

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in Committee Room No. 1 on Thursday 14<sup>th</sup>  
July, 2016 at 4.45p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>	1
	Report of the Executive Director of Commercial Development (copy herewith).	
4.	<b>Town and Country Planning Act 1990 – Appeals</b>	44
	Report of the Executive Director of Commercial Development (copy herewith).	

**E. WAUGH,  
Head of Law & Governance.**

Civic Centre,  
SUNDERLAND.

6<sup>th</sup> July, 2016



# Item 3

## Development Control (South Sunderland) Sub-Committee

14th July 2016

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

#### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Commercial Development for 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. 15/02436/FU4  
Land at Salterfen Lane Sunderland
2. 16/00742/FU4  
Benedict Biscop C E Primary School Marcross Drive Sunderland SR3 2RE
3. 16/00925/FU4  
Barnes Infant School Mount Road Sunderland SR4 7QF
4. 16/00935/LB4  
Barnes Infant School Mount Road Sunderland SR4 7QF

#### 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 (0191 561 8755) or email [dc@sunderland.gov.uk](mailto: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 Commercial Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Alison Fellows  
Executive Director of Commercial Development

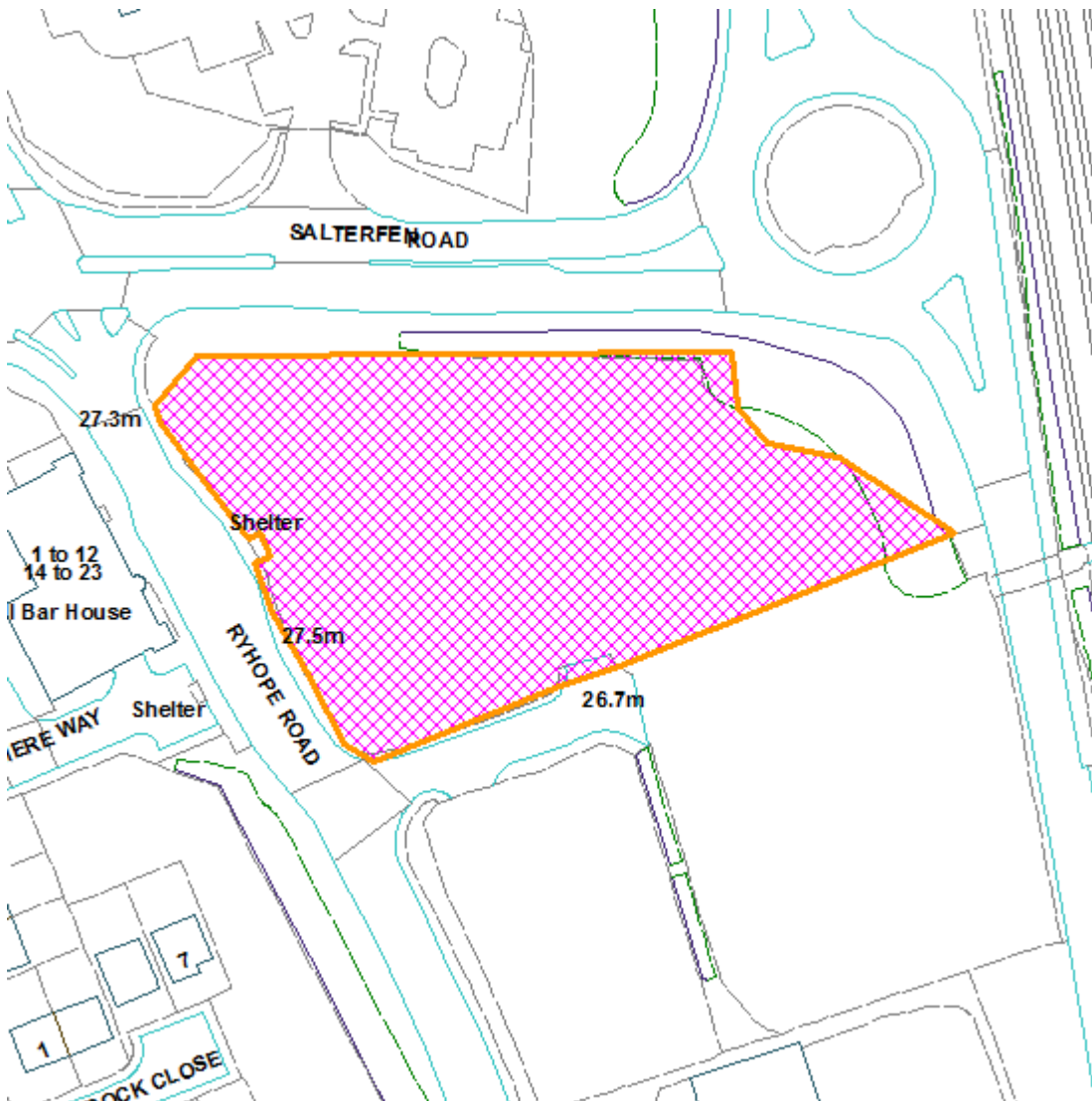
**Reference No.:** 15/02436/FU4 Full Application (Reg 4)

**Proposal:** **Erection of two storey furniture retail building (A1) and single storey fast food restaurant (A3 and A5) with associated access, parking and landscaping.**

**Location:** Land at Salterfen Lane Sunderland

**Ward:** Ryhope  
**Applicant:** Home Living North East Ltd  
**Date Valid:** 21 January 2016  
**Target Date:** 21 April 2016

**Location Plan**



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## **PROPOSAL:**

Planning permission is sought for the erection of a two storey furniture retail building (A1) and a single storey fast food restaurant (A3 and A5) with associated access, parking and landscaping.

The application site was formerly utilised for the purposes of light industry but is currently vacant and comprises wide areas of hardstanding and coarse grassland. A semi mature tree belt runs along sections of the western and southern curtilage of the site.

The land is predominantly level but rises notably into the embankments located to the northern and eastern most sections of the site which are bound by the classified Salterfen Road and Southern Radial Relief Road respectively. Access to the site is achieved from the classified Ryhope Road which bounds the site to the west the west.

Outside the confines of the host site there are a mix of land uses within the area with residential located to the west and south west on the opposing side of Ryhope Road and commercial sites housing an existing furniture store, car forecourt, a drive thru restaurant, supermarket and former home improvement store located beyond Salterfen Road and Toll Bar Road to the north and north west.

As the land is currently in the ownership of Sunderland City Council the applicant has served notice on the Council as land owner.

The application proposes to redevelop the land to facilitate the erection of a large furniture store and drive-thru fast food restaurant with associated access, parking and landscaping. The proposed furniture store would be positioned to the east of the site and would provide a total gross floor space of 1,465sqm including a mezzanine floor, whilst the drive-thru restaurant would be positioned to the west of the site comprising a floor area of 300sqm.

Subject to planning permission, the furniture store is proposed to be occupied by the company who currently own the Home living store located on the northern side of Salterfen Road. It is understood that this company are seeking to expand their business through the creation of a new store resulting in a further 30 staff being employed at the host site.

Aesthetically, the building would be of a contemporary appearance utilising a combination of expansive areas of glazing within the front elevation and further glazing, composite wall cladding, timber cladding and lower lying brickwork within the side and rear elevations.

The public entrance to the furniture store would be sited on the western façade of the building facing into the public car park whilst a loading/delivery area is to be provided to the east/rear of the building.

The Drive-Thru restaurant is proposed to be occupied by KFC and would also be of contemporary specification presenting composite wall cladding, vertical timber cladding and black textured wall panels. The building would be relatively diminutive in stature presenting a maximum height of 5m, a width of 12.4m and a length of 28m.

The overall development makes provision for 71 car parking spaces including 4 disabled spaces and a number of Sheffield cycle stands. The proposed landscaping is to include low level planting and new trees around the perimeter of the western and southern curtilage.

The proposed furniture store is proposed to open between 09:00 - 18:00 Mondays to Saturdays and 10:00 - 16:00 on Sundays Bank Holidays whilst the proposed Drive-Thru restaurant is intended to open between 07:00 and 23:00 seven days a week.

Supporting documentation has been submitted with the application including a Design and Access Statement, a Sequential approach to the site selection, a Transport Statement, an Ecological Report and a Drainage Report incorporating Sustainable Urban Drainage (SUDS).

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Environmental Health  
Ryhope - Ward Councillor Consultation  
Flood and Coastal Group Engineer

Final Date for Receipt of Representations: **29.02.2016**

**REPRESENTATIONS:**

Representation

The Local Authority has carried out public consultation for the application in the form of letters issued to neighbouring properties and public notices posted around the site. Ward Cllrs have also been consulted on the development. As a result of the consultation carried out, no representations have been received from members of the public. Some comments have however been received from Ward Cllr Emerson largely in respect of highway safety as outlined below.

- o Access to the site is adjacent to two bus stops at a point where traffic lanes north bound are changing from one into two, traffic turning at this point will create a major hazard.
- o The construction at the site and the general presence of the drive-thru will generate multiple vehicular visits per day creating an on-going traffic hazard in an area adjacent to a busy pedestrian crossing.
- o It is considered that the development of the site would be detrimental to road safety unless major highway alterations are put in place.
- o Consideration needs to be given to the impact of the development on potential future housing on an adjacent site to the south.
- o The development site is adjacent to access to the National Coastal Path and this access must be maintained preferably with some parking provision for visitors.

These concerns will be addressed within the main body of the report.

Internal consultees

Public Protection and Regulatory Services -

A combined Phase 1 and Phase 2 report have been provided for the development. It is recommended the construction does not commence until the requirements for gas and hydrocarbon protection are finalised.

#### Network Management -

The existing highway network can appropriately accommodate the expected vehicular movements associated with the development. Various works will be required to be carried out within the adopted highway to include a stopping up, a Traffic Regulation Order and the provision of a new access for the Drive-Thru restaurant.

#### Natural Heritage -

The recommendations and mitigations outlined within Section 6 of the Ecological Appraisal should be conditioned for future approval as should a planting plan for the wider site and biodiversity enhancements for the SUDS feature.

The conclusions of the additional information provided in support of the Habitat Regulation Assessment are accepted subject to the implementation of the mitigation measures outlined in Section 5. This will need to be conditioned accordingly.

#### Drainage -

The Drainage report and Sustainable Urban Drainage scheme as amended is considered to be acceptable. The application will need to be conditioned to ensure that full drainage details (including drawings and calculations) are submitted for further approval.

#### External consultations

Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NW to be able to assess their capacity to treat the flows from the development. It is therefore requested that a condition is placed on the application with regard to a scheme for the disposal of foul and surface water from the development.

### **POLICIES:**

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

SA\_5\_Retention and improvement of existing mixed use site  
S\_7\_Design and requirements for new retail development  
B\_2\_Scale, massing layout and setting of new developments  
B\_17\_Schemes to promote, manage and assist in interpreting important heritage features  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
EN\_1\_Improvement of the environment  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_12\_Conflicts between new development and flood risk / water resources

### **COMMENTS:**

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



- 1) Principle of the development
- 2) Scale, layout, design and landscaping
- 3) Residential amenity
- 4) Highway issues
- 5) Ground Contamination
- 6) Ecology
- 7) Drainage and flood risk

#### 1. Principle of the development

The Unitary Development Plan (the UDP) was adopted in 1998. On commencement of the Planning and Compulsory Purchase Act (September 2004), the policies of the UDP were automatically 'saved' for three years, remaining in force until September 2007. The Council subsequently notified the Government Office of the policies it wished to retain and confirmation from the Secretary of State of the agreed saved policies was received on 4 September 2007.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o development proposals that accord with the development plan should be approved without delay;
- o where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  - (ii) specific policies in the NPPF indicate that development should be restricted.

The site is allocated under UDP policy SA5.3 as an existing mixed use site which will be retained and improved for a mixture of commercial and industrial uses. Such uses are defined as;

1. Food and Drink (A3)
2. Light industry, offices, research and development (B1)
3. Storage and distribution (B8)
4. Hotels (C1)
5. Bulky goods retailing

## 6. Transport related businesses

The text accompanying the UDP policy outlines that to protect the viability and vitality of nearby Grangetown Shopping Centre, further retailing will be restricted to bulky goods or retail warehouse extensions whilst the Glossary to the UDP defines Bulky Goods as "Goods requiring facilities not readily available in existing shopping centres due to the need for large storage and display areas and the generation of greater volumes of traffic. Bulky goods include DIY, furniture and carpets but exclude electrical goods, toys and clothing."

On the basis of the above, it is considered that that the proposed furniture store would fall within the definition of 'Bulky Goods' and is thus is deemed to be compliant with the desired land use of the site.

In respect of the proposed Drive-Thru restaurant, it is evident that food and drink uses (A3) are also considered to be appropriate on the site. At the time of the UDP's adoption in 1998, use class A3 provided blanket coverage for restaurants and hot food takeaways and whilst the Town and Country Planning (Use Classes) Amendment Order 2005 has had the effect of re-categorising restaurants and takeaways in to two different use classes, A3 and A5 respectively, this does not alter the principal that both restaurants and hot food takeaways were considered to be appropriate 'food and drink' uses for the site at the time of the UDP's adoption.

However, notwithstanding the UDP allocation, Para 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date plan. In this respect, given that that the UDP was adopted in 1998, it is not considered that the plan could be considered up-to-date.

As such, the agent has prepared a sequential test as per Para 24 of the NPPF which stipulates that". "applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre".

The sequential assessment considers the availability, suitability and viability of other sites within the main catchment area of the site based on the operational criteria of the development proposed as outlined below;

- o A site which can accommodate a furniture showroom with a gross external area in excess of 1,465 sqm and a drive through of 300 sqm.
- o A site which can allow for the safe manoeuvring of customer and delivery vehicles;
- o A prominent road frontage site, with the ability to attract passing trade;
- o A site that is accessible by a choice of transport;
- o A site which can allow for the provision of a dedicated service area to accommodate HGVs and
- o A site which can provide for a single story open and unrestricted sales floor area with a level topography.

With regard to the above, the following areas have been examined;

1. Ryhope
2. Grangetown
3. Silksworth

In all identified areas, the available land/buildings were not considered to meet requirements of the proposed model with the majority of the sites being too small to accommodate the development whilst it is also acknowledged that main and edge of centre sites served a specific localised need that was not generally suitable for the national operators of Drive-Thru restaurants.

On the basis of the information provided it is considered that the applicant has considered and satisfactorily assessed the availability and suitability of other premises and sites within more sequentially preferable locations, in line with the requirements of paragraph 24 of the NPPF. As such, it is considered appropriate to conclude that there are no more sequentially preferable sites which are, within reason, appropriate and suitable for the proposed development.

Paragraph 26, meanwhile, states that when assessing applications for town centre development outside of town centres, LPAs should require an impact assessment if the development is over a proportionate, locally set floor space threshold - if a local threshold has not been set, the NPPF recommends a threshold of 2500 sq. metres. Paragraph 26 goes on to set out the matters the assessment should consider. No locally derived threshold has been formally adopted as this time and as the retail element within the proposed development falls notably below this threshold it is not considered necessary to assess its impact on investment or vitality and viability of the local centre. However, as the UDP land use allocation specifically restricts new A1 uses to bulky goods only, in order to protect the future vitality and viability of Grangetown Shopping Centre, it is considered appropriate to put a restrictive condition on the furniture store should members be minded to approve the application.

In summary, the host site is allocated for Bulky Goods and Food and Drinks uses whilst the land is also located within a mixed use area with comparable development located nearby. Further, the agent has appropriately demonstrated that there are no sequentially preferable sites within the catchment area for development of this type. As such, the proposal is considered to be in accordance with UDP Policy SA5 and Para's 24 and 26 of the NPPF.

However, in determining the overall acceptability of the proposal it would need to be ensured that the development satisfactorily addresses the following material planning considerations as outlined below.

## 2. Scale, design layout and landscaping

In line with the requirements of UDP Policy S7, new retail development should be of a high standard of design and relate well to its surroundings whilst one of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes.

The site is situated within a prominent location neighbouring a main arterial route into the city centre. The site is bounded to the north by the elevated Southern Radial Route and will be one of the first non-residential sites visible to those travelling into the city centre from the south. In this respect it is to be expected that the development and in particular the larger furniture store provides a strong built form onto Salterfen Road and the Southern Radial Route through appropriate design and the use of high quality materials.

In terms of design/layout, the initial comments from the Council's Urban Design Team requested that additional clarification be provided on the detailing of the elevations and that a greater emphasis be placed on the activation of the Southern Radial Route and Salterfen Road fronting elevations.

The plans have been amended to this effect with greater detailing and visual interest provided on the aforementioned elevations. Such changes include the provision of further areas of glazing, graphite cladding and timber cladding. The frontage of the building is shown to include a significant expanse of glazing within what would be the feature elevation. A first floor balcony and roof terrace would be provided within the front and rear elevations respectively.

Whilst the overall scale and massing of the furniture store would be relatively large, it is considered to be proportionate to the context of the site and its visual impact would be reduced to the north and east due to the recessed ground upon which it would sit.

The overall appearance of the drive-thru restaurant is considered to be acceptable being of a contemporary design and limited overall massing. Subdued composite wall cladding, vertical timber cladding and black textured wall panels would be utilised in the construction. Currently there is a tree belt located along the western curtilage of the site which provides a significant degree of screening on the northern and southern approaches on Ryhope Road. These trees, whilst numerous and offering reasonable visual amenity to the street, appear poorly managed and are not considered to be of significant value in their own right. The application therefore proposes to remove the majority of these trees in order to present a more managed landscape scheme that better reflects the proposed regeneration of the site.

The submitted landscaping scheme initially proposed the compensatory planting of 4no trees (*Alnus Glutinosa*) to the south of the bus shelter on Ryhope Road with a further 2no trees proposed fronting the vehicular access approach from Ryhope Road. Given the level of tree removal proposed, this was not considered to be sufficient to satisfactorily mitigate the overall loss of planting. Consequently a further 3no trees have been included within the landscape plan, 2no to the north of the bus shelter and 1 additional specimen to the south of the shelter. The agent has also been requested to provide additional soft landscaping within the extent of the wider site and this has also been articulated within the landscape plan. Notwithstanding the above, it will be necessary to condition that full details of all hard and soft landscaping is submitted to the Local Planning Authority for approval in writing. In line with the requirements of UDP policies B19 and S7 the design layout has incorporated ease of access for pedestrians, people with impaired mobility and those with pushchairs and prams. Cycling racks have also been incorporated in to the scheme to promote sustainable modes of travel.

With regard to the above, the proposed design and associated landscaping of the commercial development is considered to be good quality in accordance with the provisions of UDP policies S7 and B19 and the aforementioned paragraphs of the NPPF.

### 3. Residential amenity -

Policy B2 of the UDP requires that the scale, massing, setting and layout of new development respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

It is acknowledged that the site is allocated for commercial use and that the general area presents a mix of uses all within close proximity to a busy highway network. Notwithstanding, there are residential properties which directly oppose the site to the west and it is important to ensure that

the proposed development would not have an unreasonable adverse impact on the residential amenity of the occupiers of these properties.

Consideration therefore needs to be given to the level of harm arising to residential amenity in respect of a potential loss of sun/daylight, outlook or privacy and /or whether an unreasonable increase in noise or disturbance to immediate residents would be created by the non-residential activities associated with the use.

The overall scale and massing of the drive-thru restaurant is considered to be limited and spacing of at least 27m would be provided between the opposing flats and the new build unit whilst the furniture store would be set substantially away from any nearby residential properties. Based on the above, it is considered that the proposed development would have no demonstrable adverse impact on levels of day or sun light entering any nearby residential windows, nor would the development result in any prejudicial overshadowing, loss of outlook or result in privacy being unduly compromised.

Outline planning permission has recently been granted for 22 dwellings on land to the south of the site (Grangetown Autos). This site is however notably divorced from the host site and a 72m wide strip of intervening land is located between.

The re-use of the vacant land will inevitably generate a level of activity in and around the site which currently doesn't exist. However, as has been acknowledged above, the site is allocated for light industry/commercial use and the general comings and goings must be considered against the backdrop of the semi commercial area and the busy highway network which surrounds the site. The proposed furniture store proposes to adopt relatively standard day time trading hours during the week with slightly curtailed hours on Sundays and Bank Holidays whilst the Drive-thru restaurant proposes to operate until 11pm seven days a week. The application has been considered by the City Councils Public Protection and Regulatory Services and no observations have been offered in respect of the proposed opening hours. In this respect and given the context of the area, these times are considered to be reasonable.

Notwithstanding, Public Protection and Regulatory Services have recommended that a noise assessment should be submitted in respect of any noise making equipment that may be installed such as extraction and refrigeration units, whilst it has also been recommended that an odour assessment be submitted prior to operation and lighting assessment be submitted prior to installation. These details can be conditioned accordingly.

In the interests of residential amenity, further conditions are also recommended which will require the submission of a construction method statement, the control of hours during the construction phase, details of construction plant and equipment and relevant noise attenuation during the construction process.

Based on the reasoning above, the proposed development is considered to pose no demonstrable harm to the amenity of the nearby residential occupiers subject to the provision of appropriately worded conditions as outlined above. The development is therefore considered to accord with the requirements of UDP policy B2.

#### 4. Highway issues -

Paragraph 32 of the National Planning Policy Framework (NPPF) sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

UDP policy T22 aims to determine the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to:

- i. development type (e.g. scale, use, catchment, user characteristics);
- ii. locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character).

The proposed application has been accompanied by a Transport Statement (TS) which has been subject to scrutiny by the City Council's Network Management Section.

In terms of traffic generation the layout and capacity of the Salterfen junction has been reviewed within the TS, which also considers the previous use of the access serving an industrial estate. The number of vehicle trips generated by the development has been checked at peak hour times for both weekdays and a Saturday given the two proposed uses, and confirms that the number of vehicle trips for both inbound and outbound movements with Ryhope Road can be accommodated within the existing highway network and that sufficient parking would be provided on site to accommodate expected demand. Further clarification on the queuing capacity of the Drive-Thru was requested to ensure that there would be no adverse impact on the highway. The agent has confirmed that the specifications of the queuing lane space and the bays provided as waiting areas are similar to other restaurants provided by the chain and that it will meet anticipated demand requirements.

In respect of highway safety it is noted that a representation has referenced that access to the site is adjacent to two bus stops and at a point where the traffic lanes north bound are changing from one into two. Concern has therefore been raised that traffic turning into the site will create a major hazard. Further, concern has also been raised over the generation of multiple vehicular visits per day which could create an on-going traffic hazard.

In respect of the above, the Network Management Section has commented that the two bus stops are located outside of general road traffic lanes, with both the northbound and southbound stops accommodated within full width lay-bys. In addition, the frequency of bus services has also been considered by the TS when assessing traffic movements to and from the location.

With regard to the pedestrian crossing point, this is an existing controlled crossing which is set up to stop traffic on a call demand basis within the operation of the adjacent traffic signals. This arrangement allows pedestrians to cross safely by stopping traffic, and will not change as a result of the development proposal.

Based on the engineers comments and the data presented within the TS, there are no grounds to suggest that the proposal would be likely to have a detrimental impact on the safe use of the bus stops or the pedestrian crossing.

Development of this type will inevitably generate vehicular movements during the construction phase and where there is potential for sustained period of disruption to occur, the LPA can elect to control disturbance and agree arrangements for the construction traffic by limiting hours of construction and/or requiring a developer to comply with an agreed scheme of working. Given both the nature of the development and the context of the area, it is considered reasonable to do so in this instance.

The applicant will also be expected to fund parking restrictions on the adopted section of Salterfen Lane through a Traffic Regulation Order to ensure that the access is unrestricted by opportunist parking. It has also been confirmed that there are adopted highways within the site which will require stopping up whilst alterations to the adopted highway will be required to create a new access to the Drive-Thru restaurant under a Section 278 Agreement.

Based on the above, there are considered to be no overriding grounds to consider that the residual cumulative impacts of the development would be severe and therefore there are no reasonable grounds to recommend that planning permission is refused in respect of highway or pedestrian safety. The proposal therefore accords with the requirements of UDP policies T14 and T22 and Para 32 of the NPPF.

## 5. Land contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 states, in part, that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Given the industrial history of the land a combined Phase 1 and Phase 2 report have been provided for the development by Dunelm dated 26/11/2015 which includes the following:

- o Site walkover
- o History based on Ordnance Survey Mapping
- o Computerised search of environmental databases
- o Mining Report
- o BGS Geology and BGS onshore borehole database

Although the report concludes that the development is not considered to be particularly sensitive to contamination, the investigation does leave some areas unresolved and this could potentially affect the proposed development. On this basis the City Councils Public Protection and Regulatory Services have recommended that further consideration be given to the risk from hydrocarbon vapours entering the buildings. Proposals should be provided for mitigation for example by precautionary gas protection and / or more detailed investigation and risk assessment. Gas monitoring should be completed, possibly including monitoring for VOCs. An updated risk assessment will therefore need to be undertaken and this can be appropriately conditioned.

## 6. Ecology and biodiversity

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are two relevant designated sites within the vicinity of the proposal; the Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). The potential source of impact in this case may be from increased recreational visits to the coastal areas as a result of the development and policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites.

The Habitats Regulations Assessment originally submitted with the application was found to be somewhat limited in its approach and additional information was requested in respect of further detail pertaining to HRA regulation including guidance, maps as well reference to features of interest, the identification of pathways and any avoidance and mitigation measures as required.

A supplementary HRA document was submitted in April 2016. The report concludes that due to the lack of access to the foreshore at Salterfen the proposed development is unlikely to result in increased disturbance to overwintering birds and breeding birds. Consequently this would likely ensure that there will be no impact on the Northumberland Coast SPA and Ramsar site.

Nonetheless, it has been concluded that increased visitors to the site will lead to increased visitors to the Durham Coast SAC and that this is likely to lead to increased pressures from trampling of vegetation, litter and dog fouling. However, given the nature of the proposals, the number of people who already have access to the coastal footpath, and the fact that many visitors to the Drive-Thru and furniture store will simply shop and leave to go elsewhere, the report concludes that any impact on the SAC is likely to be negligible.

Mitigation for the development has however been suggested within the report in respect of signage which stipulates customer only parking, the provision of litter bins and signage warning of the penalties of dropping litter and further specific signage on the entrance and exit of the car park



reminding potential walkers that they should not drop litter and they should clean up after their dogs.

In considering the information contained within the supplement to the HRA report, it is agreed that there would likely be no significant effect from the development alone or in combination upon the qualifying features subject to the identified avoidance measures being incorporated into the scheme. These measures can be secured by way of condition.

In terms of the impact of the development upon the biodiversity of the application site, an ecological assessment has also been submitted. Within Section 6 of the report a number of recommendations and mitigations are proposed. This includes making appropriate biodiversity gains from the proposed SUDs basin where practicable including;

- o Permanent and semi-permanent wet areas
- o To create gentle sloping sides within the basin
- o Planting should be kept to a minimum with space left for natural colonisation
- o Planting should be of native species

It is acknowledged that the scheme proposes to remove a large proportion of the existing tree belt which runs alongside the western curtilage of the site. As has been discussed earlier in the report, a scheme of compensatory tree planting is proposed to mitigate the loss of this belt. It is recommended that the replacement trees are native and that insect friendly plants and shrubs are included within the future landscaping of the site. In addition, it will be expected that bird boxes are provided within retained and where practicable, new trees to mitigate the loss of bird nesting habitat within the site. The recommendations and mitigations proposed by Section 6 of the Ecological Appraisal will need to be conditioned as will a landscape plan for the site and a plan showing the biodiversity enhancement of the SUDs feature.

Subject to the above, the measures should be sufficient in this case to minimise potential adverse impacts and secure mitigation and enhancements to deliver a net increase in biodiversity, in accordance with policies CN18 and CN22 of the UDP and chapter 11 of the NPPF.

## 7. Drainage and flooding

Paragraph 103 of the NPPF sets out that development does not result in the increase in flood risk elsewhere should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- o within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- o development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

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

The application site is situated within Flood Zone 1, which carries the lowest risk of flooding. As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. This requirement is echoed by the Council's Local Flood Risk Management Strategy, which has recently been approved by Cabinet.

The application has been accompanied by an indicative surface water strategy which incorporates a SuDS layout in the form of a detention basin. The basin is to be provided in land to the east of the site and will attenuate and store surface water runoff from the proposed development prior to discharging into the sewer network. Revised plans have been received during the course of the application as the detention basin was initially shown to extend beyond the confines of the site boundaries. The agent has rectified this issue in a revised drawing and the report has been amended accordingly.

The Council's Lead Local Flood Engineer has confirmed their agreement to the revised strategy but has requested that full drainage details to include drawings and calculations are submitted and approved prior to the development commencing on site. This can be conditioned accordingly.

Northumbrian Water has requested that additional details should be submitted in respect of a scheme for the disposal of foul and surface water from the development. This can also be conditioned.

## **Conclusion**

The principle of utilising the site for the development is considered to be acceptable with due regard to UDP policy SA5 and Para's 24 and 26 of the NPPF.

In terms of layout and design the scheme is considered to be of good quality and would facilitate the regeneration of a vacant parcel of land at a prominent junction within the city. The relationship between the application building and the nearest residential properties is considered to be appropriate without demonstrably impacting on existing levels of sun/daylight, privacy or outlook having had due regard to paragraphs 56, 57 and 64 of the National Planning Policy Framework and policy B2 of the adopted Unitary Development Plan.

It is considered that there is sufficient capacity within the existing highway network to accommodate the predicted increase of vehicular movements in and around the site whilst sufficient parking would be accommodated within the site to cater for visitors. For the reasons set out above the proposal is considered to be satisfactory in accordance with UDP policies T14 and T22.

In light of the above the proposal is considered to be acceptable with due regard to relevant national and local planning policy.

## **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION:**

Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the provision of the conditions set out below:

### **Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and

Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

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

- The existing site plan received 30.11.2015 (Plan ref: R155)
- The proposed site plan as amended received 30.06.2016 (Plan ref: R155S)
- The proposed site layout for the Drive-thru restaurant received 27.06.2016 (Plan ref: 000/2013/F121 REV H)
- The furniture store floor plans and elevations as amended received 03.05.2016 (Plan refs: R155E, F, G, H)
- The furniture store section received 30.11.2015 (Plan ref: R155K)
- The furniture store roof plan received 24.02.2016 (Plan ref: R155L)
- The Drive-thru elevations 03.05.2016 (Plan ref: 0000/2013/G211 REV F)
- The Drive-thru floor plans received 03.05.2016 (Plan ref: R155N)
- The amended location plan received 30.06.2016

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 Development shall not commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Method Statement shall be adhered throughout the construction period. The Construction method statement shall, wherever applicable, provide for;

- i. details of temporary traffic management measures, temporary access, routes vehicles,
- ii. wheel washing facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials used in constructing the development;
- v. measures to control vibration;
- vi. measures to control the emission of dust and dirt;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN10 and T14 of the adopted Unitary Development Plan.

5 Unless otherwise agreed in writing with the Local Planning Authority, the construction works required for the development and any deliveries made to the site shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.

6 The development shall not be brought into use until details of any external plant, including extraction details, ventilation facilities and air conditioning equipment, and their odour and noise generation levels, including any noise attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and maintained as such thereafter. In order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

7 Notwithstanding the submitted plans, the development shall not be brought into use until details of the scheme of external lighting have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details before the use hereby permitted begins and the approved external lighting shall be in place prior to the commencement of the use hereby permitted. In the interests of visual amenity and highway safety and to accord with policies B2 and T14 of the UDP.

8 The units shall not be operated for the purposes hereby approved between the hours of 23.00 and 07.00 in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.

9 No deliveries from vehicles shall be taken at, or dispatched from the site outside the hours of 07.00 and 23.00 in order to protect the amenity of the area and to comply with policy B2 of the adopted Unitary Development Plan.

10 Development shall not commence until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include existing trees, shrubs and other landscape features (indicating which are to be retained and which are to be removed); planting plans, specifications and schedules; the proposed biodiversity enhancement of the SuDS feature, existing and proposed levels and contours; means of enclosure, walls, retaining walls and boundary treatment; paving and other surface treatment including car parking and circulation layouts; items of landscape furniture, equipment, storage, signage and lighting. The approved landscape works shall be completed no later than the end of the first planting season following the first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established. In the interests of protecting the amenity of the area and to comply with policy B2 of the adopted Unitary Development Plan.

11 The development hereby approved shall be carried out in complete accordance with the measures detailed in Section 6.0: Recommendations and Mitigations of the Ecological Appraisal dated 23 June 2016 prepared by Dendra Consulting Ltd. The development shall not be brought into use until details of the type and location of bird boxes to be installed on site along with a timescale for their implementation has been submitted to and agreed in writing by the Local Planning Authority.

12 The development shall not be brought into use until full details of the proposed on-site parking restrictions, on site litter bins and prohibitive signage as outlined within Section 5: Mitigation, of the Habitat Regulations Assessment supporting document dated 25 April 2016 prepared by Dendra Consulting Ltd, has been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented to an approved timescale as agreed with the Local Planning Authority and maintained as such thereafter.

In order to protect and enhance the biodiversity of the site and to comply with policy CN19 of the adopted Unitary Development Plan.

13 The development shall not be brought into use until the car parking area indicated on the approved site plan, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in accordance with the approved details. Thereafter, the car parking area shall be retained as such and shall not be used for any purpose other than the parking of vehicles associated with the development. In the interests of highway safety and to accord with policy T22 of the adopted Unitary Development Plan.

14 The development shall not be brought into use until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times. In the interests of highway safety and to accord with policy T22 of the adopted Unitary Development Plan.

15 No development other than the site remediation works shall take place until full details of the disposal of foul and surface water, including a timetable for their implementation and a strategy for their maintenance, have been submitted to and approved, in writing, by the Local Planning Authority and the scheme shall be implemented in full accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and to comply with paragraph 103 of the National Planning Policy Framework and policy EN12 of the adopted Unitary Development Plan.

16 Notwithstanding the content of the updated SuDs report undertaken by Fairhurst dated July 2016, no construction work shall take place until full drawings and calculations of the Drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in complete accordance with the agreed details in order to provide a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with National Planning Policy Framework and policy EN12 of the adopted Unitary Development Plan.

17 The furniture store hereby approved shall be used for the purposes of bulky goods retailing only and for no other purpose (including any purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. In the interests of protecting the viability and vitality of the local shopping centre and to comply with policies S5 and SA5 of the adopted Unitary Development Plan.

18 The development hereby approved shall not be occupied until prohibition of waiting has been introduced at the junction of Ryhope Road and the access road leading into the site through a Traffic Regulation Order made by the Local Highway Authority, in the interests of highway safety and to comply with policy T14 of the UDP.

19 Notwithstanding the content of the Geoenvironmental Appraisal undertaken by Dunelm Geotechnical and Environmental dated 26.11.2015, no development shall take place until an updated risk assessment is submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the assessment will be required to consider the risk from hydrocarbon vapours entering the buildings and propose appropriate mitigation. The assessment shall also ensure that gas monitoring within the site has been completed and reported.

In order to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

20 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

**Reference No.:** 16/00742/FU4 Full Application (Reg 4)

**Proposal:** **Erection of single storey extension to form multipurpose hall and new access to existing school, to include external works comprising of external ramp and stairs.**

**Location:** Benedict Biscop C E Primary School Marcross Drive Sunderland SR3 2RE

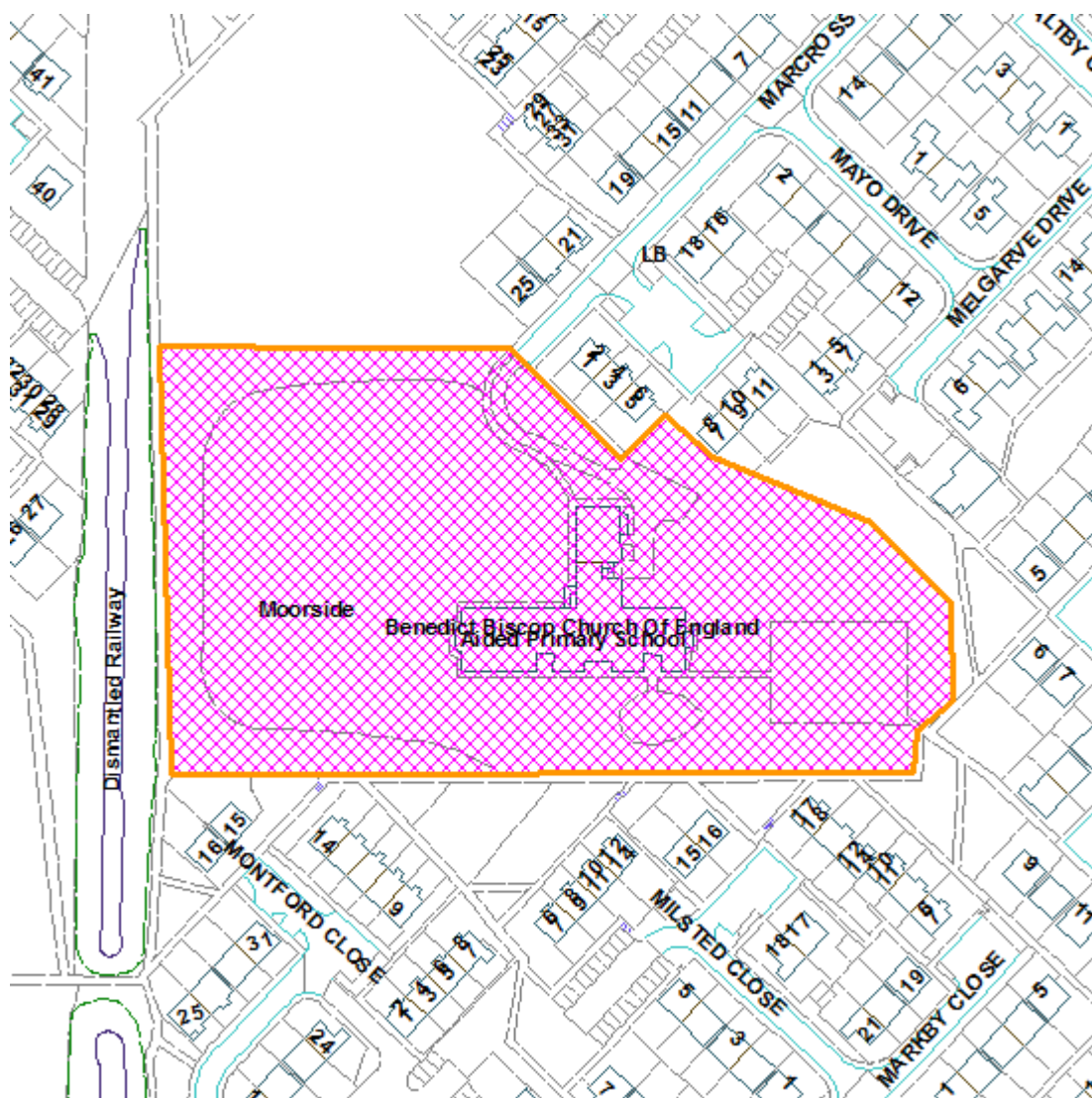
**Ward:** Doxford

**Applicant:** Benedict Biscop C E Academy

**Date Valid:** 3 June 2016

**Target Date:** 29 July 2016

## Location Plan



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## **PROPOSAL:**

The application relates to the erection of a single storey extension to form multipurpose hall and new access to existing school, to include external works comprising of external ramp and stairs at Benedict Biscop C of E Primary School, Marcross Drive, Sunderland, SR3 2RE.

The proposed extension is to be erected at Benedict Biscop Church of England Primary School, which occupies spacious grounds in a locality which is otherwise residential in character. The school is accessed from the residential street of Marcross Drive with dwellings bounding the school grounds on all sides. The school building is single-storey and its main body follows an east-west axis. Two wings project northwards from the main body of the building.

The subject site within the school grounds is currently grassed whilst part accommodates the access path to the main school entrance. The grassed area does not appear to constitute formal play area with other areas clearly laid out for play and recreation.

## **PROPOSAL**

The proposal primarily relates to a single storey extension which would be located between the two northward projecting wings, without infilling the entirety of the space or joining the two. In addition, an external ramp and stairs are proposed to provide access to the development and specifically the section which is to create the revised lobby/ reception area.

The proposed extension is to measure a maximum of 10.5 metres in width and 11.5 metres in length with a flat roof height of 3.3 metres which would accord with the existing school buildings.

The proposal is to be constructed with brickwork to match the original building, an aluminium trimmed roof, UPVC windows whilst rendered sections of external walls are also proposed.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management

Final Date for Receipt of Representations: **01.07.2016**

## **REPRESENTATIONS:**

Neighbours

No representations have been received upon the expiry of the neighbour consultation period and site notice.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

L\_7\_Protection of recreational and amenity land

## **COMMENTS:**

### ISSUES TO CONSIDER

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

- Principle of development
- Design and external appearance
- Highway implications

#### Principle of Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. As the proposal relates to an extension to the existing school building, it is considered that the proposal accords with the above policy.

In addition to the above, the proposals map identifies the grounds of the school as including playing fields. Policy L7 of the UDP requires land identified as recreational open space, such as school playing fields, to be retained in its existing use, unless an acceptable alternative provision can be made, or the new use of the land is for educational purposes and there would be no significant harm to the amenity, recreational and wildlife habitat value of the site.

The proposed development will enclose an area of approximately 99sq. metres which contributes to visual amenity rather than play provision. The proposal will not project into the main yard or lead to the loss of any land used as playing field. As such, the proposed development will not detrimentally impact upon the outdoor play or sports provision at the school and is therefore in compliance with the requirements of aforementioned policy L7 of the UDP.

In light of the above, it is considered that, the proposed extension accords with policies EN10 and L7 of the Unitary Development Plan and is therefore considered to be acceptable in principle.

#### Design and External Appearance

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

With regard to policy B2 detailed above, it is considered that the size and form of the proposed extension will not detract from the appearance of the existing school or wider area. The proposal is limited in scale, set well away and partially screened from the surrounding residential properties and public vantage points, ensuring that visual and residential amenities is not significantly compromised.

As such it is considered that the design and appearance of the extension is acceptable and complies with the requirements of Policy B2 of the adopted UDP.

### Highway Implications

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

The City Council's Executive Director of City Services (Transportation) has, advised that there are no grounds to object to the proposal in relation to highway and pedestrian safety. As such, it is considered that the proposal accords with policies T14 and T22.

### CONCLUSION

For the reasons given in this report it is considered that the principle of development is acceptable and the proposal is of an appropriate design and appearance without resulting in any adverse impact to visual amenity. The proposal raises no concerns in terms of highway or pedestrian safety and as such the proposal is considered to comply with policies B2, EN10, L7, T14 and T22 of the UDP.

### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

## **RECOMMENDATION:**

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

### **Conditions:**

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

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

- Drawing No. 1000 Rev P1: Site location plan, received 29.04.2016
- Drawing No. 1001 Rev P1: Existing ground floor plan, received 29.04.2016
- Drawing No. 1002 Rev P1: Existing elevations, received 29.04.2016
- Drawing No. 2002 Rev P2: Proposed ground floor plan, received 03.06.2016
- Drawing No. 2002 Rev P3: Proposed elevations, received 03.06.2016
- Drawing No. 2003 Rev P1: Proposed roof plan, received 03.06.2016

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

3.

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**Reference No.:** 16/00925/FU4 Full Application (Reg 4)

**Proposal:** **Creation of 2 no. vehicular access points and erection of new pillars to boundary wall with Wycliffe Road.**

**Location:** Barnes Infant School Mount Road Sunderland SR4 7QF

**Ward:** Barnes

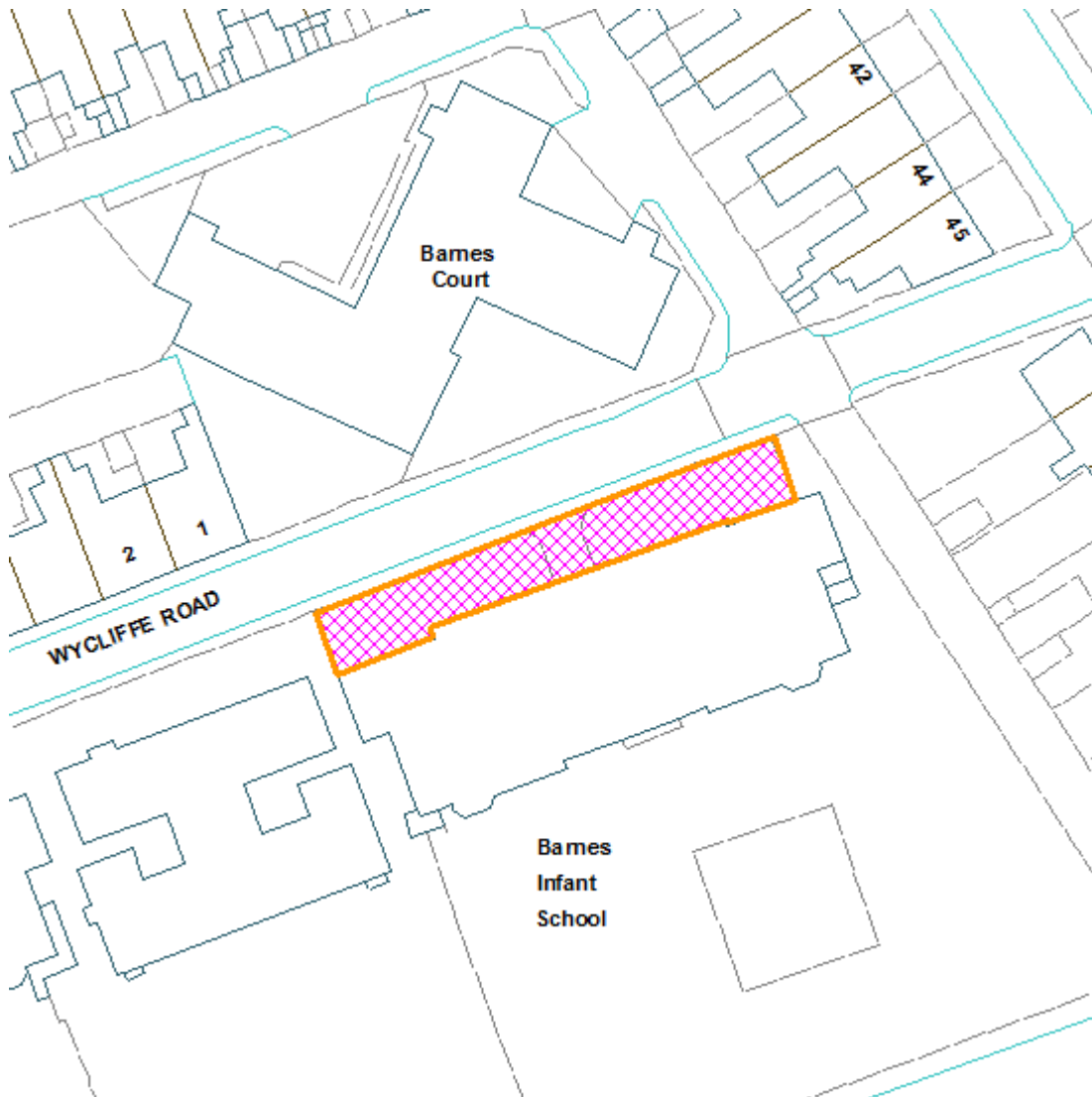
**Applicant:** Barnes Infant Academy School

**Date Valid:** 24 May 2016

**Target Date:** 19 July 2016

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### Location Plan



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## **PROPOSAL:**

Planning permission is sought for the creation of 2 no. vehicular access points and erection of new pillars to boundary wall with Wycliffe Road at Barnes Infant School, Mount Road, High Barnes, Sunderland, SR4 7QF.

The proposed development relates to Barnes Infant School, a large, two-storey late-Victorian school building located in a primarily residential area of High Barnes. The infant school building is one of a pair, the other being occupied by a junior school, occupying a large, rectangular site bordered by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and Ewesley Road to the east. All streets are flanked by residential dwellings on their sides facing the school, with Wycliffe Road also featuring a nursing home (Barnes Court) directly opposite the infant school building. Both school buildings are Grade-II Listed on account of their special historic and architectural quality and importance.

The proposed development affects the infant school's boundary wall to Wycliffe Road, to the north side of the school building. The boundaries enclose two small areas of hard-surfaced land, which are separated by an entrance to the school building. The application proposes to create vehicular access points within the boundary, in order to facilitate the use of the hard-surfaced areas for staff parking. Each hard-surfaced area will be able to accommodate four vehicles.

The two access points will each be 4.5 metres in width and are to be flanked by new pillars measuring 1.7 metres in height. The pillars are to be of a decorative design to match existing pillars within the boundary and will be constructed from red brick, with decorative splayed plinths and carved coping stones.

Members should note that although not Listed in its own right, the boundary wall affected by the proposed development is covered by the Listing of the school building by virtue of the provisions of Section 1(5) of the Planning (Listed Buildings and Conservation) Act 1990. This provides that for the purposes of the Act, a 'listed building' includes any object or structure within the curtilage of the building (such as a boundary wall) which forms part of the land and has done so since before 1st July 1948. This application for full planning permission has consequently been accompanied by an application for Listed Building Consent (application ref. 16/00935/LB4), which is also an item on this meeting's agenda.

The application has been submitted by an agent on behalf of Barnes Infant Academy School, in which the City Council retains an interest. It has been accompanied by a Design, Access and Heritage Statement, which provides some background to the proposals and seeks to outline the implications of the proposed development in respect of the school's heritage significance.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

English Heritage  
Network Management  
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **22.06.2016**

## **REPRESENTATIONS:**

Public consultation - no representations have been received.

## **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

B\_2\_Scale, massing layout and setting of new developments

B\_8\_Demolition of listed buildings

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

CF\_5\_Provision for primary and secondary schools

## **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 sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, should take account of the different roles and character of different areas and should seek to conserve heritage assets in a manner appropriate to their significance.

Section 8 of the NPPF, meanwhile, advises that Local Planning Authorities must plan positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments.

These core principles of the NPPF feed into policies EN10, CF5, B2, B8 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the principle of the proposed development;
2. the implications of the development in respect of the school's heritage significance and visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

### 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The proposed development does not raise any land use concerns, with the creation of the accesses simply facilitating the use of two small areas of under-used land within the existing curtilage of the school for staff parking. Such a use is incidental to the existing, established use of the school site for educational purposes and as such, there is not considered to be any conflict with policy EN10's aims and objectives.

The proposed development is also considered to comply with the aims and objectives of policy CF5 of the UDP, which seeks to concentrate educational needs on established school sites.

Given the above comments, it is considered that the proposed development does not give rise to any land use concerns and is compliant with the requirements of policies EN10 and CF5 of the UDP.

## 2. Implications of development in respect of school's heritage significance and visual and residential amenity

As noted at the outset of this section of the report, one of the Core Principles of the NPPF is that new development should seek to conserve and manage heritage assets, such as Listed Buildings, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal.

Paragraph 131 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated. Policy B8, meanwhile, states that the Council will favour the retention of Listed Buildings, with the total or substantial demolition of buildings or structures only agreed in certain circumstances.

In response to consultation, the Council's Built Heritage team has acknowledged that the proposed new openings will assist with the provision of much-needed additional parking at the school and will therefore assist in ensuring its continued operation. The extent of removal of the boundary wall has been kept to a minimum and the detail of the pillars framing the new access points is considered to be appropriate by way of replicating the form of the existing historic pillars and carved detailing of the existing coping stones. It is advised, however, that the copings should be made from materials to match those used in the pillars to the existing wall.

The Built Heritage officer has therefore concluded that overall, the impact of the works on the significance of the Listed Building will be negligible, subject to conditions requiring the submission and approval of a schedule/samples of materials and finishes, the approval of a sample panel of brickwork and the approval of a method statement for the construction of the new pillars. It is recommended that Members impose conditions to this effect in the event they are minded to Grant Consent for the proposed development.

Given the above, it is considered that subject to the aforementioned conditions, the implications of the proposed development in relation to the wall and school's heritage significance is acceptable,



as is its impact on the visual amenity of the locality. The proposal therefore complies with the requirements of policies B2 and B8 of the UDP and the core principles and relevant paragraphs of the NPPF in this regard.

In addition, given that the new accesses will only serve a total of 8 no. parking spaces, which will only be used during school hours on school days, it is considered that the development will not give rise to levels of activity, noise and disturbance which will be detrimental to the amenity of residents of Barnes Court nursing home (opposite the accesses) or other dwellings flanking Wycliffe Road.

With regard to the above, it is considered that the impact of the proposed development on residential amenity is also acceptable, in accordance with the requirements of policy B2 of the UDP.

### 3. Impact of development on highway and pedestrian safety

Paragraph 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Policy T14 of the UDP, meanwhile, states that new development proposals must not prejudice highway and pedestrian safety.

The City Council's Network Management team has, in response to consultation, offered no objections to the proposals. The width of the two accesses are considered to be acceptable, on the basis that each parking area will only afford 4 no. spaces, and it is recommended that the parking areas are formally marked out. In addition, it is observed that the parking is to be for staff only, with cars likely to arrive before the start of the school day and departing after pupils have left, reducing the chance of conflict with other vehicles and pedestrians.

It is noted that new footway crossings to Wycliffe Road will be required and are to be undertaken by the City Council under the provisions of Section 278 of the Highways Act.

With regard to the above, it is considered that the proposed development will not result in conditions which are prejudicial to highway and pedestrian safety, in accordance with the requirements of paragraph 32 of the NPPF and policies T14 and T22 of the UDP.

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst, subject to conditions, the development is also acceptable in relation to visual amenity and the heritage significance of the Listed school and wall. Furthermore, the proposed development raises no significant concerns in relation to residential amenity and highway and pedestrian safety. The proposed development is therefore considered to comply with the requirements of the core principles relevant paragraphs of the NPPF and policies EN10, CF5, B2, B8 and T14 of the UDP and is considered to be acceptable.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

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

### **RECOMMENDATION:**

Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions

### **Conditions:**

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

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

- Location plan received 24/05/2016; and,
- Existing and proposed plans and elevations received 24/05/2016.

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

3 Notwithstanding the submitted plans, the development hereby approved shall not commence until a Method Statement describing how existing wall sections will be dismantled and bricks salvaged for re-use in the construction of the new pillars has been submitted to and approved in writing by the Council as Local Planning Authority. The development shall then be carried out in complete accordance with the agreed Method Statement, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

4 Notwithstanding any indication of the materials intended to be used in the works hereby approved provided on the submitted plans and supporting information, the approved works shall not commence until samples of copings to the new pillars and any new bricks required to construct the new pillars have been submitted to and approved in writing by the Council as Local Planning Authority. The development shall then be carried out in strict accordance with the agreed samples, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

5 Notwithstanding the submitted plans, the development hereby approved shall not commence until a sample panel of the brickwork for the new pillars has been built on site, fully bedded and pointed in lime mortar for inspection by the Council's Built Heritage officer. The development shall not proceed until the sample panel has been approved in writing by the Council in its capacity as Local Planning Authority and the development shall then be carried out in strict accordance with the agreed sample, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

6 Prior to their use as staff car parking commencing, the two areas of hardstanding to be utilised as staff parking areas shall be laid out in bays in accordance with the approved site plan submitted with the application. For the avoidance of doubt, each parking area shall include not more than four parking bays, in the interests of maintaining highway safety and to comply with the requirements of paragraph 32 of the NPPF and policy T14 of the UDP.

**Reference No.:** 16/00935/LB4 Listed Building Consent (Reg 4)

**Proposal:** **Creation of 2 no. vehicular access points and erection of new pillars to boundary wall with Wycliffe Road.**

**Location:** Barnes Infant School Mount Road Sunderland SR4 7QF

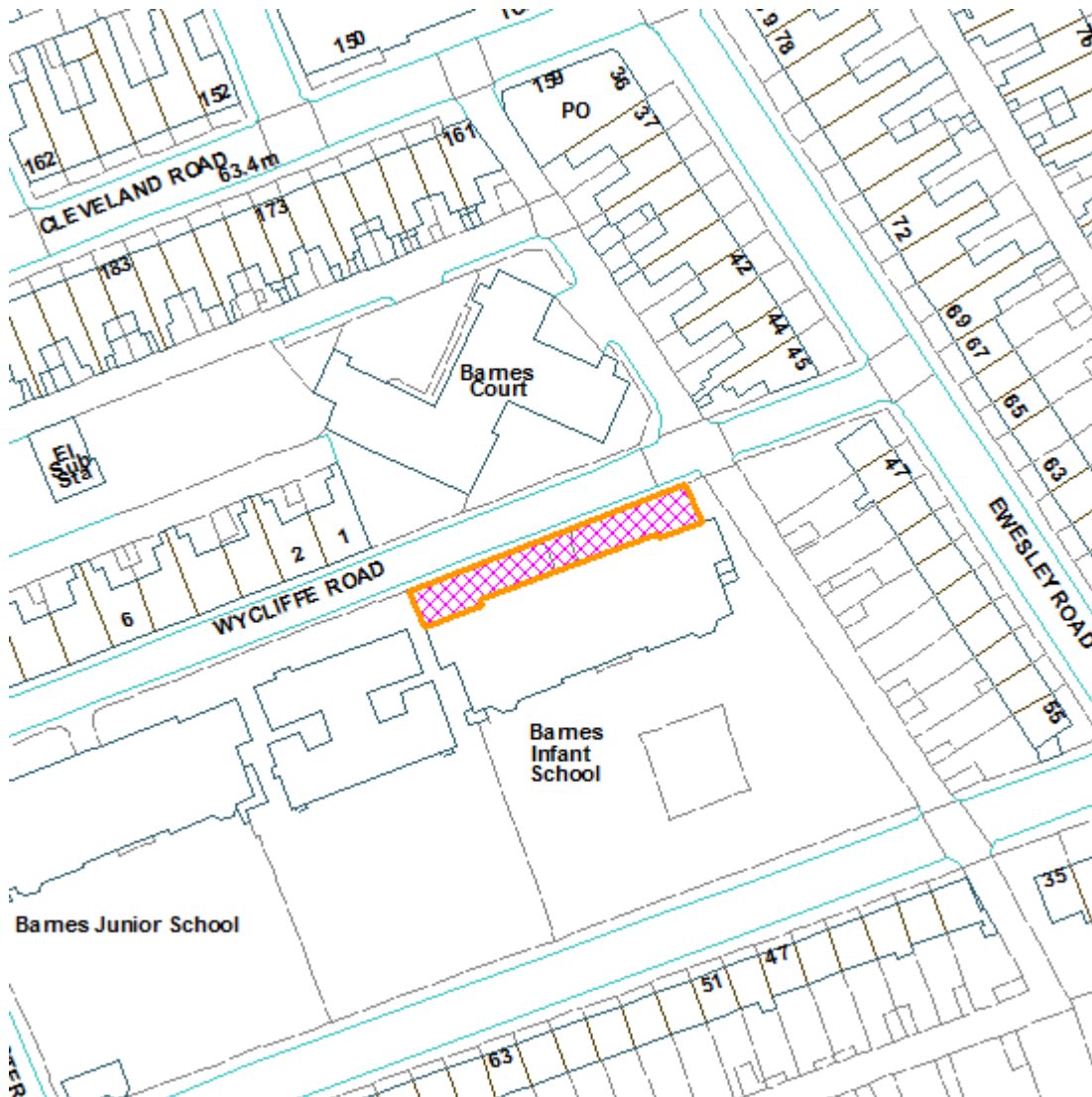
**Ward:** Barnes

**Applicant:** Barnes Infant Academy School

**Date Valid:** 24 May 2016

**Target Date:** 19 July 2016

### Location Plan



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## **PROPOSAL:**

Listed Building Consent is sought for the creation of 2 no. vehicular access points and erection of new pillars to boundary wall with Wycliffe Road at Barnes Infant School, Mount Road, High Barnes, Sunderland, SR4 7QF.

The proposal relates to Barnes Infant School, a large, two-storey late-Victorian school building located in a primarily residential area of High Barnes. The infant school building is one of a pair, the other being occupied by a junior school, occupying a large, rectangular site bordered by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and Ewesley Road to the east. All streets are flanked by residential dwellings on their sides facing the school, with Wycliffe Road also featuring a nursing home (Barnes Court) directly opposite the infant school building. Both school buildings are Grade-II Listed on account of their special historic and architectural quality and importance.

The proposals affect the infant school's boundary wall to Wycliffe Road, to the north side of the school building. The boundaries enclose two small areas of hard-surfaced land, which are separated by an entrance to the school building. The application proposes to create vehicular access points within the boundary, in order to facilitate the use of the hard-surfaced areas for staff parking.

The two access points will each be 4.5 metres in width and are to be flanked by new pillars measuring 1.7 metres in height. The pillars are to be of a decorative design to match existing pillars within the boundary and will be constructed from red brick, with decorative splayed plinths and carved coping stones.

Members should note that although not Listed in its own right, the boundary wall affected by the proposed development is covered by the Listing of the school building by virtue of the provisions of Section 1(5) of the Planning (Listed Buildings and Conservation) Act 1990. This provides that for the purposes of the Act, a 'listed building' includes any object or structure within the curtilage of the building (such as a boundary wall) which forms part of the land and has done so since before 1st July 1948.

This application for Listed Building Consent has been accompanied by an application for full planning permission (application ref. 16/00925/FU4), which is also an item on this meeting's agenda.

The application has been submitted by an agent on behalf of Barnes Infant Academy School, in which the City Council retains an interest. It has been accompanied by a Design, Access and Heritage Statement, which provides some background to the proposals and seeks to outline their implications in respect of the school's heritage significance.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management

Final Date for Receipt of Representations: **06.07.2016**

## **REPRESENTATIONS:**

Public consultation - no representations received to date. The period for receipt of comments has, however, not yet expired. Details of any representations received will be reported in a Supplementary Report ahead of the Committee meeting.

Historic England - no comments to offer, advised that application should be determined in accordance with national and local policy guidance and on the basis of the Council's own expert conservation advice.

## **POLICIES:**

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

B\_8\_Demolition of listed buildings

## **COMMENTS:**

Members should note that this report only focuses on the implications of the proposals in relation to the Grade-II Listed status and heritage significance of the school building and boundary wall. For consideration of other planning matters, such as amenity and highway and pedestrian safety, please refer to the Committee report for application ref. 16/00925/FU4, which can also be found on this agenda.

Local Planning Authorities are required to determine applications for Listed Building Consent with specific reference to the statutory obligation placed upon them by Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 - this sets out that LPAs must have special regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) then sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, which should be viewed as a 'golden thread' running through both plan-making and decision-taking. Within the overarching role of delivering sustainable development, the planning system should be underpinned by a series of 12 core land-use planning principles. The most pertinent core principle in relation to the current application is that the planning system should seek to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Section 12 of the NPPF provides more detailed guidance in relation to conserving and enhancing the historic environment. Paragraphs 128 and 129 firstly require Local Planning Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 131 then states that in considering proposals, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and

putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining Listed buildings.

In response to consultation, the Council's Built Heritage team has acknowledged that the proposed new openings will assist with the provision of much-needed additional parking at the school and will therefore assist in ensuring the continued operation of this Grade-II Listed building. The extent of removal of the boundary wall has been kept to a minimum and the detail of the pillars framing the new access points is considered to be appropriate by way of replicating the form of the existing historic pillars and carved detailing of the existing coping stones. It is advised, however, that the copings should be made from materials which serve to match the copings to existing pillars within the wall.

The Built Heritage officer has therefore concluded that overall, the impact of the works on the significance of the Listed Building will be negligible, subject to conditions requiring the submission and approval of a schedule/samples of materials and finishes, the approval of a sample panel of brickwork and the approval of a method statement for the construction of the new pillars. It is recommended that Members impose conditions to this effect in the event they are minded to Grant Consent for the proposed development.

Given the above, it is considered that subject to the aforementioned conditions, the implications of the proposed development in relation to the wall and school's heritage significance is acceptable, in compliance with the requirements of policy B8 of the UDP and the core principles and relevant paragraphs of the NPPF as set out above.

However, as noted in the 'Representations' section of this report, the period for the receipt of representations from members of the public has not yet expired. Details of any representations received in response to public consultation will be provided to Members at the Committee meeting.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

#### **RECOMMENDATION:**

Minded to Grant Listed Building Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions:

#### **Conditions:**

1 The works to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the works are carried out within a reasonable period of time.

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

the location plan received 24/05/2016 and the existing and proposed plans and elevations received 24/05/2016,

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



3 Notwithstanding the submitted plans, the development hereby approved shall not commence until a Method Statement describing how existing wall sections will be dismantled and bricks salvaged for re-use in the construction of the new pillars has been submitted to and approved in writing by the Council as Local Planning Authority. The development shall then be carried out in complete accordance with the agreed Method Statement, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

4 Notwithstanding any indication of the materials intended to be used in the works hereby approved provided on the submitted plans and supporting information, the approved works shall not commence until samples of copings to the new pillars and any new bricks required to construct the new pillars have been submitted to and approved in writing by the Council as Local Planning Authority. The development shall then be carried out in strict accordance with the agreed samples, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

5 Notwithstanding the submitted plans, the development hereby approved shall not commence until a sample panel of the brickwork for the new pillars has been built on site, fully bedded and pointed in lime mortar for inspection by the Council's Built Heritage officer. The development shall not proceed until the sample panel has been approved in writing by the Council in its capacity as Local Planning Authority and the development shall then be carried out in strict accordance with the agreed sample, in the interests of maintaining the heritage significance of the Listed wall and the visual amenity of the locality and to accord with the requirements of the NPPF and policies B2 and B8 of the Council's adopted UDP.

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

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/00958/LB4</b>	Barnes Infant Academy	Internal alterations comprising provision of additional door to servery area within kitchen and metal stud wall with plasterboard finish to kitchen	15/06/2016	10/08/2016
<b>Barnes</b>	Barnes Infant School Mount Road Sunderland SR4 7QF			
<b>16/00715/FUL</b>	Mr Stephen Mould	Erection of a single storey extension to side and rear.	27/05/2016	22/07/2016
<b>Doxford</b>	30 Rachel Close Sunderland SR2 0AF			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/00388/HY4</b>	Siglion LLP	Hybrid planning application - Outline planning application for up to 750no residential units, public open space and internal road network along with up to 1000sqm of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.All Matters apart from access to be reserved in relation to the outline elements of the proposals.The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.	02/03/2016	22/06/2016
<b>Doxford</b>	Chapelgarth South Of Weymouth RoadSunderland			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>15/01038/FU4</b>	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
<b>Hendon</b>	Site Of 40/41Lawrence StreetSunderland			
<b>16/01029/FU4</b>	Mr Christopher Carolan	Change of use of part of car park to boat repair yard, to include realignment of existing fence and siting of GRP cabin. (Resubmission)	09/06/2016	04/08/2016
<b>Hendon</b>	Car Park AtFish QuayLow StreetSunderland			
<b>16/00789/FUL</b>	Tombola Ltd	Erection of office HQ building for Tombola Ltd with associated works including landscaping.	18/05/2016	17/08/2016
<b>Hendon</b>	Land At Scotia Quay/North OfLow StreetSunderland			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/00892/FU4</b>	Pavilion Property Trustees Ltd And	Erection of a retail unit and associated car parking, access, public open space, service yard and stopping up of a public highway.	03/06/2016	02/09/2016
<b>Millfield</b>	Site Of Former Crowtree Leisure Centre Crowtree Road Sunderland SR1 3EL			
<b>16/00509/FUL</b>	Mr D Carter	Erection of 10 no dwellings with associated parking and stopping up of highway.	19/04/2016	19/07/2016
<b>St Annes</b>	Adjacent Site Of Former Public House Portsmouth Road Sunderland SR4 9AS			

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No Appeals Received

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# Appeals Determined Sunderland South

## Between 01/06/2016 and 30/06/2016

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	15/00030/REF	Former Broadway HouseSpringwell RoadSunderlandSR4 8NW	Demolition of former council social services office and construction of 4 units (A1,A2, A3, Sui Generis (Veterinary Clinic) to include, servicing, parking, landscaping and boundary treatment . (Amended description 20.08.2015)	APPC	14/06/2016
	16/00033/REF	Anthony Lodge5 Brookside TerraceSunderlandSR 2 7RN	Change of use from 8no bedroomed student accommodation to a 6no bedroomed children's care home.	DISMIS	16/06/2016