

Development Control (Hetton, Houghton and Washington) Sub-Committee

30 March 2010

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. Monument Park, Pattinson North, Washington
2. Land at Lambton Lane, Houghton-le-Spring
3. Rear of 1-3 Doxford Avenue, Hetton-le-Hole
4. Biddick School Sports College, Biddick Lane, Washington

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Technical Manager (Development Control) (561 1552) email address dc@sunderland.gov.uk

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

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

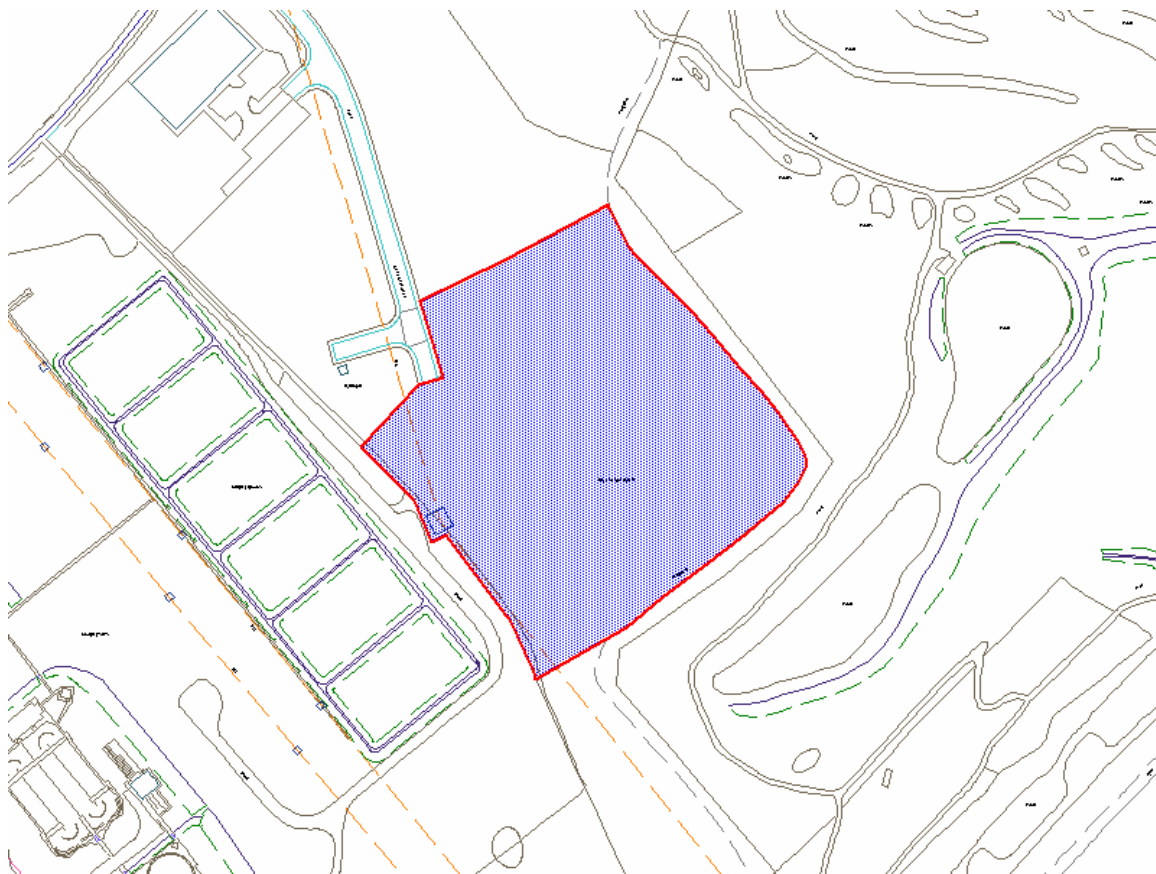
Reference No.: 09/04816/FUL Full Application

Proposal: **Erection of a materials recycling facility and service yard, (amendment to previously approved application 07/00662/FUL to accomodate alteration to built form of development.)**

Location: Monument Park Plot 8C 1 Pattinson North Pattinson Road
Pattinson Industrial Estate Washington

Ward: Washington East
Applicant: Premier Waste Management LTD
Date Valid: 7 January 2010
Target Date: 8 April 2010

Location Plan



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PROPOSAL:

The planning application under consideration seeks consent for a materials recycling facility within the existing Premier Waste facility at Monument Park in Washington.

The proposed development is complete and operational. Planning consent is sought retrospectively.

The Site

The application site, which is 0.56ha in area, is located on the eastern edge of the Pattinson North Industrial Estate on a site known as Monument Park (formerly known as site 22/8) in Washington.

The Washington Wildfowl and Wetlands Trust is located to the east and south of the site; A sewerage works is located to the west, further industrial land is located to the north. The nearest residential dwellings are located approximately 300 metres away on the northern (opposite) side of Barmston Lane. The Premier Waste facility is not visible from those residential properties.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Business Investment
Executive Director of City Services (Environmental Service)
Executive Director of City Services (Transportation)
Environment Agency
Northumbrian Water
The Royal Society for The Protection Of Birds
Natural England

Final Date for Receipt of Representations: **08.02.2010**

REPRESENTATIONS:

No representations received.

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_22_Developments affecting protected wildlife species and habitats
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN_23_Measures to conserve/ improve wildlife corridors
EC_4_Retention and improvement of existing business and industrial land
WA_1_Retention and improvement of established industrial / business area
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
EN_1_Improvement of the environment
CN_18_Promotion of nature conservation (general)
B_11_Measures to protect the archaeological heritage of Sunderland (general)

COMMENTS:

Consent is sought for a Materials Recovery Facility (MRF). The proposed building measures 50metres in width (north to south) and 115metres in length (east to west) and has a height of 10.5metres to the eaves and 15metres at the highest point of the apex of the pitched roof.

The building previously approved was roughly "L" shaped when viewed in profile, with the roof height of the building rising to accommodate aerobic digester towers. That building had a maximum height of 20metres at its highest point. Therefore the current proposal represents a reduction in the overall height of the development and a change in the shape of the building on site.

The building currently under consideration is positioned 47.3metres from the southern boundary of the site; between 5.6metres and 7.4metres from the eastern boundary of the site and 29.6metres from the western boundary of the site.

There is an area of staff car parking located adjacent to the western boundary of the site and an area of hardstanding/access road wraps around the western edge of the building. To the rear (south) of the proposed development site an indicative line on the submitted plan shows an area for future expansion of the facility.

A similar building to that for which consent is sought has been constructed on site as phase 1 of the development approved in 2007. The application seeks consent for an alternative arrangement of built development on the site. The activity undertaken within the building for which consent is sought is to be used as a Materials Recovery Facility.

The proposed building will consist of a materials reception area, processing area and storage area for the finished product, all of which are to be contained within an enclosed building. The materials accepted at the site for the commercial and industrial MRF will consist mainly of cardboard, paper, plastics, wood, metals and other similar materials as collected from commercial properties. No liquid or hazardous materials recycling or reprocessing will be undertaken.

All operations will take place within the building. General methods of working would be for commercial recyclable materials to be delivered to site by Premier Waste Management's collection fleet (which are all enclosed vehicles as controlled by a condition requiring vehicles to be fully enclosed) and tipped inside the materials reception area.

All incoming vehicles, will report to the weighbridge operative and travel through the site weighbridge prior to entering the MRF. The weighbridge operative will also check the materials types and paperwork to ensure that the incoming materials accord with the requirements of the facility's Waste Management Licence.

Upon satisfactory completion of the acceptance procedure for the site the vehicle will be directed towards the materials reception loading dock. If however, a load (or part of a load) is identified as being unacceptable before entering the MRF

then the vehicle will be turned away or directed to a quarantined area as appropriate.

The materials transported to the site are then tipped inside of the materials reception area. The materials are then fed via a hopper into a segregation stage where mechanical separation will take place. This separation process is also augmented by manual quality control. Products such as paper, card and plastics will be baled and then stored for onward shipment to re-processors. Any residues of the recycling process will be transported to other Premier Waste Management operated sites for disposal.

Once the vehicles have deposited their loads they will pass back over the weighbridge and leave the site.

The main issues to consider when assessing the proposed development are:

- Principle of Development
- Impact upon the locality
- Impact upon residential amenity
- Highway Access and Car Parking Arrangements
- Ecology

Principle of Development

Monument Park is identified in the adopted Unitary Development Plan as an existing employment site subject to the provisions of policies EC4 and WA1 of the adopted Unitary Development Plan.

Policy EC4 requires that:

Existing Businesses and Industrial Land amounting to some 1215ha will be retained and improved for the following range of uses which will be defined for each site in part II of the plan (policy WA1):

Acceptable primary uses:

Offices, research & development, light industry (B1)

General Industry (B2)

Warehouse and Storage(B8)

Possible ancillary uses where required to meet the needs of each site:

Shops up to 50sq metres individual sales area

Offices where services are provided for the general public (A2)

Food and drink Outlets (A3)

Hotels (C1)

Community Facilities (D1)

Assembly and Leisure (D2)

Open Space

Unacceptable uses (exclusions) would include:

Other shops (A1)

Residential Institutions (C2)

Housing (C3)

Warehouse Clubs

Proposals involving incompatible or bad neighbour uses will also be required to conform to EC12 - EC15. Proposals for uses not listed will be decided on their individual merits.

Policy WA1 requires that:

Established industrial/business areas and available site within them will be retained and improved for the primary uses indicated (within the policy including):

(7) Pattinson North 71.40ha

Offices, research and development, light industry, general industry, warehouses and storage (B1, B2, B8).

The proposed development of a dry materials recycling facility is considered to be generally industrial in nature and therefore is considered to comply with the requirements of policies WA1 and EC4 of the adopted Unitary Development Plan.

In addition to the Unitary Development Plan Policies that are relevant to the site there have been three previous planning approvals on the proposed development site.

Planning approval 04/02687/OUT granted outline consent for B1, B2 and B8 uses on the site (approved 14 January 2005).

A further planning approval 06/01947/OUT was granted on 5 July 2006 for B1, B2 and B8 uses on an area 0.45ha in area in the northeast corner of the site formerly allocated as greenbelt.

Planning permission 07/00662/FUL was approved on 17 August 2007. Members may recall this application by Premier Waste for a three phased development, incorporating a commercial and industrial materials recovery facility, dry recyclables material recovery facility and advanced recycling centre which was presented for their consideration on 22 May 2007. The application was delegated to the then Director of Development and Regeneration by Members and subsequently approved on 17 August 2007.

The planning approval issued in 2007 (ref: 07/00662/FUL) has been partially implemented. Phase One of the approved development, a commercial and industrial materials recycling facility, positioned in the northern portion of the application site has been fully constructed and has been operational since early 2008.

The development currently under consideration constitutes a variation to phases 2 and 3 of the previously approved scheme, proposing a further commercial and industrial materials recovery facility (MRF) in place of the previously approved PARC facility and Dry MRF.

The proposed development is considered to comply with the requirements of policies EC4 and WA1 and is considered to be similar in nature to extant development on the site and planning permissions issued in connection with the

site. The proposed development is therefore considered to be acceptable in principle.

Impact upon Locality

Policies CN21, CN 22 and CN23, as set out below are relevant, as are policies EC4, WA1 and B2, also set out elsewhere in this report.

The proposed development is considered to be industrial development appropriately located (in land use terms) on a site allocated for industrial/employment use.

However, it is important, as with all proposals for development, that any effect upon existing sensitive neighbouring uses is fully considered.

Particularly sensitive neighbouring uses in this instance can be identified as the Washington Wildfowl and Wetlands Trust and the nearby residential dwellings on the northern side of Barmston Lane (Teal Farm).

Washington Wildfowl and Wetlands Trust

The Premier Waste facility is screened from the Washington Wildfowl and Wetlands Trust by a line of trees. Matters relating to wildlife, habitat and ecology are considered in detail elsewhere in this report.

The proposal is considered to be acceptable in terms of its likely impact upon the locality generally and is considered to comply with the requirements of policies CN21, CN22, CN23, EC4, WA1 and B2.

Impact upon Residential Amenity

Adopted Unitary Development Plan Policy B2 requires that:

The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The nearest residential properties to the site are the residential dwellings located on the northern side of Barmston Lane, approximately 300metres away.

The impact of the overall development was fully considered during the assessment of the original planning application for the three phased development of the Premier Waste facility (planning reference: 07/00662/FUL). These considerations concluded that detrimental impact upon residential amenity was unlikely to occur as a result of the Premier Waste Facility.

The development under assessment by this planning application has identical characteristics to the activity that has been undertaken on the site for the past two years as a result of planning approval 07/00662/FUL, and in terms of the potential impact on the residents of Teal Farm is in no way materially different to the development approved by that permission.

The conditions applied to planning permission 07/00662/FUL will be replicated and attached to any permission issued in this instance, should members be minded to grant such a permission.

It is therefore considered that the proposed development will not create any conditions likely to be detrimental to the residential amenity of any nearby residential dwellings and complies with the requirements of

Highway Access and Car Parking Arrangements

In terms of the impact upon highway and car parking conditions the relevant UDP policies are T14 and T22. These policies require that:

Policy T14:

Proposals for new development should:-

- i. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;*
- ii. Not to cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;*
- iii. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;*
- iv. Make provision for the loading and unloading of commercial vehicles;*
- v. Indicate how parking requirements will be accommodated.*

Policy T22:

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);

Locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character).

The necessary car and cycle parking provision will be ensured by means of planning agreements or, if off site, through the use of planning agreements to provide suitable parking elsewhere.

Access to the site is from the roundabout controlled junction on the A1231 through the existing Industrial Estate. The application site is 800 metres from the entrance to the industrial estate and is serviced by a road that runs from the entrance to the proposed site in a south westerly direction.

49 car parking spaces are located to the southern elevation of the building (these include 3 dedicated disabled car parking spaces).

The anticipated number of commercial vehicles using the site are:

Up to 50000t/yr: 18 IN per day 7 OUT per day
Up to 100000t/yr: 36 IN per day 14 OUT per day

The Director of City Services (Transportation Section) has offered no observations or objections to the proposals contained within the application.

The highway access and car parking arrangements for the Premier Waste facility will not alter from the current arrangements and conditions that were applied to the 2007 planning consent will be re issued, where relevant, in connection with this application should members be minded to approve this application. (Some rewording of the previously applied conditions has been necessary to accommodate current circumstances on site). The re-application of conditions applied to the 2007 consent will not only satisfactorily control the development on site but will also ensure that development across the entire Premier Waste development remains consistent.

For the purposes of clarity the relevant conditions are set out below:

- All deliveries made to and from the site shall be made only in vehicles that are covered and securely contained. In order to reduce the likelihood of loads being shed onto the highway and in the interest of highway safety and residential amenity and to comply with the requirements of policies B2 and T14 of the adopted UDP.
- All roads within the development hereby approved used by vehicular traffic shall be hard surfaced and retained as such for the lifetime of the development in order to minimise levels of dust generated from the site and achieve an acceptable form of development on site and to comply with the requirements of policy B2 of the adopted UDP.
- All unloading of materials on site shall only be done so in enclosed buildings or purpose built docking bays in order to reduce the likelihood of littering unless first otherwise agreed in writing with the Local Planning Authority. In the interest of visual amenity and environmental protection and to comply with policies B2 and EN1.
- Not more than three delivery vehicles per hour shall visit the site between the hours of 2300 and 0700. In this interest of residential amenity and to comply with the requirements of policies B2 and EN1 of the adopted UDP.

Based upon the above considerations and the application of relevant conditions as set out above, the proposal is considered to be acceptable and in accordance

with the requirements of policies T14 and T22 of the adopted Unitary Development plan.

Ecology

In terms of ecology, habitat and wildlife the relevant Unitary Development Plan policies to consider are:

CN21, CN22 and CN23.

Policy CN21 requires that:

Development which will adversely affect a designated or proposed local nature reserve, site of nature conservation importance or regionally important geological/geomorphological site either directly or indirectly will not be permitted unless:

- i. No alternative site is reasonably available and the benefits of the proposed development would outweigh the regional or local value of the site; or*
- ii. Any loss of nature conservation or earth science interest can be fully compensated elsewhere within the site or in its immediate environs through the use of planning conditions and, where appropriate, planning obligations.*

Also, in the case of a Local Nature Reserve, the effects of a proposal will be considered against the need to protect the following:-

- i. The ecological integrity of the Local Nature Reserve;*
- ii. The contribution the Local Nature Reserve makes to education about or enjoyment of wildlife and nature conservation; and*
- iii. The proper management of the Local Nature Reserve.*

Policy CN22 requires 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.

Policy CN23 requires that:

Within the wildlife corridors as indicated on the proposals map:-

- i. Measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts;*
- ii. Development which would adversely affect the continuity of corridors will normally be refused;*

- iii. Where, on balance, the development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.*

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.

The nature conservation value of the site in terms of land use, grassland, hedgerows, woodland, scrub, individual mature trees, aquatic habitat and fauna have been fully considered in reports and by surveys submitted by the applicant in support of the application.

The findings of the reports/surveys submitted show that the number of habits located within the site are extremely limited. The site consists of an area of improved grassland of limited ecological interest. It is acknowledged that peripheral habitats support a higher density of species but, these would not be directly affected by the development.

A nesting bird survey has been submitted in support of the application. The nesting bird survey concluded that there were no birds nesting on the site during the time of the nesting bird survey and walk over assessment.

Natural England has been consulted and had no objections to the proposed development.

Based upon the above, it is considered that the development proposed is acceptable and complies with the requirements of policies CN21, CN22 and CN23 of the adopted Unitary Development Plan.

Conclusion

The development as set out above, is of identical character to that approved in 2007. Planning consent is only required for the development due to a reconfiguration of the buildings on the site and a change in the form of the building proposed.

It is not considered that the development proposed will have any detrimental impact upon the surrounding area. The proposals are considered to be acceptable in terms of effect upon wildlife and habitat (ecology); in terms of highway access and car parking arrangements; residential amenity and all other matters 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:

ALL RELEVANT PLANS TO BE LISTED

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 All deliveries made to and from the site shall be made only in vehicles that are covered and securely contained. In order to reduce the likelihood of loads being shed onto the highway and in the interest of highway safety and residential amenity and to comply with the requirements of policies B2 and T14 of the adopted UDP.
- 4 All roads within the development hereby approved used by vehicular traffic shall be hard surfaced and retained as such for the lifetime of the development in order to minimise levels of dust generated from the site and achieve an acceptable form of development on site and to comply with the requirements of policy B2 of the adopted UDP.
- 5 All unloading of materials on site shall only be done so in enclosed buildings or purpose built docking bays in order to reduce the likelihood of littering unless first otherwise agreed in writing with the Local Planning Authority. In the interest of visual amenity and environmental protection and to comply with policies B2 and EN1.
- 6 Not more than three delivery vehicles per hour shall visit the site between the hours of 2300 and 0700. In this interest of residential amenity and to comply with the requirements of policies B2 and EN1 of the adopted Unitary Development Plan.
- 7 The development hereby approved shall be constructed strictly in accordance with the materials indicated on the approved plans and from no other materials unless first agreed in writing with the local planning authority. In order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the adopted Unitary Development Plan.
- 8 For the avoidance of doubt none of the development hereby approved shall occupy any area of Greenbelt as defined on the Adopted Unitary Development Plan proposals map. In the interest of protection of the defined greenbelt and in the interest of visual amenity and to comply with the requirements of policy CN2 of the adopted UDP.
- 9 No material shall be burnt on site at anytime unless first agreed in writing with the Local Planning Authority in the interest of residential amenity and to comply with the requirements of policy B2 of the adopted UDP.
- 10 All car parking in connection with the development hereby approved shall be laid out in accordance with the approved plans and kept clear and available for the purposes of car parking at all times unless otherwise first agreed in writing with the local planning authority. In the interest of

achieving a satisfactory form of development on site and to comply with the requirements of policy T22 of the adopted Unitary Development Plan.

- 11 Notwithstanding the approved plans associated with the development hereby approved cut off lanterns and shields to direct light into the site and to minimise light spillage shall be used on all external lighting within the development. Where light pollution is considered by the Local Planning Authority to cause a nuisance a written scheme of mitigation detailing remediation measures to reduce light pollution shall be submitted in writing to the Local Planning Authority within one calendar month of the identification of the nuisance and approved in writing. The approved scheme of mitigation shall then be fully implemented to a timetable to be first agreed in writing with the Local Planning Authority. To achieve a satisfactory form of development on site and in the interest of residential amenity and to comply with the requirements of policies B2, EN1 and CN 18.
- 12 The hedgerow in the southern part of the western boundary of the site shall be retained unless otherwise first agreed in writing with the Local Planning Authority. In the event that the hedgerow is removed a scheme of archaeological trial trenching will be carried out and the results submitted in writing the Local Planning Authority. In the interest of preservation of archaeological artefacts and to comply with the requirements of policy B11 of the adopted UDP.
- 13 The methods of dust suppression identified in vol 2 part 5 of the Environmental Impact Assessment dated February 2007 (submitted in connection with planning permission 07/00662/FUL) and the further methods of dust suppression and mitigation measures identified within the Dust Information received 23 December 2009, shall be fully implemented in connection with the development hereby approved on the site and retained as such thereafter for the lifetime of the development unless first otherwise agreed in writing with the Local Planning Authority. In the event that dust from the site is considered by the Local Planning Authority to constitute a nuisance, a scheme of additional dust suppression and mitigation measures shall be submitted in writing to the Local Planning Authority within one calendar month of the nuisance being notified to the applicant. The approved plans/measures shall then be fully implemented to a timetable to be agreed in writing with the Local Planning Authority and retained as such thereafter. In the interest of achieving a satisfactory and consistent form of development on the wider site and in the interests of residential amenity and to comply with the requirements of policy B2 of the adopted UDP.
- 14 The mitigation measures identified in section 12 of the Environmental Impact Assessment dated February 2007, approved in connection with planning permission 07/0662/FUL, shall be fully implemented and operated in connection with the development hereby approved on site, in the interest of visual amenity and environmental protection and to comply with the requirements of policies B2 and EN1 of the adopted UDP.
- 15 The mitigation measures identified within the Environmental Report approved in connection with planning permission 07/0662/FUL and the additional Odour mitigation measures submitted 23 December 2009 shall

be fully implemented and operated in connection with the development hereby approved and shall be retained as such for the lifetime of the development. Where it is considered by the Local Planning Authority that odours originating from the site constitute a nuisance a further scheme of mitigation measures shall be submitted to the Local Planning Authority within one calendar month of the nuisance being notified to the applicant and approved in writing. The approved scheme of further mitigation measures shall then be fully implemented to a timetable to be agreed in writing with the Local Planning Authority. In the interest of residential amenity and environmental protection and to achieve a consistent level of control on the wider development and to comply with the requirements of policies B2 and EN1 of the adopted UDP.

- 16 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 17 The mitigation measures identified in the Ecological Study/Survey submitted in connection with planning permission 07/0662/FUL, received 21.05.07, and those received on 23 December 2009, shall be fully implemented in connection with the development hereby approved and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of Nature Conservation and achieving a consistent level of control over the wider site and to comply with the requirements of policy CN18 of the adopted UDP.
- 18 The noise mitigation measures indicated within the Environmental Impact Assessment (EIA) report, dated February 2007, approved in connection with planning application 07/0662/FUL and the noise mitigation measures indicated within the noise report received 23 December 2009 shall be fully implemented in connection with the development hereby approved as set out in the EIA report and retained as such thereafter for the lifetime of the development.

Where noise from the development is identified by the Local Planning Authority as causing a nuisance, the occupier of the site shall commission a suitably qualified individual to undertake a noise assessment (in accordance with the relevant British Standard) within one month of the nuisance being identified to the occupier. The results of the noise assessment undertaken, together with a scheme of proposed noise mitigation measures shall be submitted in writing to the Local Planning Authority within two months of the nuisance being identified to the developer and approved in writing.

The approved additional noise mitigation measures shall then be fully implemented in accordance with the approved plans/written statement to a timetable to be first agreed in writing with the Local Planning Authority and retained as such for the lifetime of the development. In the interest of residential amenity and to achieve a consistent form of development on the wider site and to retain a consistent level of control over the wider site

and to comply with the requirements of policies B2 and EN1 of the adopted UDP.

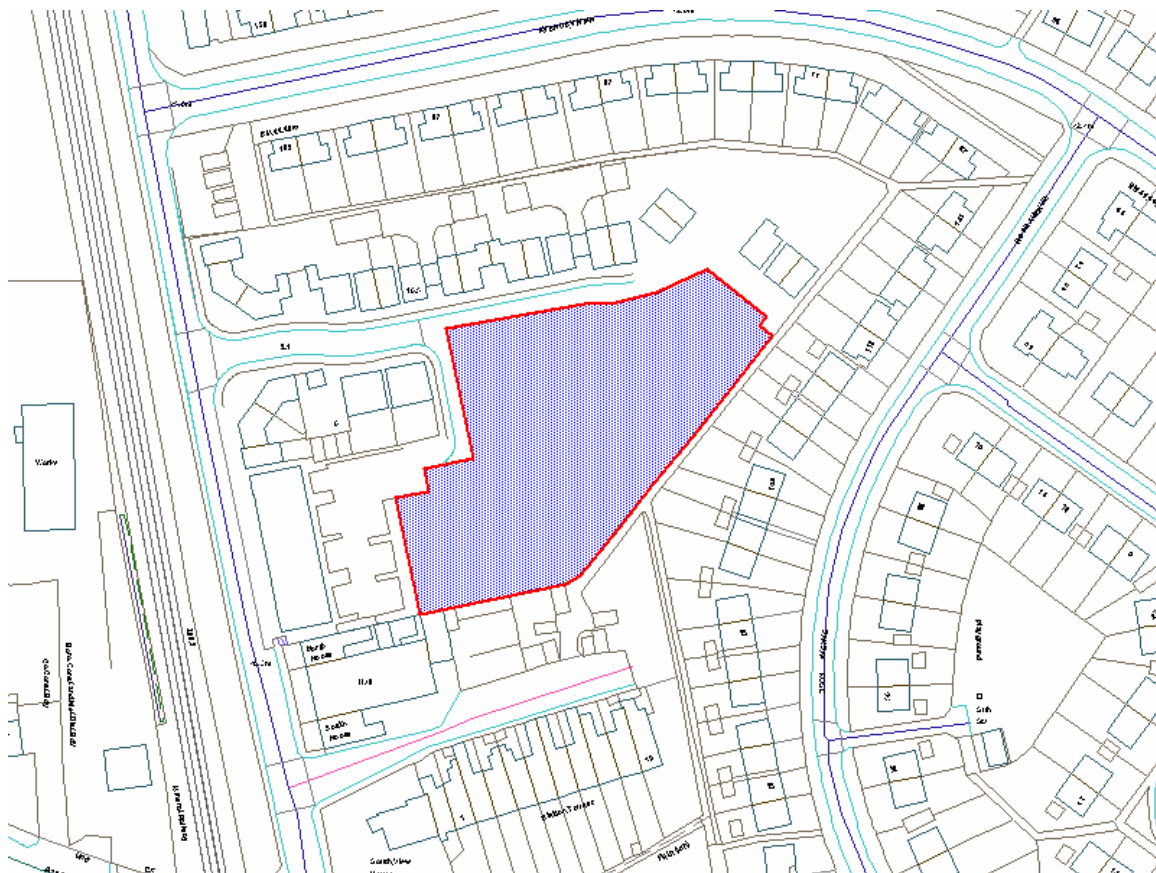
Reference No.: 10/00279/FUL Full Application

Proposal: **Amendment to existing planning permission 07/01517/FUL to replace 17 dwellings with 16 dwellings.**

Location: Land At Lambton Lane Houghton-Le-Spring

Ward: Houghton
 Applicant: McInerney Homes LTD
 Date Valid: 27 January 2010
 Target Date: 28 April 2010

Location Plan



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PROPOSAL:

This is an application to revise part of the layout of Planning Application no 07/01517/FUL. This application, approved on 05.07.2007 was for the erection of a total of 62 dwellings on the site of the former YMCA facility on Lambton Lane, Fence Houses.

Since the approval of this scheme, the applicant has chosen to seek funding for the remaining undeveloped portion of the site, which consists of a cluster of 17 dwellings, located along the southern and eastern boundaries of the site. The requirements of this funding are that the resultant dwellings must be suitable for social rented affordable housing. As such, the units which are to be constructed have to be designed to achieve Code Level 3 of the Code for Sustainable Homes. The currently consented scheme is only designed to meet standard Building Regulations requirement and consequently, the upgrading of these remaining units has resulted in dwellings of a slightly larger footprint, thereby reducing the total number of dwellings proposed by 1, from 17 no. to 16 no.

Access to the site is as per the previously approved scheme; from Lambton Lane and the site has residential properties to the north, east and south with detached garages to the west. The site is generally level and overall has a gross area of 1.1 hectares. The portion of the site being revised comprises of 0.38 hectares. The reduction of overall dwellings across the whole development provides housing at proposed density of over 55 units to the hectare, as opposed to 56 units to the hectare in its original form.

The application has been advertised accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Northumbrian Water

Executive Director of City Services (Environmental Service)

Executive Director of City Services (Transportation)

Final Date for Receipt of Representations: **27.02.2010**

REPRESENTATIONS:

Neighbours.

No representations have been received.

Consultees.

Northumbrian Water

No objections

City Services (Environmental Health)

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 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy works should be permitted to take place on Sundays and Bank Holidays at any time. Consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and regard should be had to minimise noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are

mind to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

CF_2_Consideration of alternative community uses when existing sites become surplus

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

H_4_Density of housing development to at least reflect that of the locality

L_1_General provision of recreational and leisure facilities

L_7_Protection of recreational and amenity land

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

T_22_Parking standards in new developments

H_21_Open space requirements in new residential developments (over 40 bed spaces)

COMMENTS:

The main issues to consider in determining this application are:-

- The Principle of Development.
- Design and Layout.
- Sustainability.
- Impact on Residential Amenity.
- Highways, Access and Car Parking.

The above matters are still pending consideration by officers and it is anticipated that these will be discussed in detail and a recommendation made on the Supplement Report.

RECOMMENDATION: Delegate to Deputy Chief Executive

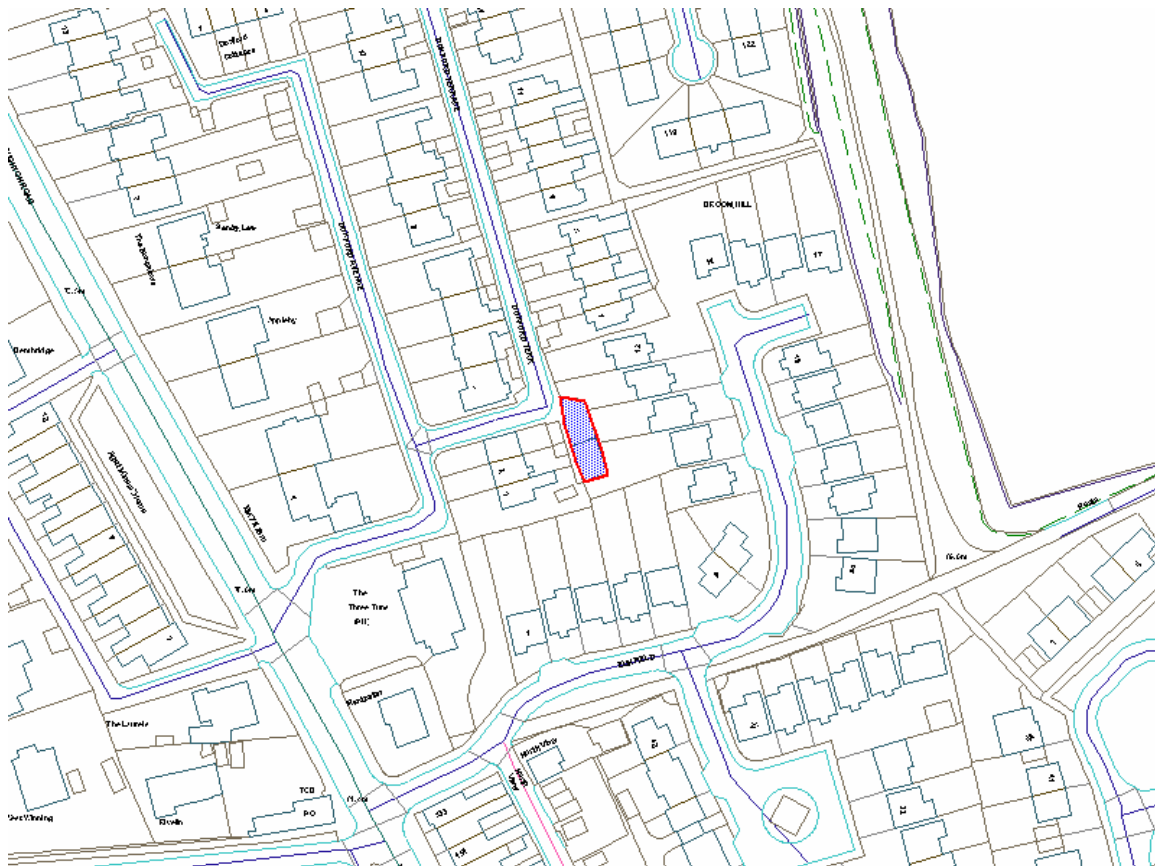
Reference No.: 10/00447/FUL Full Application

Proposal: Change of use from old garage/barn to residential dwelling to include single storey extension to front, increase in height of building to provide second storey and various alterations to all elevations (amended description, 26/02/2010).

Location: Garage/Barn/Store To Rear Of 1-3 Doxford Avenue Hetton le Hole Houghton-Le-Spring DH5 9PX

Ward: Copt Hill
Applicant: Mr Peter Ruddick
Date Valid: 18 February 2010
Target Date: 15 April 2010

Location Plan



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PROPOSAL:

Planning permission is sought for a change of use from a garage/barn to a residential dwelling to include a single-storey extension to the front, increase in

height of the building to provide a second storey and various alterations to all elevations at the garage/barn to the rear of 1-3 Doxford Avenue, Hetton-le-Hole, Houghton-le-Spring, DH5 9PX.

The proposed development affects a detached garage/barn which, rather unusually, is bounded on three sides by the rear gardens of adjacent residential dwellings. The building is brick built and in a good state of repair. To the west is the short terrace of 1-3 Doxford Avenue, whilst to the south and east are the modern detached and semi-detached dwellings of Elmfield. The dwellings to the east stand on land approximately 4 metres higher than the subject building and their rear gardens slope steeply downhill to a retaining wall abutting the east elevation of the garage/barn.

To the front (north) of the garage/barn is an enclosed grassed area, accessed through a gate situated on a corner of Doxford Terrace. A narrow passage runs alongside the west elevation of the building, from which access to the rear gardens of 1-3 Doxford Avenue is taken. The applicant has included this passageway in the 'red line' on the location plan submitted with the application. Alongside the passage, in the rear gardens of the adjacent dwellings, are an assortment of domestic outbuildings, including the garage of 3 Doxford Avenue, also accessed from Doxford Terrace.

The existing garage/barn has a length of 9.1 metres, a width of 6 metres and a dual-pitched roof with a maximum height of 4.7 metres. The garage/barn is brick-built with a cement/asbestos roof and features large double doors in its front (north) elevation, but there are no openings in any other elevation. The west elevation of the building is positioned 11.5 metres from the rear elevations of 1 and 2 Doxford Terrace, whilst the south (rear) elevation is 25.5 metres from the rear elevation of 4 Elmfield and the east elevation is 16 metres from the rear elevation of 9 Elmfield. The west elevation of the building is separated from the rear garden boundaries of 1-3 Doxford Terrace by the aforementioned passageway, whilst the rear (south) elevation abuts the rear garden of 9 Elmfield. The east elevation is abutted by the rear gardens of 9 and 10 Elmfield.

The application proposes to increase the height of the rearmost 5.9 metres of the garage/barn and add a single-storey extension to its front elevation to facilitate its conversion into a residential dwelling. The existing pitched roof of the building will be removed and replaced with a stepped flat roof surrounded by a parapet wall. The walls of the rearmost 5.9 metres of the building will be raised to a maximum height of 5.8 metres, but the height of the frontmost 3.1 metres of the building will be no higher than as existing. The increase in the height of the rear section of the garage/barn will permit the creation of a first floor to the building. The front elevation of the building is to be white rendered but the south, east and west elevations are to be brick. The proposed front extension has a projection of 2.3 metres, a width of 6 metres and a hipped roof with a maximum height of 3.9 metres.

The front door of the proposed dwelling will be within the front elevation of the proposed single-storey extension, with another door in the west elevation of the building, accessed by the aforementioned passageway between the garage/barn and the rear gardens of 1-3 Doxford Terrace. The ground level of this path is proposed to be increased by 550mm (it is currently sunken in relation to the garage/barn) and it is intended to erect a 1.6 metre high close-boarded timber fence along its western side, defined by the boundaries of the rear gardens of 1-3

Doxford Terrace. The area in front of the building will provide a small lawn and an off-street car parking space.

Internally, the dwelling will feature a small entrance hall, open plan lounge and kitchen, store room, utility room and bathroom at ground floor level and two en-suite bedrooms at first floor level. It is also intended to utilise the frontmost section of the roof of the building (i.e. the area not increased in height) as a balcony, surrounded by a parapet wall. Three ground floor windows are proposed to be installed in the west elevation of the building, serving the kitchen, utility room and store room. Four windows are proposed in the rear (south) elevation, with one bathroom window at ground floor level and three (one landing and two en-suite bathroom) at first floor level, three of which are proposed to be obscurely glazed (all but the landing window). The front elevation is proposed to include a large lounge window at ground floor level and two French doors at first floor level, giving access to the aforementioned balcony.

This application would normally be determined by officers under the Council's Delegation Scheme. However, a request has been made by Councillor Robert Heron to refer the application to this Sub-Committee.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton Town Council
Northumbrian Water
Executive Director of City Services (Transportation)

Final Date for Receipt of Representations: **23.03.2010**

REPRESENTATIONS:

NEIGHBOURS

To date, five letters of objection have been received in response to the consultation exercise carried out in respect of the application, from the occupants of 6, 9 and 11 Elmfield and 1 and 2 Doxford Avenue. The main issues raised by the letters of objection are:

- inappropriate use of the building;
- loss of privacy due to proximity of surrounding dwellings and presence of the proposed balcony;
- overdevelopment of the site;
- poor access to the site;
- encroachment (this issue has not been expanded upon by the objector);
- noise from the proposed use of the building as dwelling;
- extended building will look out of place in the streetscene;
- objection to the proposal to grow creepers along existing walls and fences;
- disruption from construction work, including likely need of access to surrounding gardens;
- increase in height of the building will harm outlook from living room window;
- loss of light due to increase in the height of building;

- passageway serving the rear of Doxford Avenue is a public right of way and cannot be used in association with proposed dwelling;
- access to sewers in neighbouring gardens will be required;
- garage/barn is built with shallow foundations and could not support additional storey;
- possible presence of bats in area;

In addition to the above, Ward Councillor Robert Heron has expressed concern about the potential for the proposed development potentially leading to overshadowing of nearby dwellings; the proximity of the site to surrounding properties; and the access arrangements.

The period for public consultation does not expire until 23rd March 2010. Any further objections received prior to the Committee meeting will be reported at the meeting.

EXTERNAL CONSULTEES

The Executive Director of City Services (Transportation section) has advised that one off-street parking space measuring 2.5 x 5 metres should be provided within the curtilage of the building. Any gates to the property should open inwards and not out over the highway.

Consultation responses have not yet been received from Hetton Town Council and Northumbrian Water. It is anticipated that responses will be received prior to the Sub-Committee and details of comments provided will accordingly be reported on the Supplementary Report.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
 B_2_Scale, massing layout and setting of new developments
 T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- the principle of the proposed development
- the impact of the proposed development on visual amenity
- the impact of the proposed development on residential amenity
- the level of amenity afforded to residents of the proposed dwelling
- the impact of the proposed development on highway safety

PRINCIPLE OF THE 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 surroundings of the proposal site are entirely residential in character, the proposed conversion of the garage/barn to a dwelling is compatible with the principal use of the neighbourhood. As such, the principle of the proposed development is considered to be broadly acceptable, in accordance with the requirements of policy EN10 of the UDP.

IMPACT OF PROPOSED DEVELOPMENT ON VISUAL AMENITY

Policy B2 of the Unitary Development Plan requires new development to relate harmoniously to adjoining areas, in relation to scale, massing, layout or setting, addressing in effect urban design matters.

The dwellings surrounding the development site are all of a simple, traditional appearance. The three terraced properties of 1-3 Doxford Avenue to the west of the garage/barn are two-storey dwellings of considerable age with dual-pitched tiled roofs, red brick walls and simple fenestration. The recently erected dwellings of Elmfield are also red brick, but with a mixture of tile and slate dual-pitched roofs.

The existing barn, whilst rather unusual in terms of its location, is simply designed and constructed using materials which relate harmoniously to the appearance of surrounding dwellings. The proposed flat roof and parapets of the extended garage/barn do not reflect the rather simple character and appearance of properties in the vicinity of the development site. As such the extended building will appear as incongruous within the existing streetscene and unsympathetic in relation to its surroundings. The failure of the proposed external alterations to the garage/barn to relate to its surroundings will be exacerbated by the overall enlargement of the existing building, which will only serve to increase its prominence within the existing streetscene.

With reference to the above, it is therefore considered that the alterations and extensions proposed to the existing building will result in a form of development that fails to relate satisfactorily to the character and appearance of surrounding properties. The proposal will therefore be detrimental to the visual amenities of the locality and as such, the proposal is not considered to comply with the requirements of policy B2 of the UDP in this regard.

IMPACT OF PROPOSED DEVELOPMENT ON RESIDENTIAL AMENITY

Policy B2 of the UDP 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 dwellings of 1 and 2 Doxford Avenue are situated just 11.5 metres from the west elevation of the existing garage/barn, with the dwellings set down by approximately 0.5 metres. Currently, the west elevation of the building is 3.5 metres high to eaves level, with the pitched roof sloping away from the boundaries with the rear gardens of 1 and 2 Doxford Avenue to the ridge line's maximum height of 5.3 metres. The addition of the second storey to the garage/barn will see the height of this elevation increase to 6 metres, substantially adding to the bulk and visual dominance of the existing building.

The outlook from the ground floor rear windows of 1 and 2 Doxford Avenue is already restricted by the outbuildings at the end of the respective gardens of these properties and so will not be unduly affected by the proposed extensions and alterations. However, given the separation distance of only 11.5 metres between the two, the outlook from the first floor rear windows of 1 and 2 Doxford Avenue will be significantly compromised by the proposed increase in the height of the existing garage/barn, to the detriment of the residential amenity of occupiers.

The extended building will also dominate the end of the rear gardens of 1 and 2 Doxford Avenue, resulting in a visually imposing form of development, and, as it stands to the east, will lead to an increase in the overshadowing of these gardens during morning hours.

The applicant has proposed to erect a 1.6 metre high close-boarded fence along the rear boundaries of the rear gardens of 1-3 Doxford Avenue in an attempt to prevent overlooking from the windows proposed in the west elevation of the building. A 2 metre high fence could be erected along this boundary using the permitted development rights afforded by Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995. The erection of the 1.6 metre high fence (or greater) should assist in protecting the privacy of these dwellings and restrict overlooking of their adjacent rear gardens.

The distance of 25.5 metres to the rear elevation of 4 Elmfield to the south of the development site, coupled with the absence of clear-glazed windows in the south elevation of the converted garage/barn, is considered to be sufficient to ensure that the extended building will not result in harm to the outlook from the rear windows of this property or lead to an invasion of the privacy of occupiers. Similarly, the outlook from the rear windows of the dwellings at 9 and 10 Elmfield, which are 16 metres from the east elevation of the garage/barn, but stand some 4 metres higher, will not be unduly affected by the proposed extensions. Some additional overshadowing of the end of the gardens of 9 and 10 Elmfield is likely in the late afternoon as a result of the proposed extension to the building.

The east elevation of the converted garage/barn does not contain any windows, but, as mentioned earlier in this report, the application includes a proposal for a first floor balcony. The balcony would be screened by parapet walls with a height of 1.2 metres to the east and 1.7 metres to the west. Although these parapet walls would offer some mitigation against the overlooking of the rear gardens of 1-3 Doxford Avenue and 9 and 10 Elmfield, it is not considered that the height of the screening walls is sufficient to completely alleviate the overlooking which would occur as a result of the presence of the balcony.

With reference to the above, the proposed extensions to the existing building will have a detrimental impact on the outlook from the first floor windows of 1 and 2 Doxford Avenue and result in a dominant and overbearing form of development in relation to the enjoyment of the rear gardens of these dwellings. The extension to the garage/barn will also lead to overshadowing of the rear gardens of 1 and 2 Doxford Avenue during morning hours and some overshadowing of the rear garden of 9 and 10 Elmfield later in the afternoon. It is also considered that the proposed balcony is likely to result in some overlooking of the adjacent residential gardens. As such, the proposed development will have a harmful

effect on the amenity of the residents of the adjacent 1-3 Doxford Avenue and 9 and 10 Elmfield, contrary to the requirements of policy B2 of the UDP.

LEVEL OF AMENITY AFFORDED TO RESIDENTS OF PROPOSED DWELLING

Section 2.7 of the SPG states 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.

Given the highly constrained nature of the development site, the only elevation to feature main living room windows is the north elevation. Windows in all other elevations would overlook the rear gardens of surrounding dwellings and are therefore proposed to be either obscurely glazed or, in the case of those in the west elevation, screened by the aforementioned proposed fence positioned 1.3 metres away. The windows in the north elevation, which serve the ground floor lounge and first floor bedroom, have an outlook across the proposed lawn towards the retaining wall and fence of the garden of 11 Elmfield, which has a combined height of approximately 3.5 metres is situated only 8 metres from the ground floor window.

The absence of windows with any outlook in three of the four elevations of the building and the poor view from those windows which have any significant level of outlook would result in occupiers of the dwelling being afforded a substandard level of amenity. In addition, the amount of light reaching the interior of the proposed dwelling is likely to be low given that the only large windows of the building would be north facing.

The level of external amenity space afforded to the proposed dwelling will be approximately 63 sq. metres (16 sq. metres balcony space and 47 sq. metres hard and soft landscaping to the front). Whilst this is fairly low, it is comparable to the provision of amenity space afforded to a number of the recently built dwellings at neighbouring Elmfield.

With regard to the above, it is therefore considered that, due to the heavily constrained site, the converted building could not provide satisfactory levels of outlook and internal light for future occupiers. As such, any occupiers of the proposed dwelling will be afforded a low standard of residential amenity, contrary to the requirements of Section 2.7 of Supplementary Planning Guidance.

IMPACT OF PROPOSED 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.

Supplementary Planning Guidance to the UDP requires that one off-street parking space (to measure 2.5 metres x 5 metres clear of any inward-opening gates) should be provided for each residential dwelling created. The parking space proposed to the front of the building is of sufficient area to allow a vehicle

to be parked off the street. Although access will be taken from a sharp bend in Doxford Terrace, an arrangement which may, in many cases, not be considered appropriate, this is a longstanding access point to the garage. As such, its continued use in association with a single residential dwelling is considered to be acceptable in this instance.

Two of the objection letters received in response to consultation (from 1 and 2 Doxford Avenue) expressed concern at the inclusion of the passageway between the garage/barn and the rear gardens of these properties in the plans for the proposed development, although it would appear access to the gates into the respective gardens would still be possible as the way is not proposed to be blocked or gated. As noted earlier in the report, the applicant has indicated that this passageway is within his ownership whilst it is not an adopted right of way. As such, any dispute regarding the use or maintenance of this passageway is a civil matter to be addressed by concerned parties.

With regard to the above, it is therefore considered that the proposed development does not raise any concerns in relation to highway and pedestrian safety, in accordance with the requirements of policy T14 of the UDP.

CONCLUSION

The proposed development raises significant concerns in relation to the impact of the proposed extensions and alterations to the subject building on the visual amenity of the locality. It is also considered that the residential amenity of neighbouring dwellings will be harmed by virtue of the creation of overshadowing and loss of outlook caused by the extensions to the building, whilst the proposed use of the garage/barn building will lead to harm to the privacy of occupiers of surrounding dwellings. In addition, due to the highly constrained nature of the development site, the use of the building as a dwellinghouse would afford future occupiers an unsatisfactory level of residential amenity, with poor outlook and levels of internal natural light.

However, the consultation responses of Hetton Town Council and Northumbrian Water are still awaited. It is anticipated that these consultation responses will be received prior to the meeting of the Development Control Sub-Committee. In addition, the period for receipt of public objections to the proposal has not yet expired. Those responses, details of any further representations from neighbouring residents and a recommendation will be reported on the Supplementary Report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

4.

Washington

Reference No.: 10/00522/LAP Development by City(Regulation 3)

Proposal: **Erection of single storey extension to East elevation, minor changes to windows and doors to East and West elevations and a series of new foot paths.**

Location: Biddick School Sports College Biddick Lane Fatfield Washington NE38 8AL

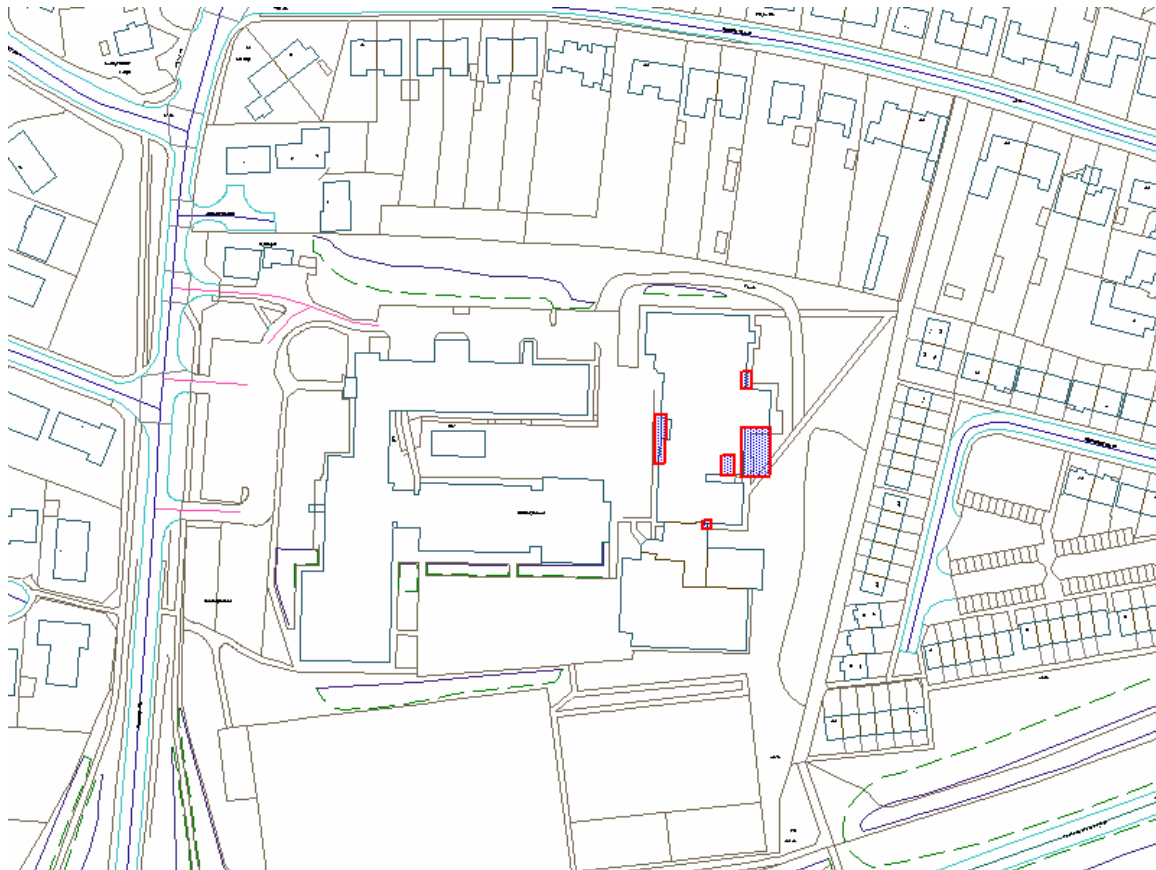
Ward: Washington Central

Applicant: Children's Services

Date Valid: 16 February 2010

Target Date: 13 April 2010

Location Plan



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PROPOSAL:

The application relates to the erection of a single storey extension to the east elevation, minor changes to windows and doors to the east and west elevations and a series of new footpaths at Biddick School Sports College, Biddick Lane, Fatfield, Washington.

The topography of the site is primarily flat, however a small slope exists which runs from north to south which requires areas of the site to be at various ground levels and subsequently vast areas of the site are terraced.

The proposed extension located on the eastern elevation measures 15.5 metres in length, 8.3 metres in depth, reaching a height of 3.8 metres above finished floor level. The proposed extension provides a flat roof marrying into the existing roof of Watson Hall and incorporates four windows and a set of double doors in the eastern elevation. The total gross area of the development would be 128.5 square metres.

The proposal would provide two additional Autistic Spectrum Disorder (ASD) classrooms and its toilet facility, which with internal refurbishment will become ASD and Music Departments to Biddick Sports College.

Located to the north of the proposed extension, permission is sought to replace the existing window to the librarians office with a replacement door and glazed screen in the existing opening in colours to match the existing along with a replacement fire door to the existing boilerhouse.

To the west of the proposed Watson Hall extension it is proposed to fit a glazed screen and door to a currently covered open area of space between the existing boiler house and the ground maintenance and outdoor games store to provide a 19 square metres group room. Designed to maintain the building line of this element of the school the screen and door are to be coloured to match.

The alterations proposed also introduce a new fire escape door with associated escape stair to the south of the existing dance studio, The colour of the door will be in keeping with the existing external doorways. The proposed staircase is to be manufactured in galvanised steel.

The final element of the proposal involves bricking up an existing window opening and introducing an additional window along with alterations to existing access to the entrance foyer on the western elevation. All materials are proposed to match existing.

New footpaths southwest of Watson Hall linking it to the existing Assembly Points for fire escapes are proposed. These paths measure 1.8 metres in width and are ramped to follow the contours of the site, with gradients ranging between 1 in 14 and 1 in 22. Guardrail is also proposed in areas where the land adjacent to the ramp falls away.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water

Final Date for Receipt of Representations: **17.03.2010**

REPRESENTATIONS:

No representations have been received to date.

POLICIES:

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

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

B_2_Scale, massing layout and setting of new developments

L_1_General provision of recreational and leisure facilities

L_7_Protection of recreational and amenity land

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

CF_5_Provision for primary and secondary schools

COMMENTS:

The main issues to consider in determining this application are:

- The principle of the development
- The acceptability of the siting and design of the proposed extension
- The impact on residential and visual amenity.
- Highway and access arrangements.

Principle of the Development.

The site in question is allocated under L7 of the Unitary Development Plan (UDP). Policy L7 states in part :

Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) the development is for educational purposes; and
- (ii) there would be no significant effect on the amenity, recreational and wildlife habitat of the site.

Policy CF5 requires that where possible, the requirements for the provision of secondary education shall be met on existing sites. Also the school playing fields are identified to be protected from development under policy L7 and whilst the development would encroach slightly into the existing unkempt landscaping, the playing fields remain unaffected.

It is therefore considered that the small scale extension and associated works proposed to the school accords with relevant policies of the Unitary Development Plan.

Design, siting and external appearance.

Policy B2 of the UDP relates to new development redevelopment and alterations to existing buildings and states in part that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy;"

With regard to design and appearance it is considered that the size and form of the proposed extension is both sub-ordinate and sympathetic and will not detract from the appearance of this elevation of the school building. Additionally the design of the proposed extension and alterations to the existing fenestration and doorways aims to mirror the existing aesthetics of the school with the brickworks, mortar, windows and doors to match and decorative soldier and band courses to be continued throughout the extension providing a harmonious and acceptable design.

It is considered that the design and layout of the proposals are satisfactory and comply with the requirements of Policy B2 of the adopted UDP.

Impact on residential and visual amenity.

Policy B2 of the UDP seeks to ensure that new development should take into account the amenities of adjoining properties, in particular attention should be paid to the scale of new buildings in relation to existing surrounding development, daylight / sunlight effects, siting, elevational treatments and use of appropriate materials. This policy is further expanded upon within the adopted Supplementary Planning Guidance (SPG) Development Control Guidelines which provides minimum spacing standards between dwellings. Section 2.7 of the SPG requires that a distance of 21 metres is provided between main facing windows and new developments with main facing windows in order to safeguard space, light, outlook and privacy.

In this particular instance the distancing between the proposed development and neighbouring houses is such that it is considered there are no adverse implications to the amenities currently enjoyed by those residential properties. The nearest properties on Hogarth Drive are approximately 40 metres to the east of the proposed development, screened by trees and a palisade fence along the common boundary, which is in excess of the Council's minimum spacing requirements of 21 metres between main facing windows.

Highway and access arrangements.

Policy T8 of the UDP relates to personal mobility policies, specifically pedestrians and aims to promote schemes which provide a convenient, attractive and integrated network of routes offering a high level of personal safety and security, whilst policy T14 covers issues pertaining to accessibility of new developments.

The proposed footpaths and emergency exits have been developed in accordance with guidelines provided within the Disability Discrimination Act 1995 (DDA 2005), B.S. 8300:2009 and B.S. 9999 - 2008 and the Highways engineer has indicated that the proposal raises no concerns and complies with the requirements of policies T14 and T8 of the adopted UDP.

Conclusion.

It is considered that the proposal is of an acceptable design which would not adversely impact upon residential or visual amenity and has no adverse consequences for highway or pedestrian safety. As such the proposal accords with the above planning policies and conditional approval of the application is recommended.

Members are therefore recommended to grant approval under Regulation 3 of the Town and Country General Regulations 1992 subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 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:

Plan No. A(00)EXE001 Rev 02 Existing Elevations, received 18.02.2010.

Plan No. A(00)EXP001 Rev 04 Ground Floor Plan as Existing, received 18.02.2010.

Plan No. A(00)EXP002 Rev 03 Site Plan as Existing, received 18.02.2010.

Plan No. A(00)GAE001 Rev 04 Proposed Elevations, received 18.02.2010.

Plan No. A(00)GAE002 Rev 01 Extension Elevations 1 of 2, received 18.02.2010.

Plan No. A(00)GAE003 Rev 01 Extension Elevations 2 of 2, received 18.02.2010.

Plan No. A(00)GAP001 Rev 10 Ground Floor Plan as Proposed, received 18.02.2010.

Plan No. A(00)GAP002 Rev 04 Site Plan as Proposed, received 18.02.2010.

Plan No. A(00)GAP003 Rev 01 Location Plan as Proposed, received 16.02.2010.

Plan No. A(00)GAS001 Rev 02 1:100 Sections Through Extension, received 18.02.2010.

Plan No. A(00)GAS002 Rev 02 Proposed Sections Through Escape Footpath, received 18.02.2010.

Plan No. A(27)EXP001 Rev 01 Existing Roof Plan, received 18.02.2010.

Plan No. A(27)GAP001 Rev 02 Proposed Roof Plan, received 18.02.2010.

Plan No. A(68)GAP001 Rev 01 Construction Access Phasing Plan and Temporary Fire Escape, received 18.02.2010.

Plan No. A(90)GAP001 Rev 02 External Works, received 18.02.2010.

Plan No. BID-FMC-95-005 Rev 01 (WIP) Proposed Watson Hall Refurbishment Drainage Layout, received 18.02.2010.

Plan No. BSSC/BBCNL/10/02 Rev C Traffic Management Plan February Half Term 2010. received 18.02.2010.

Plan No. BSSC/BBCNL/10/03 Rev F Traffic Management Plan February Half Term to End of Summer Term, received 18.02.2010.

Plan No. 0996-02 Utilities and Topographical Details, received 18.02.2010.

Plan No. 2379-02 Topographical Survey, received 18.02.2010.

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.

- 2 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
- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays unless first agreed in writing with the Local Planning Authority in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 5 No deliveries or removals required in connection with the construction of the development hereby approved shall take place within the 30 minutes prior to school day start time or within the 30 minutes following school day end time, during term time, unless first agreed in writing with the Local Planning Authority, in the interest of highway safety and to comply with the requirements of policy T14 of the adopted UDP.
- 6 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local

Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy of the UDP.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	07/05523/MID Copt Hill	Eppleton Quarry Downs Pit Lane Hetton le Hole	Eppleton Quarry Products Variation of conditions 7 and 8 of planning permission no.99/0791/FUL to extend the period for mineral extraction to April 2011 and to extend the period for restoration to overburden level to Sept 2011	05.02.08	01.12.2009	Pending further consideration and will be reported to a future meeting of the Planning and Highways Committee
2.	07/05522/VAR Copt Hill	Eppleton Quarry Downs Pit Lane Hetton le Hole	Eppleton Quarry Products Eppleton Quarry extension. Extraction of sand and limestone, importation of soils for restoration of existing quarry only. Restoration as extension to Hetton Lyons Country Park	05.02.08	01.12.2009	Pending further consideration and will be reported to a future meeting of the Planning and Highways Committee
3.	08/01617/VAR Houghton	Proposed Sports Pavilion Staddon Way, Houghton le Spring	Russell Foster League Variation of condition no 27 of permission 04/02864/FUL for the development of 20 no. junior sports pitches and associated changing facilities, car parking and landscaping	N/A	3.11.2009	Withdrawal has been requested. Tree felling consent has been granted by the Forestry Commission.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
4.	09/02091/FUL Washington North	Allied Carpets Unit 2 The Peel Centre District 10 Peel Retail Park Washington NE37 2PA	Peel Investments (UK) LTD Demolition of Unit 2 (Allied Carpets) and erection of new retail unit attached to existing Unit 1 (Homebase)	N/A	3.11.2009	Pending further consideration
5.	09/03649/MID Hetton	Hetton Moor Farm Murton Lane Easington Lane Houghton-Le-Spring	Mr Wilf Husband Planning application for the removal of residual reserves of sand and gravel and the recycling of inert construction and demolition waste at Hetton Moor Farm Quarry, Murton Lane, Easington Lane, Houghton le Spring	N/A	N/A	Pending further consideration
6.	10/00472/VAR Houghton	Avon Crescent Fence Houses Houghton-Le-Spring	Gentoo Homes Variation of condition 2 (approved plans) attached to planning application 07/00131/LEG "33 new dwellings with the stopping up of roads and footpaths on Avon and Thames Crescent".	N/A	N/A	Pending further consideration

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
7.	10/00010/FUL Houghton	Land North Of Blackthorn Way Sedgeleth Industrial Estate Houghton-Le-Spring	Printbylaser Erection of a new industrial unit with boundary fencing, associated servicing facilities, car parking, hard and soft landscaping and creation of new access to Blackthorn Way.	N/A	N/A	Pending further consideration
8.	10/00812/SUB Houghton	Land To The East Of Hall Lane Houghton-Le-Spring	Gentoo Homes Erection of an extra care facility comprising of 40no. 2 bed apartments, staff and communal areas with associated parking and landscaping works,including stopping up and realignment of existing highway. (Revised scheme as per Schedule of Minor Amendments received 26.02.10)	N/A	N/A	Pending further consideration
9.	10/00520/FUL Washington	Land To West Of Burtree Cambrian Way Washington Sunderland.	Keepmoat Homes Residential development comprising of 17 no. two storey dwellings with associated landscaping and parking.	N/A	N/A	Pending further consideration

**Items Delegated to the Deputy Chief Executive
Development Control (Houghton and Hetton) Sub Committee**

1. **Erection of 10 bed residential care unit with associated access and parking (RESUBMISSION).**
- 10/00191/SUB **Land To The North Of All Saints Church Church Road Hetton le Hole Houghton-Le-Spring**
- 19/01/10 Glenpath Holdings Ltd
- Decision:** Approved
- Date of Decision:** 16 Mar 2010
-

Appeals Received Hetton Houghton and Washington

Between 01/02/2010 and 28/02/2010

Team	Ref No	Address	Description	Date Appeal Lodged
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17 March 2010

Appeals Determined Hetton Houghton and Washington

Between 01/02/2010 and 28/02/2010

Team	Ref No	Address	Description	Appeal Decision	Date of Decision
HE					
	09/00043/REF	Eppleton Cricket Club Church Road Hetton le Hole Houghton-Le-	Installation of 12m steel monopole with dual band, dual polar antennae and equipment cabinet.	DISMIS	25/02/2010
HO					
	09/00040/REF	Thornton Cottage Redburn Row Houghton-Le-Spring DH4 6PX	Change of use from public open space to vehicle hardstanding with associated drop curb. Erection of a retrospective fence to rear/side (Amended 22.4.09)	APPC	02/02/2010
	09/00041/REF	Land Rear Of 4A Front Street Fence Houses Houghton-Le-	Erection of 14m slimline street work pole with cabinet and fenced enclosure at base (amended description)	DISMIS	11/02/2010

W

Team Ref No	Address	Description	Appeal Decision	Date of Decision
09/00036/ENF	94 Biddick Lane Fatfield Washington N E38 8AA	<p>THE BREACH OF PLANNING CONTROL</p> <p>Without planning permission the change of use from highway verge and amenity open space to private garden bounded by a 1 metre high approx fence and conifer hedge to the eastern boundary and a 1.8m high approx fence to the northern boundary.</p> <p>REASONS FOR THIS NOTICE</p> <p>It appears to the Council that the breach of planning control has occurred within the last ten years.</p> <p>The enclosure and change of use of the land to private garden has resulted in the loss of open space to the detriment of the visual amenities of the area as a public facility. The boundary fencing intrudes into the open space and contrasts starkly with the remaining open space, which extends along the front of properties on this part of Biddick Lane. The fencing represents an uncharacteristic feature within the street scene, not respecting the best qualities of the wider area. The development is contrary to policies B2 and B3 of the council's adopted Unitary Development Plan and paragraph 2.4 (e) of the Supplementary Planning Guidance (2000).</p> <p>The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.</p>	DISMIS	19/02/2010

17 March 2010



Appeal Decision

Site visit made on 8 February 2010

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
25 February 2010

Appeal Ref: APP/J4525/A/09/2117041

Eppleton Cricket Club, Church Road, Hetton Le Hole DH5 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- The appeal is made by Vodafone Ltd against the decision of Sunderland City Council.
- The application Ref 09/01260/TEX, dated 30 March 2009, was refused by notice dated 22 May 2009.
- The development proposed is a 12m steel monopole with dual band, dual polar antennae and equipment cabinet.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues to be the effect of the proposal on:
 - a) The living conditions of the occupiers of nearby dwellings in terms of outlook.
 - b) The character and appearance of the area.
 - c) The amenity and recreational value of the adjacent public open space and children's play area.

Reasons

3. The proposed mast would be visible from a number of dwellings along Church Road and the streets behind, and the upper floors of the houses on the other side of the cricket ground. In the majority of cases, the combination of distance and the layout of dwellings would limit the impact of the mast on outlook. There would be a greater impact on the outlook from 41 and 42 Church Road given their proximity and orientation towards the road. However, the mast would be at an angle to the dwellings and would be some 40m or so away. I consider that whilst there would be some impact on outlook, this would not significantly affect the living conditions of those occupying the properties.
4. The base of the mast and the equipment cabinet would be well screened by the cricket club buildings, the wall along the road frontage and surrounding fencing and vegetation. However, although the mast would be a relatively simple and slim line structure it would rise significantly above the cricket club buildings.



5. Whilst there are telegraph poles and street lighting columns along Church Road, the mast would be a noticeably higher feature, particularly in relation to the telegraph poles along this side of the road. It would also be set well back from the road and so would not follow the linear pattern of these other vertical features. In my view, it would not assimilate well into the street scene.
6. From a number of viewpoints the mast would be seen as a skyline feature against the backdrop of the adjacent open space and children's play area and the cricket pitch. The open nature of much of this adjacent land would exacerbate the visual dominance of the mast in relation to its immediate surroundings.
7. Therefore, whilst I acknowledge the technical requirements in terms of the height of the mast, I find that in the specific location identified it would be an unduly dominating and obtrusive feature, causing significant harm to the character and appearance of the area.
8. Whilst the development would be sited within the cricket ground, it would only take up a small and seemingly unused area in the corner, behind existing buildings. The land in question appears to make no meaningful contribution to the recreational value of the cricket ground. I find no conflict with Policy L7 of the City of Sunderland Unitary Development Plan (UDP) therefore.
9. However, the appeal site is adjacent to a significant area of public open space and within a few metres of an equipped children's play area. Due to its height and close proximity, particularly to the children's play area, the mast would be an unduly dominating and overbearing feature. Its dominance would be reinforced by the fact that the appeal site is elevated compared with the play area. It would be seen as a distinct and clearly separate feature in relation to the much shorter telegraph poles along the road.
10. Although much of the public open space is a grassed area and is likely to be used for informal and passive recreation, such areas fulfil an important role in built up areas and are a valuable resource for the local community. Despite the limited amount of objection to the proposal, I consider that the close proximity of such a visually overbearing feature would be likely to have a considerable adverse effect on the enjoyment of those using the public open space and in particular the children's play area. The mast would therefore significantly undermine the amenity and recreational value of these areas.
11. I appreciate that the Cricket Club itself would receive income from the siting of the mast and that this may assist in securing or enhancing facilities at the Club. This does not however outweigh the harm to the amenity and recreational value of the public open space and play area.
12. I note that some concern has been expressed by interested parties about the possible health risks from the mast. Planning Policy Guidance Note 8 on Telecommunications advises that if the guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure to radio waves are met, it should not be necessary for planning authorities to consider further the health aspects of a proposal. In this case, the appellant has confirmed compliance with ICNIRP guidelines. Therefore, whilst I acknowledge the concerns expressed, they are insufficient to justify dismissing the appeal on health grounds.

13. I accept that the appellant has demonstrated that the mast is necessary to improve 3G network coverage in the area, that there are no tall buildings or structures available and that there is no potential for mast sharing. Alternative sites have been considered and legitimately discounted for a variety of reasons. This information is not disputed by the Council.
14. However, I find that the need for the development does not outweigh the significant harm that it would cause to the character and appearance of the area and the amenity and recreational value of the adjacent public open space and children's play area as a result of the specific location chosen.
15. For the above reasons and taking account of other matters raised, I conclude that the proposal would be contrary to Policies B2, B3 and B26 of the UDP and that the appeal should be dismissed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 12 January 2010

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Secretary of State
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Decision date:
2 February 2010

Appeal Ref: APP/J4525/A/09/2115383

Thornton Cottage, Redburn Row, Houghton Le Spring, Tyne and Wear DH4 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Thomas Robson against the decision of Sunderland City Council.
- The application Ref 09/00345/FUL, dated 28 January 2009, was refused by notice dated 3 June 2009.
- The proposed development is a change of use from open space to hard standing.

Decision

1. I allow the appeal and grant planning permission for the change of use from public open space to vehicle hard standing with associated drop kerb and erection of fence to rear/side at Thornton Cottage, Redburn Row, Houghton Le Spring, Tyne and Wear DH4 6PX in accordance with the application Ref 09/00345/FUL, dated 28 January 2009, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the plans submitted with the application Ref 09/00345/FUL.

Procedural Matters

2. At the time of my site visit the rear part of the appeal site was enclosed by fencing and the drop kerb had been installed. The proposed hard standing had not been put in place and there were no vehicles parked on the appeal site. I have therefore determined the appeal on the basis that the development has at least in part already commenced.
3. The description of the development set out in the heading above is taken from the application form. In the interests of clarity I have used the description in the Council's decision and the appeal form.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Thornton Cottage is at the end of a small group of houses which sit in otherwise open land between the built up area of Chilton Moor and the Rainton Bridge Industrial Estate. The appeal site forms part of a strip of open amenity

land running along the side of the road which provides a route for pedestrians given that there is no footway beyond Thornton Cottage. Along the road on both sides are open fields which appear to be used for horse grazing or are lying fallow.

6. Policy EN10 of the City of Sunderland Unitary Development Plan (UDP) seeks to retain the existing pattern of land use and states that development should be compatible with the principal use of the neighbourhood. Although the number of houses in the group is limited, they are spread along the road frontage. This makes them a significant feature in the wider landscape. I consider therefore that the existing pattern of land use and the principal use of the neighbourhood is residential development set within open countryside uses.
7. The appeal site forms a small section at the end of the strip of open land along the roadside. The visual context for the appeal site is provided by Thornton Cottage and the other dwellings in the group, and it is largely seen against the backdrop of these dwellings. The area of the appeal site is very small in comparison to the overall extent of open land in the wider area.
8. In my view, given the small area of land concerned and the visual context provided by the dwellings, the change of use and enclosure of the rear of the appeal site would not affect the visual amenity value of the strip of open land along the roadside to any significant extent. It would have little effect on the overall sense of openness and a minimal impact on the open break between the built up areas of Chilton Moor and the Rainton Bridge Industrial Estate. It would retain the overall pattern of land use and be compatible with the principal use of the neighbourhood. Safe access for pedestrians along the road in front of Thornton Cottage to the open land beyond would be maintained given the extended surfaced footway.
9. I consider therefore that the development would not cause significant harm to the character and appearance of the area. It would comply with Policies B2, EN10 and CN6 of the UDP.
10. In addition to the expressions of support, I acknowledge the weight of objections to the proposal and have taken account of the concerns raised. I appreciate that parking provision was considered adequate when planning permission was granted for Thornton Cottage and the extent of the proposed residential curtilage was clear at that time. I must however deal with the merits of the particular proposal before me, in the light of current circumstances.
11. There is no substantive evidence which demonstrates a need for additional off street parking in terms of highway safety. However, given that I find the proposal acceptable in terms of the character and appearance of the area, the lack of demonstrable need for additional parking is not a determining factor in my decision.
12. The Council accepts that the proposal would retain the right of way serving the rear of Redburn House. In any case, this issue would be dealt with by other legislation and is not a matter before me as part of this appeal. The ownership of the appeal site is not a material consideration in terms of my determination of the appeal.

13. I have considered the Council's argument that the appeal proposal would set an undesirable precedent for development pressure further along the road. However, each application and appeal must be determined on its individual merits and I see no reason to suggest that my decision would set a precedent as the Council fear, particularly as Thornton Cottage is the last house in the group, and the land beyond the appeal site is open. In any case, I consider that the development does not harm the character and appearance of the area.
14. The Council has suggested conditions should the appeal be allowed. I agree that for the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is necessary. Given that the development has already partly taken place, there is no need for a condition relating to a time limit for commencement.

Conclusion

15. For the above reasons and taking account of other matters raised I conclude that the appeal should succeed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 26 January 2010

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
11 February 2010

Appeal Ref: APP/J4525/A/09/2115727

Land to the rear of 4a Front Street, Colliery Row, Houghton Le Spring, DH4 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Vodafone UK Ltd against the decision of Sunderland City Council.
- The application Ref: 09/00812/TEX dated 27 February 2009, was refused by notice dated 28 April 2009.
- The development proposed is 12m pole with antennae on top contained together with a ground based equipment cabinet within a small compound surrounded by a fence.

Decision

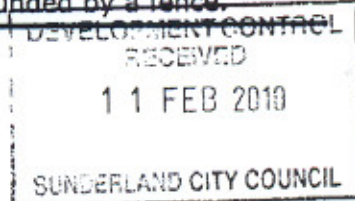
1. I dismiss the appeal.

Main issue

2. The main issue is the effect on the street scene and on the outlook of nearby residents.

Reasons

3. There is an undisputed need for such an installation in this locality. It is apparent that there are no existing masts suitable for sharing or roof top sites. The appellant has undertaken an extensive search for alternative sites, which is not challenged by the local planning authority. These factors carry significant weight given the general support for the telecommunications industry set out in Planning Policy Guidance Note 8: *Telecommunications*. However, that guidance seeks to ensure that environmental impact is kept to a minimum.
4. The building to which the pole would be attached is a single storey industrial building in a poor state of repair. It is located within a mixed use area, which includes housing. Although the pole would be slim it would have an overall height (including antennae) of about 14m above ground level. The ridgeline of the building to which it would be attached is approximately 7m above ground level.
5. Given the lack of higher buildings to the south of the appeal site, the mast would appear extremely prominent when viewed from Wynyard Street, which consists of terraced dwellings. The pole would also be highly visible from the rear windows and yards of a number of dwellings on Front Street. This harm would be further exacerbated by the proposed compound around the pole, which would measure approximately 7m by 3m and be created using 2m high palisade fencing. This part of the proposal would result in more of the open yard area being developed in a utilitarian manner, which would be highly visible



from nearby dwellings. While I realise that the outlook for local residents at the present time is quite poor because of the condition of the existing building, this does not provide a sound basis for allowing this proposal.

6. Local residents have expressed concern about the possible health risks from the development. Planning Policy Guidance Note 8: *Telecommunications* (PPG8) says that if a proposed mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The appellant has confirmed that the proposed equipment in this case, would comply with the ICNIRP guidelines. From what I have seen and read there is nothing unusual about this proposal either technically or in this location in relation to nearby dwellings. There is no evidence to outweigh the advice in PPG8 on health considerations. As such, the health fears of local residents do not weigh significantly against the proposal.
7. Although I attach significant weight to the need for the installation and the absence of identifiable alternative sites, I find the degree of harm to the street scene and the outlook of nearby residents to be a factor of greater weight. As such, the proposal would conflict with City of Sunderland Unitary Development Plan Policies B2 and B26.
8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR



Appeal Decision

Site visit made on 9 February 2010

by **J D Waldron MCD BArch**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
19 February 2010

Appeal Ref: APP/J4525/C/09/2113328

94 Biddick Lane, Fatfield, Washington NE38 8AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Steven Ward against an enforcement notice issued by Sunderland City Council.
- The Council's reference is 09/00036/ENF.
- The notice was issued on 28 August 2009.
- The breach of planning control as alleged in the notice is **Without planning permission the change of use from highway verge and amenity open space to private garden bounded by a 1 metre high approx fence and conifer hedge to the eastern boundary and a 1.8m high approx fence to the northern boundary.**
- The requirements of the notice are:
 - (i) **Cease the use of the land as a private garden.**
 - (ii) **Remove the conifers planted along the eastern boundary of the land, including the removal of the stumps and roots to depth of not less than 10 centimetres below ground level.**
 - (iii) **Dismantle the fencing enclosing the north and eastern boundaries of the land, ensuring that the posts and foundations are removed to depth of not less than 10 centimetres below ground level.**
 - (iv) **Restore the land to its condition prior to the breach by filling in holes left by the removal of fence posts and conifers with topsoil to a depth of not less than 10 centimetres, levelling the surface of the ground to match the contours of the surrounding land.**
 - (v) **Following (iv) above, make good the former grassed areas with turf, adjusting levels to ensure that it is laid level with the surface of the surrounding land.**
 - (vi) **Remove from the land all waste materials arising from compliance with the above requirements.**
- The periods for compliance with the requirements are:
 - (a) **Requirements (i) to (iv) no later than one calendar month after this notice takes effect.**
 - (b) **Requirement (v) no later than six calendar months after this notice takes effect.**
 - (c) **Requirement (vi) no later than one month in respect of requirement (i) to (iv) and no later than six months for requirement (v).**
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (c) of the Town and Country Planning Act 1990 as amended.

Appeal on ground (b)

1. The fences and hedge referred to in the alleged breach of planning control are in place as matters of fact. Thus the appeal fails on ground (b). Whether or not the change of use has taken place is addressed under ground (c).

Appeal on ground (c)

2. There is no dispute that the fences enforced against fall within the permitted development tolerances at Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995. However, by virtue of paragraph 3(5)(b) of the Order, the permission granted by Schedule 2 does not apply where the existing use is unlawful. It follows that if the fences have been erected to facilitate an unlawful use, they cannot benefit from permitted development rights.
 3. The fence on the north side of the land enforced against is generally similar in design, height and colour to the rest of the fencing along the northern boundary of No 94. It all fronts on to a landscaped footpath/cycleway route on the alignment of a former railway line. The fence on the
-

east side of the land enforced against faces towards Biddick Lane and is similar in design and colour to the fencing on the northern boundary, but lower in height. The fences enforced against appear as an integral part of No 94 as a whole by reason of their design and colour.

4. The land enforced against is bordered on the south side by a hard surfaced driveway which provides vehicular access to No 94, and also to No 92 the adjacent house to the south. The driveway forms a clear and distinct southern boundary to the land enforced against.
5. A low wall appears to have defined the boundary between the front garden of No 94 and the highway verge/amenity open space bordering Biddick Lane. Although the wall remains, planting has been provided in front of the wall. Given this planting, and the fences and hedge enforced against, the low wall now appears as a feature within the front garden of No 94.
6. It follows that the provision of the fences and hedge enforced against has resulted in the land enforced against appearing as an integral part of the front garden of No 94. This conclusion is reinforced by the distinct boundary to the south provided by the driveway. The conclusion will be reinforced further as the hedge grows higher with time. The fact that the land enforced against comprises mainly a grassed area with no raised flowerbeds, as the appellant points out, does not change my conclusion.
7. For the reasons given above the land enforced against no longer appears as part of the long strip of highway verge/amenity open space on the west side of Biddick Lane between the footpath/cycleway route to the north and the entrance to Fatfield Park to the south.
8. The Courts have accepted that it is proper to assess materiality in planning terms having regard to possible effect of the change on local amenity. There has been a significant change in the character of the use and local amenity has been significantly affected. I conclude that, on the basis of fact and degree, the material change of use enforced against has taken place. As the use of the land enforced against as private garden is unlawful, it follows that the fences which facilitate that unlawful use are also unlawful for the reasons set out above. The appeal fails on ground (c).

Appeal on ground (a) and the deemed application for planning permission

9. The open grassed area to the front of the properties on the west side of Biddick Lane has functioned as highway verge/amenity open space. It has been an attractive feature of the street scene, important to the distinctive character of the area. The provision of the fences and hedge enforced against, and the change in the use of the land, has resulted in the loss of highway verge/amenity open space to the detriment of the character and appearance of the area as a public facility. In this context the boundary fences and hedge enforced against appear out-of-place and intrusive.
10. The development is contrary to policy B2 of the Unitary Development Plan 1998 which seeks to ensure that the layout of new development should respect and enhance the best qualities of the locality, pointing out that it is necessary through the sensitive control of development to protect and enhance those features of the built environment which contribute towards the determination of character. It is also contrary to policy B3 which seeks to ensure that public and private open space is protected from development which would have a serious adverse impact upon its amenity value. Granting planning permission would set a precedent for further loss of highway verge/amenity open space to the further detriment of the area.
11. The appellant is willing to accept conditions preventing the provision of parking areas or hardstanding on the land enforced against, and restricting the height to which the hedge would be allowed to grow. However they would not overcome the objections.
12. I have taken into account that the land enforced against has not been adopted as highway verge and the appellant's concern that it was used for anti-social purposes before the fences were erected. I have also taken into account the representations from local residents in support of the appellant's case and that there has been a fence along the northern boundary in the past.
13. In conclusion the matters enforced against are contrary to policy in the development plan. I have taken into account all the matters raised but they do not outweigh the objections. The appeal fails on ground (a). Planning permission will not be granted on the deemed application for planning permission.

Formal Decision

14. I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

J D Waldron

Inspector