and wild ponds so the developer was to make a financial contribution to manage and mitigate those impacts.

The Highways Officer advised that the traffic impact from this development was fully considered during the examination of the Councils Core Strategy, this examination concluded that the majority of traffic from this sites location would route to the south, the A1 and A194 with little traffic actually going through the village and this resulted in the Inspector concluding that it would be an acceptable impact in terms of the proposed development and the Inspector subsequently allocated the site for use.

As to the addition of the 15 dwellings, these would generate an approximate 7 additional trips in each of the morning and evening peak hours, again the majority of these would route to the south and the A1 and A194 and it was concluded that this would not result in an adverse impact on the local road network.

The Highways Officer referred to the use of Mount Lane, which was considered by the Inspector who concluded that it was acceptable for use as access to be provided and was therefore proposed as part of the application and officers fully accept that.

The Flood and Coastal Group Engineer advised the Committee that they had assessed the flood risk for the scheme, both for the existing houses and the proposed dwellings. The flood prevention measures that were installed a number of years ago, the developer has taken on board and proposed to move the protection to the west of the site so the new and existing homes would still remain protected to the 1/100 plus 40% climate change so he did not envisage any future flooding.

The Chairman introduced Mr Tom Baker, the Agent acting on behalf of the applicant who wished to address the Committee to inform of the benefits of the development. Mr Baker commented that Members had heard the Officers recommendation for approval and will have read the reasons for this as detailed within the report. Mr Baker commended the Planning Team for working with them to achieve a scheme which delivered real benefits for Springwell Village and the local area.

Mr Baker advised Homes by Esh were a local housebuilder, based in Durham with a proud record of building high quality homes across the North East. Their application before the Committee sought to deliver 75 homes including 15% affordable homes for local people. The application was submitted in full with detailed design matters for review.

In terms of the principle of the development, this was an allocated site within the Council's Core Strategy which was released from the greenbelt for the specific purposes of meeting the housing need of Springwell Village and the immediate local area. Whilst this scheme would deliver more homes than the indicative approximate number in the plan, the case officer concluded that the site could deliver 75 dwellings and still meet all of the policy requirements of the Core Strategy. More than that, the increase in units would mean more benefits such as more affordable housing and more financial fiscal benefits such as new homes bonus and Council Tax.

Mr Baker commented that at the Core Strategy stage there wasn't the same level of design, detail and information that we now have which demonstrated that the scheme could accommodate 75 dwellings.

In terms of the detail, there were no objections to this scheme from any of the expert Officers, including design, landscape, highways, housing, drainage, ecology, heritage and environmental health. Indeed there were no technical objections to the scheme from any officers or any external consultees. Historic England and the Councils Build Heritage Officer had confirmed the scheme would not harm the setting of nearby Bowes Railway.

The Council's Landscape Team considered that the scheme provides a Core Strategy compliant level of open space and appropriate landscape buffer to the west and to the south with no inappropriate impact on the greenbelt.

The Urban Design Officer concluded that the housing mix, design and layout was in line with Core Strategy Policy and the Council's Ecologist had welcomed the schemes delivery of biodiversity net gain meaning the development of this site would improve biodiversity in Sunderland.

The Local Lead Flood Authority has confirmed that the scheme was acceptable in terms of surface and foul drainage, water treatment and flooding. The Highways Authority have confirmed that the scheme would generate acceptable low levels of traffic and provide access to sustainable modes of transport whilst contributing towards facilities such as bus passes for residents.

Mr Baker commented that in summary this application would deliver both market and affordable housing in a well landscaped environment on a site that was released to meet the housing needs of Springwell Village. They recognise the strong feelings of some objectors however the Core Strategy's Plan meeting housing needs across Sunderland includes the delivery of this site and this was a hugely important consideration.

Mr Baker wished to stress that the Councils housing requirement was a minimum figure, not a maximum figure and the same applies to allocations within the plan. There was scope following a planning application to scrutinise the level of growth and to conclude that additional homes may be found on certain allocations and that was what occurred on this site.

Mr Baker informed the Committee that this scheme would deliver significant financial benefits to the area including supporting approximately 232 jobs across the lifetime of the project and construction, £85,000 in annual tax income, £590,000 of New Homes Bonus, £997,000 of retail spending with a proportion retained in the local area as well as contributing towards Springwell Ponds Ecological Site.

Councillor Armstrong commented that we had to weigh up what was more important and queried if the Climate Emergency didn't matter anymore. We have discussed if the development meets economic growth, The Housing Plan was developed a number of years ago and we have had Brexit and COVID since then so the economic landscape was completely different now. Referring to comments about meeting the needs of Springwell Village residents and Councillor Armstrong queried if more houses was what they need and was the growth prediction still on course to justify all these houses to be built upon greenbelt land.

Councillor Armstrong referred to the figure of 232 jobs coming to the area and queried how many of those would be for people living in Springwell, Washington or Sunderland. This was a prime piece of land and he couldn't blame developers for wanting to build there but he questioned whether we

would regret this development as it was a particularly bad area for flooding and he had witnessed this himself and it could only get worse as climate change worsened.

In response to Councillor F. Miller's enquiry over the style of home proposed and if they were considering using different types of boilers to gas for instance and also solar panels on roofs, Mr Morris from Homes by Esh advised that as the developer they would be building to current building regulations 2012 which stated that gas boilers were efficient to use, until the building regulations change again, which was envisaged to be implemented in the end of 2022 where gas fossil fuels would be preferred so depending on the start of the scheme on site, potentially if there was a late start these could be used but it was the aim to follow the current regulations.

With regards to solar panels, the 2022 regulations was pushing for renewable sources, not just solar panels. In terms of car charging points these weren't something as a developer that they currently install as current regulations don't ask for that so wouldn't be part of this scheme at the moment but if the 2022 regulations do ask for this then they would adhere to that.

Councillor F. Miller suggested that in light of comments made about climate change that the developer give consideration to such proposals if possible.

Councillor Fagan referred to the push for 75 dwellings rather than the 60 stated within the Plan and enquired if it was revised and permission granted for only 60 properties, would this development become financially unviable or could they still make it work on 60 houses.

Mr Baker advised that the application was in front of Members for 75 homes and this number was not plucked out of the air, it was a number derived through careful consideration of the on site constraints and opportunities through the size of the site as well as through external considerations and the surrounding road network. All of these matters pointed towards a number of 75 so that was what they considered to be an appropriate level of growth and all of the Council's Officers had concluded that the site and the surrounding area in terms of infrastructure could accommodate 75 units.

Mr Baker commented that in terms of the 60 units stated in the local plan, there was very little technical information that went into that and his understanding was that there had been a little bit of high level design work that had dictated that but ultimately it wasn't based upon a commercial consideration of the site in terms of what the market would ultimately deliver in that area, nor was it based on any detailed technical studies of the site and surrounding area which this application was based on. The number of 75 dwellings number was based on a whole host of additional information that wasn't available at the time of the Core Strategy, furthermore it has been deemed to be an acceptable number as per the Council's technical Officers.

Having been put to a vote, with 4 Members voting for and 3 Members voting against it was:-

1. RESOLVED that Members be minded to approve the application, subject to its referral to the Secretary of State, the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the conditions provided in the main agenda report, with the wording of conditions 2, 5, 6, 12, 13 and 19 amended and condition 21 added as stated in the circulatory report

19/01319/OUT – Outline planning application for up to 250 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access points from North Road (All matters reserved except for means of access) – Land West of South Lodge Farm, North Road, Hetton Le Hole, Houghton-le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that the application be refused for the reasons as set out in the report.

20/02278/FUL – Construction of logistics warehouse, with associated earthworks, landscaping, parking and access proposals – Land at Armstrong Road, Armstrong Industrial Estate, Washington

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

3. RESOLVED that the application be delegated to the Executive Director of City Development who was minded to Approve subject to the 7 draft conditions set out in the report and subject to the completion of a s106 agreement.

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

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

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

(Signed) M. THORNTON,
(Chairman)

Development Control (Hetton,Houghton and Washington) Sub-Committee

30th March 2021

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 20/01345/FUL
Washington Independent Hospital Washington Hospital Picktree Lane Rickleton
Washington NE38 9JZ
2. 21/00206/FUL
Washington Independent Hospital Washington Hospital Picktree Lane Rickleton
Washington NE38 9JZ

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (019 561 8755) or email dc@sunderland.gov.uk .

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the 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.: 20/01345/FUL Full Application

Proposal: **Erection of a temporary single storey portacabin (additional operational detail received 01.02.21)(Amended location plan received 26.02.21)**

Location: Washington Independent Hospital Washington Hospital Picktree Lane Rickleton Washington

Ward: Washington South
Applicant: Spire Hospital Washington
Date Valid: 29 July 2020
Target Date: 23 September 2020

PROPOSAL:

The site to which the application relates is that of Washington Spire Hospital, located on Picktree Lane in Rickleton. The hospital site is adjoined by the residential properties of Morningside to the south and Vigo Wood to the east.

To the north and west, the site boundaries are formed with Vigo Lane and Picktree Lane respectively.

Retrospective permission is sought for the provision of 1no. portacabin within the carpark to the south of the hospital. The portacabin has a floor area of 24.87 metres squared and a flat roof to a height of 2.573 metres. It has stepped access to the east and ramped access to the south. The portacabin is set in 14 metres from the rear boundary of the residential properties on Morningside.

The applicant provided a design and access statement on the 29.07.20 and additional information relating to the operation of the site on the 01.02.20 and 24.08.20.

The portacabin would be temporary for a period of one year and will provide a Covid 19 swabbing facility and pre-surgery screening for patients scheduled for surgery at the Spire Washington. Staff working at Spire Washington can also attend for routine screening as per Spire Healthcare screening protocols.

The applicant confirmed that they would be working in accordance with Public health England and NICE guidelines, supported by Spire Healthcare's operational policies.

The Portacabin and swab station operate on a drive through basis with scheduled appointments. The applicant confirmed that pre-surgery virtual appointments have been commenced to minimize patient attendance and therefore a reduction in traffic numbers.

With regard to parking, car parking spaces for staff have been allocated off site at the Cricket Club which is to the west of the site and Snorkal carparks to the south, all staff are to park in these additional car parks. They note that neither of these external car parks are within the residential area. On site car parking is assigned as a patients only car park, with social distancing car parking spaces allocated.

It is noted that an application was submitted on the 29.01.21 for the provision of an additional portacabin (application ref: 21/00206/FUL), this application will be considered separately.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Washington South - Ward Councillor Consultation
Network Management
Environmental Health
Washington South - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **25.03.2021**

REPRESENTATIONS:

Councillor Louise Farthing requested that the application be taken to planning committee and expressed concern with regard to the impact of the proposal on the residents of Morningside and the parking situation around the hospital.

2no. representations were received on the 26.08.20 from Ms Nicholson of 3 Morningside and Mrs Pritchard of 1 Morningside, stating that they were not objecting to the proposal as yet, but requesting further information from the applicant with regard to the proposed works and the operation of the site.

The agent was made aware of the comments and responded to each of the concerns that were raised:

1. The test station is only intended to serve patients with appointments at the hospital.

The Portacabin has a drive through COVID 19 swabbing facility where patients who are scheduled for surgery at Spire Washington come for a booked appointment for pre surgery screening. Staff working at Spire Washington can also attend here for routine screening as per Spire Healthcare screening protocols.

2. We have concerns regarding airborne transmission/contamination of Covid-19, i.e. will the installation of a ventilation system/extraction fan or open windows present any issues over the twelve-month period?

There is no requirement for extraction ventilation systems to be installed within the Portacabin vicinity, and there will be no aerosol generating procedures being undertaken within the Portacabin, therefore no additional risk is anticipated.

3. With regard to hazardous materials, we would like to understand which Covid-19 test will be used and how bio-hazardous swabs or blood samples will be processed/dealt with.

All specimens for pathology are considered as potentially infectious (COVID 19 or not) and are taken using standard precautions e.g. washing hand and gloves. FFPE3 masks are used to protect staff as Coronavirus has an airborne disease transmission. The medium that is used within the COVID 19 swabs has an agent that works to make the virus inactive. All specimens are moved and packaged for onward transmission in compliance with UN3373.

All waste arising from the testing procedure will be segregated and packaged in accordance with the Department of Health's Technical Guidance Safe Management of Healthcare Waste (HTM 07-01). These wastes, including biohazard waste, will be transported to the waste treatment facility in accordance with the GB Transport Regulations and where applicable, to the European Agreement on the Carriage of Dangerous Goods (ADR). All biohazard waste will be taken to a waste treatment facility permitted by the Environment Agency to render these types of waste safe for final recovery or disposal.

4. We would like to understand the hours of operation for the testing unit

The hours of operation for the Portacabin and swabbing unit are on a schedule appointment basis from 08:00-18:00 Monday to Friday and 08:00-12:30 Saturday

5. What guarantee will be given that car parking capacity at the hospital will not be negatively affected?

The Portacabin and swab station operate on a drive through with a scheduled appointment basis. Pre Surgery virtual appointments have been commenced to minimise patient attendance and therefore a reduction in traffic numbers.

Externally car parking spaces for staff have been allocated off site at the Cricket Club and Snorkal carparks and all staff are to park in these additional car parks .Neither of these external car parks are within the residential area. On site car parking is assigned as a patients only car park with social distancing car parking spaces allocated

6. Will residents be consulted on the possible removal of any 'adjacent' trees or hedges should they form a screen or grow in the area between our houses and the Portacabin?

There is no requirement for the removal or trimming of any trees or screening shrubbery that lie within the hospital grounds

7. Have other locations, i.e. away from residential properties, for the location of the Portacabin been considered, or can they be considered?

A site survey was undertaken prior to the installation of the Portacabin to assess electrical and water provision to the unit, along with ground suitability, and the Portacabin has been sited in the most suitable location to accommodate all requirements.

8. We have concerns regarding noise and light pollution on the proposed site as the proposed site backs onto our garden and our patio/sitting area is next to the fence between us and the hospital.

The Portacabin has its own internal lighting which will be in use during the working hours of 08:00-18:00 Monday - Friday and 08:00 - 12:30 Saturdays. There should be no increase in noise or lighting pollution linked to the Portacabin use.

Further consultation was carried out following receipt of the additional operational detail and following the provision of an amended location plan detailing the red line around the portacabin and entire parking area. A number of objections were received from Ms Nicholson of 3 Morningside and Mr and Mrs Birks of 4 Morningside, the following issues were raised:

1. Looking onto unattractive grey box portacabins
2. How temporary are they, are they now a permanent feature, can they just reapply each year?
3. Aren't these Portakabins supposed to be more than 5 meters from the perimeter of my property/land...?
4. The Portacabin (ref. 20/01345) has been operational since Summer 2020. Although I cannot provide an exact date, the Portacabin was certainly installed on site well before planning letters were received by residents. In August 2020 residents requested further detail through the Council's planning process, this detail was not provided to residents until February 2021, yet the unit has been operational all this time.
5. The Portacabin is being used as a Pre-Operation Assessment area and a Covid-19 Swab Testing Facility. On Friday 19th February 2021 I noticed a patient having their blood pressure taken whilst sitting in their car.
6. the red line on the plan submitted covers the area where the Portacabin is sited and the car parking spaces opposite the Portacabin, the application makes no reference as to the use of the car parking spaces in this area. The car parking spaces opposite the Portacabin are in fact the area where the swab tests are being taken.
7. Residents are now overlooked and are suffering loss of privacy.
8. mature trees and shrubs were cut back on Saturday 30th January 2021. We now have a clear view of the Portacabin, which is out of keeping with the area. We also have a clear view of patients having their swab tests taken on a daily basis, not sure patients will appreciate this. Patients also have a clear view into our house.
9. The risk of airborne transmission/contamination of Covid-19 is a major concern. The car parking spaces patients drive into and wait for their swab tests to be taken is right next to resident's gardens, the closest point being 2.2 metres. This provides a risk of airborne transmission of Coronavirus to residents, as Coronavirus has an airborne disease transmission, as stated in the Additional Operational Detail provided.
10. The door to the Pre-Operation Assessment Portacabin is left open at times. At other times if a patient turns up and this unit is unattended patients are getting out of their cars and are seen wandering around outside if a member of staff is not in the Portacabin. As this area is so close to resident's gardens this poses further risk to residents of Morningside.
11. On the afternoon of Tuesday 23rd February, which was a particularly windy day, an orange bag of clinical waste was left lying outside the Portacabin. This bag was not removed until Wednesday morning. Clearly this is a huge risk for residents whose gardens back on to this area.
12. Having the Portacabin operational has resulted in an increase in noise, light and CO2 pollution. Signs in the car park clearly tell drivers to switch on their hazard warning lights when they pull into the parking bays. Some cars leave their engines running and mobile phones can be

heard ringing loudly through hands free mobile phone systems. Members of staff are talking to patients through car windows.

13. The Portacabin is in operation seven days a week, contrary to point 4 of the Additional Operational Detail provided. This has resulted in an increase in traffic generation. Previously the car park was quiet on weekends, which is not the case now. Many cars pull into this area to have swab test taken from 8:00am on Sunday mornings. The Additional Operational Detail states there are 'social distancing car parking whilst waiting for their swab tests.

14. As identified on the Amended Location Plan, the application is for planning permission for the whole of the car park, therefore the tests can be carried out elsewhere in the car park. It is totally unreasonable for the tests to be carried out right next to our back garden fence. It should be refused on the grounds of residential amenity.

15. The application as it currently stands has a massive impact on residential amenity. It would however be much less impactful, if the car parking spaces directly behind resident's gardens are not used for carrying out swab tests. Given the space available, there is no need for them to be used and the impact of using those spaces on residential amenity is so severe that residents think it should shift the balance towards refusing the application.

16. The portacabin is currently being used for two purposes, Covid-19 Testing Facility and Pre-Operation Assessments. The planning application states the description of the proposal as a "Covid-19 Testing Facility". I object to the Portacabin being used as a Pre-Operation Assessment area.

Whilst I understand the need for an emergency area for Covid testing, using the Portacabin for Pre-Operation Assessments does not fall under this category it is an extension to the normal use of the Hospital. If planning permission is granted to allow Pre-Operation Assessments to be carried out in the Portacabin, I strongly request that planning conditions and/or planning obligations be attached to guarantee that Pre-Operation Assessments will cease to be carried out in the Portacabin after 12 months.

Mrs Pritchard of 1 Morningside provided the following neutral comment:

It is now clear that planning permission has been sought retrospectively; this demonstrates little regard for local residents and little respect for the Council's decision-making processes and procedures.

Residents living in close proximity to the hospital feel they have been misled, either by the absence of information or by seemingly inaccurate information.

For example:-

1. Questions asked by residents in August 2020 have not been addressed until very recently (Additional Operational Detail 01.02.21)

The intended purpose/use of the Portacabin - and adjacent parking spaces - has not been fully declared on the application. There is no mention that the Covid-19 Testing Facility would be operating on a drive-through basis. Residents certainly did not expect to be able to view the various activities taking place - including patients sat in vehicles waiting for swabs to be taken - just the other side of their garden fence. Since Covid-19 has an airborne transmission, it is conceivable that some residents could be at risk (however slight that risk may be)

2. Contrary to the AOD, a resident's tree has been cut back, without consultation, allowing a clear view into two properties
3. Actual hours of operation do not correspond with those stipulated in the AOD
4. I understand that, if granted, planning permission will be for no longer than 12 months and that the portacabin will be removed thereafter.
5. Because of the difficult Covid situation, I remain neutral, but I do not think it unreasonable to request that either a planning condition or planning obligation is attached to this application in order to: i. ensure that it does not become a permanent feature and ii. mitigate the negative impact this facility has, and will continue to have, on residential amenity for a number of local residents.
6. I appreciate testing is necessary, but these activities are having a genuine negative impact on residential amenity: the increased noise and disturbance from use, the much increased vehicle activity and the fact that properties and gardens are overlooked, are all contributing factors. Residents have a right to quiet and private enjoyment of their own property and gardens, but this right is being severely eroded.
The current use of the car parking spaces closest to residential properties is already resulting in a significant loss in residential amenity; if activities are scaled up (i.e. the second Portakabin becomes operational) the impact on residents will only increase.
7. It is widely recognised that Covid-19 has an airborne transmission - such procedures should not take place so close to residential properties. If planning permission is granted, I request a planning condition and/or obligation is attached which will guarantee that, after 12 months, this Portakabin will be removed.

Response to comments

With regard to the comments relating to safety around Covid-19, social distancing and the disposal of contaminated waste, these issues would need to be addressed in relation to the appropriate medical policies and procedures that are applied to the Hospital Site.

If permission is granted and it is felt that the hospital is not operating in a safe and appropriate manner than this should be reported to the Councils Environmental Health Section and the appropriate regulatory health body.

With regard to the operation of the site, information was received on the 01.02.20 and 24.08.20. setting out how the site will operate, and further consultation was carried out following this. An amended location plan was submitted on the 26.02.21 detailing the red line extent of the operation (including the parking area) and an amended site plan was submitted on the 12.03.21 setting out the exact location and orientation of the cabin.

It is therefore considered that all of the relevant information has been provided to adequately assess what is proposed and the acceptability of the proposal.

All other material planning considerations will be dealt with in the following report:

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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 CSDP policies SP7, BH1, HS1, ST2 and ST3 of the CSDP and saved UDP policy EN10.

The main issues to be considered in determining this application are: -

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety

- 1) Principle of development

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to saved policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

Policy SP7 meanwhile sets out that the council will seek to improve health and wellbeing in Sunderland by protecting existing health facilities and/or supporting the provision of new or improved facilities

The development site is located within the curtilage of the hospital. It is considered that the use of the portacabin and area within the carpark to provide Covid-19 testing and pre-operative care assessments is appropriate, within this hospital setting and at this time. It is noted that the proposal would also provide a service that would facilitate the continued operation of the hospital.

In light of the above the principle of the proposal is acceptable and in accordance with the NPPF, policy SP7 of the CSDP and saved policy EN10 of the UDP, subject to there being no adverse impact in relation to the following considerations.

2) Visual Amenity

As stated above national planning guidance is provided by the National Planning Policy Framework (NPPF), which requires the planning system to contribute to the achievement of sustainable development.

To this end Paragraph 124 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

The portacabin is the type of feature that could be expected to be found within a Hospital facility such as this. It is a small-scale structure which does not appear uncharacteristic within the locale and its neutral colour ensures that it does not stand out unnecessarily.

It is positioned 14 metres from the rear gardens on Morningside and although some trees may have been pruned along this boundary a degree of screening is still provided by the trees and hedges to the rear.

In light of the above it is not considered that the proposal would have a significant adverse impact on the character and visual amenity of the area, in accordance with the relevant paragraphs of the NPPF and policy BH1 of the CSDP

3) Residential Amenity

As set out above paragraphs 124, 127 and 130 of the NPPF and policy BH1 of the CSDP are relevant as well as paragraph 180 of the NPPF and policy HS1 of the CSDP.

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.

Policy HS1 of the CSDP 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.

Following consultation, the Environmental Health Team provided no objection to the proposal.

The portacabin is 14 metres from the rear boundaries of the properties on Morningside and given its size and position would not be considered to appear overbearing or to increase overshadowing in relation to these properties.

Objections were raised with regard to the increase in noise and disturbance, CO2 emissions, overlooking and light pollution in relation to the operation of the site, as a testing and pre-op facility.

Given that the facility would operate on an appointment basis and is related to operations and procedures within the hospital, it is not considered that the amount of people coming and going from site would necessarily be increased. It is also noted that this proposal is for a temporary period of 1 year.

Any additional lighting would relate to the internal lighting within the portacabin and it would not be considered that this would result in a significant level of light pollution in relation to the residential neighbours.

The portacabin is situated within a parking area serving the existing hospital. Obviously, a degree of activity would be expected within this area including patients and vehicles coming and going from site. A degree of surveillance to and from the site would also be expected.

The objections need to be considered within the context of a busy car park and hospital site. On balance it is considered that the impact of the facility on the residents of Morningside would not be sufficient to warrant a refusal of permission.

With regard to visitors leaving their engines running and conversations being carried on within the carpark, it would be expected that the hospital administration would aim to limit such activity. Should this not be the case the Councils Environmental Health Section could step in to assess the situation and these issues could also be raised with the relevant Health Care Regulatory Body.

Objections were also raised with regard to the operating hours on site and it is agreed that these hours should be conditioned to ensure the residential amenity of the occupiers of Morningside is maintained.

The detail submitted on the 24.08.20 set out the following hours of operation:

8:00-18:00 Hours Mon-Fri

8:00-12:30 Hours Sat

It is considered that these hours of operation will ensure that the properties within Morningside are not disturbed early in the morning or late in the evening, when it could reasonably be expected that it would be quieter.

In light of the above and subject to an appropriate condition relating to operating hours, it is not considered that the proposal would not introduce significant demonstrable harm to the amenities of nearby occupiers, in accordance with the relevant paragraphs of the NPPF and the requirements of policies BH1 and HS1 of the CSDP.

4) 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.

Paragraph 106, meanwhile, states that Local Planning Authorities should guard against setting unnecessarily stringent parking requirements.

On a local level, policies ST2 and ST3 of the CSDP require development proposals to maintain acceptable standards of highway and pedestrian safety.

The Councils Highway Engineers noted that the proposal results in the loss of approximately 5 parking spaces but is for a temporary period. Having reviewed the additional information submitted in support of the application they considered that the proposed operation of the facility, which would be by scheduled appointment, would not have a material impact on the operation of the hospital and the car park.

They also noted that car parking spaces for staff have been allocated off site at the Cricket Club and Snorkal car parks and all staff are to park in these additional car parks. Taking this into account Transportation Development has no objection to the application.

Given the above the proposal is considered to be compliant with the requirements of policies ST2 and ST3 of the CSDP.

CONCLUSION

It is considered that the Portacabin testing and pre-op facility is appropriate in this particular location in compliance with the relevant paragraphs of the NPPF, saved policy EN10 of the UDP and policies BH1, SP7, HS1, ST3 and ST2 of the CSDP. It would not cause significant demonstrable harm to the living conditions of existing residents or the character and appearance of the area and is also considered to be acceptable in relation to highway and pedestrian safety. The application is therefore recommended for approval.

This recommendation is made on the basis that no representations are received in advance of the expiration of the consultation period on 25.03.21. Should any representations in objection to the development proposed be received on grounds not addressed by this report, the application will be referred back to Members for final determination.

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

1 This permission shall be granted for a limited period of 1 year from the date hereof and the works authorised shall be removed and the area reinstated to its former condition at or before the expiry of the period specified in this permission. in accordance with Policy BH1 of the CSDP and the requirements of the NPPF.

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

Site plan, drawing number SPIRENE38B, received 12.03.21

Location plan, drawing number SPIRENE38, received 26.02.21

Proposed floor plan and elevations, drawing number TMPESHW, received 29.07.20

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 use of the portacabin and associated car park as a Covid-19 testing and pre-operative assesment area, hereby approved, shall not be carried out outside the hours of 8:00 - 18:00 Monday to Friday, and 8:00-12:30 Saturday, in order to safeguard the amenity of nearby occupiers and to accord with the core principles of the NPPF and CSDP policies BH1 and HS1.

Reference No.: 21/00206/FUL Full Application

Proposal: **Erection of a temporary single storey Portakabin building, to be used as a Covid-19 testing facility, adjacent to the testing facility which was applied for via application 20/01345/FUL.(Amended location plan received 02.03.21)**

Location: Washington Independent Hospital Washington Hospital Picktree Lane Rickleton Washington

Ward: Washington South

Applicant: Washington Hospital

Date Valid: 29 January 2021

Target Date: 26 March 2021

PROPOSAL:

The site to which the application relates is that of Washington Spire Hospital, located on Picktree Lane in Rickleton. The hospital site is adjoined by the residential properties of Morningside to the south and Vigo Wood to the east. To the north and west, the site boundaries are formed with Vigo Lane and Picktree Lane respectively.

Retrospective permission is sought for the provision of 1no. portacabin within the carpark to the south of the hospital. The portacabin has a floor area of 24.87 metres squared and a flat roof to a height of 2.573 metres. It has 2no. stepped entrances facing the car parking area. The portacabin is set in a minimum of 3.8 metres from the rear boundary of the residential properties on Morningside.

The applicant provided a design and access statement on the 29.01.21 and additional information relating to the operation of the site on the 01.02.20 and 24.08.20.

The portacabin would be temporary for a period of one year and will provide a Covid 19 swabbing facility and pre-surgery screening for patients scheduled for surgery at the Spire Washington. Staff working at Spire Washington can also attend for routine screening as per Spire Healthcare screening protocols.

The applicant confirmed that they would be working in accordance with Public health England and NICE guidelines, supported by Spire Healthcare's operational policies.

The Portacabin and swab station operate on a drive through basis with scheduled appointments. The applicant confirmed that pre-surgery virtual appointments have been commenced to minimize patient attendance and therefore a reduction in traffic numbers.

With regard to parking, car parking spaces for staff have been allocated off site at the Cricket Club which is to the west of the site and Snorkal carparks to the south, all staff are to park in these additional car parks. They note that neither of these external car parks are within the residential area. On site car parking is assigned as a patients only car park, with social distancing car parking spaces allocated.

It is noted that an application was submitted on the 29.07.20 for the provision of a portacabin (application ref: 20/01345/FUL), this application will be considered separately.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Washington South - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **18.03.2021**

REPRESENTATIONS:

Councillor Louise Farthing requested that the application be taken to planning committee and expressed concern with regard to the impact of the proposal on the residents of Morningside and the parking situation around the hospital.

Objections were received following the initial consultation and following the provision of an amended location plan detailing the red line around the portacabin and entire parking area. Objections were received from Ms Nicholson of 3 Morningside, Mr and Mrs Birks of 4 Morningside, Mrs Pritchard of 1 Morningside and Mr Richardson of 5 Morningside, the following issues were raised:

1. I find the building an eyesore with a flat grey exterior right behind our garden and being clearly visible from all our rear windows, especially the kitchen which is at eye level.
2. The adverse impact on residential amenity experienced by residents as a result of the first Portacabin on site and operational for many months (without planning permission), will significantly increase if planning permission is granted for a second Portacabin.
3. The Portacabin is sited at a distance of 4.25 metres from the boundary to residential properties. This is clearly an unsafe distance, as planning regulations relating to the position of emergency medical structures state a structure such as this, should not be permitted within 5 metres of the boundary to a residential property.
4. The Planning Application states the description of the proposal as a Covid-19 testing facility. This is the same description stated on the planning application for the first Portacabin (reference 20/01345/FUL). The first Portacabin is actually being used as a Pre-Operation Assessments Area and a Covid-19 Swab Testing Facility. The Covid-19 Swab Testing is operating on a drive through basis, there is no mention of this on either planning application.
5. The planning application is seeking permission for the structure only, i.e. the Portacabin. No application has been submitted for the car parking spaces adjacent to the Portacabin (either through this application or application reference (20/01345/FUL). These car parking spaces are currently being used by patients who pull up in their cars, turn on their hazard warning lights (as

signs instruct them to do so) and wait for a member of staff to take the swab test. This is happening now, even though a planning application has not been submitted for the material change to the use of these car parking spaces.

6. Residents are now overlooked and are suffering loss of privacy, which will increase further if planning approval is granted for a second Portacabin.

7. Contrary to section 3.5 of the Design and Access Statement, mature trees and shrubs were cut back on Saturday 30th January 2021. This was arranged by the hospital and without any consultation with residents. These well-established, mature trees and shrubs were acting as a screen between our house and the Hospital. We now have a clear view of both Portacabins, which are out of keeping with the area. We also have a clear view of patients having their swab tests taken on a daily basis, not sure patients will appreciate this. This also means that patients, i.e. members of the public, have a clear view into our house.

8. The unsafe location of this Portacabin poses a significant risk to residents in Morningside through the risk of airborne transmission/contamination of Covid-19. Coronavirus has an airborne disease transmission, as stated in the Additional Operational Detail provided for application 20/01345/FUL. These changes are affecting enjoyment of our own property.

9. As previously reported, orange waste bags containing 'clinical and infectious waste' are being left on the ground outside the Portacabins. On the afternoon of Tuesday 23rd February, which was a particularly windy day, an orange bag of clinical waste was left lying outside the Portacabin. This bag was not removed until the morning of Wednesday 24th February. Clearly this is a huge risk for residents whose gardens back on to this area, as this is clinical and infectious waste arising from healthcare activities that could pose a risk to public health or the environment, unless properly disposed of.

10. Based on the increase in noise, light and CO2 pollution through the operation of the first Portacabin, noise and disturbance from use will increase further if planning approval is granted for a second Portacabin. Signs in the car park clearly tell drivers to switch on their hazard warning lights when they pull into the parking bays. Some cars leave their engines running and mobile phones can be heard ringing loudly through hands free mobile phone systems.

11. Traffic generation has increased through the operation of the first Portacabin, which is operational 7 days a week. Traffic generation will increase further if planning approval is granted for a second Portacabin. Weekends are now very busy, whereas before the first unit was operational the car park was very quiet on weekends. Currently many cars pull into this area to have swab test taken from 8:00am on Sunday mornings, even though residents were advised the unit would not be operational on Sunday mornings.

12. Planning permission has been sought retrospectively planning permission was submitted on 29/01/2021 but the Portakabin was installed on 7/2/2021. This demonstrates a lack of regard for the Council's decision-making processes and procedures.

13. Covid19 has an airborne transmission which is not yet completely understood. I have been informed that, to be considered safe, the Covid testing facility should be sited 10 metres away from residential properties. This figure probably relates to medical guidelines and regulations, but has not been corroborated: documentation to verify this regulation is required.

14. Regarding the Application for Planning Permission, I would also argue that 19. Hours of Opening and 21. Hazardous Substances are both relevant to this application and should not be disregarded. Should actual hours of operation correspond with those of the first Portakabin,

drivethrough tests will be carried out every day of the week, including Sundays, and traffic, noise and disturbance will only increase.

15. If permission is granted, however, I would like planning conditions and or planning obligations to be attached in order to mitigate the negative impact this Portakabin is having on residential amenity, and to guarantee that the Portakabin will be removed after 12 months.

16. I do not want acceptance of this temporary facility to be the gateway for a more permanent structure to be erected on the basis that this building has been permitted.

Response to comments

With regard to the comments relating to safety around Covid-19, social distancing and the disposal of contaminated waste, these issues would need to be addressed in relation to the appropriate medical policies and procedures that are applied to the Hospital Site.

If permission is granted and it is felt that the hospital is not operating in a safe and appropriate manner than this should be reported to the Councils Environmental Health Section and the appropriate regulatory health body.

With regard to the operation of the site, information was received on the 01.02.20 and 24.08.20 setting out how the site will operate (the agent confirmed that this detail related to the portacabin applied for via application 20/01345/FUL and the portacabin applied for via this current application). An amended location plan was submitted on the 26.02.21 confirming the red line extent of the operation.

It is therefore considered that all of the relevant information has been provided to adequately assess what is proposed and the acceptability of the proposal.

With regard to the removal of trees it is noted that the trees to the rear of Morningside are not protected and works can be carried out without the need for consent from the planning department. The removal of the tree on land not within the applicant's ownership would need to be dealt with as a civil matter.

With regard to permitted development rights, in this instance these would relate to certain medical facilities such as NHS hospitals. If the portacabin had been erected within an NHS hospital and was 5 metres from the boundary with any residential property, it would not have required planning permission.

As the Spire is a private hospital and not on the list of exempted facilities it would require planning permission regardless of the distance from any boundary, it would then need to be assessed in relation to all material planning considerations.

All other material planning considerations will be dealt with in the following report:

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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 CSDP policies SP7, BH1, HS1, ST2 and ST3 of the CSDP and saved UDP policy EN10.

The main issues to be considered in determining this application are:-

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety

- 1) Principle of development

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to saved policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

Policy SP7 meanwhile sets out that the council will seek to improve health and wellbeing in Sunderland by protecting existing health facilities and/or supporting the provision of new or improved facilities

The development site is located within the curtilage of the hospital. It is considered that the use of the portacabin and area within the carpark to provide Covid-19 testing and pre-operative care assessments is appropriate, within this hospital setting and at this time. It is noted that the proposal would also provide a service that would facilitate the continued operation of the hospital.

In light of the above the principle of the proposal is acceptable and in accordance with the NPPF, policy SP7 of the CSDP and saved policy EN10 of the UDP, subject to there being no adverse impact in relation to the following considerations.

2) Visual Amenity

As stated above national planning guidance is provided by the National Planning Policy Framework (NPPF), which requires the planning system to contribute to the achievement of sustainable development.

To this end Paragraph 124 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that

development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

The portacabin is the type of feature that could be expected to be found within a Hospital facility such as this. It is a small-scale structure which does not appear uncharacteristic within the locale and its neutral colour ensures that it does not stand out unnecessarily.

It is positioned a minimum of 3.8 metres from the rear gardens on Morningside and although some trees may have been pruned along this boundary a degree of screening is still provided by the trees and hedges to the rear.

In light of the above it is not considered that the proposal would have a significant adverse impact on the character and visual amenity of the area, in accordance with the relevant paragraphs of the NPPF and policy BH1 of the CSDP

3) Residential Amenity

As set out above paragraphs 124,127 and 130 of the NPPF and policy BH1 of the CSDP are relevant as well as paragraph 180 of the NPPF and policy HS1 of the CSDP.

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.

Policy HS1 of the CSDP 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.

Following consultation, the Environmental Health Team provided no objection to the proposal.

The portacabin is a minimum of 3.8 metres from the rear boundaries of the properties on Morningside and given its location and size would not be considered to appear overbearing or to increase overshadowing in relation to these properties.

Objections were raised with regard to the increase in noise and disturbance, CO2 emissions, overlooking and light pollution in relation to the operation of the site, as a testing and pre-op facility.

Given that the facility would operate on an appointment basis and is related to operations and procedures within the hospital, it is not considered that the amount of people coming and going from site would necessarily be increased. It is also noted that this proposal is for a temporary period of 1 year.

Any additional lighting would relate to the internal lighting within the portacabin and it would not be considered that this would result in a significant level of light pollution in relation to the residential neighbours.

The portacabin is situated within a parking area serving the existing hospital. Obviously, a degree of activity would be expected within this area including patients and vehicles coming and going from site. A degree of surveillance to and from the site would also be expected.

The objections need to be considered within the context of a busy car park and hospital site. On balance it is considered that the impact of the facility on the residents of Morningside would not be sufficient to warrant a refusal of permission.

With regard to visitors leaving their engines running and conversations being carried on within the carpark, it would be expected that the hospital administration would aim to limit such activity. Should this not be the case the Councils Environmental Health Section could step in to assess the situation and these issues could also be raised with the relevant Health Care Regulatory Body.

Objections were also raised with regard to the operating hours on site and it is agreed that these hours should be conditioned to ensure the residential amenity of the occupiers of Morningside is maintained.

The detail submitted on the 24.08.20 set out the following hours of operation:

8:00-18:00 Hours Mon-Fri

8:00-12:30 Hours Sat

It is considered that these hours of operation will ensure that the properties within Morningside are not disturbed early in the morning or late in the evening, when it could reasonably be expected that it would be quieter.

In light of the above and subject to an appropriate condition relating to operating hours, it is not considered that the proposal would not introduce significant demonstrable harm to the amenities of nearby occupiers, in accordance with the relevant paragraphs of the NPPF and the requirements of policies BH1 and HS1 of the CSDP.

4) 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.

Paragraph 106, meanwhile, states that Local Planning Authorities should guard against setting unnecessarily stringent parking requirements.

On a local level, policies ST2 and ST3 of the CSDP require development proposals to maintain acceptable standards of highway and pedestrian safety.

The Councils Highway Engineers have provided no objection to the proposal. Having assessed the information supplied with the application, they consider that the proposed operation of the facility would not have a material impact on the operation of the Hospital and the car park.

Given the above the proposal is considered to be compliant with the requirements of policies ST2 and ST3 of the CSDP.

CONCLUSION

It is considered that the Portacabin testing and pre-op facility is appropriate in this particular location in compliance with the relevant paragraphs of the NPPF, saved policy EN10 of the UDP and policies BH1, SP7, HS1, ST3 and ST2 of the CSDP. It would not cause significant demonstrable harm to the living conditions of existing residents or the character and appearance of the area and is also considered to be acceptable in relation to highway and pedestrian safety. The application is therefore recommended for approval.

This recommendation is made on the basis that no representations are received in advance of the expiration of the consultation period on 25.03.21. Should any representations in objection to the development proposed be received on grounds not addressed by this report, the application will be referred back to Members for final determination.

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

1 This permission shall be granted for a limited period of 1 year from the date hereof and the works authorised shall be removed and the area reinstated to its former condition at or before the expiry of the period specified in this permission. in accordance with Policy BH1 of the CSDP and the requirements of the NPPF.

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

Location plan/ site plan, drawing number SPIRENE38 B, received 02.03.21

Proposed floor plan and elevations, drawing number DLBUSHEYPE2, received 29.01.21

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 use of the portacabin and associated car park as a Covid-19 testing and pre-operative assesment area, hereby approved, shall not be carried out outside the hours of 8:00 - 18:00 Monday to Friday, and 8:00-12:30 Saturday, in order to safeguard the amenity of nearby occupiers and to accord with the core principles of the NPPF and CSDP policies BH1 and HS1.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00059/FUL	Ajay Brickworks	Equestrian use of land, formation of horse track through partial re-levelling, fencing, and planting.	12/01/2021	13/04/2021
Copt Hill	Land South Of High Lane (North/West Of A690) StoneygateNewbottle Houghton-le-SpringDH4 4NH			
21/00483/FUL	Adderstone Living Ltd	Development of 45no dwellings (Use Class C3), with associated car parking, landscaping and infrastructure	03/03/2021	02/06/2021
Hetton	Land South Of Redburn RowRedburn RowHoughton-le-Spring			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00177/LP3	Sunderland City Council People Directorate	Demolition of existing caretakers house/ primary school and erection of new school with multi games area including improved site access, associated carparking and landscaping.	04/02/2021	06/05/2021
Hetton	HeadteacherHetton Primary SchoolMoorsley RoadHetton-le-HoleHoughton-Le-SpringDH5 9ND			
20/00134/LP3	City Development	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
Hetton	Evolve Business CentreCygnet WayRainton Bridge SouthHoughton-le-SpringDH4 5QY			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved)	17/11/2014	16/02/2015
Hetton	Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX	(reconsultation on amended scheme).		
20/01591/FU4	Hellens Land Ltd	Erection of units for retail, cafe/restaurant (within Use Class E) and takeaway (Sui Generis) uses, with new vehicular access, parking, servicing areas and landscaping (additional archaeology and ground investigation reports received).	08/09/2020	08/12/2020
Houghton	Former Houghton CollieryNewbottle StreetHoughton-le-Spring			
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham CompanyHawthorn HouseBlackthorn WaySedgeleth Industrial EstateHoughton-le-			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01446/FUL	Karbon Homes	Erection of 36 dwellings with associated works, including relocation of a substation.	24/09/2019	24/12/2019
Houghton	Land Off Hutton Close And Ninelands Houghton Le Spring	(Updated information received 16 February 2021).		
17/02445/FUL	Persimmon Homes Durham	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2).	21/12/2017	22/03/2018
Houghton	Land North Of Coaley LaneHoughton Le SpringNewbottle	Amended plans submitted July 2018.		

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land AtLambton LaneHoughton-le- Spring			
20/02048/MAW	Bramble Environmental Limited	Application for the installation of soil washing plant within the existing building.	15/01/2021	16/04/2021
Shiney Row	Grab And Deliver Limited Freezemoor RoadNew Herrington Industrial EstateTyne & WearHoughton Le SpringDH4 7BG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/02027/HE4	Taylor Wimpey North East	Full planning permission for 116 residential dwellings (use class C3) with associated infrastructure and landscaping	17/11/2020	09/03/2021
Shiney Row	Land South West Of Herrington Country Park Chester Road Penshaw Sunderland	and outline planning permission (all matters reserved except access) for up to 324 residential dwellings (use class C3), associated infrastructure and landscaping.		
20/02190/MAW	Mr J M Atkinson	Change of use to resomation and associated training facility (sui-generis use) (Resubmission)	19/11/2020	18/02/2021
Shiney Row	Marson House Freezemoor Road New Herrington Industrial Estate Houghton-Le-Spring DH4 7BH			
21/00259/MAV	Mrs V Jackson-Smith	Variation of conditions 3 (hours) and 4 (operating hours) relating to 19/01583/MAW - To allow site to operate on a weekend (7 days per week).	04/02/2021	01/04/2021
Washington East	J & B Recycling 1 Monument Park Washington NE38 8QU			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01309/FUL	Windsor Engineering LTD	Erection of 2no. commercial units including new vehicular access and associated parking /service areas.	11/08/2020	10/11/2020
Washington North	4 Turbine WaySunderlandSR5 3NZ			
21/00401/HE4	Legal And General Property Partners Ltd	Erection of industrial units for light industrial, general industrial and storage distribution uses with ancillary office floorspace, associated access, landscaping, parking and service yards.	15/03/2021	05/07/2021
Washington North	Land To The West OfInfiniti DriveWashington			