

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

Washington

Reference No.: 14/01452/FUL Full Application

**Proposal:** **Erection of 4 no. detached executive dwellings, to include creation of associated vehicular access onto Parkway. (Amended Description)**

**Location:** Garden Of 3 Buckland Close Biddick Washington NE38 7HG

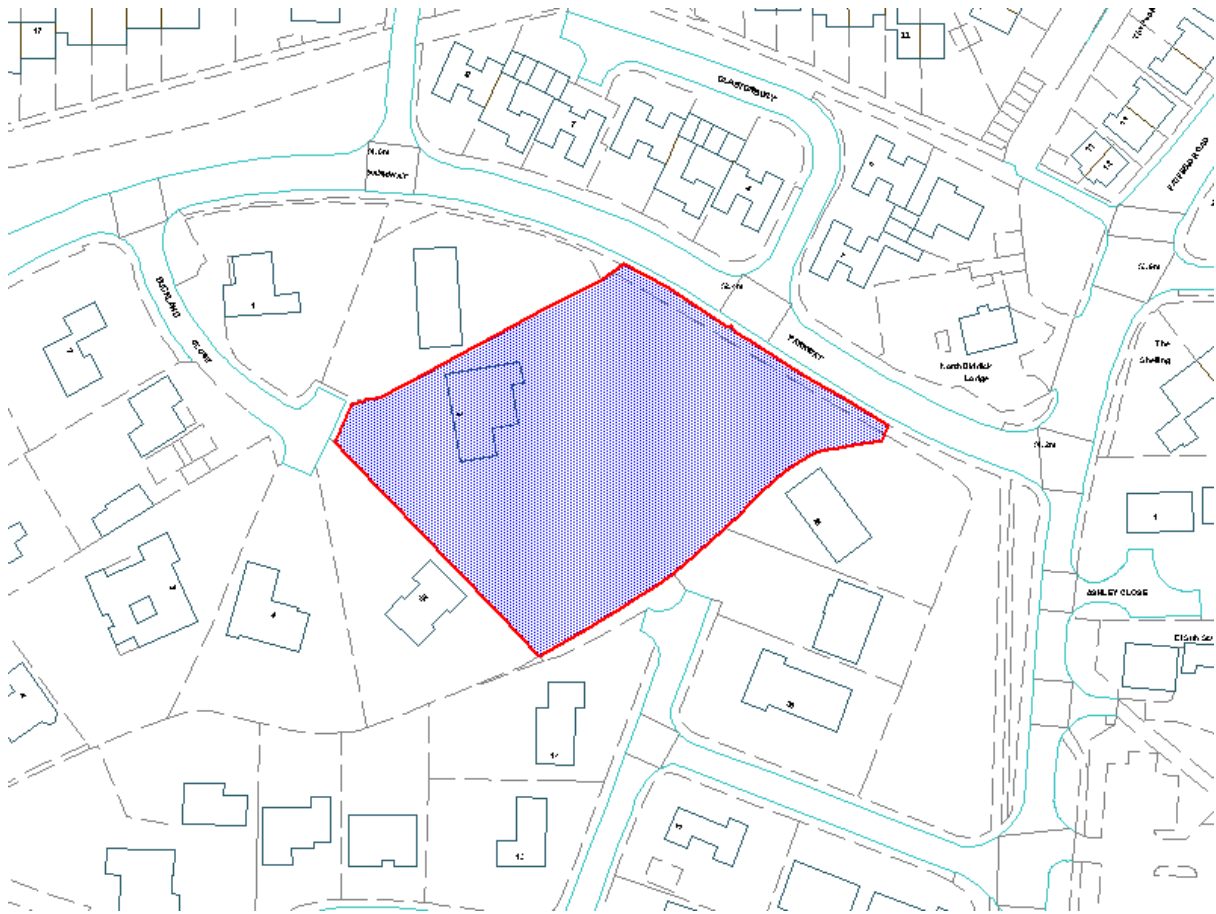
**Ward:** Washington Central

**Applicant:** Mrs Denise Codona

**Date Valid:** 4 September 2014

**Target Date:** 30 October 2014

### Location Plan



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### PROPOSAL:

The site to which the application relates is the garden area of an existing detached residential dwelling, number 3 Buckland Close, Biddick.

The application site extends to a total area of 5,792 square metres and with the exception of the land occupied by the existing dwelling is predominantly grassed

with undulating site levels and an area of hardstanding by way of a former tennis court located relatively centrally within the rear garden. A row of trees stand along the southern boundary of the site and a number of these are afforded protection by virtue of Tree Preservation Order 47 (TPO47).

The dwelling and its garden stand adjacent to Parkway and the site is enclosed from this road by way of a close boarded timber fence. The site to which the application relates also includes a strip of land (verge) between the existing boundary fence and the back of the pedestrian footway of Parkway which is not presently enclosed into the curtilage of the property but has been declared as being within the ownership of the applicant.

The area immediately surrounding the application site is predominantly residential in character with a mix of house types in evidence including: detached dwellings on spacious plots in Buckland Close; detached dwellings on smaller plots in Cooks Wood, Whitby Drive and Shap Close; bungalows in Glastonbury and higher density properties in Kirkham and Fountains Close.

Planning permission is sought for the erection of four detached executive dwellings and the creation of an associated new vehicular access from Parkway.

Members may recall that an application was submitted in September 2013 seeking consent for the erection of eight executive dwellings in the garden of 3 Buckland Close. Members visited the site on 25 October 2013. During the consideration of this application, the number of houses proposed was reduced to seven. This application was withdrawn by the agent on 12 February 2014 prior to it being presented to the Sub-Committee for consideration.

Subsequent to this, the application which is now under consideration was submitted seeking consent for the erection of five dwellings on the site and had been due to be presented to the Sub-Committee on 29 October 2014. Consideration of the application was deferred following a request from the applicant to allow for the submission of amended plans.

The proposed dwellings would be sited around the proposed new access road and turning head. The arrangement of the proposed dwellings would be as follows:

- Plots 1-3 along the southern boundary of the site adjacent to Whitby Drive and Shap Close;
- Plot 4 at the northern boundary of the site adjacent to Parkway.

The properties are varied in terms of design and appearance although all comprise two storey properties. Each plot would benefit from individual in-curtilage car parking by way of driveways and garages.

An arboricultural survey accompanies the application and this indicates that it would be possible to erect the proposed new dwellings without loss of or damage to protected trees on the site, although the survey does recommend the removal of two of the existing trees (numbers T20 and T45) due to defects, in the interests of good arboricultural management. The application is accompanied by a proposed landscaping plan showing the planting scheme proposed to be implemented in association with the development of the site.

This application would normally have been determined under the Council's Scheme of Delegation, but has been referred to the Sub-Committee for determination at the request of Councillor Williams.

#### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Tyne And Wear Archaeology Officer  
Washington Central - Ward Councillor Consultation

Network Management  
Nexus  
Environmental Health  
Northumbrian Water  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.12.2014**

#### **REPRESENTATIONS:**

Neighbours

Two separate periods of consultation have been carried out with the occupiers of neighbouring properties in connection with the proposed development. The first period of consultation was in respect of the originally submitted plans where five dwellings were proposed and the second period was in respect of the currently proposed scheme for four dwellings.

In response to the most recent consultation exercise in respect of the proposal for four dwellings, 11 letters of objection have been received, these being from the occupiers of 1, 2 and 7 Buckland Close, 2 Cooks Wood, 1 Glastonbury, 1 and 14 Shap Close, 4, 29 and 30 Whitby Drive and North Biddick Lodge.

The reasons for objection to the revised proposal are as follows:

##### Design and Amenity Considerations

- Although the number of dwellings has been reduced, there are still a number of intrinsic issues due to the form of overdevelopment proposed, there would be a detrimental impact on local amenity.
- Whilst density has been reduced, the proposal is still not comparable to the adjacent streets - Buckland Close and Whitby Drive/Shap Close. Comparison to Glastonbury should be dismissed due to difference in unit size and setting.
- Whilst improvements have been made to plot sizes and distances between properties, the proposals do not match the setting in terms of executive style dwellings with constrained plots and proximity to existing

properties. Plot 1 remains below the minimum design guidance regarding window to gable separation.

- The proposals are not a high enough quality given that it is a proposed executive development. The proposal is contrary to UDP policies H4 and H22 and paragraph 53 of the NPPF.
- The building suggested next to 2 Buckland Close is far too close to the site boundary.
- The proposed houses are still over intensive to the neighbourhood and out of character with the bungalows on the northern section of Parkway from Biddick Lane to Kirkham.
- The proximity and overlooking implications presented by plot 1 to 1 Glastonbury are unacceptable.
- The proposed development would overlook and overshadow nearby bungalows, including 28 Whitby Drive.
- The scale of the development is not in keeping with neighbouring properties.
- The site is being overdeveloped when compared to the original plan for the area, thereby detracting from the semi-wooded nature of the area and depriving residents of significant visual amenity.
- Current policies on garden grabbing or back land development state that any development must not cause significant damage to trees. This application ignores this policy as damage has already been done.
- Garden sites are no longer designated brownfield sites.
- Residents have lost their views.

#### Arboricultural Considerations

- Whilst the three southernmost plots have been relocated, overall, advice from the arboriculturalist appears not to have been heeded.
- The building footprints now stand outside of the root protection areas (RPA) of the trees, but there is a lack of information in respect of tree protection during construction. This is of concern, particularly in respect of plot 3 where the building footprint still abuts the RPA.
- The RPAs are minimum guidance and considering the setting of plots 2 and 3 in particular, the proposals would still have an unacceptable impact on the trees covered by the Tree Preservation Order by way of encroachment.
- Given the close proximity of the dwellings to the trees, combined with the trees' stature and density of the foliage, the trees will still have an impact on the residential amenity of prospective residents of the proposed dwellings and would come under pressure to be felled which would be unacceptable given their protected status.
- Further consideration needs to be given to the proposed replacement trees to comply with the Tree Replacement Notice. In particular, the tree proposed immediately to the front of the lounge window of the dwelling on plot 2 will maintain the same potential residential amenity issues as would befall the existing trees along the southern boundary. The application is contrary to UDP policy CN17.
- The issue of previous tree felling has not been rectified and this application does not resolve this matter.
- Loss of amenity to residents from previously felled trees should be restored.

- The application should not be considered until the issue of the felled trees is resolved.
- The site is subject to a notice requiring replacement tree planting for those trees which were previously removed from the site. Any application needs to take account of the position of the trees to be replanted as required by the notice. The notice states that the trees are to be of a particular size and to be planted in particular areas of the land.
- Existing trees on the site are flourishing.
- More trees and shrubs may be lost around the edge of the development where a wall is proposed.

## Highway Issues

- The proposed access to the site is similar to the previously proposed access which caused concern to the Network Management Team. The access is now approximately 7 metres from Glastonbury, forming a semi-staggered arrangement.
- The stagger distance is considerably less than the 30 metre junction spacing put forward in Manual for Streets (2007), which should be given equal weight alongside its companion guide Manual for Streets 2 (2010).
- The proposed junction layout also increases the number of conflicting movements in the area with this type of junction arrangement typically experiencing higher collision rates in an area which is close to two schools.
- Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where residual cumulative impacts are severe. In this case, the semi-staggered junction will have a detrimental impact on highway safety, especially given the proximity of the bend to the west and the proximity of the roundabout to the east.
- There is also an objection from Nexus regarding the impact on the westbound bus stop and they conclude that it will not be possible to relocate the bus stop within the immediate area due to the impact on safety.
- There are other issues raised by the Network Management Team such as lack of an evidenced visibility splay and provision of more than three dwellings served by a private street and as such, the residual cumulative impacts on highway safety are severe and as such, the application should be refused on highway safety grounds in relation to policy guidance in the NPPF.
- The loss of the bus stop would be a loss of amenity to local residents east and west of Fatfield Road.
- The relocation of the proposed access does not resolve any of the previously raised highway issues.
- It does not appear that any visitor parking is planned.
- Access is proposed from a busy road, close to Biddick Academy and serving a bus route. The road is already congested when cars wait on the road as parents pick up children.
- Approaching the proposed access from the mini roundabout, traffic would be unable to see cars exiting the junction due to the bend in the road.
- There are bus stops on each side of the road, which is moved would be on a bend.
- School children using the bus stops would be at greater risk and a significant number of children cross Parkway to reach nearby schools.

More junctions and increased traffic would make their journey more hazardous.

## Other Issues

- The applicant is citing levels of housing need in Sunderland and the presumption in favour of sustainable development as a reason why the application should be approved. Whilst the provision of four units would contribute to housing provision, it does not outweigh the severe impact on highway safety and impacts upon residential amenity, trees covered by TPO and the executive setting of the neighbourhood.
- Bats and birds have lost their homes.
- Local schools are already oversubscribed meaning that any children moving into the area would have to travel further to school.
- Executive houses are being built around Teal Farm so such housing is being provided in the area without the need to approve this development.

In response to the original consultation exercise in connection with this application (where five dwellings were proposed), 19 letters of objection were received to the proposal from the occupiers of 1, 2, 4, 4A, 6 and 7 Buckland Close, 2 Cooks Wood, 1, 4, 5 and 6 Glastonbury, 1 and 14 Shap Close, 4, 6, 28, 29 and 30 Whitby Drive and North Biddick Lodge. In addition, a petition was received signed by 77 residents, representing 46 different properties, in objection to the proposal.

The reasons cited for objection to the originally proposed development are as follows:

## Design and Amenity Considerations

- The proposal represents an overdevelopment of the site. The submitted section drawings illustrate this overdevelopment;
- The National Planning Policy Framework makes no specific reference to acceptability of building in residential gardens, but sets the basis for Local Authorities to include policies in emerging plans to resist inappropriate development of residential gardens. It encourages Authorities to resist this form of development should it be deemed to cause harm to the local area. A presumption is set for developing brownfield land in preference to green field land. The designation of gardens was changed in 2010 and gardens are no longer classed as previously developed land in an effort to afford Planning Authorities more power to restrict inappropriate backland development;
- Saved UDP policies H4 and H22 are relevant. H4 seeks to ensure that housing development should reflect the density of the locality, consistent with protecting and enhancing the character of the area, whilst policy H22 states that new development in the curtilage of an existing house will only be acceptable if it is not detrimental to amenity and character. These policies are saved and still current;
- The draft Core Strategy acknowledges a shortage of executive style dwellings in the region. Policy CS4.3 states that there is support for low density executive dwellings, however policy DM4.8 states that backland proposals, detrimental to amenity and layouts which do not maintain character should be resisted. This policy affords with the NPPF and

affords part of the Revised Preferred Options document and as such, it should be afforded some weight in connection with this application;

- Taking into account relevant policy, the proposed development is not in accordance with existing or emerging planning policy. The Design and Access Statement states that the area covered in the red line boundary is 0.31ha. As the proposal relates to five units, this gives a proposed density of 16.1 dwellings per hectare;
- Saved policies H4 and H22 state that new development must reflect local density and should not be detrimental to amenity or character. The nearest pockets of executive housing to the site are Buckland Close and Whitby Drive/Shap Close. Buckland Close comprises eight dwellings on approximately 1.56ha which is a density of 5.1 dwellings per hectare. Whitby Drive/Shap Close have a combined total of 40 dwellings on approximately 4.82ha representing a density of 8.33 dwellings per hectare. Given that the proposed density is much higher than these figures, it represents overdevelopment and would not be in keeping with the locality;
- Glastonbury has a much higher density, but as bungalows, these are significantly different to the form of development proposed by this application. As the application is for five executive dwellings, to meet policies H4 and H22, it should be aimed at reflecting the executive nature of Buckland Close, Whitby Drive and Shap Close in property size, density and amenity space. This is not the case and the proposal therefore conflicts with policies H4 and H22;
- The Planning Policy Team has advised of fundamental concerns about the scheme as the proposal does not reflect the characteristics, design ethos and scale of the existing dwellings in the area and were not considered to be of high enough quality to be in keeping with existing dwellings;
- The proposal does not constitute executive development and will have a detrimental impact on executive housing in the area contrary to UDP policy H22 and emerging policy CS4.3;
- Regard should be had to the Sunderland Strategic Housing Land Availability Assessment (SHLAA) as updated in April 2013. The application site (reference 521) has been identified in the SHLAA as suitable for housing and developable in 1-5 years with a capacity of two dwellings. There is no justification for a proposal of five dwellings where the Planning Policy Team has carried out a recent review and identified the site as suitable for only two dwellings;
- To be in keeping with the executive housing in the surrounding area, each property should have a greater amount of land to allow for space for parking etc reducing the amount of housing proposed;
- The development will not constitute executive development as although the proposed number of dwellings has been reduced, so has the size of the site which is to be built upon;
- Comments from the Council's Urban Design Team in connection with the previous application suggest that there should be no adverse impact on amenities of surrounding properties by way of overlooking or overshadowing. Two houses are proposed adjacent to Parkway and would have direct views into two existing houses, including 1 Glastonbury;
- Previous proposals for apartments and housing on the site have been refused;
- The application appears to differ from previous submissions only insofar as it would leave a building plot to be developed at a later date;
- Policies on garden grabbing and backland development seek to ensure that development should not cause significant damage to trees.



- Bungalows including 28 Whitby Drive will be overshadowed and overlooked. This would spoil the occupiers' view and privacy, as well as devaluing the house and land;
- The adjacent property, 14 Shap Close will be overlooked on higher ground to the side as trees and shrubs may be lost as a result of the wall proposed around the site;
- The proposals show very limited amenity spaces afforded to each property, in particular plot 5 and would detract from the aim of attracting and retaining the type of resident who would occupy executive homes in the area;
- Residents lost their views when the trees were removed;

#### Arboricultural Considerations

- The existing tree belt would result in overshadowing of plots 1 and 2 to the detriment of amenity of occupiers of these properties;
- The arboricultural amenity of the area is an important characteristic and as such the arboricultural and landscaping proposals need to be carefully scrutinised in order to prevent threat to existing trees and ecology;
- Concern remains from the previous application in that situations would arise where dwellings would be erected in close proximity to trees causing shading to habitable rooms. Removal of trees would have a severe and immediate detrimental impact to the locality and will have effects on local ecology. Trees along the southern boundary are covered by a Tree Preservation Order;
- Arboricultural advice received in connection with the previous application has not been fully adhered to. This recommended that all elements of the proposal should be outside of the root protection areas of all trees on the site and that any scheme should be designed so as to ensure that living conditions of the residents should not be unduly affected by the trees on the site;
- The submitted arboricultural report states that the proposed development will encroach into the root protection areas of five trees. Given the nature and location of the site and the importance of the trees, it should be ensured that there is no encroachment of any kind into the root protection areas;
- The previous removal of trees afforded protection by Tree Preservation Order 47 has not been compensated for;
- No action has been pursued against the applicant following the removal of the protected trees and it is now two years since they were removed;
- The Tree Replacement Notice issued pursuant to Section 207 of the Town and Country Planning Act should be actioned in the near future or alternatively action should be pursued against the applicant;
- This application should not be considered and approval should not be given for any number of houses until the Section 207 Notice requiring replanting has been complied with. No trees have been planted to date;
- Compliance with the Section 207 Notice would preclude the building of the dwellings proposed by this application;
- The applicant has a duty to replace the trees and doing so would not permit this proposal to proceed;
- The reason for the removal of the trees is now evident as a building development would result in financial gain for the landowner. The Council should initiate prosecution proceedings in respect of the removed trees;

- Sections 210(1) and 202C(2) of the Town and Country Planning Act set out that where trees are covered by a preservation order, anyone who cuts down, uproots or wilfully destroys a tree or, tops, lops or wilfully damages a tree in a way that is likely to destroy it or causes or permits such activities is guilty of an offence;
- Section 210(2) of the Act provides that anyone found guilty of such offences is liable, if convicted in the magistrates court, to a fine of up to £20,000. In serious cases, a person may be committed to the Crown Court and if convicted is liable to an unlimited fine;
- Section 210(3) of the Act provides that in determining the amount of the fine, the court shall take into account any financial benefit which has resulted, or is likely to result from the offence;
- Paragraph 135 of the Planning Practice Guidance states that there is a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order;
- Section 210 of the Act provides a clear structure for pursuing criminal enforcement action for unauthorised work;
- Section 210 (4A) and (4B) of the Act states that proceedings cannot commence more than 3 years after the date when an offence was committed;
- Paragraph 141 of the Planning Practice Guidance sets out the option that for Local Authorities when they believe unauthorised works have been carried out to protected trees. These include doing nothing where justified by particular circumstances, negotiating with the owner to remedy the works; issuing an informal warning to impress the risk of prosecution, seeking an injunction to stop ongoing works or consider whether the tests for commencing a prosecution are met;
- Paragraph 147 of the Planning Practice Guidance states that Authorities should consider publicising successful prosecutions as a deterrent;
- The breaches of the Tree Preservation Order should be considered prior to the determination of this application. If the Council continues to consider this or subsequent similar applications, it could mistakenly be assumed that it or its representatives are in collusion with the applicant and are prepared to overlook criminal offences under the Tree Preservation Order. To continue to determine the application is a waste of taxpayers' money;

#### Wildlife Issues

- No environmental assessment accompanies the application and residents have seen a marked reduction in wildlife since the removal of the trees;
- Amenity and wildlife habitat has been lost through the removal of trees and should be replaced, bats and birds lost their homes;
- The land should remain as it is to serve wildlife;

#### Highway Issues

- The Engineering Technician assessing the previous application stated that the creation of a staggered crossroads with Glastonbury was unacceptable and that opposing accesses should be 30 metres apart to accord with Manual for Streets.
- No evidence is given that the 30 metre separation can be achieved and it may not be possible to take access from Parkway. Access to the east of

the proposed site would conflict with the existing mini roundabout and parents picking children up from Biddick Academy;

- There is no proof that the visibility splay is acceptable given that the Engineering Team has found this to be substandard;
- Should the road be adopted, the turning head appears tight in order to meet requirements;
- The Highways Team considered that the previous application appeared overly intensive and refusal could be supported. The same issues are still prevalent within the new scheme;
- The provision of access opposite Glastonbury would be dangerous to highway and pedestrian safety including school children who pass the site;
- More houses with 2-3 cars each will worsen existing traffic problems;
- Parkway is a busy road with school children arriving/leaving between 08:00-09:00 and 15:00-16:00, during which times, 22 buses pass along Parkway;
- Vehicular traffic on Parkway has greatly increased in recent times due to picking up and dropping off of children attending Biddick Primary School, Biddick Academy and St Robert of Newminster School;
- Exiting Glastonbury is hazardous at school times due to parked cars. Road markings are also obscured on occasion by parked cars, causing an additional hazard;
- HGVs travel along Parkway taking a short cut to Washington Town Centre and this represents a further hazard;
- Traffic on Parkway frequently exceeds to 30mph speed limit.
- Inadequate parking is proposed for each house which will lead to overcrowded streets which presently appear aesthetically pleasing with no on street parking due to availability of driveway space;
- There is no provision for visitor parking associated with the proposed dwellings;
- There is no plan showing the relationship between existing and proposed road junctions;
- The plans do not show a road which would be to adoptable standard;
- The proposal would require a bus stop to be relocated and no detail of an alternative position is provided. The alignment of Parkway, the presence of other junctions and the bus stop on the opposite side of the carriageway would make relocation difficult. Further consideration should be given to ensure continued bus provision to residents;
- The site boundary is shown on the submitted plan as the back of the pedestrian footway on Parkway. Information on the Council's website suggests a boundary approximately 2 metres from the pavement with shrubs in the intervening strip of land. If the fence line is proposed on the outer edge of this land, it would interfere with the line of sight for drivers on Parkway;

#### Other Issues

- There are inadequate sewerage services to cater for the proposed development;
- Excavations for new sewers are likely to damage existing trees;
- The land is for sale as development plots with local estate agents;
- The neighbourhood will be devalued;
- The proposal would cause nuisance to the neighbourhood for years to come, if approved;

- This matter should have been resolved through a determination of the previous planning application;
- Local schools are already oversubscribed. Further development would lead to children having to travel further to school;
- The Local Authority should provide guidance to the applicant on what level of housing would be considered to be acceptable on the site to provide greater certainty for the applicant and local residents.

## Consultees

Relevant consultees have been afforded the chance to comment on the plans insofar as they relate to the initially proposed scheme for five dwellings and also the revised scheme for four dwellings. The pertinent comments are summarised below:

### Network Management

The Network Management Team offered a number of observations in connection with the initial proposal and has reiterated that these remain relevant to the revised scheme. The observations are as follows:

### Access

The proposed access creates a staggered crossroads with Glastonbury on the north-eastern side of Parkway, which is considered unacceptable. Opposing accesses should be positioned 30 metres apart when measured centre line to centre line. The applicant should demonstrate a layout that can achieve the 30 metre junction spacing.

It may be feasible to take access from Whitby Drive to the south, although this does appear to involve third party land ownership.

Access from Buckland Close is not considered acceptable for any additional dwellings. It is a shared surface arrangement measuring approx 5.1 metres with no footway provision and limited visibility.

### Visibility

The visibility splay is inaccurate - The Design & Access Statement quotes a visibility splay of 2.4 metres x 90 metres, however the site plan shows a substandard visibility splay of 2.4 metres x 37metres.

A visibility splay of 2.4 metres x 45 metres would be accepted and should be clearly identified on a site layout plan. The visibility splay should end at the edge of the carriageway and not the centre of the carriageway.

No obstruction or planting to be within the visibility splay.

### Adoptable Standard / Section 38 Agreement

The proposed carriageway width of 4.1 metres is not acceptable. The development would be required to be built to an adoptable standard with 5.5 metre road widths, 1.8 metre footways, street lighting, turning head, drainage connection and provision of surface water run off.

The applicant should clarify if it is their intention for the development to be adopted by the Council and enter into a Section 38 Agreement.

### Shared Surface

Shared surface configurations may be acceptable in certain circumstances. Where a layout shows a surface width of 4.8 metres, an additional continuous 1.5 metre hard paved service strip should also be provided, to be constructed to carriageway standard. This arrangement provides an 'overrun strip' on which vehicles can safely traverse past each other.

### In-Curtilage Parking / Visitor Parking

For executive dwellings it is recommended that double width drives are provided.

No visitor parking provision is proposed for the development - Two visitor parking spaces are required and should be evenly distributed throughout the site. (1 space per 3 dwellings)

### Turning Head

The turning head within the development should accommodate the turning movements of a large refuse vehicle (Manual For Streets suggests a refuse vehicle up to 11.6m long). It is likely that parking will take place in the turning head in front of the garages of plots 2 and 3. A 5.5m incurtilage hardstanding is required for these garages. This can be reduced to 5m if a roller shutter garage door is used.

### Sustainable Transport - Bus Stop

There are existing Bus Stops on Parkway adjacent to the site which may require relocating.

The development should include measures to encourage sustainable transport initiatives where possible e.g. make suitable provision for electric vehicle charging.

### Tree Roots

The developer should note that no tree planting will be permitted within the area 4m from the back of the kerb edge of any road / footway unless a root barrier is provided. Where a root barrier is to be used the distance can be reduced to an absolute minimum of 2m, and the type to be approved by the City Council.

### Conclusion

The proposal appears to be an over intensive use of the site and highway reasons could be used to support refusal. It is noted that a relocated site access to the east would create conflict with parking generated by the school.

### Tyne and Wear Archaeology Officer

The County Archaeologist has advised as follows:

The planning application is accompanied by an archaeological desk-based assessment. The assessment concludes that North Biddick Hall once lay to the west of the proposed development site.

It is assumed that the medieval settlement of North Biddick was located in the same area as the later Hall. Bedyk is first recorded in 1183 when it was held by Ulkill. North Biddick was described as a vill held by William de Hilton in 1377. The Hilton family held Biddick until the 18th century.

North Biddick Hall was demolished around 1966 due to mining subsidence. The house was said to incorporate 16th century fabric.

Archaeological Services Durham University say that it is probable that the construction of North Biddick Hall and then the building of Buckland Close housing estate would have removed any evidence that once existed of the medieval settlement.

As a precaution it is recommended that an archaeological watching brief and subsequent reports be requirement of any development. This can be called to a halt at an early stage if it becomes apparent that the site is definitely devoid of archaeological features.

The Archaeology Officer has advised that a specification for the watching brief can be provided when required.

#### 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 their 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:-

- Soakaway
- Watercourse and finally
- Sewer

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

#### Environmental Health

The Applicant has submitted a Phase 1 Investigation (Ref: 1072R001i1) which comprises a review of Ordnance Survey historical mapping, search of environmental databases (Landmark, EA, Coal Authority) and a site visit. Very few hazards have been identified for the site these being; PAHs/coal dust, metals/metalloids from mineral railway/waggonway and ground gases from former clay pit /quarry (370m+). The risk based on severity of possible impact and likelihood of occurrence has been given as Low to Moderate. Although harm could occur to a current/future site user or resident this is likely for the Moderate case to be relatively localised or non-permanent; however remedial action may be necessary.

The report conclusions seem slightly at variance with the risk assessment in saying that the risks are Low and therefore no Phase 2 investigation is required.

The proposed end use is highly sensitive to contamination and although no potential contaminative land use has been identified, this relies heavily on mapping dating from 1857 onwards.

The area of the tennis court shows signs of terracing, which is most likely to be of natural ground however the court surface itself may be impacted by ash/cinders/tar bound surfacing containing PAHs.

It is therefore recommended that the ground model is checked through intrusive investigation to ensure that contaminated made ground is not present on the site. It is assumed that topsoil will be re-used and therefore some testing should be carried out to ensure that it is suitable for use and does not contain significant quantities of the chemicals of concern identified in the Desk Study. If the tennis court surfacing is to remain on site then testing should be provided to indicate risk to people and controlled waters. Testing will also be required for made ground removed off the site for disposal under waste regulations.

The potential risk if any from shallow unrecorded mine workings should be assessed from geological sources such as 1:10,000 BGS maps, memoirs and borehole records. If necessary the thickness of rock head above mine workings should be ascertained through rotary coring methods.

The thickness of made ground and the potential if any for ground gas generation should be assessed to determine whether gas monitoring will be required. Gassing risk from shallow mining should also be assessed.

Further comments received relate to recommended hours between which construction works should be carried out and also notes in respect of the use of machinery and measures to prevent dust generation and vibration.

#### Nexus

Having considered the location of the proposed access, Nexus understands that there would be a conflict with an existing west-bound bus stop on Parkway. The current location of the bus stop was considered safest

Safety was considered due to the proximity of the Glastonbury junction. Nexus cannot move the stop further west due to the left hand bend in the road, or east due to the closer proximity to Fatfield Road and the reduced sightlines and traffic conflict which a stop in this location would create. With this in mind, Nexus object to the planning application.

#### **POLICIES:**

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

B2 Scale, massing layout and setting of new developments

B11 Measures to protect the archaeological heritage of Sunderland (general)

B13 Sites and monuments of local importance affected by development

B14 Development in areas of potential archaeological importance

CN17 Tree Preservation Orders and replacement of trees  
EN10 Proposals for unallocated sites to be compatible with the neighbourhood  
EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas  
H4 Density of housing development to at least reflect that of the locality  
H22 Residential development within the curtilage of an existing house  
T14 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) Procedural Matters
- 2) Principle of the Development.
- 3) Design, Layout and Amenity Issues.
- 4) Arboricultural Considerations.
- 5) Highway Issues.
- 6) Archaeology.
- 7) Land Contamination.
- 8) Housing Supply.
- 9) Other Issues.

- 1) Procedural Matters

A number of trees which were subject to Tree Preservation Order 47 were removed from the garden area of 3 Buckland Close between November and December 2012. A number of the representations made in objection to the planning application which is presently under consideration refer to the removal of these trees and it is important to clarify which of the considerations are material to the assessment of this planning application.

The applicant submitted reports prior to the removal of the trees to the effect that they were diseased and dangerous. In such circumstances a landowner has a duty to replace trees which have been removed that were the subject of a tree preservation order under section 206 Town and Country Planning Act 1990.

Accordingly following the removal of the trees in November-December 2012, a notice pursuant to Section 207 of the Act was served by the Council on the landowner on 17 February 2014 specifying a replanting scheme which, if implemented, is considered likely to restore the amenity lost following the removal of the trees subject to Tree Preservation Order 47. The notice was issued with the aim of securing re-planting in the 2014-2015 planting season to restore the tree cover and the amenity value of the trees previously enjoyed by the public. The notice required 16 trees to be planted within the grounds of 3 Buckland Close. The notice specified that the trees should be of Advanced Heavy Standard with a circumference of 16 to 20 cm measured at a height of 1.5 metres above ground level. An approximate spacing of 5 metres between the newly planted trees was required and the period for compliance is twelve months from the date on which the notice takes effect. The notice took effect on 24 March 2014 and no appeal was submitted by the applicant against the requirements of the notice, so the date by which the notice should be complied with is 24 March 2015.



Given that this notice has now taken effect, it is a material consideration in the assessment of this application. The application is accompanied by a proposed alternative landscaping strategy which shows a proposed planting strategy for the site. This differs from the requirements of the notice issued pursuant to Section 207 of the Act due to the proposed siting of the new dwellings, which in some cases conflicts with the zones identified in the Notice wherein replacement tree planting is required. Notwithstanding this conflict, the acceptability of the proposed landscaping scheme put forward by the applicant in conjunction with the residential development proposals must be considered and is material to the determination of this planning application, because were an appropriate scheme to be put forward and subsequently implemented, the local planning authority would have the opportunity to withdraw the Notice served under Section 207 of the Act.

## 2) Principle of the Development

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

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

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

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007.

To this end, the site to which the application relates is not allocated for any specific purpose on the proposals map of the Council's Unitary Development Plan (UDP). Policy EN10 of the UDP 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.

As required by paragraph 215 of the NPPF, all saved UDP policies have been considered with regard to their compliance with the NPPF. Policy EN10 is considered to be broadly compliant and can continue to be used.

Given that the land to which the application relates is presently a residential garden area, it is considered that some form of residential development on the land would be in accordance with UDP policy EN10 subject to compliance with all other relevant national and local policies.

### 3) 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.

In respect of local planning policy, UDP policy B2 seeks to ensure that the scale, massing, layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. Large scale developments, creating their own individual character, should relate harmoniously to adjoining areas. Policy B2 is considered to be fully compliant with the NPPF.

With regard to the siting of the proposed accommodation block in relation to surrounding buildings, due regard has been given not only to the requirements of UDP policy B2 as detailed above but also section 10C of the Sunderland City Council 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 14m for main facing windows facing side or end elevations (with only secondary windows or no windows). These distances are recommended to be increased by two metres for every one metre difference in land levels between properties.

With specific regard to proposals for new residential development within existing gardens, paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Policy H22 of the adopted UDP states that new residential development within the curtilage of an existing house will only be acceptable if it is not detrimental to general amenity and to the established character of the locality. Policy H22 is considered to be fully compliant with the NPPF.

In considering applications for new housing development, policy H4 is relevant and states that such development will normally be expected to reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought, particularly where they relate to a public transport corridor. Policy H4 is considered to be fully compliant with the NPPF.

The Draft Core Strategy and Development Management Policies includes policies in respect of Housing Density (DM4.7), Development in Existing Gardens (DM4.8), Design (DM7.1) and Amenity (DM7.25), which shows that the emphasis placed on these issues will remain when the Core Strategy replaces the remaining UDP saved policies.

It is noted that the site is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a potential site for residential development - site 521. Therein, the site is identified as being developable within 1-5 years and suitable for 1-2 dwellings.

In considering the design, layout and amenity issues associated with the site, it is important that the proposal is considered in respect of its inter-relationship with existing adjacent properties and any impacts which the proposal would have upon amenities of occupiers of these existing properties. It is also important that the scheme is considered in respect of the levels of amenity to be afforded to occupiers of the proposed dwellings. The appropriateness of the proposed development to its setting is also a consideration in respect of how it relates to the character and appearance of the area and how it relates to existing development in this regard.

In considering the inter-relationship between the proposed dwellings and existing surrounding properties, regard has been given specifically to those properties which are closest to each plot. In respect of plot 1, the rear elevation of this dwelling is offset from the existing property at 28 Whitby Drive by 13.7 metres, stands at a slightly higher level and is indirectly aligned. The rear elevation of the dwelling proposed on this plot incorporates kitchen and dining room windows at ground floor level and a bedroom window at first floor level. The proposed dwelling is set away from the shared boundary by approximately 11 metres. Given the setting of the dwelling away from the shared boundary by 11 metres,

the presence of a line of existing trees, which are indicated as to be retained between the proposed dwelling and number 28 and the fact that the side elevation of number 28 is a blank gable elevation, it is not considered that the presence of the proposed dwelling on plot 1 would adversely affect the amenities of occupiers of number 28 so as to warrant a refusal of planning permission on this basis. The proposed dwelling on plot 1 is offset from number 1 Glastonbury by approximately 24 metres, which is considered to be sufficient in order to avoid harm to the amenities of occupiers of this dwelling as a result.

The dwelling proposed on plot 2 is approximately 16.5 metres away from the side elevation of 28 Whitby Drive and 12 metres away from the rear site boundary. The presence of the trees which are proposed to be retained along the rear boundary, the indirect alignment with number 28, the setting away from the boundary and the blank gable elevation to the side of number 28 are such that the proposed siting of the dwelling on plot 2 would not be harmful to the amenities of occupiers of this property so as to warrant refusal of the application on that basis.

The dwelling proposed on plot 3 is sited approximately 31 metres away from the closest property to the rear, 14 Shap Close, which coupled with the tree cover within the site is considered to be sufficient in order that the amenities of occupiers of this property would not be directly affected as a result of the proposal.

The dwelling proposed on plot 4 would be 21 metres away from the main rear elevation of 3 Buckland Close and 21 metres away from the closest part of 5 Glastonbury and both of these distances are considered to be adequate in order to avoid harm to the amenities of occupiers of either of these properties as a result of the proposed dwelling so as to warrant refusal on that basis.

For the reasons set out above, treated in isolation, the distances by which the proposed dwellings are offset from existing residential dwellings appears to be appropriate to adequately reflect the aims of the Council's adopted guidance of this regard.

In terms of the separation distances between the dwellings within the development, these also appear to adequately reflect the Council's guidance in respect of separation distances between dwellings and in terms of the relationship on each plot with the other three which are proposed, it is not considered that the amenities of future occupiers of the proposed dwellings would be compromised by the proposed layout.

The proposed development represents the erection of five new dwellings on an area of 0.31 hectare. This represents a density of 12.9 dwellings per hectare. Considering this in respect of the adjacent streets, the existing street at Buckland Close comprises eight dwellings standing on an area of 1.57 hectares which represents a density of 5.1 dwellings per hectare. The six dwellings which comprise Cooks Wood and were erected in what previously comprised garden land of 5, 6 and 7 Buckland Close stand on a site of 0.47 hectare which represents a density of 12.64 dwellings per hectare. The group of properties comprising Shap Close and Whitby Drive stand to the south of the application site and occupy an area of 4.82 hectares with a total of 40 dwellings. This represents a density of 8.29 dwellings per hectare. These are the streets which are considered to be comparable to the nature development proposed by this

application, i.e. large detached dwellings. The other closest street to the application site is Glastonbury, which is a different form of development from that which is proposed, i.e. bungalows and is separated from the application site and thus the proposed development by Parkway. Glastonbury comprises a total of 9 houses standing on 0.47 hectare which results in a density of 19.15 dwellings per hectare.

In respect of individual plots proposed by this application:

- Plot 1 would comprise a dwelling with a footprint of 193 square metres on a plot of 715 square metres;
- Plot 2 would comprise a footprint of 154 square metres on a site of 590 square metres;
- Plot 3 would see a footprint of 156 square metres on a site of 684 square metres and
- Plot 4 comprises a footprint of 150 square metres (114 square metres for the dwelling and 36 square metres for the garage) on a site of 689 square metres.

With a proposed density of 12.9 dwelling per hectare, the proposed development represents a much higher density of development than Buckland Close, which is the street to which it would stand adjacent and the street wherein the donor property stands. The density of the estate comprising Whitby Drive and Shap Close, located to the rear of the site is also lower than that which is proposed by this application. The proposed density is also marginally higher than that evident in Cooks Wood, which as set out above comprises a street of six properties erected in what previously comprised garden land of 5, 6 and 7 Buckland Close. Reference is also made in the applicant's submission to the greater density development in Glastonbury, which is opposite the site on Parkway.

In consideration of Cooks Wood, this comprises six properties with some comprising unusual plot shapes and unusual arrangements between properties, notably numbers 1 and 2, where the front elevation of number 2 faces the rear of number 1 at a distance of 7.5 metres at its closest point. Whilst the existence of this development is acknowledged close to the application site, it is separated from the application site by Buckland Close which is a very low density development, more consistent with executive style properties. The outline planning permissions for the properties in Cooks Wood were granted between 1992 and 1996 and as such pre-dated the current NPPF and UDP considerations. The approach taken to the development of Cooks Wood was the submission of applications for outline planning permission followed by individual applications for the reserved matters relating to each plot. In some cases, this has led to an unorthodox layout and plot sizes which are out of keeping with the setting of Buckland Close and Whitby Drive and Shap Close to the rear. Given that Cooks Wood is separated from the application site by Buckland Close itself and due to the curvature of Parkway, the proposed development and Cooks Wood would not be visible in the same context, it is not considered that the presence of a higher density development in Cooks Wood is such that it should follow that a higher density is acceptable on this site.

Reference is also made to the higher density development which exists in Glastonbury, opposite the application site. Whilst viewed in the same context from Parkway, the properties which stand to the north of Parkway are generally of higher density than those to the south and it is not considered that these

properties should form a basis for comparison as their nature is different to those which are proposed by this application.

Whilst the inter-relationship between each of the four dwellings proposed within the site is acceptable as set out above, the difficulty of achieving a density of development such as that proposed is illustrated particularly by the proposed dwelling on plot 4. This has been oriented so as to face Parkway rather than into the application site. Presumably this is aimed at reducing the required separation distance from other properties, both within the proposed development and existing streets, but the result is the creation of an outward facing development onto Parkway, the type of which is not evident in Buckland Close or Cooks Wood. It also has the result that the ground floor windows in the front elevation of this dwelling would face onto the boundary wall which is proposed between the development and Parkway, reducing outlook from these primary rooms.

It is considered that the creation of the arrangement proposed between plot 4 and Parkway is such that the proposed development is uncharacteristic of the surrounding forms of development and would be detrimental to the established character of the area demonstrating the difficulty of achieving a high density on a constrained site. The proposed development is considered to be contrary to the aims of NPPF paragraphs 17, 53, 56 and 64 and policies B2, H4 and H22 of the UDP representing a development of inappropriate design within the curtilage of an existing dwelling.

#### 4) Arboricultural Considerations

Policy CN17 of the UDP states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders. The retention of trees, hedges and landscape features in new development will be required where possible. Policy CN17 is considered to be fully compliant with the NPPF.

The Draft Core Strategy and Development Management Policies includes a policy in respect of Trees (DM7.20), which shows that the emphasis placed on tree preservation issues will remain when the Core Strategy replaces the remaining UDP saved policies.

A number of trees within the curtilage of the application site and surrounding properties are afforded protection by Tree Preservation Order 47 (TPO47). The application is accompanied by an arboricultural survey which details the condition of the trees within the garden of the property which are subject to TPO47 as well as recommendations for their future management. The contents of this report have been considered and the implications of the proposed development for the future health and amenity value of these trees has been assessed.

The submitted Arboricultural Assessment is considered to be generally accurate however the tree positions and indicated canopy shapes appear to be estimated and should not be relied upon, particularly when considering the extent of shading, light restriction and tight root protection zones. There are a number of trees located on the site which have not been plotted on the tree constraints plan, although based on the submitted information, none of these trees appear to be protected by the TPO. As none of these trees are shown referred to in the Arboricultural assessment or shown on the tree constraints plan, it is therefore assumed that these trees are proposed for removal.

The proposal is to be constructed very close to a line of protected trees and it is proposed that 2 of these trees are to be removed in the interests of good arboricultural management. It is considered that the amended proposal is an improvement on the initially submitted scheme with regard to reducing the damaging effects of developing close to mature trees. It is evident that the siting of the proposed dwellings on plots 1-3 do not conflict with the root protection zones of the existing trees, providing that the recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction: Recommendations) are fully implemented during any subsequent building works.

Trees that have good health and stability are well adapted to their surroundings. Any development activity which affects the adaptation of trees to a site could be detrimental to their health, future growth and safety. Tree species differ in their ability to tolerate change, but all tend to become less tolerant after they have reached maturity or suffered previous damage or physiological stress. Planning and subsequent development site management needs to minimise the effect of change.

Development should be designed to take into account the existing trees, their ultimate size and the density of foliage, and the affect that these will have on available sunlight and day light. The relationship of building close to large trees can cause apprehension to occupiers of the resultant dwellings, leading to pressure for the removal of the trees.

The relationship between the canopy of the trees and the dwellings on plots 1-3 is considered to be extreme and it is therefore predictable that the existing trees, which are to be retained will dominate plots 1-3. This relationship cannot be dealt with by remedial tree works and the future residents of these plots will inevitably resent the relationship and will likely invest significant resources into the removal of the trees whether they are protected or not. Such implications should be addressed at the design stage pre development not post development.

The implications of developing close to trees can be seen in nearby Cooks Wood, where the occupier of number 4 has recently sought consent for the removal of five mature trees from his rear garden due to the impacts which they are having on his property. In considering this application for removal of the trees, it was not considered that there were any structural defects with the trees necessitating their removal, nor was any evidence presented that the trees were damaging the property and as such, it was considered that regard should be given to the amenity value offered by the trees and consent to remove them was refused. This case is presently with the Planning Inspectorate, which is considering the resident's appeal against the Council's refusal of consent. This illustrates the difficulties faced by householders where mature trees stand in their properties, particularly as in this case, where the trees stand to the southern aspect and would dominate the main areas of private amenity space (i.e. the rear gardens) of plots 1-3.

For these reasons, it is considered that the relationship between the trees which are protected by TPO47 and the dwellings on plots 1-3 is unsatisfactory. Whilst the amendments to the scheme have allowed the dwellings to be relocated outside of the root protection areas of the affected trees, the manner in which the trees would dominate the rear gardens of these dwellings by way of their height and canopy spread is considered to be unsatisfactory and would likely prejudice

the long term retention of the trees, whilst also creating an unsatisfactory living environment and standard of external amenity space for occupiers of these dwellings.

For these reasons, it is considered that the proposal falls contrary to the aims of UDP policy CN17, which encourages the retention of trees which make a valuable contribution to the character of an area.

Regard has been given to the submitted landscaping proposals and it is noted that the replacement trees proposed by this application reflect the species required by the Notice served pursuant to section 207 of the Act, comprising a mix of beech, lime, oak, sycamore, maple and horse chestnut. Notwithstanding this, the location of the trees proposed by the submitted landscaping scheme differs from the requirements of the Notice, which has taken effect in relation to the site.

In order to satisfy the requirements of the Tree Replacement Notice, the trees should be large, prominent and have adequate space to develop to maturity to replace the large protected trees that were felled prior to this application. In assessing the acceptability of the submitted scheme in this regard, it is considered that the proposed replacement planting would result in trees in close proximity to and often screened from easy view in the public realm by the proposed dwellings.

In particular, the Notice requires the planting of a group of trees immediately east of the application property as replacements for trees 10-14 of the order which were previously felled. Given the constraints presented to any replanting scheme by the applicant's chosen layout which has the access road running through this area, these prominent trees would be dispersed within the gardens of the dwellings proposed on plots 2 and 4. In the case of plot 2, two horse chestnut trees are proposed to the front of the property, one standing between the driveways of plots 1 and 2 and the other standing to the front of the property's lounge window. Neither of these positions are desirable to sustain trees of the nature required to be planted by the Notice and would likely create conditions prejudicial to the amenities of occupiers of the dwelling, which draws into question the proposed positions' suitability to accommodate the replacement planting in conjunction with the proposed dwelling. The trees proposed to the side of plot 4 are proposed to be planted close together and do not reflect the requirements of the notice in respect of spacing, which would ensure the long term viability of the trees. These effects are consequences of attempting to tailor a landscaping scheme to the applicant's desired layout for the proposed residential development. It is not considered that the trees proposed in this area would adequately restore the amenity lost by the previous felling of trees on the site, which would be restored through compliance with the Notice.

The remaining trees previously removed from the site (T27-29, 33-36, 40-43 and 48-50) stood in a group south and east of the dwelling, north of the row of trees which remain on site. Under the Section 207 Notice, replacement planting for these trees was required to be within the same area, however the application proposes a wider dispersal throughout the site, including within all four proposed plots and the land which would remain as the curtilage of 3 Buckland Close. Given the proposed dispersal of trees and that they would inevitably be viewed within the context of the proposed dwellings, it is considered that the proposed scheme would not serve to adequately restore the amenity lost following removal



of the trees from the site, as would be achieved through compliance with the Notice.

Thus, whilst the local planning authority has the option to consider alternative landscaping proposals submitted by the applicant in order to deal with the requirement to re-plant trees across the site, it is not considered that the scheme submitted with this application is satisfactory, to address this requirement as a substitute for the requirements of the Notice issued pursuant to Section 207 of the Act. As the replacement planting required by the Notice was in order to restore amenity lost when trees subject to TPO47 were felled, it is considered that the inadequacy of the replanting scheme is such that the proposal would fall contrary to UDP policy CN17.

## 5) 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. Policy T14 is considered to be broadly compliant with the NPPF.

UDP policies T2 and T4 are also pertinent to the consideration of this application, given the site specific circumstances. Policy T2 states that the Council will promote the role of public transport by supporting improvements to the quality, attractiveness and range of services wherever possible. Policy T4 encourages the maintenance and improvement of a comprehensive network of bus routes. These policies are considered to be fully compliant with the NPPF.

The Draft Core Strategy and Development Management Policies includes policies in respect of Transport, Access and Parking (DM6.1), which shows that the emphasis placed on such issues will remain when the Core Strategy replaces the remaining UDP saved policies.

As set out above, the Network Management Team has offered a number of comments in respect of the proposal as part of an assessment concerning its likely impact upon highway safety.

Concern was raised by the Network Management Team in respect of:

- The positioning of the proposed access road in relation to existing streets, Glastonbury in particular;
- The visibility splay available at the site entrance,
- The provision of more than three units served by a private street,
- The lack of visitor parking;
- The usability of the turning head;
- The need to re-position a bus stop; and
- The proximity of proposed tree planting to the carriageway.

In respect of access, the Network Management Team has noted that the proposed access creates a staggered crossroads with Glastonbury, which is

considered to be unacceptable. Opposing accesses should be positioned 30 metres apart when measured centre line to centre line. Based on the submitted site plan, the distance between the centre line of the proposed access to the centre line of the access road to Glastonbury is approximately 7 metres, which is significantly less than the recommended 30 metre spacing. The inadequate spacing between existing and proposed road accesses is considered to be unacceptable and would be detrimental to highway safety.

The minimum recommended 30 metre junction spacing cannot be achieved along the red line boundary adjacent to Parkway and as such, it appears that access from Parkway to serve a development of the nature proposed is not feasible.

Nexus has objected to the application on safety grounds, stating that it understands that there would be conflict with the existing westbound bus stop on Parkway, which stands adjacent to the site boundary. Nexus further advised that the current location of the bus stop was considered to be the safest. Safety was a consideration due to the proximity of the Glastonbury junction and Nexus has advised that it cannot relocate the stop to the west due to the left bend in the road or to the east due to the closer proximity to Fatfield Road and reduced sightlines and traffic conflict which a stop in this location would create.

The Network Management Team has made a comment in respect of the potential for access to the site to be taken from other points, but there are no such proposals at present and as such a decision must be taken on the basis of the submitted plans, i.e. a proposed new road access from Parkway. The fact that the proposed road serving the new dwellings would not be adopted does not affect the concern raised over the positioning of the access roads in relation to each other.

The Network Management Team has advised that the requirement in this instance would be for a visibility splay of 2.4 metres x 45 metres. It does appear that visibility of 2.4 metres x 45 metres is achievable from the access road along Parkway in line with the recommendations of the Network Management Team. However, this is not considered to mitigate for the harm found above in respect of the proximity of the access road to the existing access serving Glastonbury and the bus stop.

The provision of more than three houses on a private street is considered to be undesirable with regard to the Network Management Team's design guidance. The recommended limitation is in place on the basis that to allow a larger number of properties in such an arrangement has the potential to create issues in the longer term in respect of maintenance and usability of the street between land owners. These comments are noted, however it is not considered that this is a reason to withhold planning permission in its own right.

The comments offered in respect of the lack of visitor parking, the usability of the turning head and the proximity of trees to the proposed access road are matters of detail which are considered to be secondary issues given that the positioning of the proposed access road has been found to be unacceptable as a point of principle. As per the detail issues of the setting out of the proposed access road, given that the positioning of the road is considered to be unacceptable as a matter of principle, it is not considered that the concern over the relocation of the bus stop requires further consideration at this time.

The proximity of the proposed access road to the existing road access to Glastonbury is considered to be such that there is significant potential for conflict between vehicles. In addition, Nexus has advised that relationship with the bus stop and lack of alternative positions would create additional highway safety issues as the current position was considered to be safest when the stop was installed. The combined result of the sub-standard junction separation and the inter-relationship with the bus stop is considered to represent severe residual cumulative impacts as set out in paragraph 32 of the NPPF and contrary to policy T14 of the UDP. As such, the proposal is considered likely to create conditions which are unacceptably prejudicial to highway safety and as such, planning permission should not be granted for the proposal based on the submitted plans. In addition, the potential implications for the bus stop would potentially reduce access to public transport provision in the vicinity of the site if the viability of the bus stop was questioned and would be contrary to the aims of UDP policies T2 and T4.

#### 6) Archaeology

In respect of archaeology, policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by UDP policies B13 and B14. Policies B11, B13 and B14 are considered to be fully consistent with the NPPF.

The Tyne and Wear Archaeology Officer has considered the proposal and has advised that development of the site is considered to be acceptable subject to the imposition of conditions requiring an archaeological watching brief to be carried out and a subsequent report of the findings to be submitted to the Local Planning Authority for approval. Subject to the imposition of such conditions should Members be minded to approve the application, the proposal is considered to comply satisfactorily with UDP policies B11, B13 and B14.

#### 7) Land Contamination

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 a Phase 1 Investigation in respect of land contamination. Given the sensitivity of the proposed end use i.e. residential accommodation, the Environmental Health Team has recommended further intrusive investigation be carried out to ensure that contaminated made ground is not present on the site. Further soil testing, information in respect of unrecorded mine workings and the potential for ground gas is also required. Subject to the imposition of conditions requiring the submission and approval of satisfactory

information in this regard should Members be minded to approve the application, the proposal is considered to comply satisfactorily with UDP policies EN14.

## 8) Housing Supply

In the supporting statement which accompanies the amended plans, the applicant's planning consultant has drawn reference to what he describes as the Council's poor record of delivering housing.

The statement quotes paragraph 14 of the NPPF and the presumption in favour of sustainable development as set out above. Paragraph 14 provides that in respect of decision making:-

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

The supporting statement further quotes paragraph 49 of the NPPF which advises on the consideration of applications for housing sites and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

At this moment in time, the LPA cannot say with certainty that a five year supply of deliverable sites is available and therefore the presumption in favour of sustainable development must take precedence in such considerations. Notwithstanding this, as set out above, this presumption, drawn from paragraph 14 of the NPPF is caveated to state that proposals should be approved without delay where they accord with the development plan unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be resisted.

As set out above, there are a number of areas where it is considered that the proposal conflicts with the aims of specific policies of the NPPF, including paragraph 53 in relation to development within the curtilage of existing dwellings and paragraph 32 in relation to the cumulative highway safety effects.

Notwithstanding this, in respect of supply of housing sites, the provision of four dwellings as proposed by this application would represent an extremely marginal gain in this regard. In consideration of this position, a previous relevant application is one which was made for planning permission for a single detached dwelling on land off Burdon Road adjacent to The Fold, SR3 2QB in June 2013 (ref 13/01585/FUL). Planning permission was refused for this and in his appeal statement, the applicant made a similar argument in respect of the contribution which the proposal would make to the supply of housing within the City.

The appeal (APP/J4525/A/14/2211725) was dismissed and in reaching the conclusion, the Planning Inspector made the following comments in respect of housing delivery:

"With regard to the Council's housing supply position, its most recent Strategic Housing Land Availability Assessment (April 2013) and Strategic Housing Market Assessment (May 2013) indicate that a 5 year supply of deliverable housing sites can be provided. The Council recognises, however, that full scrutiny of this emerging view has not yet taken place and this limits the weight it can be given. The appellant argues that there is a very significant under provision of family and executive type properties available locally such as that being proposed, and this could potentially lead to out migration. Even so, I consider that the present proposal would only make a minimal contribution to meeting any shortfall, either by itself or cumulatively, and so this also fails to outweigh the significant harm I have concluded the proposal would cause to the character and appearance of the area."

A similar assessment is considered reasonable in this instance. Any gain provided by the provision of four new dwellings must be weighed against the harm caused by the detail of the proposal. The gain is considered to be marginal, but the harm to the character of the area caused by the overdevelopment of the site to the detriment of the long term viability of protected trees, the unacceptable landscaping proposals and the detriment to highway safety is considered to be unacceptable.

#### 9) Other Issues

A number of issues have been raised by objectors which do not sit comfortably beneath any of the headings set out in the main body of this report above.

The query raised over the positioning of the site boundary adjacent to Parkway has been considered in light of the declaration signed by the architect acting on behalf of the applicant that the applicant owns all of the land within the red line boundary shown on the submitted location plan. The query appears to arise from the fact that a strip of land between the existing boundary fence and the back of the pedestrian footway of Parkway. This area of land was purchased by the owners of 3 Buckland Close and the land is now registered as such with HM Land Registry. On this basis, it is considered that the declaration made on behalf of the applicant in respect of land ownership is correct, albeit the applicant has decided not to enclose the additional land into the curtilage of 3 Buckland Close.

Considerations of the suitability of the sewerage network appear to have been considered by Northumbrian Water and it is advised that subject to the imposition of a condition on any planning permission should Members be minded to approve the application, that these matters can be satisfactorily dealt with. Any future application for Building Regulations Approval would also further consider sewerage matters as appropriate.

The fact that the land has been advertised for sale as a potential development opportunity notwithstanding that planning permission has not been granted is not a consideration in the determination of the application. This would be a matter for the applicant to address with any potential purchasers responding to the advertisement of the land for sale. It is also noted that the estate agent

advertisement that the land was for sale makes reference to outstanding planning matters.

In respect of property values, the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Thus, the potential devaluation of property as a result of a planning decision is not considered to be material in the determination of a planning application, but any loss of amenity to a property as a result of a proposed development, would be. This issue has been considered in detail above.

Concerns have been raised that the proposed development would cause a nuisance in the area. The specific nature of the alleged nuisance is not stated, however the it is assumed that this would relate to the construction period. Certain levels of disturbance are always likely to result during the construction of any form of development. Notwithstanding this, subject to adherence to the recommended construction practices asset out by the Environmental Health Team, it is considered that the use of planning conditions could mitigate disturbance during construction to an acceptable level should Members be minded to approve the application.

One of the comments made in objection relates to procedural matters and the handling of the application process. A view has been expressed that the previous planning application should have been determined to resolve the situation in respect of this site. The previous application was withdrawn by the applicant in order to consider comments offered by the Local Planning Authority setting out a series of concerns with the proposal. The applicant cannot be prevented from withdrawing an application and re-submitting a revised proposal. The Local Planning Authority is duty bound to consider the revised application.

Concern has been raised about the provision of additional family homes in that it could place further pressure on already over-subscribed local schools. In this regard, it should be noted that the proposal is a minor planning application and relates to the provision of four dwellings. It is not considered that the impact of an additional four dwellings upon the availability of school places in the area would be unacceptable so as to warrant refusal of the planning application on that basis.

It has been suggested in one of the representations that the Local Planning Authority should issue guidance to the applicant on the amount of development which is considered to be appropriate in order to provide the applicant and neighbours greater certainty in respect of what level of development would be acceptable. The duty of the Local Planning Authority is to consider schemes which are put forward as applications for planning permission as per the assessment being carried out in respect of this application. The assessment can only be carried out on the basis of plans submitted by the applicant and this is the manner in which this application has been considered.

In respect of wildlife, the proposal does not seek the removal of any of the trees protected by TPO47 other than two which have been identified by the applicant's

arborist as to be removed in the interests of good arboricultural practice. The Tyne and Wear Validation Checklist sets out a variety of circumstances in which an assessment of ecological issues will be required to be submitted in support of an application for planning permission. This requirement was considered at the time of validation of the application, but it was not considered that a request for an ecological assessment could be justified based on the location and the nature of the proposed development.

## Conclusion

The proposed development is considered to be unacceptable for the reasons set out above.

It is recommended that Members should refuse planning permission for the following reasons:

## **RECOMMENDATION: Refuse**

### **Reasons:**

- 1 The proposal is considered to represent an overly intensive form of development within a private residential garden which does not respect the established character of the area. The proposal is therefore considered to represent a development which is inappropriate in its context. The proposal is therefore considered to be detrimental to the amenity and established character of the area and is contrary to the aims of paragraphs 17, 53, 56 and 64 of the National Planning Policy Framework and policies B2, H4 and H22 of the Unitary Development Plan.
- 2 The proposed layout would result in an unacceptable level of residential amenity being afforded to future occupiers of the proposed dwellings on plots 1-3 by virtue of the presence of trees (protected by Tree Preservation Order 47) along the southern boundary, which is considered to limit the availability of light to the main windows contained in the rear elevations of the dwellings proposed on these plots and to their rear garden areas to an unacceptable level. Furthermore should the dwellings be erected in the positions proposed by this application, the future relationship between the proposed dwellings and the trees is such that there would likely be pressure to carry out works to or remove these trees from the future residents of the proposed dwellings, which would be detrimental to the long term viability of the protected trees. The proposal is therefore considered to be detrimental to residential amenity and visual amenity and contrary to the aims of paragraphs 17 and 53 of the National Planning Policy Framework and policies B2, CN17 and H22 of the Unitary Development Plan.
- 3 The site is subject to a notice, which has taken effect, pursuant to Section 207 of the Town and Country Planning Act requiring the planting of 16 semi-mature trees of various species across the site as replacements for trees which were afforded protection by Tree Preservation Order 47 and have previously been felled. The proposed development conflicts with the positions in which this re-planting is required by the Notice, but

incorporates a proposal to plant 17 trees in alternative locations within the site boundary as defined by the red line location plan. The location and distribution of the replacement trees proposed by this application to satisfy the requirements of the Section 207 Notice is considered to be unsuitable and fails to satisfactorily replace the amenity value of the prominent protected trees that previously stood on the site and as such, the proposal is considered to be unacceptable and contrary to the aims of policy CN17 of the Unitary Development Plan.

- 4 The proposed point vehicular and pedestrian access to the development is considered to be unacceptable and would create conditions prejudicial to highway safety due to its inadequate separation from the existing access to Glastonbury on the opposite side of Parkway. As such, the proposal is considered to be unacceptable and contrary to the aims of policy T14 of the Unitary Development Plan.
- 5 The proposed point vehicular and pedestrian access to the development is considered to be unacceptable and would create conditions prejudicial to highway safety and the satisfactory provision of sustainable transport within the vicinity of the site, due to the unsatisfactory relationship with the position of the existing westbound bus stop on Parkway. There are no safe alternative positions in which the bus stop could safely be relocated. As such, the proposal is considered to be unacceptable and contrary to the aims of policies T2, T4 and T14 of the Unitary Development Plan.



2.

Washington

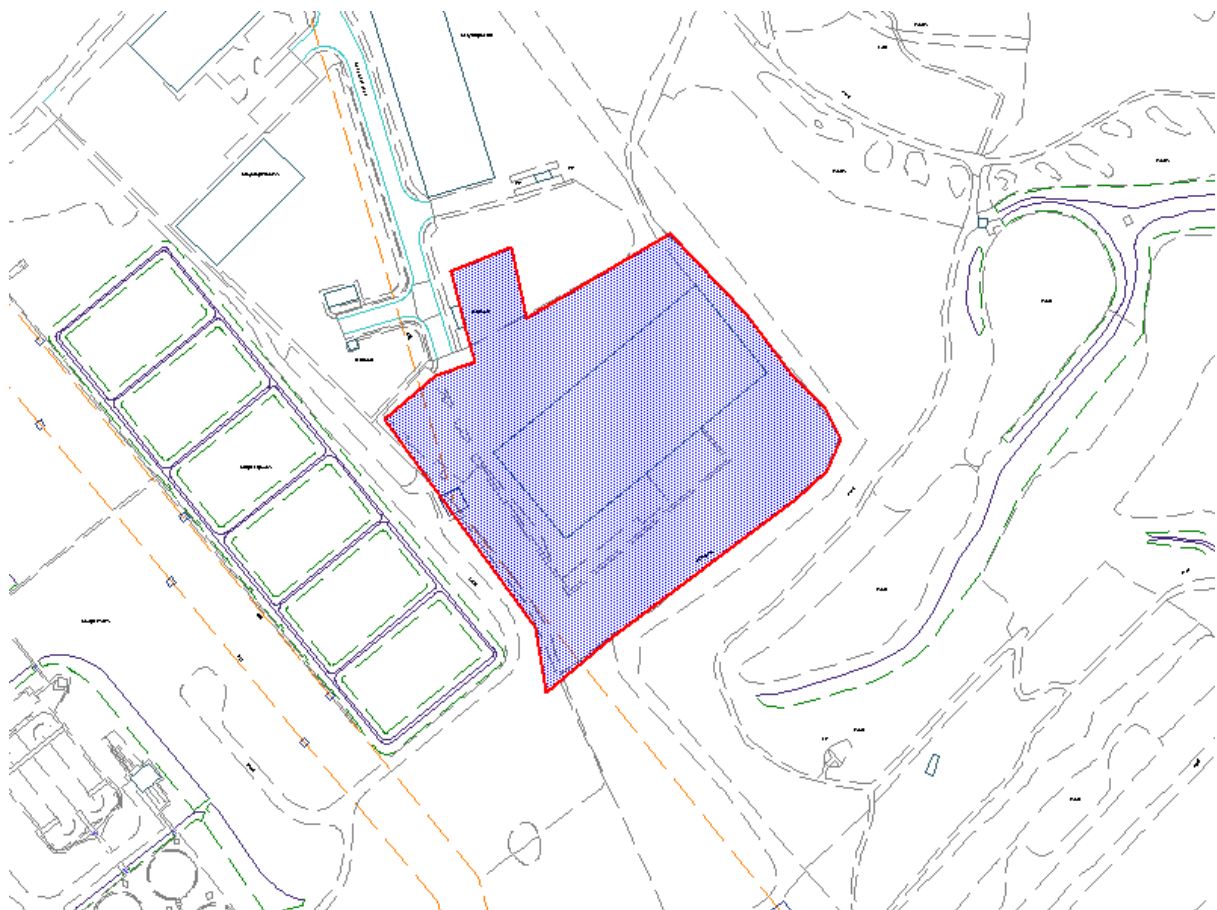
Reference No.: 14/02277/FUL Full Application

**Proposal:** Change of use of site and building from use class B2 (General Industry) to use class B8 (Storage And Distribution) to include internal and external alterations to provide ancillary office and workshop accommodation, new entrance lobby and additional parking.

**Location:** 1 Monument Park Washington NE38 8QU

**Ward:** Washington East  
**Applicant:** Pacifica Group Ltd  
**Date Valid:** 18 November 2014  
**Target Date:** 17 February 2015

### Location Plan



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### PROPOSAL:

Planning permission is sought to change the use of the existing site/building from Use Class B2 (General Industry) to use Class B8 (Storage and Distribution) to

include internal and external alterations to provide ancillary office and workshop accommodation, new entrance lobby and additional parking.

The application site is positioned to the far south of the Monument Park site within the Pattinson North Industrial Estate, Washington. The site is occupied by a large steel framed building of approximately 5,612 square metres in floor area whilst the remainder of the land largely comprises hardstanding/associated parking and limited areas of low level planting. The host site was previously operated as a materials recycling facility following approvals 07/00662/FUL and 09/0416/FUL. No operations were evident at the time of the officer site visit and the building currently appears to be vacant.

The site boundary is de-marked by a 2.4 metre high welded mesh fence and associated double leaf gates, both of which are finished in dark green. The southern, eastern and western curtilage of the site is bound by a combination of mature and semi mature tree planting. The site, bar the northern entrance is therefore afforded a significant level of screening.

The Washington Wetland Centre is located beyond the north eastern and southern boundaries of the application site whilst Northumbrian Water Treatment Works are located to the immediate west. The recycling/waste companies of Niramax and Premier Waste are located to north within the confines of the Monument Park industrial site.

The proposal seeks to change the use of the site from a material recycling facility to storage and distribution. The Applicant, Pacifica Group, was founded in 2003 with its core business being in the provision of repair engineering services to white goods (refrigerators/washing machines etc), brown goods (tVs/Radios/Computers etc) and gas heating. The Groups companies are understood to service some of the world's largest brands and also provide their own consumer brands (Safeguard and 0800 Repair).

The Group currently operates from a number of locations in the UK but is headquartered in the North of England. Presently the business employs 208 people across the country however due to continued growth and the constraint presented by the existing facilities in Yorkshire, a larger building is needed to support the expansion. The accompanying Planning/Design and Access Statement states that the business will create 45 full time jobs in Sunderland over the next two years with a total of 115 employees working out of the site subject of this application. Such jobs are understood to include high skilled positions in engineering, software, customer service and logistics.

The vast majority of the existing buildings floor space, (4,838 sqm) would remain open and be used for the purpose of storage and distribution whilst the remainder of the building would be utilised as ancillary workshop, office and staff accommodation over three reconfigured floors. Externally there would be associated alterations to include the addition of new doors and windows to allow access and light to the accommodation whilst a small lobby is to be erected on the northern elevation. Internal vehicle and pedestrian routes are also to be improved/re-worked and provision is to be made for new disabled/visitor parking.

It is proposed that the facility operates between the hours of 07:00 and 20:00 Monday to Friday and 10:00 and 16:00 on Saturdays/Sundays/Bank Holidays.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Washington East - Ward Councillor Consultation  
The Coal Authority  
Environmental Health  
Environment Agency  
Network Management

Final Date for Receipt of Representations: **06.01.2015**

## **REPRESENTATIONS:**

Neighbours

The period for the receipt of representations has expired and no representations or objections have been received as a result of the consultation undertaken.

External consultees

Coal Authority - Whilst the site sits within a defined Development High Risk Area the application primarily relates to a change of use with only limited external development proposed. On this basis it is not considered to be necessary for the applicant to prepare a Coal Risk Mining Assessment and no objection is made to this planning application.

Environment Agency - No objections are offered to the proposed development.

Internal consultees

City Services - Street Scene (Environmental Services) - It has been advised that the site has previously accommodated an industrial activity that may have resulted in contamination of the land. It is advisable that this be taken into consideration during the development of the land.

It has also been suggested that the works required for the conversion works take into consideration the proximity of nearby residential properties.

Network Management - It has been noted that there are parking issues within the vicinity of the site. In this respect the applicant should provide clarification on the following;

1. The Number of staff on site at any one time.
2. The number of parking spaces.
3. That the turning of large vehicles can be accommodated within the site.

## **POLICIES:**

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

WA1 Retention and improvement of established industrial / business area  
EC3 Support for new and existing economic activity  
EC4 Retention and improvement of existing business and industrial land  
B2 Scale, massing layout and setting of new developments  
T14 Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 Parking standards in new developments  
CN21 Developments affecting designated / proposed LNR's, SNCI's or RIGS  
CN22 Developments affecting protected wildlife species and habitats  
CN23 Measures to conserve/ improve wildlife corridors

## **COMMENTS:**

Issues -

The main issues to consider with regard to the proposed development are:

- the principle of the proposed development;
- the impact of the development on residential and visual amenity;
- the impact of the proposed development on highway safety/parking;
- any other matters arising.

Principle

Paragraph 7 of the National Planning Policy Framework (NPPF) identifies that the planning system can play an important role in achieving sustainable economic development by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. Further, Para 19 of the NPPF states that the Government is committed to ensuring the planning system operates to encourage, rather than impede sustainable growth.

The application site is situated within an area (Pattinson North), which is allocated under site specific policy WA1.7 of the adopted Unitary Development Plan (UDP) as an established industrial/business area which is to be retained and improved for the purposes of offices, research and development, light industry, general industry, warehouses and storage and distribution (uses B1, B2 and B8). WA1.7 is subject to the overarching policy of EC4 which states that existing business and industrial land will be retained and improved for the appropriate uses as outlined above.

In this respect it is clear that a B8 use (storage and distribution,) is identified as an acceptable primary use within the UDP. Further, and through the Employment Land Review undertaken to support the forthcoming Core Strategy this employment area has been identified as a Primary Employment Area where the City Council will continue to safeguard, promote and manage land and premises for employment uses falling within B1, B2 and B8.

In light of the fact that the property is currently vacant, the proposal is also considered to adhere with UDP policy EC3 which seeks to support new and existing economic activity by encouraging the re-use of land and premises.

Having regard to the above, the proposed development is considered to adhere with the sustainable growth agenda as laid out within the NPPF whilst representing an appropriate use of the land in accordance with policies WA1.7 and EC4.

#### Residential and visual amenity -

The host site is located within an established industrial estate and is sited a significant distance from the nearest residential property (approximately 350m). In addition the proposed use of the building for the purposes of storage and distribution is likely to be less intensive, certainly in terms of noise generation, than the previous use as a waste transfer/recycling facility. In this respect there is considered to be no conflict with UDP policy B2 which states that new development should respect and enhance the best qualities of nearby properties and the locality.

Visually the proposed alterations to the host building are considered to be limited in scope with only minor changes, including new windows and doors proposed to the existing elevations. The addition of the small scale lobby area would have no discernible impact when viewed within the context of the larger building or the wider industrial area. On this basis there is considered to be no conflict with the provisions of UDP policy B2.

#### Parking and highway safety -

Policy T14 of the adopted UDP seeks to ensure that new development does not result in any significant detrimental impact on highway safety. In addition policy T22 requires new development to provide adequate levels of car parking

As indicated above Network Management requested that further information be provided over the potential level of activity at the site. As such the agent was requested to confirm the numbers of staff that would be on site at any one time, the total number of parking spaces within the site and to evidence that large vehicles could be turned within the curtilage of the site.

In response to the above the agents have confirmed that;

1. the proposed use would employ a maximum of 115 staff by 2016 and that a projection of 55% of staff would be on site at any one time when considering shifts and other experience at the existing Pacifica site in Halifax;
2. The plans indicates 50 spaces for employees, 5 visitor spaces, 2 VIP spaces and 3 disabled spaces totalling 59 in total.

In addition to the above an annotated plan indicating the turning circle for an articulated vehicle within the site has been submitted.

Based on the projected figures it is evident that the level of in-curtilage parking proposed would be at capacity and Network Management have stated that they would not wish parking to spill out on to Monument Park in the future. The agent has however confirmed that there are large areas of additional hardstanding within the site and were capacity issues ever to arise, these areas could easily accommodate further in-curtilage parking in the future. It should also be noted that there is an existing Traffic Regulation Order in place on Monument Park and this currently prohibits a large proportion of on-street parking within the Industrial Estate.

In respect of the above Network Management are satisfied that the site can satisfactorily accommodate the desired level of parking without causing detriment to highway safety in accordance with UDP polices T14 and T22.

#### Additional matters to consider

The positioning of the application site adjacent to the Washington Wildfowl and Wetlands Trust which includes a Site of Nature Conservation Importance, makes ecology an important consideration in the determination of any application for development in this area.

UDP policies CN21, CN22 and CN23 require that new development must not adversely affect a designated site; a plant/species afforded special protection, habitat, or wildlife corridors unless suitable mitigation can be provided.

In respect of the above it is evident that the application primarily relates to the change of use of the site/building and that only minor physical alterations are to be undertaken. Given the limited extent of physical development proposed it is considered that there would be no demonstrable impact on ecology, habitat and wildlife within the vicinity on this occasion.

#### Conclusion -

For the reasons provided above, the principle of the proposed change of use is considered to be acceptable without causing demonstrable harm to the amenity of the locality whilst the limited extent of physical development proposed would have no adverse impact on the appearance or ecology of the area. In addition it is not considered that the proposal would compromise highway safety or the free passage of traffic.

The proposal therefore complies with UDP policies WA1.7, EC3, B2, T14, T22, CN21, CN22 and CN23 of the UDP. Accordingly, members are recommended to approve the application subject to the provision of the conditions outlined below.

**RECOMMENDATION: Approve**

## 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 proposed floor plans received 02.10.2014 (Plan refs: 2660 L(2-)13, 14 and 15).

The floor plans and elevations as existing and proposed received 13.11.2014 and 18.11.2014 (Plan refs: 2660 L(2-) 01A and 2660 L(2-) 12A.

The swept path plan received 13.01.2015 (Plan ref: P70005435-001 Rev A)

The location plan received 02.10.2014.

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.

Houghton

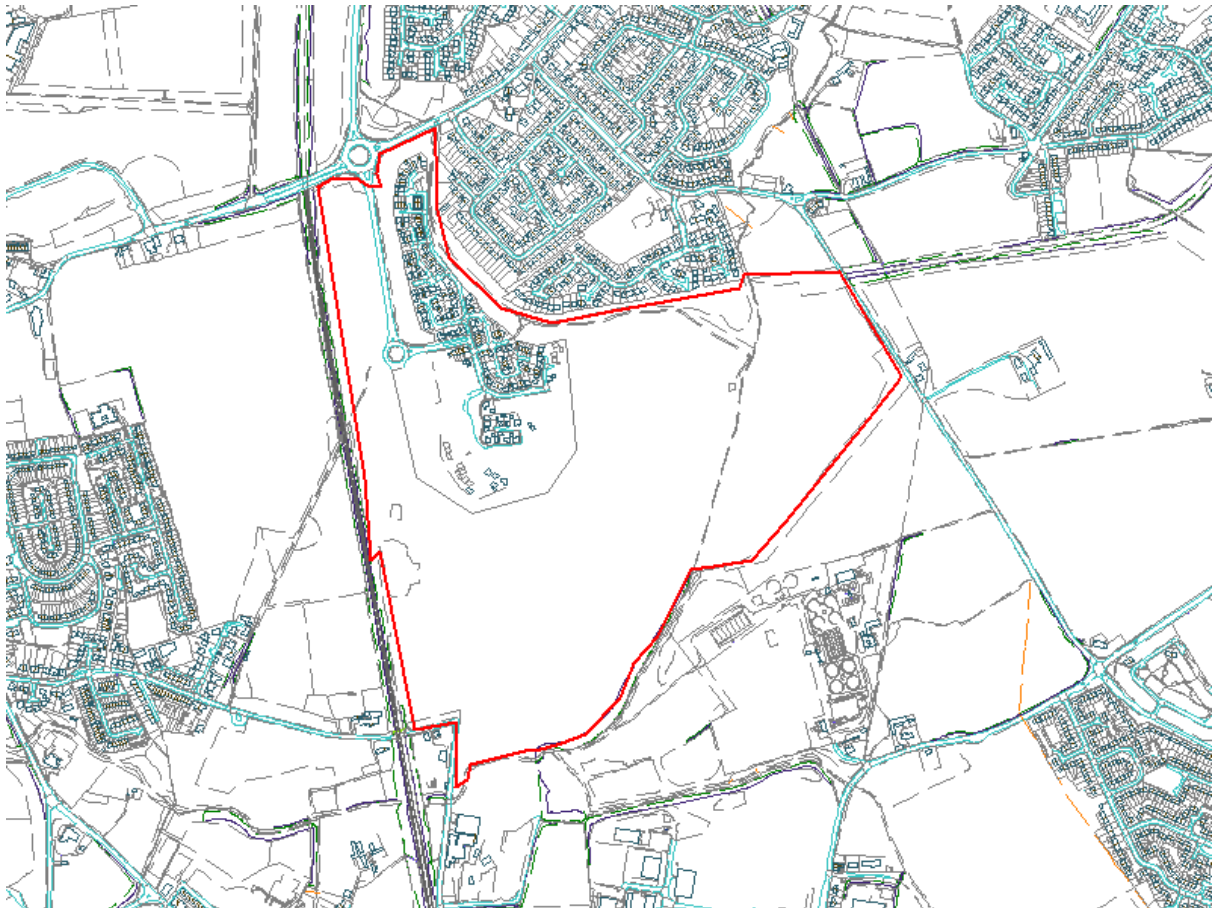
Reference No.: 14/02712/FUL Full Application

**Proposal:** Creation of 10 car parking bays, four picnic tables, four benches and 1860m of new footpath at various sections of Elba Park.

**Location:** Land At Elba Park Sunderland Tyne And Wear

**Ward:** Houghton  
**Applicant:** Mr Ian Kendal  
**Date Valid:** 3 December 2014  
**Target Date:** 4 March 2015

### Location Plan



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### PROPOSAL:

The proposal relates to the creation of 10 car parking bays, four picnic tables, four benches and 1860 metres of new footpath at various locations through Elba Park.

Elba Park is a 52 Hectare community park on the site of the former Lambton Cokeworks and has been open to the community since October 2010.



Located approximately 6 kilometres west of the City Centre, the park is situated within a semi-rural location outside of the main built up area. It is surrounded by the villages of Shiney Row, Penshaw, Newbottle, Fencehouses and Burnmoor. To the north of the site Chester Road (A183) is a main route into Sunderland and one of the access points to the park. The south of the site follows Herrington Burn and Sedgeleth Sewerage plant. The west of the site is marked by the disused Leamside Railway Line and the eastern boundary follows Blind Lane. Contained within these constraints is the proposal site and the Elba Park residential development that is still in the latter phase of construction.

## Planning History

Ref : 98/01135/LAP : Planning permission was granted for the reclamation of the derelict and contaminated site of the former Lambton Coke works to provide public open space, woodland, wetlands and the provision of an engineered and capped containment cell for contaminated material from the site. The site covered 65 hectares. The application was accompanied by an environmental statement.

Ref : 06/00843/OUT : Consent was granted for the erection of up to 350 houses on 11.8 has of the site of the former Lambton Cokeworks, which extends to a total of 64.5ha . The scheme also includes a new pub/restaurant (Use Class A4/A3) at the south western corner of the site with a children's play area adjacent to it.

Ref : 05/04691/LAP : Planning Permission was granted for the Central Route comprising a 4.65 km single two lane carriageway link between the A182 Washington Highway, immediately north east of Shiney Row, and the B1284 west of Rainton Bridge, with the existing 0.70km single carriageway link between the termination of the Central Route and the Four Lane Ends roundabout at Rainton Bridge being upgraded to a wide two lane single carriageway.

Ref : 09/02185/REM : Reserved matters consent for phase 1 of the Lambton Cokeworks development which comprised 96 dwellings made up of 16 house types, specifically designed for the site for Barratt Homes and David Wilson Homes. The development to be constructed on the development platform created after the reclamation of the former cokeworks site (98/01135/LAP), the total area of this roughly "L" shaped site is 11.8 has. The Phase 1 proposals cover approximately a third of this area i.e. 3.43 has.

Ref : 09/02328/REM : Reserved matters consent for phase 2 of the Lambton Cokeworks development which comprised 254 dwellings made up of 16 house types, specifically designed for the site for Barratt Homes and David Wilson Homes.

The current proposal has been subject to pre-application discussions with the site management team, whilst A Woodland Improvement Grant has been secured from the Forestry Commission to facilitate improving access to Elba Park and some of the Woodland blocks. Funding was secured after feedback from the neighbouring community indicated that there was a lack of parking facilities, seating and pathways within the Park.

The creation of five new paths which will seek to link to the current path network will add a further 1860 metres of walkways and open up five (out of seventeen) woodland blocks to the community. Designed to be fully accessible the paths will measure 1.2 metres in width, 125mm in depth and have a compacted surface. It is also proposed to provide a shallow drain to accommodate any surplus run-off.

The introduction of the paths will require the removal and relocation of a number of young trees to facilitate desire lines

A small car park with ten parking bays, including two disabled bays is sought from the south of the existing roundabout to the north of the site (Chester Road entrance), the exact location does not require the loss of any trees. It is proposed that the four fixed picnic tables shall be sited to the immediate west of the aforementioned roundabout.

The proposed benches will be set in to the ground and dispersed around the site and designed to match other on-site furniture.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

#### **CONSULTEES:**

Network Management  
Environmental Health  
Houghton - Ward Councillor Consultation  
Environment Agency  
The Coal Authority  
Tyne And Wear Archaeology Officer  
Natural England

Final Date for Receipt of Representations: **02.01.2015**

#### **REPRESENTATIONS:**

Natural England - The proposal is unlikely to affect any statutory protected sites or landscapes, and it is noted that this application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Environment Agency - No objections to the development

County Archaeologist - A programme of archaeological work was undertaken for the reclamation of the site and as such, it is not envisaged that there will be any archaeological issues with the proposed scheme.

Coal Authority - Original comments objected to the planning application on the grounds that a Coal Mining Risk Assessment had not been submitted as part of the application. Following correspondence between the Coal Authority and the Agent that took the form of the submission details for the original reclamation application, which outlined the remediation works undertaken on site, a revised recommendation was received. This recommendation stated that:

"In considering the existing lawful use of the application site, which is a public park, the fact that the additional information confirms that none of the development proposals would be located within the influencing distance of any the recorded mine entries and that the site was remediated to the "development platform" in 2006, confirmation of which has also been provided. The Coal Authority is able to withdraw its objection and considers that coal mining features on the site are unlikely to pose any significant undue risk to either stability of the development or public safety."

Representations - No letters of representation have been received following the expiry of the consultation period.

## **POLICIES:**

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

B2 Scale, massing layout and setting of new developments  
B3 Protection of public/ private open space (urban green space)  
B14 Development in areas of potential archaeological importance  
HA10 Proposals for new leisure and recreation  
HA28 Proposed new roads  
L1 General provision of recreational and leisure facilities  
L7 Protection of recreational and amenity land  
CN16 Retention and enhancement of existing woodlands, tree belts and hedgerows  
CN22 Developments affecting protected wildlife species and habitats  
T1 Promote the development of a varied, balanced, integrated & sustainable transport system  
T8 The needs of pedestrians will be given a high priority throughout the city.  
T14 Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 Parking standards in new developments

## **COMMENTS:**

The main issues to consider in determining the application are:

- i) The principle of the development.
- ii) The impact of the development upon highway safety and mobility.
- iii) The impact of the development upon existing landscaping and wildlife.

The Principle of the development.

The former Lambton cokeworks ceased operations in 1984 and all surface buildings were demolished in 1987. The City Council bought the site in 1994 and commenced reclamation works in 1996 with remediation works approved under ref: 98/01135/LAP subsequently following.

To date the site provides a mix of land uses including woodland, open space and grassland, lake and wetlands, housing and the route of the Central Highway.

The site is allocated within the Unitary Development Plan (UDP) under policies HA10.2 and HA28.1.

Policy HA10.2 states that:

"The City Council will support and promote the development of appropriate new leisure, recreational and visitor facilities at:

(2) The former Lambton Cokeworks (62.4HA)."

Whilst policy HA28(1) relates to road proposals and indicates the path of the proposed Central Route : Washington Highway (A182) to A690.

Under policy L1 of the UDP, the City Council will seek to retain parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations. Policy L7 of the UDP deals with the protection of recreational and amenity land and states that permission will only be granted if there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. In addition Policy B3 states that: "Public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value;"

The application has been assessed against the requirements of the above policies and is considered that the proposed development will enhance the overall attractiveness of the existing park, conforming with UDP policies and is therefore acceptable in principle.

The impact of the proposed development upon highway safety and mobility.

Policy T1 of the UDP states in part that the City Council will give high priority to measures which promote walking, whilst policy T8 relates specifically to pedestrians and states that the needs of pedestrians will be given a high priority throughout the city by developing a network of strategic recreational routes to and within the countryside. Policy T14 seeks to apply up-to-date standards to new developments and addresses, accessibility, reducing congestion, access and egress and loading and unloading.

With the above in mind, it is noted that the siting of the proposed car parking spaces are on the alignment of the Central Route and as such should Members be minded to approve the application it is recommended that it is for a limited time period of three years so as to not prejudice the development of the Central Route.

Furthermore, concern has been raised over the top surface of the proposed access and car park to ensure that the development would not break up and lead to mud/debris on the public highway. Should Members be minded to approve the

application it is considered that a schedule/sample of materials to be submitted condition should be imposed.

The proposal is in general conformance with relevant UDP policies and is considered to be acceptable.

The impact of the development upon existing landscaping and wildlife.

The application has been supported by an ecological report produced by Groundwork North East and Cumbria.

Policy CN22 of the UDP states that:

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

Following consultations with the City Council's Natural Heritage Protection Team, it is considered that the proposed works are considered to be acceptable and should Members be minded to approve the application it is recommended they be undertaken in accordance with Section 5 of the aforementioned report but should also include a further condition that should the works not take place during the winter and progress into the breeding bird season March to August inclusive then a checking survey for breeding birds must be carried out by a suitable qualified ornithologist to avoid any impact and potential risk of an offence being committed.

In light of the above and the limited impact of the proposed works upon the existing development, it is considered that the proposal is acceptable in terms of its potential impact upon landscaping and wildlife.

Conclusion.

The proposal is considered to provide improvements to the existing park, increasing the existing network of paths throughout the site, whilst increasing both the recreational facilities currently available and providing off road parking for potential visitors. In light of the long term development of the Central Route, it is considered that the proposal is granted planning permission for a limited period of 3 years in order not to prejudice the future development of the land.

**RECOMMENDATION: Approve**

## Conditions:

- 1 This permission shall be granted for a limited period of 3 years from the date hereof and the use authorised shall be discontinued and the site reinstated to its former condition (or a condition to be agreed in writing with the Council as Local Planning Authority in advance of the cessation of the use) at or before the expiry of the period specified in this permission, unless the permission is renewed, in order to review the situation in the light of experience and to comply with policies T14 and T22 of the UDP.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. GML611, Location Plan received 02.12.2014.

Drawing No. 1058.8.15 Proposed Site Layout received 02.12.2014.

Drawing No. TW021S\_2 Elba Park Woodland Improvements received 02.12.2014.

Drawing No. TW021S\_4 Elba Park Woodland Improvements received 02.12.2014.

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.

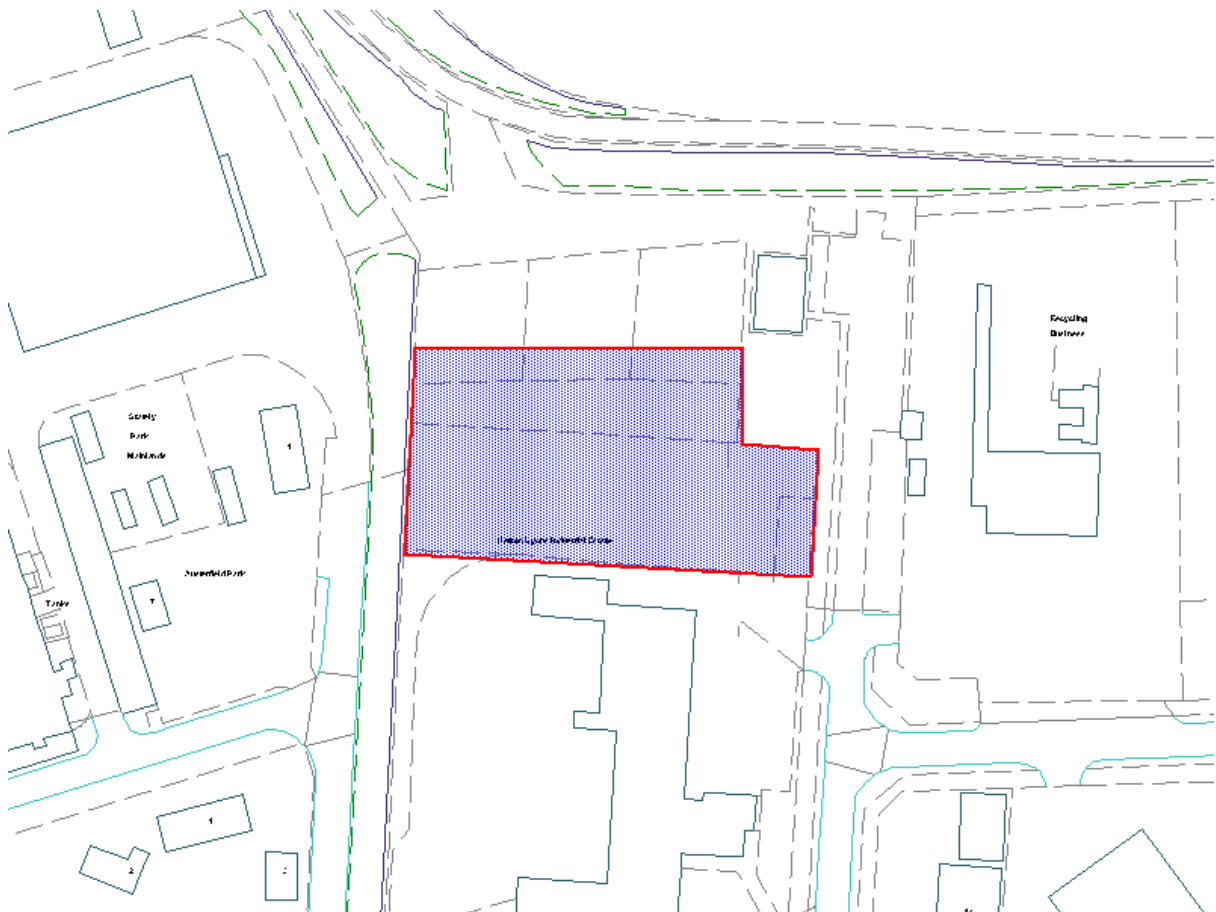
Reference No.: 14/02754/SUB Resubmission

**Proposal:** **Erection of a building comprising four storage units. (Resubmission)**

**Location:** Yard North Of BM Stafford And Son Hetton Lyons Industrial Estate Houghton-le-Spring DH5 0RH

**Ward:** Hetton  
**Applicant:** Mr And Mrs Sunter  
**Date Valid:** 8 December 2014  
**Target Date:** 2 February 2015

### Location Plan



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### PROPOSAL:

The site to which the application relates is a yard area located to the north of BM Stafford in Hetton Lyons Industrial Estate. The applicant is a member of the Showman's Guild and the site is presently in use for the storage of the applicant's fairground equipment. A mix of industrial uses surround the application site within Hetton Lyons and Pearsons Industrial Estates whilst to the north is Hetton

Lyons Country Park to which pedestrian access is afforded via a path running adjacent to the eastern boundary of the application site.

Planning permission is sought for the erection of a new building comprising four storage units. The building would be 50 metres long and 18 metres wide and would be 8.2 metres high to the ridge of its pitched roof. Each unit would benefit from a roller shutter entrance door (Units 1 and 4 have two such entrances) and a separate pedestrian entrance door.

Members may recall that a similar application was presented to and approved by the Sub-Committee on 17 June 2014 - application reference 14/00416/FUL. The current application does not propose any alterations to the size or position of the proposed building's footprint, but would see the height increased from the previously approved 7.5 metres to 8.2 metres. The applicant has advised that the increased height is required in order to allow increased flexibility for the methods of storage within the building.

#### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Hetton - Ward Councillor Consultation  
Network Management  
Hetton Town Council  
Environmental Health

Final Date for Receipt of Representations: **13.01.2015**

#### **REPRESENTATIONS:**

Neighbours

No representations have been received.

Consultees

Network Management

The Network Management Team has been consulted in respect of highway safety and car parking issues and has raised no observations or recommendations.

Environmental Health

The Environmental Health Team has been consulted and has made a number of observations as follows:

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 City Services, Pollution Control Section. Application should be made prior to the commencement of any works.

In view of the close proximity of the proposed development to nearby residential premises 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 approval from City Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

The applicant should be aware that the proposed site has previously accommodated an industrial activity which may have resulted in contamination of the land. It is advisable that this be taken into consideration during the development of the land.

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

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.

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.

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.

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.

### **POLICIES:**

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

B2 Scale, massing layout and setting of new developments

CN23 Measures to conserve/ improve wildlife corridors

EC4 Retention and improvement of existing business and industrial land

EN1 Improvement of the environment

HA1 Retention and improvement of established industrial / business areas

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

### **COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Access and highway issues
- iv) Wildlife Considerations
- v) Environmental Issues

Principle of the development

Policies EC4 and HA1.7 of the adopted Unitary Development Plan (UDP) identify the area in which the application site is located as an established industrial estate, in this case Hetton Lyons which extends to 23.87 Hectares. The UDP identifies the primary allocated uses of the estate as being for offices, research & development, light and general industry, warehouses and storage (Uses falling within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order) which should be retained and improved.

As the proposal is for a new building to facilitate covered storage of the applicant's fairground equipment, some of which is already stored on the site, the use falls within Use Class B8 (Storage and Distribution) of the Use Classes Order and as such, the proposed development is considered to be acceptable as it falls within the primary acceptable uses as allocated for Hetton Lyons Industrial Estate.

In light of the above, the proposal is considered appropriate in terms of land use, as it represents alterations a new building, which would be used for one of the primary uses allocated for the industrial estate. The proposal therefore accords with UDP policies EC4 and HA1.7 as detailed.

## Design and amenity issues

Policy B2 of the Unitary Development Plan which dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

In this regard, the proposal is for the erection of new storage building in an area allocated for industrial purposes. The submitted design shows a building with an appearance similar to a number of other buildings on adjacent plots, whilst to the north in the park, a low profile building of similar design and appearance stands within Hetton Lyons Country Park. When viewed from the park, the new building would be viewed against the backdrop of other industrial premises, which is considered to be acceptable. Given the context of the application site, the proposed building is considered to be acceptable in terms of visual amenity subject to the use of appropriate construction materials, which can be ensured by way of planning condition should Members be minded to approve the application.

In respect of the closest residential properties, these are showman's quarters located in Austerfield Park, Pearsons Yard, which are located 34 metres away from the proposed unit to the west. This separation distance is considered to be sufficient in order that the amenities of the closest adjacent residents are not likely to be harmed by the proposal.

The proposed development is considered to be acceptable in respect of design and amenity issues and the proposal is considered to accord satisfactorily with UDP policy B2.

## Access and highway issues

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.

In this regard, the Network Management Team has been consulted in respect of highway safety and car parking issues and has raised no observations or recommendations. The new building is to facilitate covered storage of equipment which is already on site and as such is not considered likely to intensify the use of the site to a degree where the proposal could be considered likely to create conditions prejudicial to highway safety.

For the reasons set out above, the proposal is considered to accord satisfactorily with UDP policy T14 as detailed above.

## Wildlife Considerations

Policy CN23 identifies a number of wildlife corridors as illustrated on the proposals map, wherein measures will be taken to conserve and improve the environment through use of suitable designs to overcome any potential user conflicts, whilst development which would adversely affect the continuity of corridors will normally be refused. Where on balance, development is acceptable

because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

The proposal has been considered and it is considered that from a nature conservation perspective, it would have a negligible impact on biodiversity features on and adjacent to the site given the site's current use as hardstanding and vehicle storage. As such, detailed ecological assessment is not considered to be required on this occasion.

Notwithstanding this assessment, should Members be minded to approve the application, informative note would be added to any planning permission to be granted altering the applicant to recommended working practices in respect of breeding birds, drainage and runoff, lighting and emissions and the inter-relationship with adjacent wildlife sites in Hetton Lyons Country Park and Hetton Lyons Industrial Estate.

The proposal accords with the requirements of UDP policy CN23 and the proposal is not considered likely to prejudice the interests of biodiversity or impact unacceptably upon wildlife.

#### Environmental Issues

UDP policy EN1 seeks to secure improvements to the environment through minimising all forms of pollution.

As set out above, the Environmental Health Team have offered a number of observations in respect of the proposed demolition and construction works, as well as highlighting the fact that the site is potentially contaminated due to its previous industrial use. In order to minimise noise disturbance to nearby residents, it is also recommended that the works required for to implement the proposed scheme shall only be carried out between 07:00 and 19:00 on Mondays to Fridays and 07:30 to 14:00 on Saturdays. This working pattern can be ensured through the addition of an appropriately worded planning condition and informative notes to any planning permission should Members be minded to approve the application.

Subject to the imposition of conditions and the addition of informative notes to any planning permission, the proposal is considered to accord satisfactorily with UDP policy EN1 as set out above.

#### Conclusion

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

Members are recommended to approve the application subject to the conditions set out below.

**RECOMMENDATION: Approve**

## 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 Proposed Elevations - Drawing Number S4, received 8 December 2014;

The Proposed Ground Floor Plan - Drawing Number S4, received 8 December 2014;

The Proposed Section - Drawing Number S4, received 8 December 2014;

The Proposed Site Plan, received 8 December 2014 and

The Location Plan, received 8 December 2014.

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 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 No demolition or construction works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays and 07.30 and 14.00 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.