

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

Reference No.: 20/01345/FUL Full Application

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

Location: Washington Independent Hospital Washington Hospital Picktree Lane
Rickleton Washington

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

PROPOSAL:

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

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

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

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

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

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

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

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

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

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

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

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

REPRESENTATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs Pritchard of 1 Morningside provided the following neutral comment:

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

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

For example:-

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

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

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

Response to comments

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

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

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

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

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

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

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

The policies which are considered to be pertinent to the determination of this application are CSDP policies SP7, BH1, HS1, ST2 and ST3 of the CSDP and saved UDP policy EN10.

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

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

- 1) Principle of development

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

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

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

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

2) Visual Amenity

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

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

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

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

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

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

3) Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

8:00-18:00 Hours Mon-Fri

8:00-12:30 Hours Sat

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

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

4) Highway Safety

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

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

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

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

Site plan, drawing number SPIRENE38B, received 12.03.21

Location plan, drawing number SPIRENE38, received 26.02.21

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

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

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

Reference No.: 21/00206/FUL Full Application

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

Location: Washington Independent Hospital Washington Hospital Picktree Lane Rickleton Washington

Ward: Washington South

Applicant: Washington Hospital

Date Valid: 29 January 2021

Target Date: 26 March 2021

PROPOSAL:

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

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

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

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

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

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

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

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

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Washington South - Ward Councillor Consultation
Network Management
Environmental Health

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

REPRESENTATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response to comments

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

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

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

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

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

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

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

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

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

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

The policies which are considered to be pertinent to the determination of this application are CSDP policies SP7, BH1, HS1, ST2 and ST3 of the CSDP and saved UDP policy EN10.

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

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

- 1) Principle of development

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

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

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

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

2) Visual Amenity

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

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

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

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

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

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

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

3) Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

8:00-18:00 Hours Mon-Fri

8:00-12:30 Hours Sat

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

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

4) Highway Safety

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

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

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

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

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

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

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