

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/

Alison Fellows

Executive Director of Commercial Development

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South
Sunderland

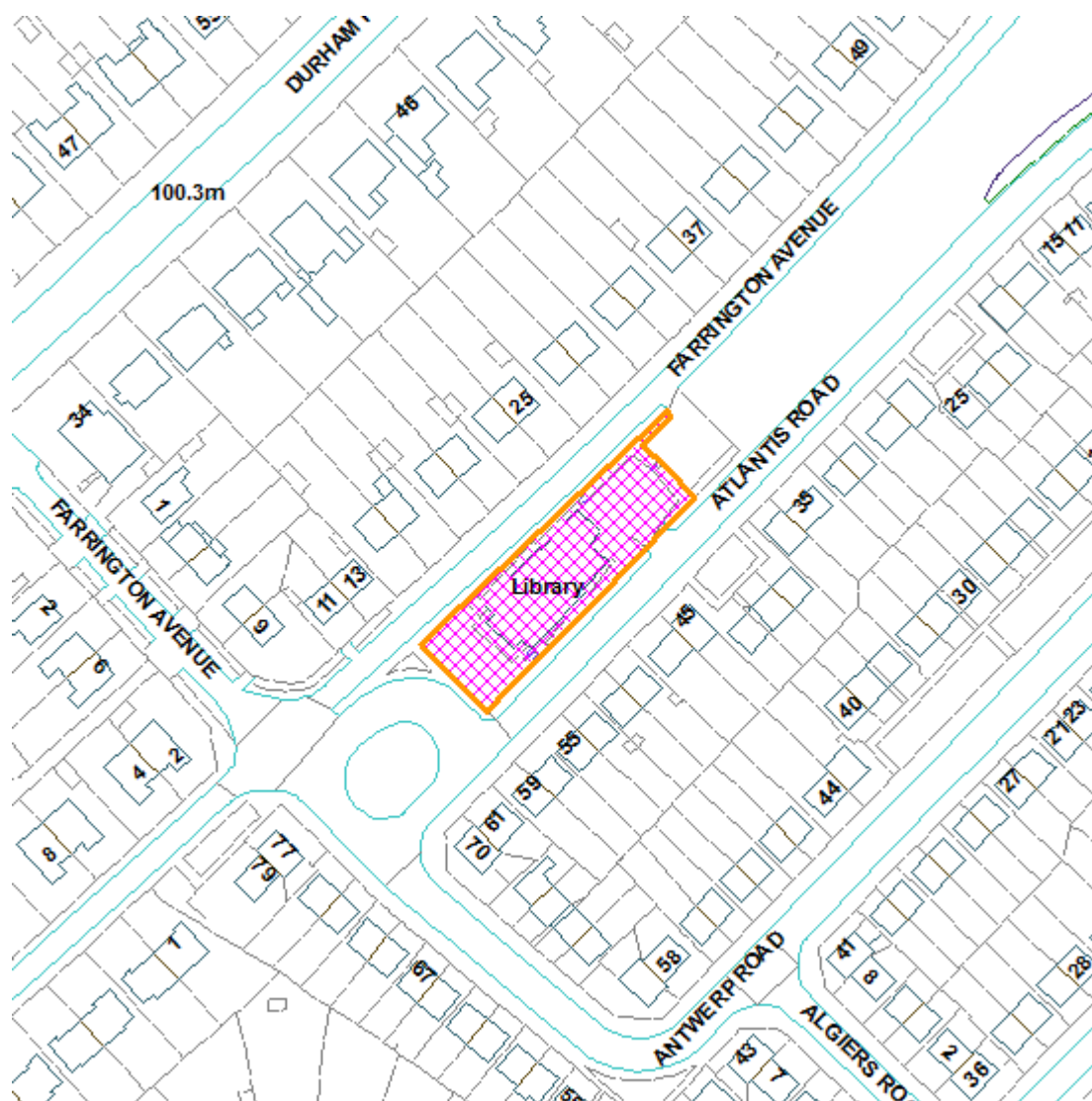
Reference No.: 15/02298/FU4 Full Application (Reg 4)

Proposal: **Demolition of library and erection of 5 detached dwellings.**

Location: East Herrington Branch Library Atlantis Road Sunderland SR3 3JL

Ward: St Chads
Applicant: Highcrest Homes
Date Valid: 8 January 2016
Target Date: 4 March 2016

Location Plan



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PROPOSAL:

The site to which the application relates is that of the now closed East Herrington Library which stands between Atlantis Road and Farrington Avenue at the south-western end of a strip of greenspace which separates the two streets. The library site is separated from an adjacent bus turning circle by a grassed area, whilst the other boundaries are formed with highways and the former library car park, which does not fall within the current planning application site. The library which stands on the site at present is a single storey flat roofed building and has been closed and disused since September 2013.

Planning permission is sought for the demolition of the existing library building and the erection of five detached, two storey dwellings. The land subject to the application includes the former library buildings, along with the adjacent grassed area which presently separates the library from the adjacent bus turning circle. As noted above, the library car park is not included within the application proposals and would remain as adopted highway.

Each of the proposed dwellings would occupy a footprint of 8.9 metres by 7.3 metres and would stand 7.7 metres high. Each property would benefit from a detached garage, occupying a footprint of 3 metres by 5.9 metres and standing 4.6 metres high. Each property would also benefit from in-curtilage parking provision by way of driveways accessed from Farrington Avenue, the shortest of which is 8.8 metres long. The dwellings are designed so as to front Farrington Avenue and would stand behind turfed front gardens. The rear gardens would also be turfed and would be enclosed from Atlantis Road by 1.8 metre high timber boarded fencing to as to afford a private amenity space to residents of the proposed dwellings. The timber fencing would extend along each side boundary of the site so as to screen the proposed end units from the adjacent bus turning circle and car park.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Chads - Ward Councillor Consultation
Environmental Health
Northumbrian Water

Final Date for Receipt of Representations: **11.02.2016**

REPRESENTATIONS:

Neighbours

Consultation letters were sent to the occupiers of 33 nearby properties.

One response has been received by way of an objection from the occupier of 27 Farrington Avenue, which raises the following concerns:

- o Farrington Avenue currently only has houses along one side and is narrow. As such, residents presently park half on the pavement allowing vehicles to pass. Passing vehicles include cars, refuse vehicles and emergency vehicles which can pass due to the currently adopted parking methods.
- o The construction of new houses will lead to new residents with vehicles in the street. The footpath on the library side is only 1.9 metres wide limiting the ability to park vehicles partly on the path without obstructing pedestrians. Additional vehicles parked opposite existing residents' cars will reduce road width and be problematic for the passing of refuse and emergency vehicles.
- o The reduced usable roadway width will also be problematic to residents accessing driveways if vehicles are parked opposite.
- o The existing library is single storey and the proposed dwellings are two storeys high with four bedrooms in each. These will overlook existing properties, block light and impact upon the open feel of the area. Privacy will also be affected due to the close proximity of the proposed dwellings to the existing properties.

Ward Councillor

Councillor Gillian Galbraith has responded to consultation as Ward Councillor for St Chad's Ward and has objected to the application, raising concerns that the proposal represents an overdevelopment of the site and also in respect of the availability of car parking in an area where there are already problems with residents parking. Five more dwellings would add to the existing parking problems.

Consultees

Network Management

The Network Management Team has advised as follows:

Footway crossings are required on Farrington Avenue for the construction of driveways. This can be ensured by way of an agreement pursuant to Section 278 of the Highways Act outside of the planning application process.

A continuous footway should be provided along Atlantis Road for the full length of the site with the existing library access reinstated to footway along with a piece of verge.

Public Protection and Regulatory Services

The Public Protection and Regulatory Services Team has advised as follows:

The potential noise impact of the adjacent bus turning circle has been considered and it is noted that the turning circle is used by one bus service and that no windows are proposed to be located in the side elevation of the closest dwelling. On this basis, it was not considered necessary to require the developer to carry out a noise assessment in connection with the proposal.

It is noted the applicant has submitted a report in relation to ground contamination. This is currently under review and until it has been fully assessed Public Protection and Regulatory services recommends no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desk top study and any necessary remediation strategy in respect of this matter. The responsibility of the safe development rests with the developer.

Further comments have been provided in respect of permissible construction hours, the works required during the construction period, including selection of machinery and methods of operation, measures to prevent vibration and dust.

Nexus

Nexus has advised that it has no objection to the proposed development. It has advised however that the building work will be very close to the bus turning circle at Atlantis Road which is in constant use. It is therefore requested that which the development takes place, no part of the turning circle should be obstructed in any way by plant or any vehicle connected to the constructors or their employees.

Northumbrian Water

In making a response, Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity of Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. No comments are offered on aspects of planning applications that are outside of its area of control.

Having assessed the proposed development against the context outlined above, Northumbrian Water have offered the following comments:

The planning application does not provide sufficient detail with regards to the management of surface and foul water from the development for NWL to be able to assess its capacity to treat the flows from the development. NWL therefore request the imposition of a condition requiring the submission and approval of a detailed scheme for the disposal of surface and foul water from the development prior to the commencement of development.

The developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- o Soakaway
- o Watercourse and finally
- o Sewer

If sewer is the only option, the developer should contact NWL to ascertain allowable discharge points and rates.

POLICIES:

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

- B_2_Scale, massing layout and setting of new developments
- B_3_Protection of public/ private open space (urban green space)
- B_24_Appropriate provision for utility services in building development
- CF_2_Consideration of alternative community uses when existing sites become surplus
- EN_5_Protecting sensitive areas from new noise/vibration generating developments
- EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
- EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
- L_1_General provision of recreational and leisure facilities
- L_3_Encouragement to regional recreational developments in appropriate locations

L_7_Protection of recreational and amenity land

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

COMMENTS:

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

- 1) Principle of the Development.
- 2) Design, Layout and Amenity Issues.
- 3) Highway Issues.
- 4) Land Contamination.

1) Principle of the Development

Paragraph 17 of the National Planning Policy Framework (NPPF) identifies 12 core planning principles, one of which is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 73 of the NPPF identifies the importance of access to high quality open spaces and states that planning policies should be based on robust and up-to-date assessments of the needs for open space. Paragraph 74 states that existing open space should not be built upon unless an assessment has been undertaken which shows that it is surplus to requirements, the lost space is replaced or the benefits of the development outweigh the loss of open space.

The site forms part of a strip of land between Atlantis Road and Farrington Avenue, which cumulatively comprises an area of existing open space over 1 hectare. As such, it is subject to policies L1, L3, L7 and B3 of the Unitary Development Plan (UDP). These policies relate to the provision of appropriate levels of recreational and leisure facilities including areas of open space. Most pertinently, policy L7 states that land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. Policy B3 goes on to state that public open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and the importance of such space to the established character of the area.

Subsequent to the adoption of the UDP and in line with paragraph 73 of the NPPF, the Council has prepared a Greenspace Audit and Report. This document reviews greenspace allocations throughout the City. Therein, part of the site to which your enquiry relates is identified as amenity greenspace to be retained (Site I049). The greenspace allocation in this document omits the site of the library and the adjacent car park on the basis that they have been developed.

Notwithstanding this, the grassed area between the existing library building and the bus turning circle to the south-west, which forms part of the application site remains identified as amenity greenspace to be retained. This area equates to 0.02 hectare of the total area identified by site I049 which extends to 1.57 hectare.

On the basis that the entire site, including the library buildings is allocated as greenspace in the UDP, the proposal represents a departure from the plan and has been advertised as such. In consideration of the application, regard has been given to the more recently produced Greenspace Audit and Report, wherein, as described above, the part of the site where the library building stands and the adjacent car park are omitted from the greenspace allocation, on the basis that they represent an existing developed site. Given this situation and acknowledging the

UDP allocation, it is not considered reasonable to argue that the redevelopment of the library is inappropriate as it represents the redevelopment of an existing developed site.

Turning to consider the implications of the development incorporating the grassed area between the library building and the bus turning circle, which does form part of the area of open space identified in the most recent Greenspace Audit and Review, as noted above, this area of land represents 0.02 hectare of the total 1.57 hectares of site I049. It is clearly separated from the bulk of the greenspace by the existing library building and the adjacent car park and is viewed in isolation, serving as a grassed forecourt area to the front of the former library entrance. Due to the design and orientation of the proposed dwellings, the space would not serve as an entrance feature as it did to the previous library and due to its size, its usability in isolation, if retained, would be limited. On this basis and given the retention of the remaining 1.55 hectares of greenspace forming site I049 to the north-east of the site, it is not considered that a refusal of planning permission based on the incorporation of this open space into the proposed development site could be sustained in the event of an appeal against such a decision.

Thus, whilst the proposal represents a departure from UDP policy insofar as it represents the development of an area of open space, for the reasons set out above, due to the site specific circumstances, it is not considered that a refusal of planning permission could be justified on this occasion as the proposal accords with paragraph 74 of the NPPF insofar that the area of currently open space which is to be developed previously served a visual function as a forecourt to the library. On this basis, it is considered surplus to requirements, particularly given the larger, usable areas of open space which would remain to the north-east of the site.

Paragraph 70 of the NPPF seeks to deliver cultural facilities and services which the community needs, guarding against the unnecessary loss of valued facilities and services. This is relevant given the previous and most recent use of the majority of land and buildings to which the application relates as a library and in respect of local policy, regard must also be had to policy CF2 of the UDP. This states that where land or buildings currently in community use become surplus to requirements, priority will be given to alternative public/community uses unless the site is identified for redevelopment in accordance with another proposal of the plan. Otherwise the provisions of policy EN10 would apply.

It is understood that the library closed to the public in September 2013 and the Council has been actively been marketing the site for sale since this time. The Property Services Team has advised that during the period where the building has been marketed as for sale, no sustainable community uses have been proposed. As the site has now been vacant for a number of years, consideration is being given to proposals put forward for other uses of the site. Whilst in order to accord with the aims of UDP policy CF2, it would be desirable to see the site brought back into a community use, the absence of any such proposals coming forward in the period since the library has been disused and marketed must be considered. Given the lack of any bids for sustainable community uses since the building closed in September 2013, it is not considered reasonable to preclude proposals for other uses of the site, which without consideration of the current proposal would be likely to continue to stand vacant.

Given the conclusions reached in respect of the lack of viable community uses having been proposed for the site, consideration must be given to the proposal with regard to policy EN10 of the UDP. This policy states that all proposals for new development will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal land use of the neighbourhood.

The proposal is for the erection of new dwellings on a site which stands in an area wherein the predominant land use is residential. On this basis, the proposed development is considered to be compatible with the principal land use of the neighbourhood and is considered to accord satisfactorily with UDP policy EN10.

As set out above, whilst the proposal would lead to the loss of a small area of existing open space and also noting that a community use of the site would be preferable, the principle of residential development of the land to which the application relates is considered to be acceptable.

2) Design, Layout and Amenity Issues

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that 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.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

As an expansion of the above, the Council has adopted a Residential Design Guide Supplementary Planning Document (SPD). Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential development. In this regard a minimum distance of 21 metres is recommended to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows). These distances increase by two metres for every one metre vertical difference in land levels between properties.

In considering the general appearance of the proposed dwellings, insofar as they are two storey dwellings with pitched roofs and would be of brick and tile construction, they respect the character of the surrounding area. Visually, the dwellings are of a fairly standard design and are considered to be appropriately characteristic of the surrounding area so as not to impact harmfully upon visual amenity.

The siting of the plot is somewhat unusual in that dwellings face it on two roads, with the effect being that the rear elevations of the proposed dwellings will face the front elevations of one of these streets. The scheme has been designed to front Farrington Avenue with the rear of the properties facing Atlantis Road. In order to afford private amenity space to residents of the proposed dwellings, the rear gardens, which face Atlantis Road would be enclosed by 1.8 metre high close boarded timber fencing. Subject to the fencing being stained in an appropriate dark brown colour to minimise its impact, this is considered to be appropriate given the specific character of the site. The colouring of the fence can be ensured through imposition of a planning condition. Being 14 metres away from the front elevation of the closest property in Atlantis Road, the fence is not considered to be demonstrably harmful to the amenities of occupiers of these dwellings.

In respect of residential amenity, the application site is at a slightly lower level than Farrington Avenue and the proposed dwellings would be located a minimum of 21 metres away from the properties on Farrington Avenue. The closest separation distance would be that between 27 Farrington Avenue and the proposed dwelling adjacent to the car park and at 21 metres, this accords with the recommendations of the SPD. At the other end of the site, due to the indirect alignment between the existing and proposed dwellings, the separation increases to approximately 21.6 metres between number 15 and the dwelling proposed adjacent to the bus turning circle. The separation distances between the proposed dwellings and the existing properties are in line with the recommendations of SPD and, particularly given the slightly lower land level of the application site relative to the existing dwellings on Farrington Avenue, the relationship between the existing dwellings on Farrington Avenue and those proposed by this application is considered to be acceptable without unacceptable harm to residential amenity.

In respect of Atlantis Road, these properties stand at a slightly lower level than the application site. The closest separation distance between any of the proposed dwellings and the existing properties on Atlantis Road is in respect of number 45 and the property facing it, which is 22.3 metres away. At the other end of the site, adjacent to the bus turning circle, a distance of 25.3 metres is maintained between number 55 Atlantis Road and the dwelling facing it. The distances maintained between the existing and proposed dwellings are considered to be acceptable so as to avoid unacceptable harm to the amenities of occupiers of dwellings on Atlantis Road. It is noted that the detached garages which would be associated with each dwelling are set back in comparison and as such would be closer to the frontages of the properties on Atlantis Road. A distance of approximately 17 metres is retained between the rear elevations of the proposed garages and the front elevations of the dwellings on Atlantis Road. This accords with SPD recommendations in respect of distances recommended to be maintained in such cases, where due to the non-habitable nature of the garage accommodation, the recommended minimum would be 14 metres.

In terms of the amenities afforded to future occupiers of the dwellings, each property would benefit from front and rear gardens, with the rear gardens offering private amenity space for each occupier. Internal rooms are generously sized and are afforded outlook. The relationship of the properties with the adjacent bus turning circle has been considered and given that no windows or openings are proposed in the gable end facing the bus turning circle and the characteristics of its use, i.e. used by one service as a turning point, with buses typically waiting at the furthest point from the dwellings, based on site observation, it is not considered that the use of the bus turning circle could be argued to be unacceptably harmful to the future amenities of occupiers of the dwellings.

3) Highway Issues

Paragraph 32 of the NPPF states 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.

The proposed dwellings would each benefit from a driveway to a minimum length of 8.8 metres, along with an in-curtilage detached garage. This accords with Council guidance that any new residential dwelling should have an in-curtilage parking space and will in fact allow for multiple vehicles to be parked within the curtilage of each of the proposed dwellings. The retention of the adjacent public car park, which is adopted highway is considered to afford adequate parking provision for visitors to the dwellings, over and above the in-curtilage provision. As detailed

above, there will be certain requirements on the developer in terms of footway crossing works and reinstating the former library access to footway and verge, however these are dealt with outside of the scope of the planning application process by way of an agreement pursuant to Section 278 of the Highways Act.

The levels of in-curtilage parking afforded are considered to be appropriate to cater for the quantum of development proposed and it is considered that the proposal accords satisfactorily with UDP policy T14 and would not create conditions unacceptably prejudicial to highway safety.

4) Land Contamination

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, 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.

The application is accompanied by an assessment in respect of ground contamination. This is currently under review by the Council's Environmental Health Team and until it has been fully assessed, it is recommended that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. For this reason and given that the responsibility for the safe development of the site rests with the developer, it is recommended that the standard suite of conditions in respect of land contamination and remediation be imposed on any planning permission granted in order to accord with UDP policy EN14.

Conclusion

In light of the above, the development is considered to be acceptable in terms all relevant material planning considerations.

Members are therefore recommended to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions listed below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

Members are recommended to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions listed 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/Roof Plan - Drawing Number WV/20, received 12 November 2015;
The Proposed Site Plan/Roof Plan - Drawing Number WV/21, received 12 November 2015;

The Proposed Plans and Elevations - House Type A - Drawing Number WV/22, received 12 November 2015;

Fence Detail H - Drawing Number SD/30 08-15, received 12 November 2015;

The Location Plan, received 12 November 2015.

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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent Statutory Instrument revoking, replacing or amending that order, no additional windows or openings shall be inserted in side (south-west) elevation of the dwelling hereby approved closest to the adjacent bus turning circle without the prior written consent of the Local Planning Authority, in order to achieve a satisfactory form of development and in the interests of residential amenity and to comply with policies B2 and EN6 of the Unitary Development Plan.
5. The external faces of the proposed 1.8 metre high close boarded timber fencing fronting Atlantis Road, the adjacent car park and bus turning circle, as detailed on The Proposed Site Plan/Roof Plan - Drawing Number WV/21 and Fence Detail H - Drawing Number SD/30 08-15, received 12 November 2015, shall be stained dark brown within two months of its erection and shall be maintained as such at all times thereafter, in the interests of visual amenity and to accord with policy B2 of the Unitary Development Plan.
6. No construction works required for the development hereby approved shall be carried out other than between the hours of 07.30 and 18.00 Monday to Friday and 07.30 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
7. No works to erect the dwellings or carry out the barn conversion hereby approved shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- 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 Unitary Development Plan.

8. The areas indicated on the submitted plans for the parking of vehicles (the brindle block paved driveways, as shown on the Proposed Site Plan/Roof Plan - Drawing Number WV/21, received 12 November 2015) shall be laid out in accordance with the approved plans before the dwellings hereby approved are brought into use. The areas shall then be available for the parking of vehicles associated with the dwellings hereby approved at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.
9. The development shall not commence until a detailed scheme for the disposal of surface and/or foul water from the development hereby approved has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall not be brought in to use until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.
10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. 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 condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to 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 to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
11. Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to 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 to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated 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 to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
13. The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, 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.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme).

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.

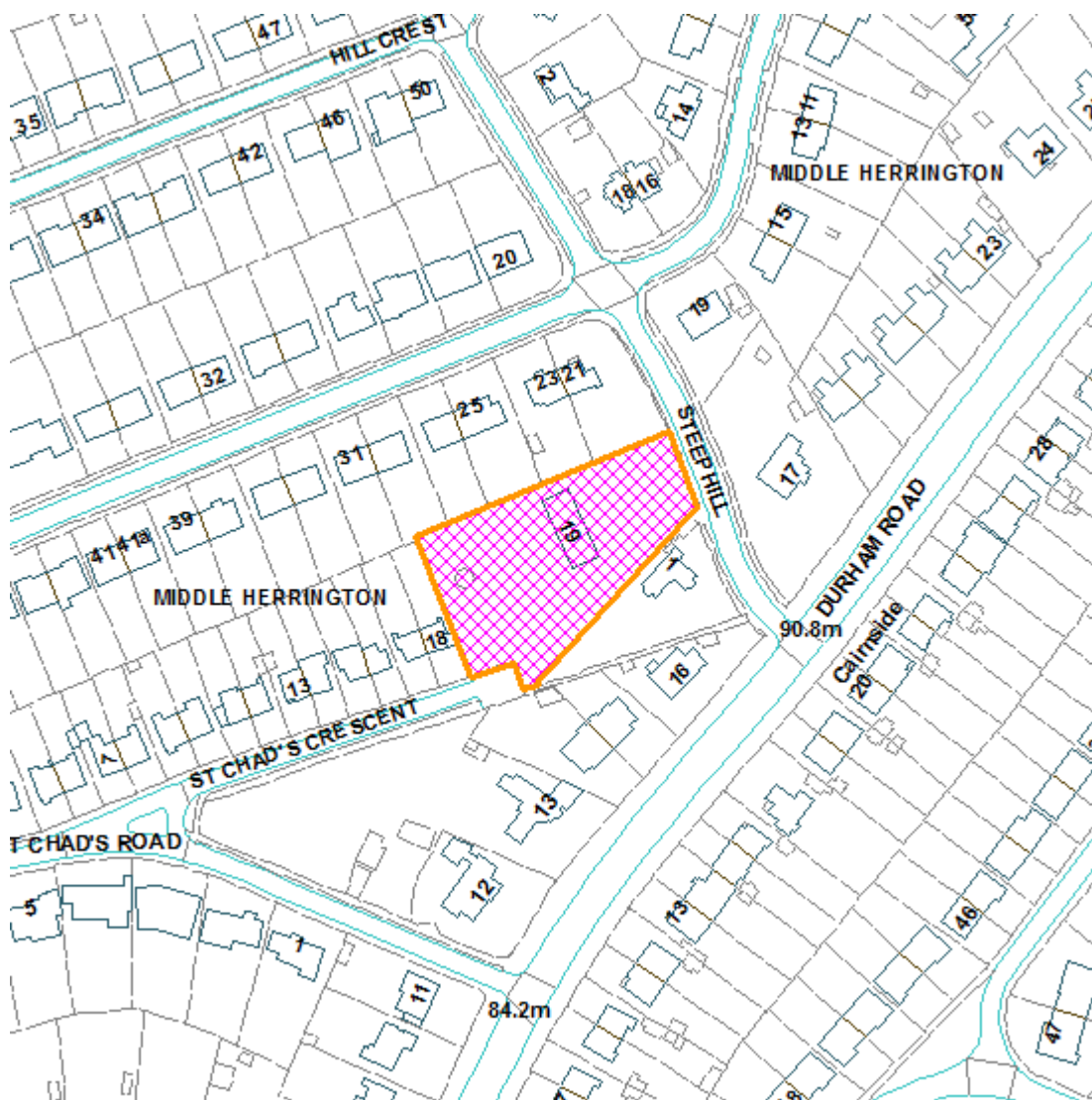
Reference No.: 16/00106/FUL Full Application

Proposal: **Demolition of existing dwelling house, construction of 4 detached dwellings and associate works to include alterations to existing access, boundary enclosures and landscaping. (Amended plans received on 29.2.16)**

Location: Lismoyme 19 Saint Chads Crescent Sunderland SR3 3TR

Ward: St Chads
Applicant: Gary Cook Associates
Date Valid: 1 February 2016
Target Date: 28 March 2016

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The site address is Lismoyne 19 St Chads Crescent situated adjacent St Chads Crescent, east of 18 St Chads Crescent. The site area measures approximately 0.267 hectares and is a predominantly residential in character with a mixture of detached and semi-detached properties. The land is host to a large detached property which faces west and takes access from St Chads Crescent. The east of the site faces Steep Hill and the north abuts the rear gardens of Summerhill. A large detached property is positioned to the south of the site, namely 1 Steep Hill and to the south of that is Durham Road. The site is bounded to the north and west by 2m high timber fencing and to the east by 2m high stone wall.

HISTORY

Previous Planning Applications have been withdrawn Ref: 15/01314/FUL withdrawn on 7th October 2015 and 15/02163/SUB withdrawn on 06.01.2016.

PROPOSAL

This planning application intends to demolish the existing dwelling and erect four two storey detached dwellings on the site. Plots 1-3 share an access road from St Chads Crescent and Plot 4 takes access from Steep Hill. To the far south of the site adjacent the St Chads Crescent access is proposed a bin collection point to serve all dwellings and to the northern boundary the existing 2 metre high close boarded fence would be retained and a 1.2 metre high brick retaining wall set in approximately 1 metre from the site. The gardens of the dwellings all incorporate areas of self-draining block paving and lawned gardens with lawns and patio areas to the rear.

The Agent was requested to demonstrate how the site level differences between plot 3 and 4 would be accommodated, to address the impact of the amenity on plot 3 of the garage at plot 4, offer a reduction in the size of the properties and widen the access on Steep Hill, in line with the Council's Network Management Team Comments. The agent submitted amended plans on 29.2.16 which illustrated a retaining wall topped with timber fencing between plots 3 and 4 and a 4 metre wide access taken from Steep Hill but declined to further reduce the size of the properties.

Plot 1

The dwelling is a two storey four /five bed roomed detached property, with a dual-pitched, hipped roof design, front and rear gable features. The property design would also incorporate a two-storey hipped bay to front and front gable extension and small sunroom to the rear. The property faces south and would be positioned to the east of 18 St Chads Crescent set at a distance of 3.7 metres from the gable of No. 18 and 1.7 metres from the common boundary. The length of the dwelling would be 17.3 metres, (including garden room) and 12.5 metres wide.

The property takes access from the south from Saint Chads Crescent, from a 3.2. metre wide driveway which abuts the front curtilage of No. 18 St Chads Crescent. The front of the plot would be bounded by 900mm wall, 440mm wide pillars and metal railings up to a maximum height of 1.3 metres. The side of the property would be bounded by timber fencing with concrete posts up to a maximum height of 1.8 metres and the existing 2 metre high timber fencing will remain.

The position of Plot 1 was considered to impede existing established building line of St Chads Crescent and was suggested that the plot be moved further north to retain the building line. Amended plans were received on 2 November 2015 to illustrate the property moved back in line within the established building line at a distance of 13.7 metres (at ground floor) from the boundary adjacent Summerhill and remove the dormers to the side elevation.

Plot 2

Plot 2 is a large two storey four bed roomed detached dwelling which takes access from St Chads Crescent and faces south. The property would measure 17.3 metres length, (including the rear garden room), a width of 12.5 and maximum ridge height of 9.4 metres. It would be positioned 12.6 metres from the rear boundary that abuts Summerhill, 1.2 metres from plots 1 and 3 and approximately 4.9 metres from the boundary with 1 Steep Hill. The property footprint also forms a 'T' shaped design, has a dual pitched, hipped roof, with front two storey hipped bay and two storey gable projection to front. The two storey bay projects 700mm from the front elevation and the front gabled extension projects 6.2 metres. The front entrance is positioned between the lounge and garage.

Plot 3

Plot 3 is a similar design type to Plot 2 as a large two storey detached property with four bedrooms 2 storey hipped bay and two storey gable extension to front. The property also faces south, forms a 'T' shaped footprint and would measure 17.6 metres length and 12.5 metres wide with a maximum ridge height of 9.4 metres. The two storey bay would project 900mm from the front of the property and the two storey gable would project 6.5 metres. It also takes access from St Chads Crescent and would be positioned 1.2 metres from the boundary with No. 2, 1.2 metres from plot 4, 12.2 metres from the adjacent boundary with Summerhill and approximately 4.9 metres from 1 Steephill. An amended plan was submitted on 29 February 2016 to illustrate how the level differences would be accommodated and shows a retaining wall topped with fencing.

Plot 4

Plot 4 illustrates a five bed roomed property sited further east into the site and has an isolated access taken from Steep Hill. The property measures 13.9 metres north to south and 14.3 metres west to east and has dual pitched hipped roof design with two storey hexagonal bay feature to the east elevation. There is a detached garage 300mm from the south west boundary and 3.7 metres from the boundary with 1 Steephill, which measures 6 metres depth and 6.1 metres wide.

The property has an east facing orientation and backs onto the rear of Plot 3. The rear sun room is set at a distance of 6.3 metres from the boundary with Plot 3, 3.9 metres from 1 Steep Hill, 5.1 metres from the boundary with Summerhill and 5 metres from Steephill.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
St Chads - Ward Councillor Consultation

Final Date for Receipt of Representations: **25.02.2016**

REPRESENTATIONS:

13 objections were received from members of the public which raised the following concerns:-

- Loss of heritage
- Loss of privacy
- Overdevelopment
- Poor access
- Traffic generation
- Encroachment
- Increased litter
- Noise from use
- Loss of light
- Inappropriate use
- Outlook altered affecting amenity and views
- Mature trees removed is this permissible
- Will set a precedent for at least two other high value neighbouring executive properties.
- Garden grabbing
- The existing garden contributes to the overall character of the area
- Seclusion of existing properties compromised
- Sunlight to garden and rear elevation rooms decreased in winter months
- Detracts from the current spaced out ethos of the area
- Size and density of properties are overbearing and obtrusive
- What is the effect on the wildlife
- We would like to attend any committee meeting
- Divide and conquer strategy to get less objections
- Concern that same plans submitted then withdrawn at last minute.
- Misuse of tax payers' money on meetings
- Is there a limited number of times they can submit applications
- Steep Hill difficult to negotiate stationery traffic
- Plot ratios different to those in the area.
- Impact on and change to street scene
- Out of character
- Reference to PPS 3 guidance and Rt Hon Greg Clarks comments on PPS3. No apparent change in scheme since last application 15/02163/SUB.
- No examples of 4 bed detached houses in area
- Planning advice given was given as a guide and not a pre-judgement.
- Staggered housing of inconsistent orientation.
- Tandem design
- Not in compliance with SPG.
- Design does not reflect character of locality
- Design issues not resolved same properties
- Does not offer any significant amenity value
- Not in compliance with SHLAA
- Last two remaining trees should be protected
- 2.7 (b) of SPG states that one room should retain good medium to long distance views. 3 and 4 would have views of fences and walls.
- Views of distant hills from 21 Summerhill blocked.
- Plots 3 and 4 near to rear of 1 Steep Hill
- Government guidelines do not promote isolated development
- Removal of stone wall affects character and has visual impact.
- Visibility splays not sufficient.
- No 1 metre perimeter gap around garage on plot 4
- Ecology report invalid.
- Newts likely to be from St Chads Crescent area

- Isolated appearance
- Horizontal pattern /rhythm of development
- All highways issues relating to the proposal have been considered by the Councils Network Management Team.
- The ecology team have responded that provided the scheme is in compliance with the submitted ecology report, it is considered acceptable.
- A tree report has been submitted with the scheme to address all trees on the site.
- PPS 3 has been revoked and replaced the National Planning Policy Guidelines (NPPF).
- Other relevant material considerations will be addressed in the body of the report.

ENVIRONMENTAL HEALTH

Contaminated land:

It is noted the applicant has submitted a report in relation to ground contamination. This is currently under review and until it has been fully assessed Public Protection and Regulatory services recommends no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desk top study and any necessary remediation strategy in respect of this matter. The responsibility of the safe development rests with the developer.

Construction:

- o Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction should be followed. Regard should be had to the following to minimise noise emissions: the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises. Substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing
- o Vibration from construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected.
- o Provision should be made for the reasonable prevention of dust generation. Where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.
- o Where dust arises and is persistently problematic means of removing it should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate.

- o Stockpiles of waste materials arising from or in connection with the construction phase of the proposed development shall be dampened down to reduce fugitive dust emissions from the site.
- o In view of the potential for complaints regarding vibration from the proposed development the Estimated Vibration Dose Value (eVDV) should be calculated at the nearest residential property and submitted to Public Protection and Regulatory Services. This must be undertaken prior to the commencement of vibration generation operations. The estimated vibration dose value should be calculated in accordance with Appendix A.1 and A.2 British Standard 6472:1992

Demolition:

In view of the close proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Public Protection and Regulatory Services. Application should be made prior to the commencement of any works.

In any case it is recommended that noisy on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays at any time without prior notice approval from Public Protection and Regulatory Services. Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

The proposed site is situated close to residential from which complaints of nuisance or disturbance from noise and dust emissions are likely. Consequently it is recommended that demolition operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Public Protection and Regulatory Services. Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction (including demolition) sites, should be followed.

Regard should be had to the following to minimise noise emissions:

- The condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- Siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- Substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- Substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

Vibration from demolition operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in

Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be adversely affected.

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down prior to and during the demolition.

Stockpiles of waste materials arising from or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site.

Detailed consideration must be given to British Standard 6187:2000, Code of Practice for Demolition.

NATURAL HERITAGE

1. The loss to built development and hardstanding of a large area of existing greenspace, albeit formal domestic garden, will reduce the actual and potential ecological interest and connectivity of the site, in an already built-up area, despite the ecological mitigation and enhancement measures proposed; however the development could proceed subject to the adoption, delivery and sustained maintenance of all recommendations in chapter G of the report.
2. The presence of great crested newt in a pond adjacent to the site or on site is inconclusive, however the applicant's ecologist has assessed the situation with the best evidence available. Should the development receive planning approval; adherence to the recommendations and method statements provided is an appropriate and pragmatic approach to this issue.
3. As there are no invertebrates on site it is encouraging to see the landscaping for the new development is intended to improve the site for such wildlife; however the proposed landscape planting and gaps under fences offer limited mitigation and improvement with no mechanism to ensure their sustainability.
4. An ecological checking survey is recommended if development works on site do not commence within 12 months of the above R04 report, or suffer delays in recommencing.

NORTHUMBRIAN WATER

Northumbria Water commented that they have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled 'Flood Risk Assessment'. In this document it states that surface water from the proposed development will discharge to existing connections at a restricted rate of 50 percent of pre-development discharge rates.

They have therefore requested that the Flood Risk Assessment forms part of the approved document as part of the planning approval and the development be implemented in accordance with this document.

It should be noted that they are not commenting on the quality of the Flood risk Assessment as a whole or the developer's approach to the hierarchy of preference. The Council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Their comment simply reflects the ability of their network to accept flows if sewer connection is the only option.

NETWORK MANAGEMENT

Comments received from the Network Management Team observed the following:-

- It is advised that a 4 metre side access is provided for the dwelling proposed on Steep Hill to allow for pedestrian inter-visibility and ease of access on to and off the driveway.
- A footway crossing should be provide and the applicant is advised to contact Tim Smith of the Highway Asset Management Team to organise the works
- The scheme would create an increase in traffic in the cul-de-sac at St Chads Crescent.

POLICIES:

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

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
H_4_Density of housing development to at least reflect that of the locality
H_22_Residential development within the curtilage of an existing house

COMMENTS:

RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's national 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 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 proactively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

The Council's UDP has been expanded and developed through the Supplementary Planning Guidance - Development Control Guidelines (SPG). The SPG formed part of the public consultation process of the Deposit version of the UDP. However, following the Public Inquiry into the UDP the Inspector recommended that the SPG, rather than being incorporated into the UDP, should form a separate document. As noted above, the UDP was adopted in September 1998 and the SPG subsequently approved by the City Council's Cabinet in June 2000.

Paragraph 10.28 of the UDP states that the degree to which a development conforms to the supplementary guidance will be a material consideration in the determination of the planning application. As such it should be accorded due weight under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In addition to the above guidance, in October 2008 the Council also adopted the Residential Design Guide Supplementary Planning Document (SPD). In order to make an assessment, due regard must be given to relevant national policies as well as the relevant policies and guidance provided by the Council's adopted UDP, Development Control SPG and Residential Design Guide SPD and draft Household Alterations and Extensions SPD.

The main objective of the NPPF is the presumption in favour of sustainable development and in paragraph 7 the NPPF sets out three dimensions to sustainable development. The three dimensions are economic, social and environmental and aim to contribute to a strong responsive and competitive economy by ensuring that sufficient land is available in the right places to support growth. To support vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Furthermore, to contribute to protecting and enhancing the natural built and historic environment and help to improve biodiversity mitigate against pollution and adapt to climate change.

The core principles of the (NPPF) feed into policies EN10, CN17, CN22, H4, B2, H22, T14 and T22 of the Council's adopted Unitary Development Plan (UDP), which are relevant to the consideration of this application.

Policy B2 requires all development proposals to respect and enhance the visual amenity of the locality.

Policy H4 states that housing development will normally reflect the density of the locality, consistent with protecting and enhancing the character of the area.

Policy H22 protects the general amenity of the character and locality where residential development is to be constructed within the curtilage of an existing house.

Policies CN17 and CN22 seeks to ensure the retention of trees that new development will not detrimentally impact on animal and plant species protected by law and their habitats.

Policies T14 and T22 seek to maintain acceptable levels of highway and pedestrian safety and provide new developments with appropriate levels of parking and access.

The main issues to consider in this application are:-

- The principle of the proposed development
- The impact of the proposed development on visual amenity and residential amenity.
- The impact of the proposal on biodiversity
- The impact of the proposed development on highway and pedestrian safety.

PRINCIPAL OF THE PROPOSED DEVELOPMENT

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

- o Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- o Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- o Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- o For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- o Set out their own approach to housing density to reflect local circumstances.

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), under the NPPF the planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently on-going by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and the therefore the more up to date development

management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

Subsequently, as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability. In this regard, the proposed development will make a modest, but valuable, contribution to housing supply and in the absence of any clear conflict with relevant local and national land-use policies or a robustly-tested supply of housing land, the proposed development of this brownfield site for residential purposes is considered to be acceptable.

Policy EN10 states that a residential development should be compatible with the dominant land use of the vicinity. In this instance, the surrounding area is predominantly residential in character and surrounded by open space. The property adjacent having a large garden and set back from the adjacent highway. The principle of residential development was previously established by initial enquiries on the site of which it was considered acceptable. The proposal is therefore acceptable in this instance and complies with policy EN10.

As part of the application the applicant submitted a response to a pre application enquiry submitted to the Local Planning Authority received on 30.1.2015 which gave advice that subject to the proposal complementing the existing design of properties within the vicinity two-storey properties would be generally acceptable in principle and broadly appropriate subject to no demonstrable harm of the amenity of the adjacent properties.

IMPACT OF THE PROPOSED DEVELOPMENT ON RESIDENTIAL AND VISUAL AMENITY

In terms of residential amenity, the Council's Supplementary Planning Guidance (SPG) and also within the SPD is given due regard and sets out the standards for spacing between dwellings.

- Main facing windows, 1 or 2 storeys - minimum of 21 metres from any point of facing window.
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey.
- Main facing windows facing side or end elevation with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window.
- 3 storeys or more 0 as for 1 or 2 storeys but add 5 m for each additional storey e.g. 3 storeys 19 metres.

Paragraphs 17 and 56 of the NPPF dictate that development should be designed to a high standard with a good standard of amenity for existing and future occupants with good design considered a key aspect of sustainable development.

Paragraph 58 of the NPPF states that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live. They should respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging innovation. In addition create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 59 sets out those local authorities should consider using design codes where they could help deliver high quality outcomes. They should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout

materials and access of new development in relation to the neighbouring buildings and the area more generally.

Paragraph 60 states that decisions should not attempt to impose architectural styles or tastes and should not stifle innovation, originality or initiative through unsubstantiated requirement to conform to certain development forms or styles. It is however, proper to seek to promote local distinctiveness.

UDP policies B2, H4 and H22 and Section 11 of the Interim Household Alterations and extensions Supplementary Planning Document (SPD) provide a basis to determine the design and character of development within gardens. The policies reflect upon the importance of new development which should retain the character and appearance of an established locality, acceptable levels of privacy and respect and enhance the best qualities of nearby properties within the locality. In addition they should also demonstrate how parking and servicing requirements will be met. 'Tandem development (i.e. one house immediately behind another sharing an access) will normally be refused.

The proposal intends to build on existing residential land and as the properties would be positioned next to one another, they are not considered to be 'Tandem' development. The plans further demonstrate that there would be sufficient access to each property and space to manoeuvre vehicles.

With reference to character, the properties have been designed as executive style, substantial family homes which replicate the two-storey density, hipped roof designs of Summerhill and St Chads Crescent and Steep Hill with its projecting bay windows. The applicants have been requested to further reduce the footprint of the dwellings but have declined in this instance due to requirement for a high quality, large executive development tailored to suit the circumstances of the proposed occupants. With this in mind, the properties south and east, namely 1 Steep Hill, 16 and 17 Durham Road and 17 and 19 Summerhill are large detached dwellings, particularly 1 Steep Hill, immediately south which comprises a large, detached two storey 'T' shaped dwelling with a similar scale, massing and design of similar proportions, to the proposal.

For the reasons above, it is therefore considered that the properties would promote the local distinctiveness of the vicinity through the adoption of executive type dwellings and as such the council consider that there would be no option but to determine the application in its current form. Furthermore, the proposed materials utilised would be conditioned to replicate those used within the area in order to respect and enhance and retain the established character of the area. The proposal is therefore considered to comply with Policy B2, H4 and H22 of the UDP and paragraphs 17, 56, 58, 59 and 60 of the NPPF.

With reference to the SPG and SPD spacing standards set out above, the development is considered to demonstrate acceptable distances from the properties in Summerhill, which stands in excess of 21 metres between facing windows. No. 1 Steephill lies to the south of Plot 4 with high level windows serving a bedroom and kitchen and a landing window facing the site. The adjacent plot would be at close proximity, but as the windows are higher level, and the landing window does not serve a habitable room, the proposal would not be considered to cause a detrimental impact upon the amenity of the property by way of overlooking. The proposal therefore demonstrates that the spacing standards set out in SPG and SPD are achieved in this instance.

In relation to visual amenity, the site section plan demonstrates that the level of the properties have been excavated to level out the plots and in turn mitigate any impact upon surrounding properties. At plot 1 the level would be 2.4 metres lower than Summerhill and approximately 1.5

metres lower than the existing ground level. Plot 4 would be approximately 700mm below the ground level of the properties in Summerhill as the higher level is required to retain access from Steep Hill. As the dwellings would be set down in level from the properties in Summerhill, the impact upon those properties is limited. Although there is no right to have a view over another owners land the visual prominence of the site is further reduced as the developer intends to erect a 2 metre high close boarded fence around the perimeter of the site. The proposal is therefore considered to comply with policy B2 and paragraphs 17 and 56 of the NPPF in this instance.

BIODIVERSITY

With reference to policy CN17 an arboricultural impact assessment has been submitted with the application to tree report was submitted with the application which identifies protection and management of the significant trees within the site and a statement to ensure best practice in the management of the trees during the demolition and construction phases of the development. There are no tree preservation orders on the site and the site is not protected through conservation area status, therefore the trees are in the ownership and control of the landowner.

The report identifies that it is necessary to remove of one tree (Tree 3), one hedge (hedge 2) and 2 sections of hedge (1 and 3) from the site namely Tree T3C to the south of the site, hedge 2C to the western boundary of the site adjacent No. 18 St Chads Crescent and a section of hedge 1C and 3B at the entrance of the site.

The report also identifies root protection measure to provide barriers for trees retained on and around the site. The works would be conditioned to be carried out in accordance with the assessment and all information submitted and would therefore be considered acceptable in accordance with policy CN17 of the UDP.

With reference to policy CN22 a Bat Survey and Preliminary Ecological Assessment was submitted with the planning application dated December 2015, in order to identify species on the site and mitigation measures that would be undertaken should they be present within the site during demolition and construction works.

The Council's Natural Heritage Team commented that on condition that works are carried out in conjunction with the ecological assessment, it would be considered acceptable in this instance and therefore in compliance with policy CN22 of the UDP.

IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Concerns have been raise through objections, that the access from St Chads Crescent is not suitable to accommodate additional traffic of a further three dwellings. The Council's Network Management Team have not raise any objections to the provision of access for three dwellings from one access and as such it is considered to be acceptable in this instance.

Concerns have also been raised with reference to the disturbance of residents and possible HGV's using the surrounding streets. The applicant would be conditioned for hours of operation and deliveries to the site and as such would in turn minimise any impact upon the amenity of adjacent residents.

With reference to Policy T14 and T22, the Network Management Team advised that there would be an increase in traffic to the cul-de-sac at St Chads Crescent and advised that the driveway at Steep Hill should be widened and a highway crossing provided. The amended plans submitted on 29.2.16 illustrated a widened access off Steep Hill and subject to the footway crossing works

being carried out by the Council's Highways Team the scheme would be considered acceptable in compliance with Policies T14 and T22 of the adopted UDP.

CONCLUSION

With reference to the application and previous submissions, although the proposal consists of properties of large proportions, it is apparent that they are sited within a setting of a variety of property types and sizes. The ecology is now considered acceptable, provided development is carried out in accordance with the recommendations detailed within the ecology report. The proposal has been designed and altered to meet the spacing standards set out in the council's SPD and SPG, has been altered to respect an established building line within St Chads Crescent and utilise an existing access in compliance with the requirements of the Council's Network Management Team. Furthermore, the applicant has mitigated all ecology issues that were outstanding on the previous application that had been withdrawn.

Given that the size of the dwellings to plot ratio would be the only reason for the council to refuse to the scheme the Council considered that the decision would be finely balanced and would not warrant a refusal of this application. Therefore, subject to a palette of high quality materials to retain and enhance the character of the surroundings the proposal would therefore be acceptable.

Subject to the following conditions, it is considered that the proposal complies with paragraphs 7, 17, 56, 58, 59 and 60 of the NPPF, policies B2, B2, CN17, CN2, H4, H22 of the UDP and is recommended for approval.

In light of the above, Members are therefore recommended to approve the application subject to the conditions listed below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: Approve subject to the conditions listed 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:
 - Site location plan drawing No. 3114/01 received on 28.1.16
 - Amended proposed plans and elevations Plot 1 drawing No. 3114/04F received on 1.3.16
 - Amended proposed plans and elevations Plot 2 drawing No 3114/02F received on 1.3.16
 - Amended proposed plans and elevations Plot 3 drawing No. 3114/05C received on 1.3.16
 - Amended proposed plans and elevations Plot 4 drawing No. 3114/03C received on 1.3.16
 - Amended proposed site sections drawing no. 3114/07A received on 1.3.16
 - Amended existing site sections drawing No. 3114/06A received on 1.3.16
 - Amended site layout drawing No. 3114/08D received on 1.3.16

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. During demolition and construction no deliveries shall be taken at or despatched from the site outside the hours of 07:00-19:00 Monday to Friday, 07:30-14:00 Saturdays, nor at any time on Sundays or Bank Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the UDP.
5. The demolition and construction works required for the development hereby approved shall only be carried out between the hours 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays in order to protect the amenities of the area and to comply with policy B2 and EN5 of the UDP.
6. No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 of the UDP.
7. No demolition works or development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of waste, plant and materials used in demolition and constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. measures to control the emission of dust and dirt during demolition and construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. wheel washing facilities

In the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.

8. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the City Council as Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

9. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.
11. Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no development, including alterations, extensions and the erection of detached outbuildings and structures, shall be undertaken at any of the dwellings hereby permitted, in order that the Local Planning Authority may retain control over the development and to comply with policies B2 and B10 of the UDP
12. No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
13. The tree protection measures set out in the Arboricultural Impact Assessment by All About Trees (dated 24.6.15) shall be fully implemented in accordance with the arboricultural,

method statement set out in that report, in the interest of arboriculture and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

14. Any development, including the laying down of hard surfaces, within the Root Protection Areas of trees to be retained at the site shall be undertaken in accordance with the 'Special Construction Techniques' set out in the arboricultural Impact Assessment prepared by 'All About Trees' dated 24th June 2015 and submitted with the planning application, in order to protect retained trees at the site and comply with the requirements of policy CN17 of the UDP.
15. The flood risk mitigation measures set out in the flood risk assessment by RWO associates dated August 2015 shall be fully implemented in accordance with the measures set out in that report, to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in order to comply with the requirements of the NPPF and policy EN12 of the UDP.
16. The development hereby approved shall be carried out in accordance with the recommendations detailed in the Bat Survey and Preliminary Ecological Assessment prepared by E3 Ecology dated December 2015, in order to ensure the development will not give rise to harm to the bio diversity value of the site and protected species and to comply with the requirements of policies CN17 and CN22 of the UDP and Section 11 of the NPPF.