

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/

Janet Johnson
Deputy Chief Executive

1.

Washington

Reference No.: 12/02959/FUL Full Application

Proposal: **Erection of 2160m2 storage building.(Part Retrospective).**

Location: Nissan Motor Manufacturing (UK) Limited Washington Road
Usworth Sunderland SR5 3NS

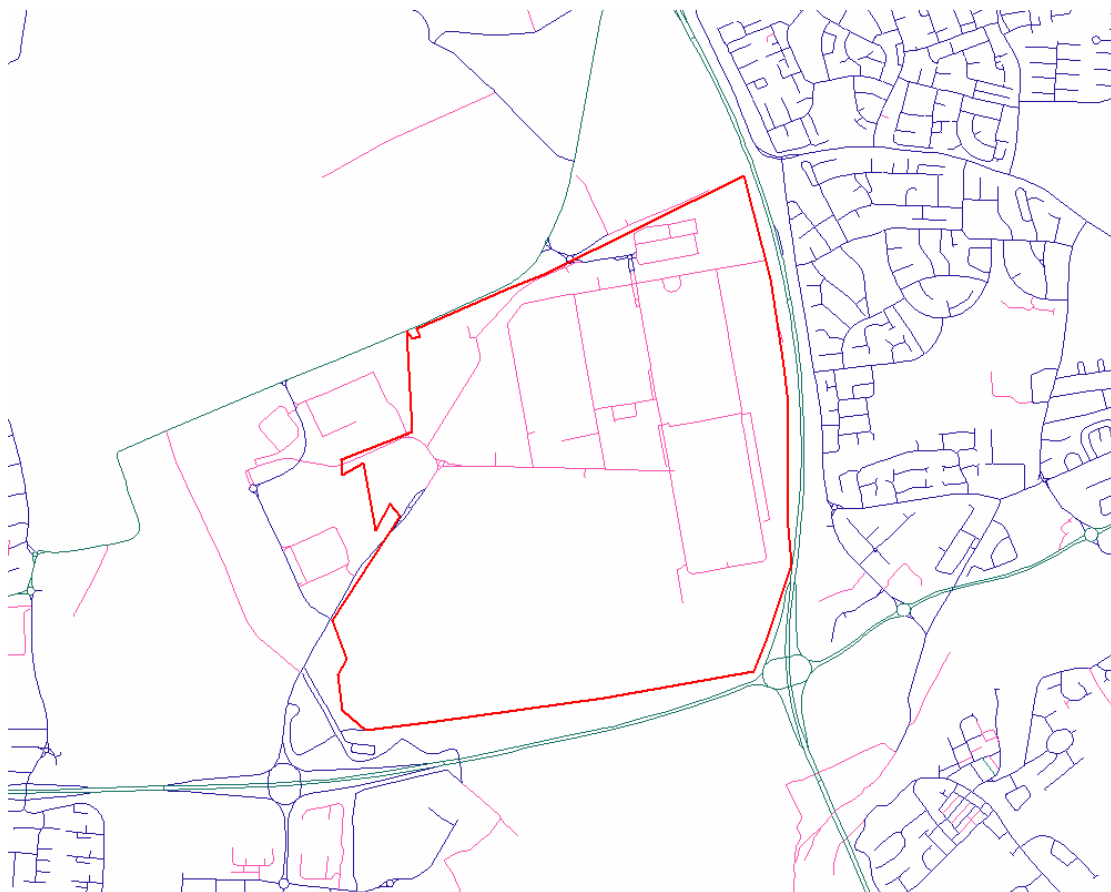
Ward: Washington North

Applicant: Nissan Motor Manufacturing UK

Date Valid: 12 November 2012

Target Date: 11 February 2013

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

This planning application is seeking approval for a temporary Axle Plant Storage building. The submitted Design and Access Statement (D&AS) explains that as Nissan are introducing several new models, as well as face lifting existing models, it will need to increase the production of axle assemblies on site. Consequently additional storage is required and as such the applicant is seeking to construct a re-fabricated storage building.

The proposed building is to provide 2,500 square metres of storage space. It will be 72m long by 32m wide with a maximum height of 11m. It is to be located in an area of vacant hard surfaced land bounded by the A19 to the east and the existing Axle Plant, to which it will adjoin, to the north. The building is oriented east to west and will be accessed via two link corridors from the existing Axle Plant. There is no external vehicular access to the building and there are to be no external deliveries.

The application site is essentially level, although there is a gentle slope from north to south. The building will have two outward facing elevations given the relationship with the existing Axle Plant building. The proposed east facing elevation fronts onto the boundary with the A19, which has been systematically planted to screen the Nissan complex as a whole, whilst the proposed south facing elevation faces onto the Nissan site.

Further to the submitted D&AS the application has also been supported by:

- Geoenvironmental Appraisal report
- Plans and Elevations
- Extended Phase 1 (ecology) Survey

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
County Archaeologist
Environment Agency
Natural England

Final Date for Receipt of Representations: **01.01.2013**

REPRESENTATIONS:

Neighbours

No representations have been received from either the neighbour notification process or through the erection of site notices adjacent to the Nissan complex.

Natural England

Natural England responded by stating that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal considered to be Environmental Impact Assessment development.

County Archaeologist

The County Archaeologist responded by explaining that the site was formerly part of the RAF Usworth, however it is considered that no archaeological work is required.

Environment Agency

The Environment Agency considers that the site may have been potentially subject to contaminative land uses, i.e. landfilling and industrial uses. However and notwithstanding this potentiality, the Agency considers the controlled waters at the site are of low environmental sensitivity.

Network Management (Street Scene)

A consultation response offering no observations or recommendations was received from highway engineering colleagues in Network Management.

POLICIES:

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

WA_1_Retention and improvement of established industrial / business area

CN_15_Creation of the Great North Forest

B_2_Scale, massing layout and setting of new developments

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

EN_11_Restrictions upon new development or intensified use of land liable to flooding

CN_22_Developments affecting protected wildlife species and habitats

B_11_Measures to protect the archaeological heritage of Sunderland (general)

COMMENTS:

The main issues to consider in the consideration of the proposal are:

1. Principle of development
2. Ecology considerations
3. Visual amenity considerations
4. Highway engineering considerations

1. Principle of development

The application site is located within the Nissan complex and is therefore governed by Unitary Development Plan (UDP) policy WA1. This policy denotes those locales of the City which are established industrial/ business areas. Accordingly storage uses, which this proposal represents, are identified as being acceptable primary uses. It is therefore considered that the principle of erecting the storage building to supplement the existing and future operations of Nissan is acceptable and in accordance with the main land use policy associated within the site.

2. Ecology considerations

UDP policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

The submitted Extended Phase 1 Survey ("Survey") undertaken by Durham Wildlife Services on behalf of the applicant was commissioned to assess the potential for risk to Great Crested Newts (GCN). An initial risk assessment was carried out on the 24 January 2012 which recommended that further survey work be carried out due to the presence of a suitable water body (to the south) within 500m of the development site. The conclusion of the submitted Survey report is that no GCN were recorded and as such GCNs do not represent a constraint to development.

However, the Survey report caveats that should development commence 2 years after the March/ April 2012 surveys then a re-survey of potentially suitable ponds should be carried out to confirm a continued absence of GCN. Consequently, in order to ensure appropriate survey work supplements any building works and should Members be minded to approve, a condition could be included requiring the applicant to re-survey in the event of the 2 year time period i.e. if development was to commence post April 2014.

Furthermore, paragraph 118 of the National Planning Policy Framework advises decision makers to conserve and enhance biodiversity by encouraging opportunities in and around developments. In this respect it is noted that the conclusion section of the submitted Survey report recommends that landscaping areas are designed to maximise their benefits to biodiversity and should incorporate areas of species rich grassland, native tree and shrub species wherever possible. However, in contrast the submitted D&AS explains that there are no proposals to amend either hard or soft landscaping at the site. Therefore, in the interests of completeness, it is considered appropriate to ascertain exactly what, if anything is proposed in respect to biodiversity enhancements. Consequently a Supplement report will follow with the intention to clarify this aspect of the development.

However, it is important to stress and be conscious toward the fact that the Survey report has already established that GCN are not a constraint to development and as such the application submission has reasonably established that ecology impacts arising from the development are, on balance, acceptable and in accordance with policy CN22.

3. Visual amenity considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

The proposed building will be an aluminium portal frame clad building with a PVC fabric roof and composite metal wall panels. The building is to be white in colour thereby reflecting the context of the Nissan site and existing building stock. The submitted D&AS explains that the new building will correspond with existing Nissan buildings, albeit a more contemporary approach, via chosen materials is proposed.

It is considered that in light of the application site's secluded location, with limited views from public vantage points, in conjunction with the design of the building being similar to the existing buildings within Nissan, the development proposal is acceptable and in accordance with policy B2.

4. Highway engineering considerations

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

The Network Management Team has been consulted in respect of the application and offered no observations or recommendations.

Furthermore, as the development proposal will be accessed via two proposed link corridors, which connect to the existing Axle Plant building, no external vehicular access is proposed. Moreover, as the area is presently used as a rough storage area, the development proposal is not considered to represent a form of development which will materially impact on the highway engineering operations associated with its immediate surroundings or the wider Nissan complex.

As a consequence the proposal is considered to be acceptable and in accordance with policy T14 of the UDP.

CONCLUSION

The proposal is acceptable in principle and is not considered to represent a form of development which will have materially adverse impact on ecological, visual amenity and highway safety considerations. Nevertheless, in order to seek clarification over the ecological enhancement issue it is envisaged that a Supplement report will follow, which will also detail the proposed conditions.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 12/03106/LP4 LAP Regulation (4)

Proposal: Relocation of existing skate park to consist of skate ramps and new concrete base. Reinstatement of the site of the existing skate park to grass. Stopping up of existing footpaths and creation of new footpaths.

Location: Land To The South Of Washington Leisure Centre
Washington Town Centre Washington NE38 7SS

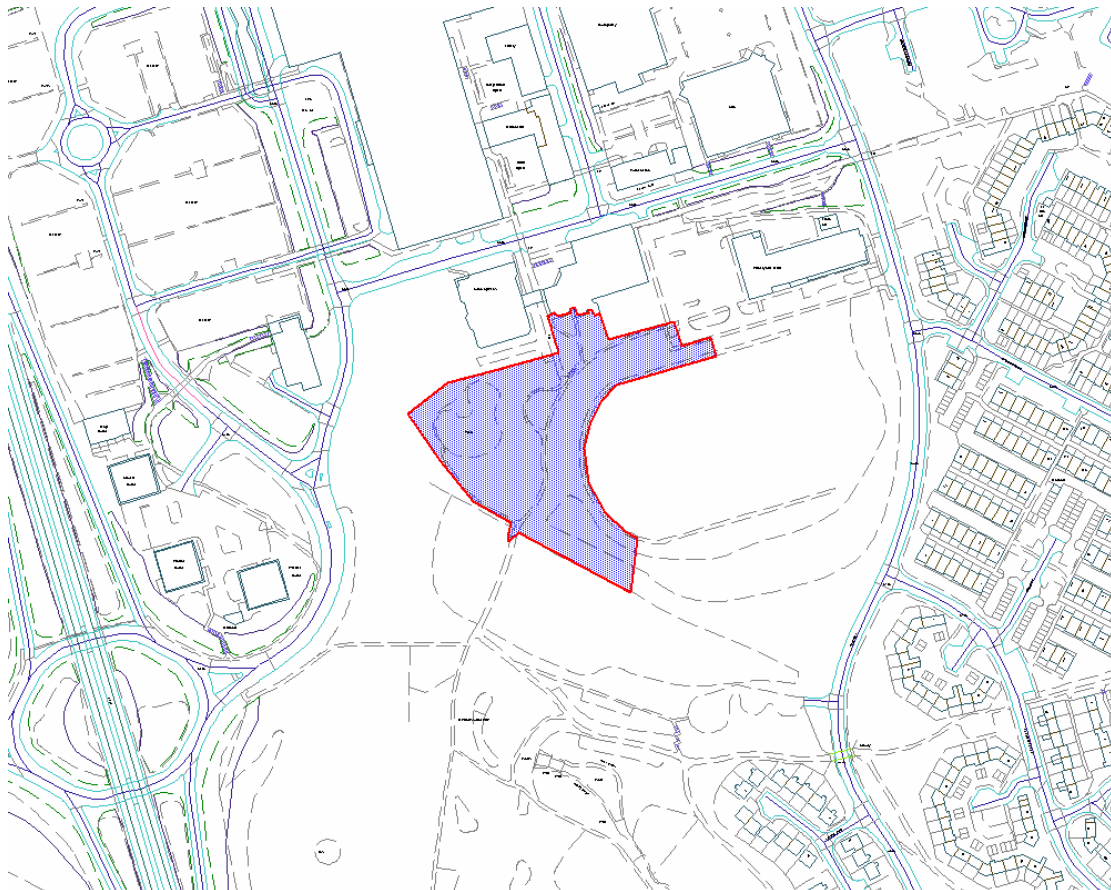
Ward: Washington Central

Applicant: Design Services

Date Valid: 19 November 2012

Target Date: 18 February 2013

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

The proposal is seeking permission to relocate the existing skate park including its concrete base within Princess Anne Park, as well as re-instating the site of the existing skate park to grass and the Stopping Up of existing footpaths in

conjunction with the creation of new footpaths. The existing CCTV camera and street lighting are to be relocated to the new footpaths and skate park site.

The proposed site of the skate park is situated alongside a pedestrian route connecting the Galleries Shopping Centre to the Albany district of Washington. At present the proposed site is a wooded mound between the footpath to Albany and the large grass plateau to the east, which was originally laid out for use as an athletics field and now has Village Green status. This area is now primarily used as an informal space for recreation. The site of the existing skate park is situated in a hollow which was formerly occupied by an ornamental pond that had deteriorated to the point of dereliction. The existing skate park was opened in the summer of 2010, following planning approval by Members at the 3 November 2009 Committee, planning reference 09/03207/LAP.

The submitted Design and Access Statement (D&AS) explains that the Council's Wellness Service aims to improve the health and well-being through the provision of physical activity opportunities, lifestyle advice and education. The Wellness Service and its facilities is a key driver in the use of preventative measures which reduce the need for health treatment services. It is the long term aspiration of the Council to use the existing skate park as part of the site for a replacement leisure centre, along with the creation of a new outdoor 5-a-side facility.

In summary the aims of the development is to relocate the existing skate park facility to the new site within Princess Anne Park, thereby facilitating future redevelopment of the Washington Leisure Centre. To improve pedestrian access routes from the Galleries shopping complex to Biddick and Albany, including the formation of more gentle grades for inclusive access and widening of the paths for shared use between cyclists and pedestrians. Finally, to create a well overlooked skate park that replicates the play value of the existing facility.

Further to the submitted D&AS the application has also been supported by:

- Open Space Statement
- Pre-development Tree Details report
- Arboricultural Impact Assessment
- Extended Phase 1 Report
- Plans and elevations

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Sport England
Force Planning and Police Architectural Liaison Officer

Final Date for Receipt of Representations: **01.01.2013**

REPRESENTATIONS:

Neighbours

No letters of representation have been received following the neighbour notification, site notice or press notice consultation process.

Planning Policy (Economy and Place)

Comments were received from Planning Policy colleagues who considered that the information supplied to justify the loss of open space for the proposed skate park is acceptable and as such the wider proposal is also considered acceptable.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

L_1_General provision of recreational and leisure facilities

L_7_Protection of recreational and amenity land

B_3_Protection of public/ private open space (urban green space)

T_11_Attention to needs of persons with mobility problems / sensory impairments

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_9_Specific provision will be made for cyclists on existing/new roads and off road

T_10_Protect footpaths; identify new ones & adapt some as multi-user routes

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

The main issues to consider in the consideration of the proposal are:

1. Principle of development
2. Arboricultural and ecological considerations
3. Highway engineering considerations
4. Visual amenity considerations

These issues are still being considered and consultation responses are still awaited. However it is envisaged that responses will be received in time for the Supplement report to enable a recommendation of approval to Members.

RECOMMENDATION: Deputy Chief Executive to Report

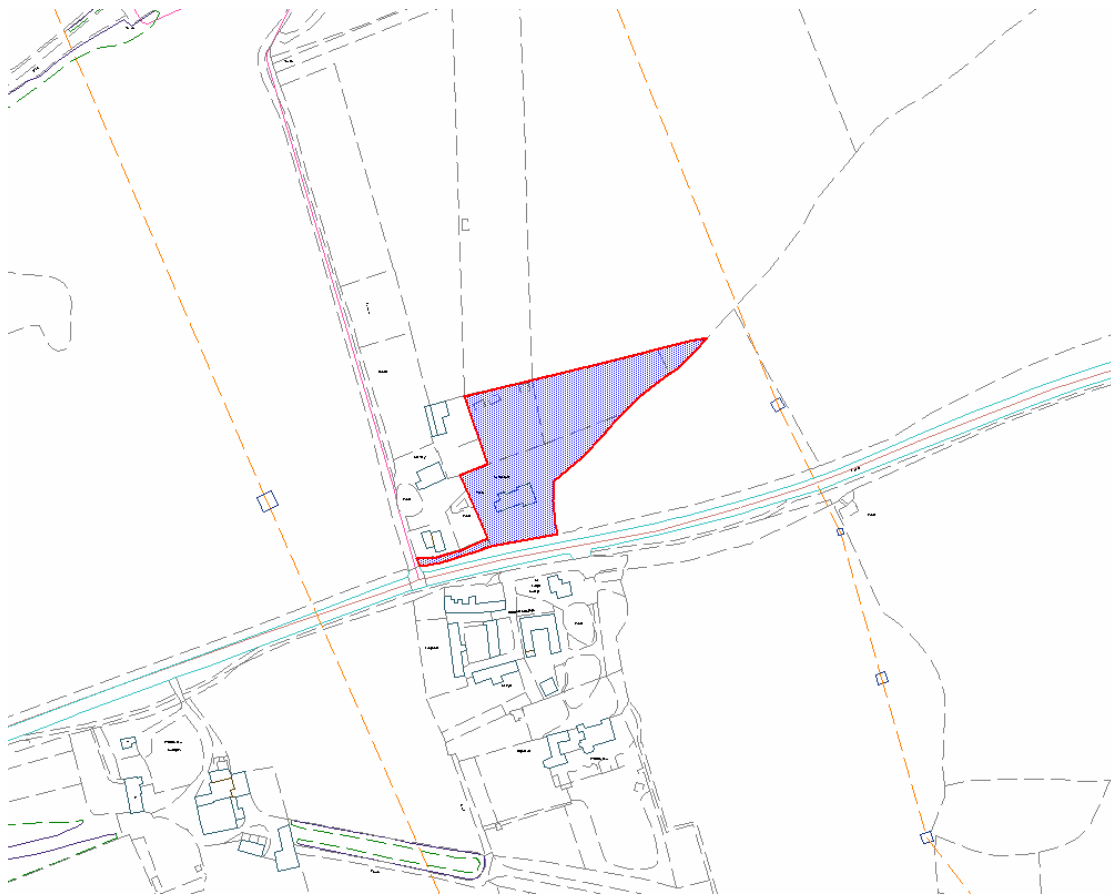
Reference No.: 12/03273/FUL Full Application

Proposal: **Change of use of agricultural land to kennels and erection of timber building to accommodate 10 dogs. (RETROSPECTIVE)**

Location: Land Adjacent To Dean Croft Bungalow Warden Law Houghton-Le-Spring DH5 8LX

Ward: Copt Hill
Applicant: Mr Keith Hixon
Date Valid: 6 December 2012
Target Date: 31 January 2013

Location Plan



*This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

The site to which the application relates is an area of land to the east of Dean Croft Bungalow, Warden Law. Although the application indicates that the land subject to the application is in the ownership of the resident of Dean Croft, it is evident that it falls outside of the defined residential curtilage of this property. The application plans indicate that a large area (approximately 5.25 hectares) to the north of Dean Croft also falls within the ownership of the applicant, although is not directly associated with this application. The site lies within the Tyne and Wear Green Belt.

To the west of the application site is a residential dwelling, The Croft and land to the north of this property is owned and used by the owners of The Croft as a caravan site and also for the keeping of livestock. To the south of the site, the other dwellings within Warden Law are separated from the application site by the B1404 road, which links Houghton-le-Spring to Seaham.

Planning permission is sought retrospectively for the change of use of agricultural land to provide kennels and the erection of a timber building to accommodate 10 dogs. The submitted information indicates that the proposed use of the building would be to house retired greyhounds. Although the application is made retrospectively in that the building has already been erected, at the time of a site visit by Council Officers on 8 January 2013, no dogs were housed within the building.

The building which has been erected is 16 metres long, 4.2 metres wide and is erected with a pitched roof to a height of 2.8 metres. The building has been constructed on a concrete pad measuring 110 square metres in area and is erected in timber with softwood cladding and a corrugated roof. Whilst the building is primarily a timber building, it is noted that the majority of the north elevation and part of the east elevation are largely of metal appearance comprising 10 galvanised dog cages. The remainder of the building is identified on the submitted plan as providing a feed/preparation room.

The submitted plans indicate that through the removal of a post and rail timber fence to the north of the building, the land immediately surrounding the new building and the adjacent paddock would be brought into use as an exercise area for the dogs to be housed in the building. Based on the Council's electronic mapping system, this area extends to a total of approximately 0.33 hectares.

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 Heron.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Street Scene (Environmental Service)
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **10.01.2013**

REPRESENTATIONS:

Neighbours and Interested Parties

Following the consultation process, a number of representations have been from nearby residents of The Croft, Long Croft and Lodge Cottage and interested parties (The Campaign to Protect Rural England) as follows:

The Croft

The owners of this property submitted an e-mail in objection to the application on 17 December 2012 and therein it is set out that the writers object to the proposal for the following reasons:

- The proposal relates to the siting of 10 large metal fronted greyhound kennels on agricultural land within the Green Belt. The kennels have already been erected, although there are no dogs currently on site. The kennels are overly large, intrusive and not in keeping, being of a commercial size and appearance.
- The writers are the owners of a smallholding known as The Croft, Warden Law and have a pedigree flock of Zwartble sheep and a certified campsite, accepting five caravans/motor caravans and up to ten tents and any one time.
- The effect of dogs housed and exercised within sight, sound and scent of the sheep would cause distress to both as the two are totally incompatible. Due to the topography of the site, there is no way to mitigate this impact, whilst the writers' lambing shed is also close to the kennels. Due to the length of open aspect boundary fencing, it would be impossible for the writers to contain their sheep so as to guarantee their safety and as such, approval of the application would prevent the owners of The Croft from breeding sheep on their land, which they have done for 10 years, supplying meat to the local restaurant - The Copt Hill.
- Immediately behind the kennels is another agricultural livestock field.
- The campsite at The Croft was opened on 25 May 2012 and has proven to be successful, being the only campsite within Sunderland. There have been associated benefits to the local community particularly the local bar/restaurant - The Copt Hill and public transport services. The adverse impact of the proposal upon the campsite arising from the visual impact and noise nuisance of the proposed kennels would totally remove the public amenity of the site and force its closure, as visitors are unlikely to return to a site which could not be considered to be peaceful and quiet.

Closure of the site would be contrary to the aims of the Unitary Development Plan to encourage tourism.

- The writers consider any further development at Dean Croft to be unacceptable. There are already at least 10 shed type structures in various stages of dilapidation on the site and vast swathes of hardstanding which have already impacted in terms of surface water towards The Croft, whilst the application proposal would see the addition of further hardstanding. Any further sprawl onto the agricultural land which is bound by other agricultural land and a conservation area is inappropriate and unacceptable.
- The proposed development is sited no more than 50 metres from the boundary of land associated with The Croft, would result in unacceptable intrusion, not only to livestock and visitors to the caravan site, but also to the owners/occupiers of The Croft who live and work around the property.
- The noise of barking dogs would spoil the owners' privacy and enjoyment of The Croft, whilst the exercising of greyhounds in clear sight, sound and scent of sheep would be harassment of livestock and unreasonable use of land.
- The development would also have an unreasonable impact on the residential amenity of other residents of Warden Law.

Further to this e-mailed objection, the owner of The Croft sent a further letter, received 3 January 2013 enclosing a copy of an e-mail from a potential visitor to the campsite and also an opinion from a vet. The content of these letters are as follows:

In respect of the comments made by the potential visitor to the campsite, these are as follows:

- The site is natural, beautiful and idyllic to which the writer has already returned a number of times. The site amenities are kept spotlessly clean.
- The site is a credit to the owners, who have actively encouraged their guests to visit local attractions.
- The kennels would be most detrimental to the overall tranquillity of the site and could potentially cause unnecessary disruption and unacceptable levels of noise to the site's clients. The presence of kennels next to the site would impede the writer's future visits to the campsite.

In respect of the comments of the vet, these are as follows:

- Greyhounds are highly motivated to chase anything that might be considered prey. Being able to see prey animals and not being able to chase them will cause them to become very stressed and possibly even start exhibiting unnatural behaviours as a coping mechanism.
- Siting kennels as proposed might be detrimental to the welfare of the prey animals but would certainly affect the greyhounds and the vet would advise against building kennels where the dogs could see prey all the time.

Long Croft

The owners of this property submitted a letter in objection to the application on 3 January 2013 and therein it is set out that the writers object to the proposal for the following reasons:

- The fields around the property are for agricultural use. Sheep, cattle and occasionally horses are grazed there and there may be effects on the dogs due to their presence and vice versa, raising welfare concerns.
- The neighbouring property to Dean Croft recently opened as a camp site, which is unique to Sunderland and has attracted many new visitors to the area. The enthusiastic comments of these visitors will spread the fame of the City and recruit more visitors to the City's attractions. As caravaners, the writers would be deterred by a site where kennels were in close proximity.
- As consent is sought for 10 kennels, the writer wonders what the purpose of the proposal is - boarding or breeding - as the writer is aware of the residents of Dean Croft already having a number of dogs. In either case, this would lead to an increase in turning traffic on a stretch of the B1404 where there have been several accidents in the recent past.

Lodge Cottage

The owner of this property submitted an e-mail on 9 January 2013 raising the following concern:

- The potential noise from constantly barking dogs, especially at night, when residents are trying to sleep.

Campaign to Protect Rural England

The Campaign to Protect Rural England has submitted a letter, received 7 January 2013 and wishes to object to the application for the following reasons:

- The proposals are for development in the Green Belt. The proposed development does not appear to fall within any of the exceptional situations listed in paragraphs 89 or 90 of the National Planning Policy Framework (NPPF) that may make the development acceptable in a Green Belt. In addition, the writer states that the proposal may lead to annoying noise from barking dogs that would affect the tranquillity of the area. The writer therefore suggests that the proposal is inappropriate development as set out by paragraph 87 of the NPPF.
- There will be a negative impact upon the residential amenity of those living in the area.
- The uses are incompatible with the existing surrounding land uses, in particular the smallholding breeding and rearing sheep and the campsite also on that property. While the writer notes that the campsite is a recent development in the Green Belt, they consider that it is probably permitted development and falls within the exceptions listed by paragraph 89 of the NPPF.
- The Design and Access Statement makes reference to disposing of animal waste through biological breakdown. In view of the dangers which

can be associated with dog faeces, the writer would wish to see a more detailed statement on how exactly this would be achieved. Which biological process would be used and where would the facility be sited? What provision is to be made for odour control? Will there be any provision to control the cleanliness of the exercise and other areas to prevent build up of uncollected faeces.

- The Design and Access Statement is minimal and should have some photographs to show the actual buildings involved and their setting.

Consultees

Environmental Health

Comments received in response to consultation with the Environmental Health Team state that due to the distance to the nearest residential property, it is likely that dogs barking will be audible and may interfere with the amenity of residents. Limited information has been submitted with regard to how a noise disturbance to nearby residents will be prevented, with suggested measures including the use of conifers, although this is likely to have little effect upon reducing noise levels from the kennels.

The Environmental Health Team therefore recommend that further information be sought from the applicant detailing how the noise from dog barking will be mitigated during the day and night. This should include details of the construction of the kennels, including the sound insulation properties of the building within which the dogs are to be housed, as well as calculations to demonstrate that noise from any barking dogs will be contained within the building and will not cause a nuisance to nearby residents. In addition, detail should be included as to how the sound of dogs barking outside the kennels will be mitigated to prevent disturbance to residents both during the day and night. The effectiveness of such measures should be demonstrated.

Furthermore, it is noted within the application that dog waste is to be disposed of by biological breakdown. Further information is required with regard to the exact method and equipment that will be used to achieve this together with the measures to be used to prevent odours.

Network Management

The Network Management Team has been consulted in respect of highway safety and car parking issues. Comments are awaited and once received, these will be presented to Members by way of a supplementary report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

CN_2_Purpose of the Green Belt in Sunderland

CN_3_Control of development within the Green Belt

CN_5_Safeguarding the visual amenity of the Green Belt

CN_15_Creation of the Great North Forest
CN_18_Promotion of nature conservation (general)
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN_22_Developments affecting protected wildlife species and habitats
EN_1_Improvement of the environment
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
HA_17_Maintenance of a Green Belt
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- 1) Principle of the Development.
- 2) Layout, siting and design.
- 3) Wildlife and Countryside Issues
- 4) Environmental Health Issues
- 5) Highway Issues.

- 1) Principle of the Development.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

As the site lies within the Tyne and Wear Green Belt, Section 9 of the NPPF, as well as policies CN2, CN3, CN5 and HA17 of the Council's Unitary Development Plan (UDP) are applicable to the proposed development.

The NPPF states that the Government attaches great importance to Green Belts. In particular, paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 identifies five purposes of Green Belt as follows:

- To check the unrestricted urban sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 89 goes on to state that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport and recreation and for cemeteries; as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

These are:

- Mineral Extraction;
- Engineering Operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

As an expansion of the above, the Council has planning policies relating to developments in the Green Belt within the adopted UDP.

Therein, policy CN2 seeks to ensure that a Green Belt will be maintained which will:

- Check the unrestricted sprawl of the built up area of Sunderland.
- Assist in safeguarding the countryside from further encroachment.
- Assist in the regeneration of the urban area of the City.
- Prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham.

As an expansion of this, policy HA17 states that a Green Belt will be maintained to the west, north and east of Penshaw and Shiney Row and to the east of Newbottle and Houghton-le-Spring. It is defined to the north by the River Wear, to the south by the B1404, to the west by the City Boundary and to the east by the A19.

Policy CN3 sets out that the construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and Forestry;

- Essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in, or redevelopment of existing major developed sites identified elsewhere in part II of the plan;
- The extraction of minerals provided that high environmental standards are maintained and that the site is well restored;
- The re-use or conversion of an existing building providing that the building is of substantial construction and capable of conversion without major or complete reconstruction and it does not have a materially greater impact than the present use of the openness of the Green Belt.

Policy CN5 dictates that care must be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within or conspicuous from the Green Belt.

The principle of the development is being given further consideration with regard to the policy considerations set out above. It is likely that a conclusion will be reached by way of a supplementary report.

2) Layout, siting and design of the building.

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.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. Furthermore, UDP policy EN10 states that all proposals for new development in areas where the proposals map does not identify any proposals for change will need to be compatible with the principal use of the neighbourhood.

The design of the building and the compatibility of its layout, siting and appearance with adjacent properties and surrounding land uses are being given further consideration and it is anticipated that a conclusion will be reached by way of a supplementary report.

3) Wildlife and Countryside Issues

As set out above, the site lies within the Green Belt and additionally, as detailed by UDP policy CN15 is part of a site wherein the Council has identified a commitment to creating the Great North Forest (on land between and around the main urban areas). Development which adversely affects the creation of the forest will be resisted.

Furthermore, the site is in close proximity to Warden Law Local Wildlife Site, which is a Site of Nature Conservation Importance (SNCI) and also strategic rights of way. The application site is within 500 metres of, or includes, significant habitats (ponds, trees, hedgerows and grasslands). Protected local biodiversity action plan species are also relevant in this context; for example, great crested newts, badgers, bats and birds.

For these reasons, UDP policy CN21 is applicable and states that development which adversely affects designated local nature reserves of SNCIs will not normally be permitted.

Additionally, UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

Policy CN22 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, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

Given the nature of the development, it is considered that more information is required in order to fully justify the proposal with respect to legislation and policies within the NPPF and UDP. It is therefore considered that to fully assess the application, the applicant should provide an ecological impact assessment detailing any necessary mitigation and enhancement measures. This information has been requested from the applicant and if any additional information is received in advance of the Sub-Committee Meeting, this will be presented by way of a supplementary report.

4) Environmental Health Issues

UDP policy EN1 seeks to secure improvements to the environment through minimising all forms of pollution. Policy EN5 states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, planning permission will normally be refused.

The comments of the Environmental Health Team are set out above and additional information has been requested from the applicant to further assess the likely noise and any other environmental impacts of the development. If any further information is received, details of this will be provided by way of a supplementary report, allowing the acceptability of the proposal in this regard to be fully considered.

5) 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.

As set out above, the Network Management Team has been consulted in respect of highway safety and car parking issues. Comments are awaited and once received, these will be presented to Members by way of a supplementary report.

Conclusion

The acceptability of the proposal is currently being given further consideration and it is anticipated that a recommendation will be made through the preparation of a supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report

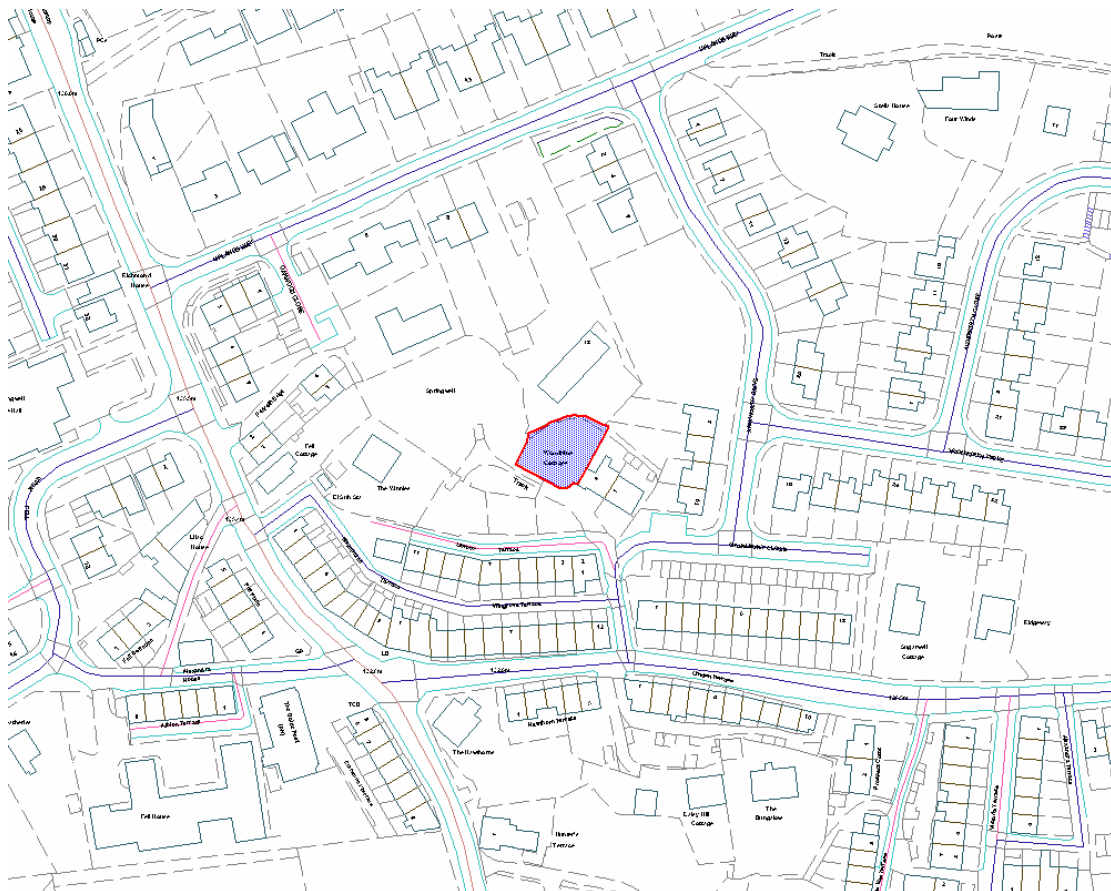
Reference No.: 12/00014/SUB Resubmission

Proposal: **Erection of two storey detached property.
(Resubmission)**

Location: 2 Woodbine Cottages Springwell Gateshead NE9 7PR

Ward: Washington West
Applicant: Mr Gary & David Simpson
Date Valid: 2 February 2012
Target Date: 29 March 2012

Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

Planning permission is sought for the erection of a two-storey detached dwelling in the garden to the side of 2 Woodbine Cottages, Springwell Village, Gateshead, NE9 7PR.

The application proposes to erect a single detached dwelling in the large private garden at the side of 2 Woodbine Cottages, which forms one half of a pair of two-storey cottages. The garden has a maximum width of 19 metres and a maximum depth of 22 metres and is set 1 metre above the ground level to its front, with a retaining wall consequently forming the front boundary. The two existing cottages

occupy a 'backland' site to the north-east of the two rows of terraced dwellings running parallel with Peareth Hall Road. Between the track in front of Woodbine Cottages and the nearest terrace, Lismore Terrace, is a row of small garden/allotment plots.

To the north-west of Woodbine Cottages is an area of woodland/scrub, part of which has been used to extend the private garden of no. 2 (see app. no. 09/04179/FUL), although this land does not form part of the proposed development site. To the north and north-east are the more modern dwellings of Uplands Way and Highworth Drive, which stand on higher land than the cottages and the garden area. Immediately to the north is 'Moorgate', a large bungalow standing on top of an embankment at the end of no. 2's garden.

Access to Woodbine Cottages is via a lane leaving Peareth Hall Road and running past the eastern end of Wingrove and Lismore Terraces. Beyond Lismore Terrace, the lane turns into a narrow, unadopted track, whilst the street in front of Lismore Terrace is also unadopted. Both the track and the street of Lismore Terrace have recently been given an improved surface.

The main body of the proposed dwelling has a width of 7.9 metres and a depth of 9.8 metres and its front elevation will stand a little forward of the adjacent Woodbine Cottages. The new dwelling will feature a garage with bedroom above to its south-east side, which are set back 4.3 metres from the main facade of the dwelling in order to accommodate a vehicular driveway. The south-east side wall of the new dwelling is positioned 4 metres from the gable wall of 2 Woodbine Cottages. The main body of the new dwelling is to have a dual-pitched roof with a ridge height of 8.5 metres above ground level, but the ridge line height of the recessed section to the side is set down from this by a distance of 1.2 metres. The dwelling is intended to be erected on levelled ground and will consequently appear as sunk 1 metre into the remaining garden.

The dwelling will be afforded a lounge, lounge/dining room, kitchen, utility room, study, WC and garage on the ground floor and five bedrooms (one en-suite) and a bathroom to the first floor. The front and rear elevations will contain main living room windows whilst the north-west facing side elevation will also feature a ground floor lounge/dining room window and first floor bathroom windows.

This application is a resubmission subsequent to the refusal of planning application ref. 11/00067/FUL in April 2011 (determined at officer level under delegated powers). The original application proposed the erection of two dwellings on the land and also included the hard surfacing of one of the garden plots between Woodbine Cottages and Lismore Terrace to use as a parking area for prospective residents of the properties. The application was refused for the following reasons:

1. The proposed development will result in conditions which are prejudicial to highway and pedestrian safety, due to an increase in traffic on the narrow, unadopted roads and tracks leading to the development site, the increase in the use of a junction with substandard visibility (i.e. that between the lane leading to Woodbine Cottages and Peareth Hall Road) and the absence of any pedestrian footway or street lighting along the track in front of Woodbine Cottages. The proposed development therefore fails to comply with the requirements of policies T14 and T22 of the UDP.

2. The proposed use of the garden/allotment plot in front of Lismore Terrace for parking is an unacceptable arrangement, for it will appear as visually intrusive within the locality, is detached from the two dwellings the spaces are intended to serve and it cannot be guaranteed that the spaces will remain available for the lifetime of the development due to the ownership of the land being unknown. As such, the proposal fails to comply with the requirements of policies B2, B3, T14 and T22 of the Council's adopted UDP.

3. The development site is adjacent to land which has previously accommodated an industrial use and, as the applicants have not submitted a desktop study and/or site investigation, it has not been established whether the site has been contaminated or whether any remediation or mitigation measures are required to allow the proposed residential development. As such, it cannot be ascertained whether the land is suitable for the proposed residential development and the proposal is therefore contrary to the requirements of policy EN14 of the UDP.

4. The fenestration and treatment of the front elevations of the two dwellings fails to respect the appearance of the front elevations of the adjacent Woodbine Cottages and as such, the proposed dwellings will appear as incongruous within the locality, contrary to the requirements of policy B2 of the Council's adopted UDP.

An application of this nature would normally be determined under the Council's delegation scheme, but it has been referred to the Development Control Sub-Committee (Houghton, Hetton and Washington) at the request of Councillor Henry Trueman.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Street Scene (Environmental Service)
Northumbrian Water

Final Date for Receipt of Representations: **08.03.2012**

REPRESENTATIONS:

PUBLIC CONSULTATION

Letters of objection have been received from the occupiers of 4, 5, 6, 7, 8 and 9 Lismore Terrace, 3 Makepeace Terrace (located to the south-west of the proposal site), 8 Highworth Drive and 'Moorgate', Uplands Way (located immediately to the north of the proposal site). The main issues raised by objectors are:

- proposed dwelling is unlike any surrounding properties in terms of size and design (being double fronted) and would consequently appear as out

- of character in an area mainly comprising single-fronted terraced dwellings and smaller houses;
- development is not compatible with existing and surrounding land use and will be too dominant;
- piecemeal development such as this may prejudice the proper planning of the area;
- large dwelling could be occupied by family with more than one vehicle in an area with parking and access problems;
- proposed parking facilities are 'vague' and space will be at a premium;
- concerns regarding noise and disturbance;
- access roads to the proposal site are unsuitable for heavy construction vehicles;
- new surfacing paid for by residents will deteriorate with being used by extra traffic;
- nothing has changed at the site since the refusal of original planning application ref. 11/00067/FUL and highway and pedestrian safety concerns in respect of that proposal still exist and are not overcome by this application;
- drainage in area is not adequate to cater for another dwelling;
- new dwelling will overlook rear garden and be afforded views into rear bedrooms of 'Moorgate', to the detriment of its privacy;
- concerns over works to retaining wall and encroachment into embankment at rear of garden;
- occupier of 'Moorgate' wants guarantee that no landslip issues will occur;
- occupier of 'Moorgate' bought dwelling with planning permission for two six-bedroomed properties (application ref. 08/04549/OUT, approved in April 2009, permission now expired) and has refrained from proceeding to prevent overdevelopment of area, but will go ahead with project if permission is granted for this development;
- there are 62 new dwellings being built in Springwell village, so no need for one extra property;

It should be noted at this point that the potential for the construction of new development to be disruptive to existing residential properties is not a reason to refuse planning permission, although the timing of building works and the working arrangements can be restricted through appropriately worded conditions in the event Members are minded to approve the application.

EXTERNAL CONSULTTEES

Northumbrian Water - no objection to proposed development.

POLICIES:

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

- EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
- B_2_Scale, massing layout and setting of new developments
- H_22_Residential development within the curtilage of an existing house
- T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
- T_22_Parking standards in new developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land), provided that it is not of high environmental value.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H22 and T14 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the proposed development on the amenity of existing dwellings;
3. the level of amenity afforded to residents of proposed dwellings;
4. the impact of the proposed development on visual amenity;
5. the impact of the proposed development on highway and pedestrian safety;
6. implications of developing a site adjacent to land previously used for industrial purposes;
7. the impact of the development on trees/ecology of the locality;

1. Principle of proposed development

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

Regard must also be had, however, to policy H22 of the UDP, which refers specifically to residential development within the curtilage of an existing dwelling. It should be noted that the glossary to the NPPF states that 'previously developed land' excludes private residential gardens; indeed, paragraph 53 states that planning authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where such development would harm the character of an area. In broad alignment with aforementioned paragraph 53 of the NPPF, policy H22 states that the erection of

dwellings within the curtilage of an existing property will only be acceptable if it is not detrimental to general amenity and to the established character of the locality.

With regard to the above, it is therefore considered that although garden areas are excluded from the NPPF's definition of 'previously developed land', the development of such sites is not unacceptable provided the scheme is not detrimental to the established pattern of built development within the locality. In cases where the development does not have undue harm on the character of the area, the loss of private garden space to residential development may not be inappropriate, especially where few opportunities exist for similar schemes within the locality. The relationship between the proposed development and the character of the surrounding area is considered further in the next section of this report.

2. Impact of proposed development on residential amenity

Policy B2 of the UDP also requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

The front elevation of the proposed dwelling is positioned a minimum of 22 metres from the front elevations of the dwellings of Lismore Terrace, in excess of the 21 metres required by the SPG and SPD. Given this separation distance, it is considered that the amenity of residents of Lismore Terrace will be unduly affected by the proposed development in terms of their outlook and privacy. Nor would the dwelling cause overshadowing of these properties given the development site lies to the north-east of Lismore Terrace.

The west elevation of 2 Woodbine Cottages does feature two windows facing the proposal site and given that the south-east elevation of the proposed dwelling will be positioned only 5.1 metres away, their outlook will undoubtedly be significantly reduced. However, neither window appears to be part of the original cottage, with one in the side wall of a single-storey side extension and the other in the side wall of a two-storey rear extension. Accordingly, the loss of outlook from these windows and any overshadowing of the rooms served by these windows caused as a result of the proposed development cannot be given significant weight. In addition, the proposed dwelling will not lead to any significant overshadowing of the rear garden of 2 Woodbine Cottages given that it will maintain the building line and depth of the existing cottages, whilst the absence of windows in its side elevation will prevent direct overlooking of no. 2's rear garden.

Consideration must also be given to the impact of the development on the property immediately to the north of the proposal site, 'Moorgate', a large bungalow standing on the higher ground beyond the garden. The embankment at the end of the garden of 2 Woodbine Cottages is well vegetated, with a number of mature trees along the boundary at the top of the slope. The occupier of 'Moorgate' has objected to the application on the grounds that the proposed rear windows to the two dwellings will overlook the rear garden and a number of main

living rooms the property. However, the rear elevation of the proposed dwelling faces north-eastwards, whereas the rear elevation of 'Moorgate' faces south-eastwards, and this relationship will serve to prevent any direct and intimate view into 'Moorgate's' rear living rooms from the new dwelling's rear windows. The difference in site levels and the screening provided by the trees and vegetation along the top of the slope further improves the situation.

The rear elevation of the proposed dwelling is situated a minimum distance of 7.2 metres from the boundary shared with 'Moorgate', which should be sufficient distance to ensure its rear garden is not intimately overlooked given the distance in site levels. However, the applicant has not supplied a section through the site with the application, which would better illustrate the relationship between the two plots and assist in determining whether or not the rear windows will overlook the garden. The applicant has been asked to submit a drawing showing a section through the site to allow for a full consideration of the impact of the development on 'Moorgate's' standard of amenity, but such a drawing has not yet been submitted.

With regard to the above comments, it is considered that the impact of the proposed dwellings on the amenity of the surrounding properties of Lismore Terrace and Woodbine Cottages is acceptable, in accordance with the requirements of aforementioned policy B2. The impact of the development on the amenity of 'Moorgate' is, however, still being considered pending the receipt of a plan showing a section through the site.

3. Level of amenity afforded to occupiers of proposed property

The City Council's 'Residential Design Guide' Supplementary Planning Document (SPD) and section 2.7 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) state that space around dwellings is necessary to permit satisfactory living conditions (hygiene, natural light, comfort) and to help to determine the visual character of the development. Outlook is an important amenity to be enjoyed in a residential property and at least one elevation should have rooms which permit pleasant middle to long distance views.

The dwelling will be afforded satisfactory outlook from main living rooms to both the front and rear of the property, whilst room sizes are satisfactory. In addition, the property will be afforded a reasonable level of external amenity space, with a rear garden of a size comparable to those of Woodbine Cottages. It is therefore considered that residents of the new dwelling will be afforded a satisfactory standard of accommodation, in accordance with the requirements of the aforementioned SPD and SPG.

4. Impact of development on visual amenity

Policy B2 of the Council's UDP also requires new development to respect visual amenity and to take into account the character and appearance of the locality. In addition, as noted earlier in the report, policy H22 of the UDP requires development within garden areas to respect the established character of the locality.

The garden to the side of 2 Woodbine Cottages provides a relatively attractive area of private green space, but the site does occupy a secluded, 'backland' location and as such is not of great prominence within the locality. In addition, the

pattern of built development in the immediate locality is relatively inconsistent and there are significant amounts of private open space (i.e. the allotment plots in front of Lismore Terrace and woodland/scrub to the north-west of the site) adjacent to the site which will continue to give the vicinity quite a green and open feel. As such, it is considered that the development of this site will not be unduly detrimental to the character and appearance of the area.

The erection of the dwelling is also considered to be generally appropriate with regard to the pattern of built development in the locality. Although detached, the property will respect the building line formed by the frontages of Woodbine Cottages and will essentially lead to the formation of a short row of dwellings in combination with the two existing cottages, an arrangement which is generally reflective of the terraces found in the immediate area. As such, the dwelling will not appear as incongruous in terms of its situation and its relationship with the two neighbouring properties. The massing of the dwelling is acceptable when viewed next to the existing cottages and the elevation treatment is significantly improved from the previously refused scheme, with the vertical emphasis on fenestration found to the facades of Woodbine Cottages carried through to the new dwelling. The use of stonework to the front elevation, natural slate for the roof and incorporation of stone cills and lintels to front windows of the new dwelling will also serve to give the property an appearance and finish which is reflective of the adjacent existing dwellings.

The application no longer includes the proposed use of the garden/allotment plot between Lismore Terrace and Woodbine Cottages as a parking area, an aspect of the initial proposal which was considered unacceptable and formed a reason to refuse the previous application.

It is acknowledged that a number of the objectors to the proposed development have concerns in respect of the impact of the scheme on the character of the locality and suggest that the new dwelling will appear as overly large and incongruous. However, and with regard to the above comments, it is considered that the erection of the dwelling will not be unduly detrimental to the character of the locality whilst its appearance in relation to the neighbouring existing properties at Woodbine Cottages is now considered to be satisfactory. As such, the proposed development is considered to be compliant with the requirements of aforementioned policies B2 and H22 of the UDP.

5. Impact of development on highway and pedestrian safety

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated. Policy T22 states that in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to: development type (e.g. scale, use, catchment, user characteristics) and locational characteristics (e.g. accessibility by modes other than private car, population density, historic character).

As noted in the 'Proposal' section of this report, the original application for two dwellings was refused planning permission partly on the grounds of concerns

relating to highway and pedestrian safety, particularly in respect of the increased use of the narrow, unadopted access road and track leading to the development site and the additional traffic using the junction with substandard visibility at Peareth Hall Road.

In assessing the highway and pedestrian safety implications of the proposed development, regard has been given to a recent appeal decision received by the City Council in respect of a refused planning application which proposed the erection of one dwelling on land to the rear of Springwell Village Club, Springwell Village (application ref. 11/01818/OUT, appeal ref. APP/J4525/A/11/2167530). This site is considered to be comparable to the current application site in that it can only be reached via an unadopted access track with poor visibility at its junction with the main Springwell Road. The City Council decided to refuse planning permission on the basis that the increased use of this access track (which is considerably longer and in worse condition than that leading to Woodbine Cottages) would lead to highway and pedestrian safety concerns given it is not wide enough to allow vehicles to pass each other, has no pedestrian footway or street lighting and has substandard visibility at the junction with the main road.

The applicant subsequently decided to appeal the Council's refusal of app. ref. 11/01818/OUT with the Planning Inspectorate. The Planning Inspector ultimately dismissed the appeal, but in doing so gave little weight to the Council's concerns regarding the increased use of the access track itself, despite its substandard width and the lack of a footway and street lighting, suggesting that the additional journeys associated with one new dwelling would not pose a highway and pedestrian safety risk. The only concern of the Planning Inspector was in respect of the visibility at the junction with Springwell Road, which is constrained by the presence of a garden fence adjacent to the end of the lane, with even limited additional usage of the junction considered to represent a hazard to highway safety at this point.

The impact of the current proposal on highway and pedestrian safety has been given full consideration by the City Council's Network Management section. The comments received in response to consultation note that Peareth Hall Road is a 'C'-class road and bus route and that visibility at the junction with the access to Lismore Terrace and Woodbine Cottages is substandard. There have, however, been no reported traffic accidents at this location and it is considered that the presence of one additional dwelling would not significantly increase the vehicular movement at the junction. Although the previous application for two dwellings was refused, the comments state that the proposal for one dwelling is considered acceptable and that a reason for refusal based on highway and pedestrian safety grounds would be unsustainable in an appeal situation.

A number of objectors have also suggested that the one in-curtilage parking space associated with the proposed dwelling would not be enough to cater for the residents of a five-bedroom property. However, the Council's adopted Residential Design Guide Supplementary Planning Document (SPD) and the Development Control Guidelines Supplementary Planning Guidance (SPG) only require the provision of one in-curtilage parking space per new dwelling created, with no additional spaces required for larger dwellings or those with multiple bedrooms. The proposed development is compliant with the Council's parking guidelines and so the level of dedicated parking associated with the scheme is considered to be appropriate and acceptable.

With regard to the above comments and having had regard to the findings of the Planning Inspector in respect of the aforementioned comparable appeal decision, it is considered that although the vehicular and pedestrian access to the development site is not ideal, the additional vehicular journeys associated with the erection of one new dwelling will not result in conditions which are prejudicial to highway and pedestrian safety either on the access track/road or at the junction with Peareth Hall Road. Furthermore, the parking and servicing arrangements are satisfactory for development of this nature. The proposal is therefore considered to be compliant with the requirements of policies T14 and T22 of the UDP.

6. The development of a site which is adjacent to land previously used for industrial purposes

Policy EN14 of the UDP states 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.

In respect of the initial application, the City Council's Environmental Health advised that the proposal site is adjacent to one which has previously accommodated an industrial use that may have resulted in contamination of the land. It is possible that the proposal site has been exposed to migrating contaminants and as such, further information is required to determine the condition of the land. Consequently, a comprehensive desktop study and, where necessary, site investigation should be undertaken to ascertain whether the land is contaminated prior to the commencement of development. If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons.

The current application has been accompanied by supporting contaminated land desktop studies, which have found no evidence of potential contamination of the development site. It recommends, however, that intrusive ground investigation is carried out at the site to determine if potential pollutant linkages identified in the report are of any significance. The Council's Environmental Health section suggests that the recommended ground investigation can be required by the imposition of an appropriately worded condition in the event Members are minded to approve the application.

With regard to the above, it is considered that the implications of the proposed development in respect of potential contamination of the land from previous industrial uses are acceptable, subject to the aforementioned imposition of condition(s) in respect of ground investigation. The proposal is therefore compliant with the requirements of policy EN14 of the UDP.

7. Impact of proposed development on trees/ecology

Policy CN17 of the UDP states that the Council will encourage the retention of trees which make a valuable contribution to the character of the area and the retention of trees in all new development will be required where possible, whilst 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, will not be permitted unless mitigating action is achievable.

Some objectors to the scheme have raised concerns in relation to the loss of trees and green space at the site and/or the impact the development will have on the ecology of the locality. The garden of 2 Woodbine Cottages generally comprises a lawn, but the embankment at its rear features some fairly dense vegetation and mature trees. However, this land would form part of the gardens of the two dwellings rather than being cleared for development purposes. As such, it is considered that the site could be developed without requiring the felling of trees at the site, and would not appear likely to lead to the loss of a habitat of animal or plant species protected by law.

CONCLUSION

With regard to the above comments, it is considered that the principle of the proposed development is acceptable, as is its impact on visual amenity, the character of the locality, highway and pedestrian safety and trees and ecology. Furthermore, the implications of the development in respect of potential land contamination are also acceptable. The proposal therefore accords with the requirements of policies EN10, B2, H22, T14, T22, CN17 and EN14 of the UDP. The proposal is not considered to result in harm to the amenity of the majority of dwellings surrounding the application site, but its impact on the amenity of the dwelling of 'Moorgate' is still being considered pending the receipt of a drawing showing a section through the application site.

It is anticipated that the requested drawing will be received prior to the Committee meeting and a final assessment of the affect of the proposal on the amenity of 'Moorgate', together with a recommended decision, will be provided on a Supplementary Report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

5.

Washington

Reference No.: 12/03113/FUL Full Application

Proposal: **Erection of 39no. dwellings (Use Class C3), landscaping, parking and associated highway works.**

Location: Land off Pattinson Road Pattinson Industrial Estate
Washington

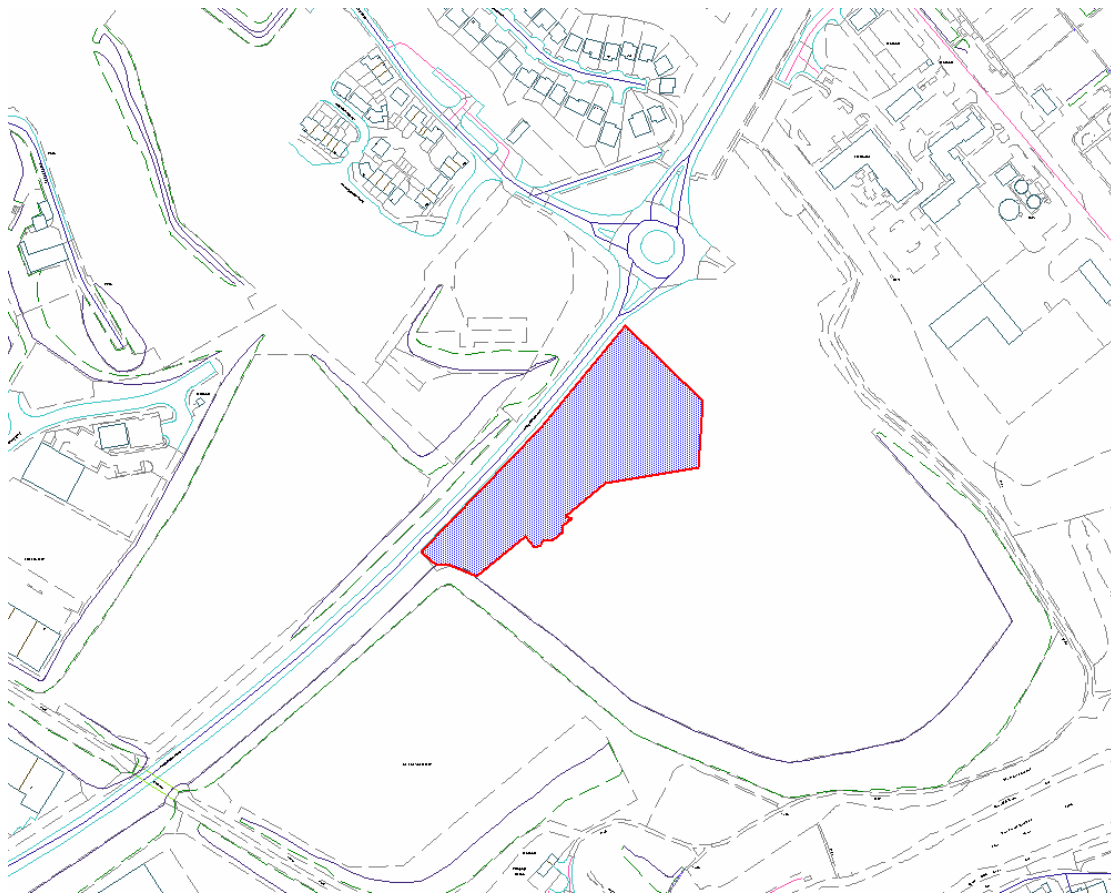
Ward: Washington East

Applicant: Hellens Investments (Washington) LLP

Date Valid: 14 November 2012

Target Date: 13 February 2013

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

This application seeks permission for the erection of 39 two and two and a half storey dwellings on land off Pattinson Road, Pattinson Industrial Estate, known as Teal Farm Village.

Planning History

Members may recall that the proposed development site, together with additional land to the north and east, was originally subject to planning approval 10/03726/HYB.

Planning approval 10/03726/HYB granted permission for a mixed use development comprising business and industry until falling into classes B1, B2 and B8 of the Town and Country (Use Classes) Order, 1995; commercial units falling into classes A1, A2 and A5 of the Order and 95 dwelling houses.

Subsequently applications to substitute house types in connection with planning approval 10/03726/HYB have been approved as has an application to vary condition 5 of that permission. The approval of this application for variation of condition 5 essentially removed the requirement for the units falling into the 'B' use classes to be built on the site, instead requiring them to be constructed near by.

The application currently under consideration seeks permission to construct 39 dwellings on the area of land which would have been used for the 'B' class units had the original planning permission been implemented as approved.

The Proposed Development Site

The proposed development site is roughly rectangular in shape and is positioned immediately to the east of Pattinson Road. The other areas of Teal Farm Village, which is currently under construction are positioned to the south and east of the proposed development site.

The Proposed Development

The proposed development comprises 39 dwellings arranged in perimeter block form, essentially creating a new street running parallel with Pattinson Road. No direct access to Pattinson Road is proposed, access to the site will be gained via the existing access road from Teal Farm Village which is under construction.

The proposed range of house types are predominantly the same types that have already been approved as part of the Teal Farm Village development with the addition of some new types that are of the same style as those previously approved.

The existing mature planting around the sites perimeter is to be retained and additional shrub and tree planting is proposed throughout the development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Force Planning And Police Architectural Liaison Officer
City Services - Network Management
Street Scene (Environmental Service)

Director Of Children's Services
Northumbrian Water
Environment Agency

Final Date for Receipt of Representations: **31.01.2013**

REPRESENTATIONS:

1 Representation received from Northumbrian Water. This will be summarised on the Supplementary Report.

POLICIES:

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

WA_1_Retention and improvement of established industrial / business area
EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EC_9_Locations for Hotels and Conference centres.
EC_15_Development or extension of bad neighbour uses
B_1_Priority areas for environmental improvements
CN_15_Creation of the Great North Forest
WA_19_Maintenance of a Green Belt
WA_12_Sites for major recreational / cultural facilities
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
B_2_Scale, massing layout and setting of new developments
CN_22_Developments affecting protected wildlife species and habitats
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

COMMENTS:

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

Principal of development:
Design and appearance upon visual amenity
Impact upon residential amenity
Highway access, car parking and sustainability
Ground Conditions
Landscape
Ecology and Habitat
Provision of Play Space
Provision of Educational Resource

All of the above remain under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the development control sub-committee and reported on a supplementary report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report