

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

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**South
Sunderland**

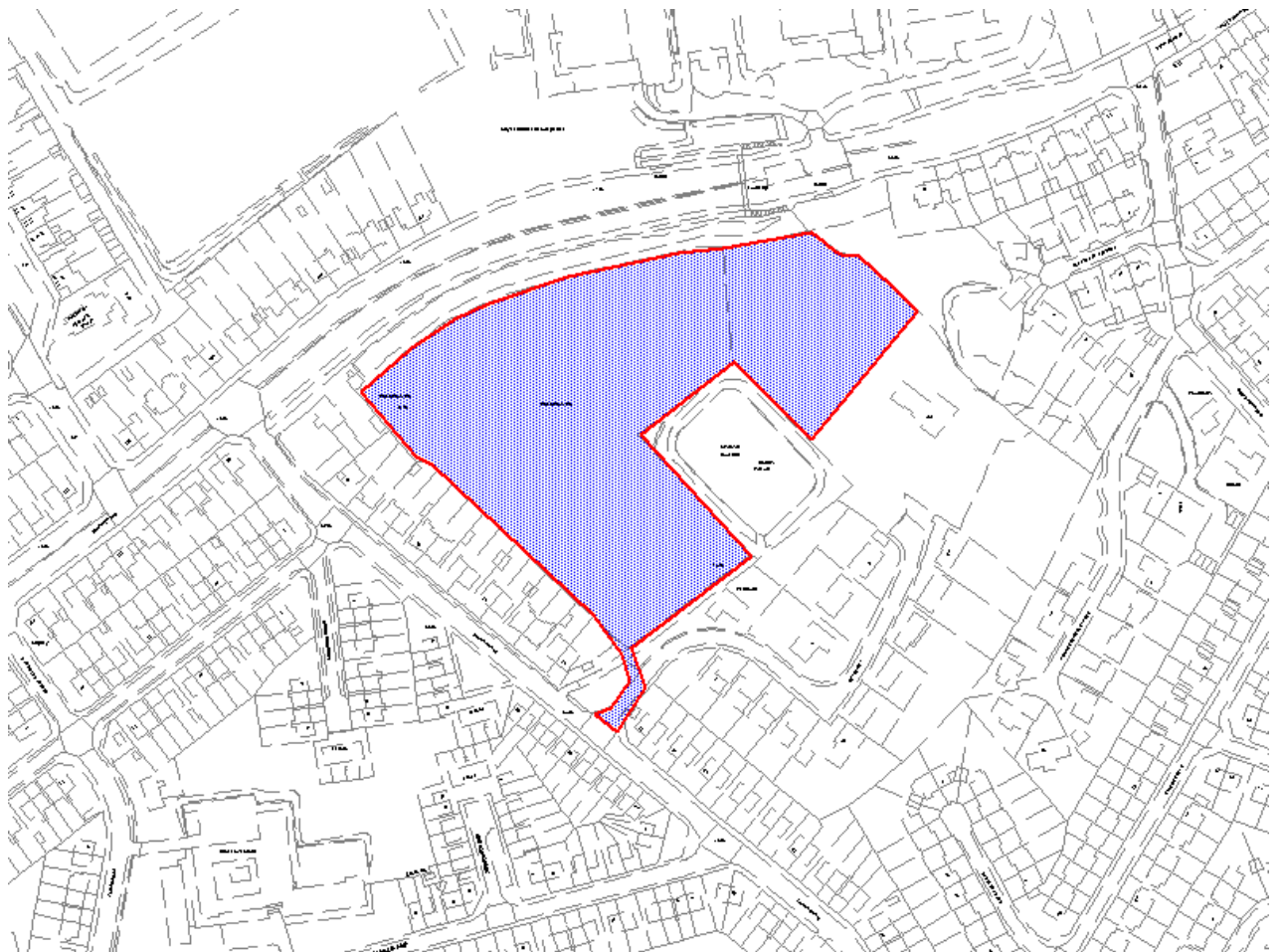
Reference No.: 14/01638/FUL Full Application

Proposal: **Proposed executive residential development for 8 no. bespoke eco homes (amended details received 8/1/15)**

Location: Land East Of Durham Road And Tudor Grove (Humbledon Hill) Durham Road Sunderland

Ward: Barnes
Applicant: Marikal Ltd
Date Valid: 6 August 2014
Target Date: 1 October 2014

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The application site is an area of open space bounded by Tudor Grove to the south-west, Alpine Way to the south-east, and Durham Road to the north. It comprises a small rounded hill known as Humbledon Hill, a well-known local landmark. The site occupies the northern slopes of the hill and excludes the disused reservoir atop the crown of the hill. Part of the gardens of 24 Alpine Way to the north-east is included in the application site.

The majority of the undeveloped part of the hill is occupied by the remains of a defended settlement of Iron Age date which developed from a Later Bronze Age site; the monument was scheduled under the Ancient Monuments and Archaeological Areas Act 1979 (as amended) in 2011. It was deemed to be of national importance as it is a rare survival of a lowland, coastal hillfort or defended settlement. The scheduled area includes the western half of the defended settlement; to the east, the settlement has been compromised by housing development, gardening activities and the construction of a Victorian reservoir. This area is not included in the scheduling.

PROPOSAL

The application relates to the erection of a number of residential properties to the lower northern slopes of the hill outside of the scheduled area. The proposal initially detailed 13 detached properties but has subsequently been amended to eight. The properties are proposed to be 'executive' dwellings, of a high quality contemporary design, and boasting a number of sustainability features.

An access road is proposed to join Alpine Way across the land adjacent to no. 31 Tudor Grove and wrap around the hill following the boundary of the scheduled area to terminate in a turning head adjacent to 24 Alpine Way. A retaining wall will support and define the edge of the scheduled area to the south of this road, whilst the properties will be positioned downhill to the north of the new road.

The buildings are designed around two flat roofed rectangular blocks, one atop and at right angles to the other; the lower one set down and partly cut into the hillside, with the upper block accessed from road level. The design incorporates terraces/balconies and north facing fenestration that will take advantage of the views out from the hill. The flat roofs are proposed to be 'green' roofs as part of the sustainability package proposed.

The design concept of the proposal includes the enhancement and management of the remaining open space as magnesium limestone grassland, a habitat defined by the underlying geology of the hill and unique to the magnesium limestone landscape areas. The applicant envisages the hill as providing an educational role based on the history, geology and biodiversity of the site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England

Barnes - Ward Councillor Consultation
English Heritage
Network Management
Northumbrian Water
Environmental Health
Environment Agency
NE Ambulance Service NHS Trust
Force Planning And Police Architectural Liaison Officer
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.03.2015**

REPRESENTATIONS:

NEIGHBOURS

To date 106 letters of objection have been received and 4 petitions against the development containing a total of 1112 names.

The reasons for objection are varied but follow common themes. The main reasons for objection relate to the following issues;

- the impact of the development upon the scheduled monument and archaeological remains
- the historical nature of the application site and the hill
- the potential for fossils given the geology of the hill
- the hill being a much loved local landmark that should remain undeveloped
- the impact of the development upon the wildlife on the site
- the use of a greenfield site whilst so many brownfield sites are available
- the design of the properties is unattractive, incongruous and inappropriate to the setting of the site
- the development would be highly prominent due to the high visibility of the site
- the detrimental visual impact upon Durham Road, particularly in the winter months
- the detrimental visual impact of the development and the retaining wall upon the hill
- the development would result in light pollution
- the detriment to the residential amenities of adjoining properties
- the potential for an increase in crime with the opening up of the site
- the detrimental impact upon local property values
- noise, dust, disturbance etc during construction
- increased noise and movements through occupation
- the executive nature of the dwellings and associated elitism
- hydrological issues and the possibility of flooding/landslip
- highway safety issues including the road and junction design, and the increased level of traffic/parking
- the allocation of the site for open space precluding housing development
- the irony of 'eco-dwellings' and the impact on the site's natural ecology
- the possibility of the scheme being watered down through amendments, permitted development and unauthorised activities

- the setting of a precedent leading to the development of more of the hill and other similar sites
- the loss of the site being a permanent loss

These issues are addressed within the main body of the report.

Against this, eleven letters of support have been submitted.

The main reasons for supporting the application relate to;

- the development is of an innovative, contemporary and imaginative design,
- the development will be a flag ship development for Sunderland
- the proposal is sympathetic to this historic site
- the development will provide much needed executive housing
- the development will help boost the city and its economy
- the development is highly sustainable
- traffic conditions are not as bad as objectors make out

CONSULTEES

English Heritage is of the view that the proposal will not significantly impact upon the setting of the Scheduled Monument and has no objections.

The County Archaeologist has confirmed that the development will not impact upon pre-historic remains and, with no further archaeological works required, has no objections to the proposal.

The Environment Agency is satisfied that the development does not pose an unacceptable risk to the underlying Magnesium Limestone principal aquifer and has no objections.

The Environmental Health Team has no objections subject to standard conditions relating to investigations to determine the potential risk from gassing waste, potential land contamination, and construction methodology.

Natural England has commented that there is no objection in terms of any potential impact of the development upon the neighbouring SSSI.

The Network Management Team has no objections to the amended scheme subject to agreements under the Highways Act.

The Natural Heritage Protection Team is satisfied that no protected species will be adversely affected and has commented that detailed and robust biodiversity mitigation and enhancement measures will be required, together with pre-commencement surveys to secure the continued protection of wildlife and habitats on the site.

The responses are discussed in more detail within the main body of the report.

POLICIES:

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

H_4_Density of housing development to at least reflect that of the locality
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_12_Conflicts between new development and flood risk / water resources
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_12_Preservation of scheduled ancient monuments
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

ISSUES

The main issues to consider in the determination of the planning application are:

- Principle of development
- Archaeology
- Design and amenity issues
- Ecology and biodiversity
- Geology
- Highway considerations
- Drainage and flooding
- Ground conditions
- Noise

Principle of Development

In considering the proposal for residential development it is important to consider both National and Local Planning Policy.

National Planning Policy

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision- taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

(a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

(b) specific policies in this Framework indicate development should be restricted.

The impacts of the proposed development (both positive and negative) are considered under the various headings later in this report.

Section 6 of the NPPF: 'Delivering a wide choice of high quality homes' is also of particular relevance in the assessment of this proposal.

Paragraph 47 states that:

"To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from the later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6 - 10 and where possible, for years 11 -15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five - year supply of housing land to meet their housing target; and

- set out their own approach to housing density to reflect local circumstances."

Paragraph 49 of the NPPF states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

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

In line with the city's housing requirements outlined in the emerging Core Strategy (Revised Preferred Options Draft 2013), the Strategic Housing Land Availability Assessment (SHLAA) indicates that a 5 year supply of deliverable sites is in place. However, it should be recognised that this is an emerging view which has not been fully scrutinised through consultation or at examination, and therefore has limited weight in terms of decision making. Therefore, on balance, at this moment in time, the Local Planning Authority cannot say with certainty that a five year supply of deliverable sites is available and the presumption in favour of sustainable development must take precedence.

Local Planning Policy

The site in question is not allocated for a specific use by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such, policy EN10 therein is applicable. This states that where the Development Plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood.

The site has been identified within the SHLAA as not currently developable.

The site is also classified as greenfield land and has been identified within the Draft Sunderland Greenspace Audit and Report 2012 as an area of natural/semi-natural greenspace. In this respect it is considered appropriate to apply the provisions of policy B3 to the site. This states that public and private open space will be protected from development which would have a serious effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

There is currently no public access onto the hill; therefore the land has no public recreational value. The impact upon its contribution to visual amenity and nature conservation will be discussed later in the report, but the proposal seeks to improve the biodiversity of the remaining land and introduce public access to it. It is therefore considered that the proposal complies with policy B3.

Principle of Development - Summary

The application needs to be considered in light of the presumption of sustainable development in accordance with paragraphs 47 and 49 of the NPPF, and the impact tests set out in paragraph 14 of the NPPF. The proposed residential development is compatible with the surrounding residential pattern of land use and complies with policy EN10 of the UDP. As outlined above, the proposal is considered to comply with policy B3. As such, the development accords with the development plan and paragraph 14 of the NPPF. The proposed development may therefore be considered to be acceptable in principle subject to the assessment of the other impacts of the development which are considered below.

Archaeology

Humbledon Hill is considered a local landmark site within the city and has a long and fascinating history. During the construction of a reservoir on the hill in 1873, a large round barrow containing three Bronze Age pottery vessels and associated cremations were uncovered along with two inhumations and an iron knife. These were totally destroyed by the reservoir construction and the urns and some related artefacts are now in the collections of Sunderland Museum.

An archaeological desk based assessment was carried out for then prospective developers Bowey Homes in 2000 (ref 00/1154/FUL, 15 two storey dwellings and 45 five storey flats - withdrawn) and this concluded that other prehistoric features or burials could survive elsewhere on the hill. A geophysical survey conducted in 2003 and a limited archaeological evaluation undertaken in July 2006 uncovered the buried remains of a defended settlement encircling the summit of the hill and the presence of a double ditched enclosure, and two pieces of pottery respectively. Further evaluations undertaken in 2007 confirmed the presence of a buried prehistoric settlement and further dating material was also recovered. As a result of these historical findings the area of the settlement site and associated ditched features along with a 2m wide boundary around the site's north and east sides were Scheduled by English Heritage in 2011.

Local Policy Relating to the Historic Environment

Given the recent Scheduling, UDP policy B12 is relevant to the site. This policy states that there will be a presumption in favour of the preservation of Scheduled Ancient Monuments and other nationally important archaeological sites. Planning permission for development which would have an adverse impact on their site or setting will be refused unless exceptional circumstances prevail. In terms of archaeology, policy B14 of the UDP dictates that the city council will require an archaeological assessment to be submitted as part of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

Policy B11 and B13 are concerned with archaeological remains. Policy B11 states that:

'The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded.'

Policy B13 states that:

'The City Council will seek to safeguard sites of local archaeological significance. When development affecting such is acceptable in principle, the Council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. Where the physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required.'

A programme of archaeological evaluation trenching was carried out in October 2013 in accordance with a specification written by the County Archaeologist on the lower slopes of the hill where the new houses are proposed. Fifteen trenches were excavated largely to test geophysical works carried out in 2001 that revealed various linear anomalies on the lower slopes which could potentially be archaeological features.

Natural limestone bedrock was revealed in all of the trenches. One of the linear anomalies turned out to be a probable drainage ditch of 19th century or slightly earlier date. A low earthen bank was recorded, and this too produced late post-medieval pottery. No pre-historic remains were found which indicates that the pre-historic monument is confined to the upper slope of the hill.

The County Archaeologist is thus satisfied that the proposed development will not impact upon pre-historic remains and no further archaeological works are required. The proposal complies with policies B11, B13 and B14 of the UDP.

The 2013 evaluation report notes that pre-historic ditches identified by the earlier geophysical survey lie up to around 2.3m further north than the position shown in the geophysical survey report. The scheduled area was based on the geophysical survey. There was a concern that the outer ditch of the defended settlement may lie outside of the scheduled area. The 2013 evaluation report recommended that the scheduled area is extended to the north and north-east to ensure that the monument is fully protected. As a result, the proposed layout indicates, as agreed with English heritage, a 2m boundary extension to the Scheduled Ancient Monument.

National Policy relating to the Historic Environment

Paragraph 129 of the NPPF states;

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

The scheduled status of the monument required English Heritage to be notified of the application. The response includes the following comments;

.. 'The site's setting also makes a positive contribution to the significance of the scheduled monument.. To a certain extent this setting has already been compromised by the construction, in the nineteenth century, of the reservoir and the subsequent housing developments to the south and east of the scheduled

monument.. The development would affect the setting of the monument but, again in our opinion, it would not be harmful to its significance. Looking out from the site, over the proposed housing development (which would now consist of flat roofed dwellings, scarped into the hillside), it would still be possible to register that the now levelled remains of the defended settlement originally dominated an important hilltop location that would have been a prominent landmark across the region. By the same token, on looking into the site from the surrounding countryside, the new development is configured so as still to allow the viewer to appreciate the setting of the levelled enclosure around the summit of the hill.'

Paragraph 137 states;

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

Further, paragraph 134 states;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

In response to the above, the applicant proposes to provide interpretation boards at the site relating to the history, geology and biodiversity of the site with the possibility of organised educational visits for schools. Currently there is no public access onto the site and consequently it has no public open space value other than visual amenity and as an area of natural/semi-natural green space. The developer also proposes to improve the biodiversity of the remaining green space and manage it as an area of magnesium limestone grassland. The development thus aims to improve accessibility to and understanding of the heritage asset, and provide improved access to the site.

Paragraph 131 states;

'In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.'

Humbledon Hill clearly makes a contribution to the character and distinctiveness of the locality. It is a recognisable and prominent local landmark that is particularly valued by local residents. Whilst not causing significant harm to the setting of the scheduled monument, it is acknowledged that the development will have an impact upon the surrounding views of the Hill; less of the Hill will be seen as a result of being partly obscured by the development. However, on balance it is considered that the innovative bespoke and high quality design of the development that follows the contours around the base of the Hill will add to local

character and distinctiveness and offset any loss of appreciation of the Hill as a local landmark. In this respect, the proposal is considered to comply with paragraph 131 of the NPPF.

The archaeological investigation works that have already been carried out have satisfied the requirements of policies B11, B12 and B13 of the UDP. The proposal is not considered likely to cause significant harm to the setting of the scheduled monument in accordance with paragraph 129 of the NPPF. The opening up and management of the remaining site will achieve public benefits that will improve the accessibility and understanding of the site in compliance with paragraphs 134 and 137 of the NPPF.

Design and amenity issues

The design concept outlined within the Design and Access statement, which has been updated with the submission of the amended scheme, seeks to achieve a unique, contemporary and powerful development that also respects the importance of the heritage asset and the biodiversity of the site and responds to the form and contours of the hill. It is intended to be highly sustainable whilst providing executive, bespoke accommodation.

Section 7 of the NPPF relates to good design and paragraph 56 states that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 60 states;

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Whilst the design concept draws upon international influences, it also references design elements from local architecture.

In addition, on a local level, consideration should be given to Sunderland's Residential Design Guide Supplementary Planning Document (SPD), Sunderland Design and Access Statements SPD, along with UDP policies B2 (scale, massing, layout or setting of new developments) B3 (urban green space) and H4 (housing density).

The nearest residential properties to the development are those at Tudor Grove and no. 24 Alpine Way. Plot 1 sits closest to Tudor Grove and will be at least 39m from the nearest properties, nos.11 and 13, and 38m from Humbledon Farm. The Residential Design Guide SPD requires a minimum distance of 21m where windows of main habitable rooms face each other, or 14m where windows face an elevation with secondary or no windows. This is increased by 2m with every 1m difference in ground levels, In this case there is a vertical difference of a varying amount up to 6.25m which equates to an additional 12.5m horizontal distance; a total of at least 33.5m is required, which the layout easily achieves.

No. 24 Alpine Way will sit approximately 1.25m higher than plot 8 at a distance of at least 42m.

The properties have been designed so that main habitable rooms have windows facing to the front and rear, with only secondary windows in the side elevations. Elevations facing each other without main windows should be at least 2m apart. The layout shows the plots at least 8m apart and at least 10.5m distance where there is a secondary window.

Whilst currently the neighbouring properties enjoy an outlook from the rear across open grassland, there is no right to a view as such, and an outlook towards the proposed dwellings and the new access road at the distances proposed is not considered to be a serious detriment to the visual amenities of the residential properties. Concerns have been expressed about crime and property values; the latter is not an issue that can be addressed in the context of a planning application. The proposed layout will offer a degree of natural surveillance of the site and it is not considered that the introduction of access onto the site is in itself a crime risk.

In this respect, the proposed layout therefore satisfies the spacing standard requirements within the Residential Design Guide SPD and policy B2 of the UDP which requires new development proposals to maintain an acceptable standard of visual and residential amenity.

In terms of housing density, UDP policy H4 requires housing development to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area. In this case, taking the hill as a whole, the density of development is artificially very low due to the undevelopable scheduled area. Of the remaining area, the density is still quite low given the steep garden areas to the rear. Bearing in mind the executive nature of the dwellings and the physical constraints of the site, the layout achieves a spacing and density that reflects that of Alpine Way and is considered to be appropriate to the site circumstances.

The steep and prominent nature of the site determines that a 'traditional' house type would be inappropriate in this setting. The buildings have been designed to respond to the contours of the hill, being partly sunk into the hillside. The choice of flat roofs on the two-tier block design helps to limit the height of the dwellings and the choice of a green roof will help to minimise the visual impact of the development from the hilltop.

The use of a palette of materials including natural stone slip cladding, Siberian larch timber boarding and powder coated steel glazing frames, trims/fascias in an earthy and granite colour scheme will complement this hillside location. A 'Permacrib' system, which allows plants to grow between the timbers of the retaining wall, will also help the development blend into the hillside. Boundary enclosures are proposed to be planted hedgerows using native species.

Paragraph 125 of the NPPF states;

"By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

The proposal includes a lighting scheme that will minimise light pollution from the site, including low level down-lighters along the access road and light sensor-controlled blinds integrated into the double glazing units that will close automatically at night time.

If Members consider the proposal to be acceptable, it is considered appropriate to attach conditions to an approval that will seek to control domestic paraphernalia within the rear gardens so that the natural grassland is maintained.

Ecology and Biodiversity

Paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 directs local authorities, when determining planning applications, to aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, the planning permission should be refused; opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy CN18 of the UDP seeks the promotion of the interests of nature conservation throughout the city. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced through measures including; encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, making provision in development proposals for the preservation of habitats or creation of compensatory habitats, seeking opportunities in development proposals for new habitat creation on both public and private land, improving access and providing interpretation to appropriate sites of wildlife interest, and refusing inappropriate development.

Policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

The site is not formally designated as a site of nature conservation interest but its green field and inaccessible state determines that it has ecological value that requires proper consideration. The application is accompanied by an Extended Phase 1 Habitat Survey which identifies the habitats present on site and any evidence of, or potential for, protected or notable species to use the site. A Botanical Walkover has been submitted to ascertain botanical interest on the development site; a Breeding Bird Survey and a Reptile Survey have also been submitted. There are no trees on the site to be directly affected; a tree belt exists outside of the northern boundary of the site, which is of sufficient distance from the proposed built development to be unaffected.

The reports conclude that the habitat within the site boundary is not classified as magnesian limestone grassland, although the grassland and scrub habitats on site are of moderate ecological value, providing good foraging, commuting and nesting opportunities for a number of species including birds, bats, reptiles and terrestrial mammals. The phase 1 report recommends a site specific management plan to incorporate areas that are sympathetic to magnesian limestone grasslands, including onto the grass roofs.

The tussocky grassland, scrub and shrub habitats on site have potential to support breeding birds. Although a breeding bird survey has been submitted, prior to any development commencing, a checking survey should be undertaken between June and July and it is recommended that any required clearance of these habitats will be undertaken outside of the breeding bird season (March to August inclusive). There are no opportunities for roosting bats, although measures such as erecting bird and bat boxes are recommended to mitigate against any losses and to enhance the site for these species.

The reptile survey found no reptiles or evidence of their presence. However, it is recommended that a checking survey is carried out prior to works being commenced to verify presence/absence of populations on site (April to June or September and October). With regards to invertebrates, the phase 1 report recommends a vegetative assessment to be carried out in the summer months to fully ascertain the level of suitable food plants for these species. It also recommends a butterfly survey during the summer months to ascertain level of use on site and to quantify their abundance, and mitigation to improve remaining habitats.

There was evidence of large mammal foraging activity and small mammals using the site. The phase 1 report recommends protection during construction works such as covering holes to prevent trapping nocturnal foraging mammals. Any management plan should include maintaining access between reservoir and grassy banks to northern boundary.

Further surveys have produced no evidence of any protected species currently using the site that may be adversely affected by the development.

The Natural Heritage Officer has commented that the ecological reports provide a comprehensive assessment of the site and adjacent areas, and offer appropriate and interesting mitigation and enhancement measures. Any grant of consent must be subject to the requirement for the developer to ensure the viability and long-term sustainability of all landscape and ecological mitigation and enhancement measures, including in perpetuity management and maintenance, and monitoring of the ecological factors such as mammals, flora and invertebrates, controlled access to and use of the grassland areas by humans and domestic animals, and sensitive external lighting across the site. All mitigation measures proposed thus far must be incorporated into the scheme, including for example wildflower grassland and hibernacula in the gardens.

Given the above, the protection, mitigation and management measures proposed will ensure compliance with paragraph 109 and 118 of the NPPF, which aim to enhance and protect the natural and local environment and conserve and enhance biodiversity. Further, the improvement and management regimes proposed will comply with policy CN18 of the UDP. Monitoring of the site during

the development process and as part of the management of the site will ensure compliance with policy CN22 of the UDP.

Geology

Paragraph 118 of the NPPF requires that proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.

To the north east of the site lies the Humbledon Hill Quarry SSSI, designated for its important geological features. Part of the north eastern corner of the site lies within the SSSI Impact Risk Zone. Natural England has been consulted on the application and has commented that the proposed development will not damage or destroy the interest features for which the site has been notified.

Highway considerations.

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking.

The Network Management Team has confirmed that there are no objections to the erection of 8 dwellings on the site from the highway safety point of view. The impact of the development upon the Durham Road/Tudor Grove junction is likely to have a negligible increase in vehicular trips. The layout includes two in-curtilage car parking spaces per dwelling and 5 visitor spaces, which is considered to be an acceptable level of provision for the development. The gradients and curvature of the road, pedestrian access and the turning head arrangement are considered to be acceptable.

The proposed development will entail the erection of buildings on a private road and will therefore be subject to the Advanced Payments Code of the Highways Act 1980 (section 219 and following sections). An agreement will be required to enable the construction and to secure the adoption of public highways under Section 38 of the Highways Act 1980. Improvements to existing highway that are necessary to provide a new footway would need to be undertaken in accordance with provisions made under Section 278 of the Highways Act 1980.

Given the above, it is considered that the proposed development is unlikely to lead to any significant increase in on-street parking in the vicinity of the site or highway and pedestrian safety concerns, in accordance with the requirements of policies T14 and T22.

Drainage and flooding.

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

A Flood Risk Assessment (FRA) was submitted as part of the planning application. The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The FRA has confirmed that the development site lies within Flood Zone 1, which has the lowest probability of flooding and as such residential development is considered acceptable in such areas. The site is located within a critical drainage area.

The underlying geology determines that the risk of groundwater flooding to the site is considered to be low. The FRA concludes that partly due to the site's positioning on the hill providing an overland flow route away from the site, the risk of sewer and highway flooding to the site is low.

For surface water disposal, the NPPF advocates infiltration as the preferred method followed by discharge to watercourse and then to sewer when each option has been assessed sequentially. Only when an outfall method has been deemed non-practicable can the next be considered.

In this case, the FRA has concluded that use of suitable urban drainage systems (SuDS), which allow run-off to be collected to a point such as soakaways are unlikely to be adequate, although the use of permeable hard-surfacing for example which allows disposal of rainfall over the area it falls are likely to be suitable. Infiltration will not be the principle means for surface water disposal and therefore a supplementary method is required.

The nearest open watercourse is Barnes Burn, approximately 300m to the north. However, the distance over which an offsite pipeline would need to be laid and the consents and landownership issues that would be involved makes this an impracticable solution.

The final option for disposal of surface water run-off from the site is connection to existing sewers. There is a potential for a connection to a sewer located in Alpine Way approximately at the position of the proposed access road junction; this would be subject to agreement with Northumbrian Water Ltd. NWL have commented on the application by advocating the hierarchy of preference approach for surface water drainage solutions, as above, and has requested details of the disposal of surface and foul water to be agreed by condition.

The use of rainwater harvesting, green roofs, porous paving etc. can contribute to reducing the volume of surface water run-off that would leave the site. Surface water run-off from the site presents a low to medium hazard in terms of pollution potential, The FRA proposes that run-off from all impermeable surfaces should be passed through silt traps as a minimum precaution. The use of green roofs will allow an additional stage of treatment.

The Environment Agency has confirmed that the submitted details contain enough information to conclude that the development does not pose an unacceptable risk to the underlying Magnesium Limestone principal aquifer.

It is therefore considered that the planning application submission has satisfactorily demonstrated the acceptability of the development proposal in

respect of flood risk considerations and is acceptable, in accordance policy EN12 of the UDP.

Ground conditions.

Policy EN14 of the UDP requires the applicant to carry out investigations to determine the nature of ground conditions below where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants, or potentially at risk from migrating landfill gas or mine gas. Para 121 of the NPPF includes a requirement for new development to take account of ground conditions and potential hazards from previous activities, employing mitigation and remediation measures where relevant.

A Desk Top Study report has been submitted with the application which concludes that there is a low ground contamination risk setting for human health and a low ground contamination setting for controlled waters. Historic mapping records a very small quarry encroaching on the western corner of the site, close to Humbledon Farm, c1857. The quarry is no longer shown in 1896 which suggests in-filling may have occurred. The larger disused Humbledon Hill Quarry sits to the north east just outside of the application site and is designated as a SSSI as a result of its important geological features.

The Environmental Health team have commented that the site does not appear to be significantly impacted by landfilling with the possible exception of a small volume of material associated with in-filling of the Humbledon Farm quarry. Investigation of this area has been proposed to determine the potential risk from gassing waste. Likewise the in-filled reservoir to the east of the site has been identified as a potential gas source. There is evidence that made ground is not generally present therefore the contamination risk is low.

It is considered that the development warrants the placement of standard conditions relating to contaminated land, given the sensitive land use and identified risk from made ground and ground gasses.

Noise

Para 123 of the NPPF requires decision making to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development. Policy EN6 of the UDP requires a noise assessment to be carried out for noise sensitive development and appropriate mitigation where necessary.

A noise assessment was submitted with the application wherein prevailing noise levels (road noise) have been measured and assessed according to representative "worst case" conditions. This concludes that, subject to the provision of noise amelioration measures specified within the report, the residents of the proposed dwellings will be provided with acceptable internal and external (private amenity areas) noise environments.

CONCLUSION

Whilst the application site is a highly sensitive and emotive location, the above assessment concludes that there will be no detriment to the setting of the scheduled monument. Archaeological investigations have already been undertaken and no further work is required in this respect.

The positioning of the proposed dwellings is such that it is unlikely that neighbouring properties will be overshadowed, or will be unduly overlooked and it is therefore unlikely that the development will adversely impact upon residential amenity.

The proposal is acceptable from the highway safety point of view and the development should not be at risk from flooding or result in any increased risk of flooding elsewhere.

The applicant has proposed a scheme with a design ethos that seeks to be sympathetic to the history and biodiversity of the site. Measures are proposed that will enhance and develop the remaining grassland areas offering an educational resource on a site that is currently inaccessible to the public. The properties are of an innovative and contemporary design, cut into the hillside, which seek to complement the landscape whilst also making a bold statement. The tree belt to the northern boundary along Durham Road will screen the development to some extent during the summer months, but the development will still be prominent in the streetscene and from the hillside and other more distance vantage points.

The main issue is the visual impact of the development upon the hill as a landmark. The development will introduce a new dimension to the character of the hill, but it is considered that the high quality of the design and the sympathetic siting of the buildings will ensure that the impact will be a positive one.

If Members are minded to approve the application, it is recommended that the schedule of plans are attached as a note rather than a condition to discourage the submission of a section 73 or 73a application (application to vary or remove a condition) to prevent the 'watering down' of the design. Any variation to the development would require the submission of a whole new application and the consideration of all matters again. Samples of materials have been submitted and this matter could be dealt with in a similar manner.

Given the above, it is considered that the application is acceptable. Members are therefore recommended to approve the application, subject to the conditions set out below.

RECOMMENDATION: Members be minded to approve the application subject to the conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act

2004 to ensure that the development is carried out within a reasonable period of time

- 2 This permission shall enure to the benefit of the applicant only, in order that the Local Planning Authority may retain control over the development, and to comply with policy B2 of the UDP.
- 3 None of the dwellings shall be occupied until the building works have been completed in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 4 Before the development hereby approved is commenced the dwellings shall be pegged out on site and their exact location agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 5 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions or other development shall be undertaken to the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development. and to comply with policy B2 of the UDP.
- 6 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, the external glazing of the dwellings shall incorporate an automated system of preventing internal light from passing through after dark, and shall be maintained and operated as such at all times and shall not be replaced without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may protect the visual amenities of the area and to comply with policy B2 of the UDP.
- 7 No materials, equipment or domestic paraphernalia, including garden furniture, washing lines, toys or pet housings, shall be sited or stored in the rear or side gardens at any time, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 8 The grass roofs indicated on the drawings shall be maintained for such use at all times and shall not be used as a balcony or for any domestic or recreational purposes; the doors leading onto the roofs shall be for access for maintenance purposes and ventilation purposes only, and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 9 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 10 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 11 The noise amelioration measures detailed in the submitted Noise Assessment shall be installed during construction and maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy EN6 of the UDP.
- 12 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 14 to number 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 16 has been complied with in relation to that contamination.

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 14 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a Phase 2 investigation and assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land, groundwaters and surface waters,
 - ecological systems, archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

15 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

16 The remediation scheme approved under Condition number 13 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 17 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

- 18 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 14.00 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
- 19 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. wheel washing facilities.

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

- 20 No development other than that required to satisfy this condition shall be carried out until a programme of gas monitoring is carried out and a Gas Risk Assessment, which shall include results of this gas monitoring, is submitted to and approved in writing by the Local Planning Authority, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 21 No development shall take place until a survey of the existing and proposed ground levels; and details of the finished floor levels of each property, hereby approved, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

- 22 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 23 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 24 No trees shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 25 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the additional survey work relating to breeding birds, reptiles, butterflies and vegetation suitable for invertebrates, as detailed in the submitted Extended Phase 1 Habitat Survey, Reptile Survey, Breeding Birds Survey and Botanical Walkover, all dated July 2014 by Econorth. If any protected or other significant species, including amphibians and invasive or non-native species are found, works shall cease immediately on the affected part of the site, the findings shall be reported to the Local Planning Authority and works shall not recommence until agreed in writing by the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 26 No development shall take place until further checking survey work, has been carried out to ascertain the presence or absence of any animal or plant species afforded special protection by law, or its habitat, within the site or affected by the development hereby approved, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The results will inform the implementation, prior to works commencing, of the suite of mitigation and enhancement measures to be submitted to and agreed in writing with the Local Planning Authority as required by condition 27, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 27 No development shall take place until a scheme detailing hard and soft landscaping and ecological mitigation and enhancement measures across the whole site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of in perpetuity management and maintenance, and

monitoring of the ecological factors such as mammals, flora and invertebrates, controlled access to and use of the grassland areas by humans and domestic animals, sensitive external lighting across the site, including all highway areas, measures to provide information and interpretation of the site, and a written timetable for the implementation of the ecological enhancement measures. Once approved, the agreed ecological enhancement measures shall be installed as approved and in strict accordance with the agreed timetable, and retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority, in the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

- 28 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

Reference No.: 15/00468/LAL LAP Listed Building

Proposal: Creation of internal door opening to kitchen and installation of fire resisting curtain/ shutter housing.

Location: Barnes Infant School Mount Road Sunderland SR4 7QF

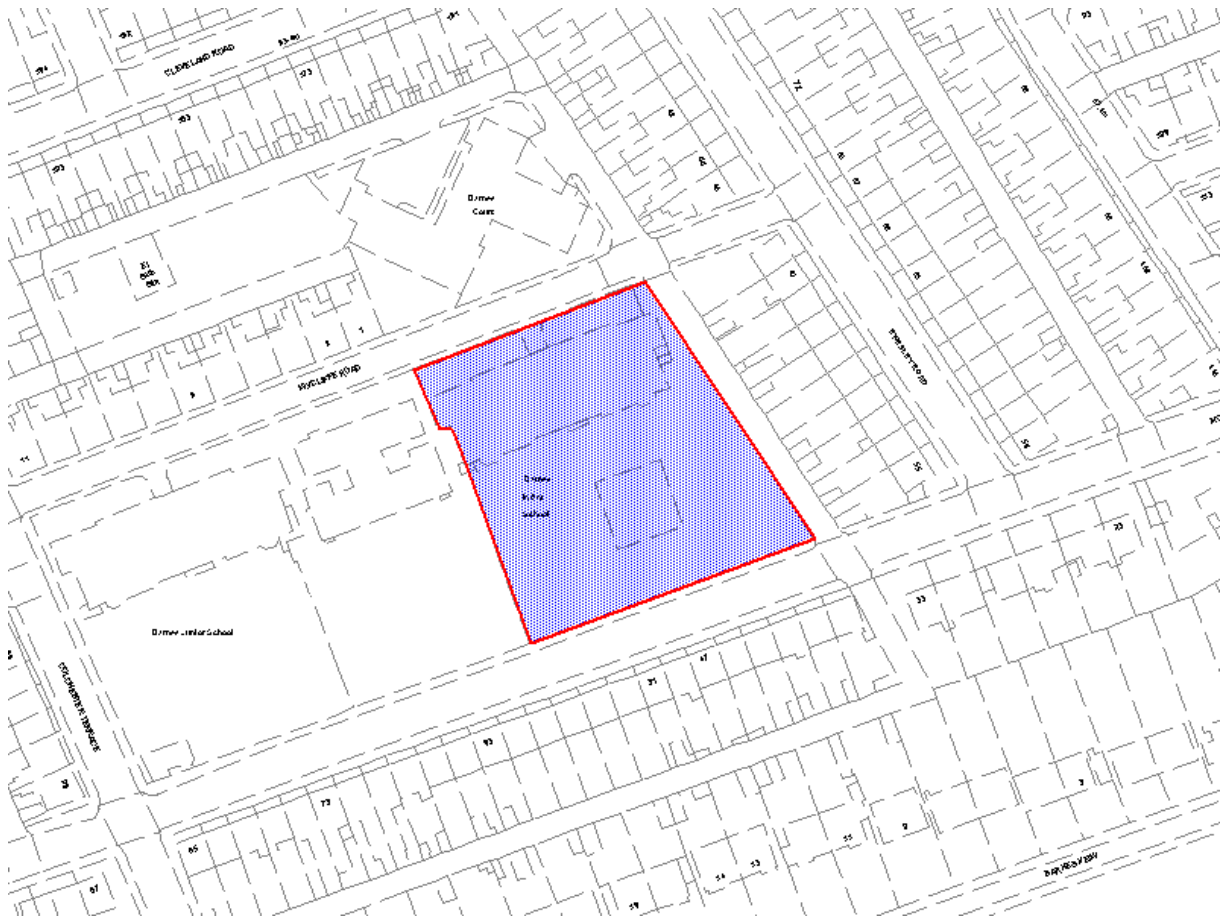
Ward: Barnes

Applicant: Barnes Infant Academy

Date Valid: 4 March 2015

Target Date: 29 April 2015

Location Plan



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PROPOSAL:

Listed building consent is sought for modifications to an internal timber partition screen in order to provide an additional door to access the kitchen server. The proposal includes the installation of a fire resisting curtain/shutter in order to comply with statutory fire safety legislation.

The host property is the westernmost of three main buildings which form the Barnes School complex which is bounded by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and the rear lane of Ewesley Road to the east. All buildings are set back towards the Wycliffe Road boundary, but face southwards across the school yards and car park towards Mount Road. The attractive and impressive Victorian Infant and Junior school buildings were built circa 1900 and are Grade II Listed. The surrounding area is residential comprising predominantly of predominantly of terraced houses.

In accordance with Regulation 13 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, applications made by a local authority for listed building consent must be referred to the Secretary of State should the local authority be minded to approve. Accordingly, should Members resolve to be minded to grant consent, the application will then be forwarded to the Secretary of State for determination.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Barnes - Ward Councillor Consultation
English Heritage

Final Date for Receipt of Representations: **20.04.2015**

REPRESENTATIONS:

Neighbours

To date, no representations have been received, however it should be noted that the consultation period does not expire until 20 April 2015, which is subsequent to the publication of this agenda report. Any representations which are received prior to the Sub-Committee Meeting will be reported at the Meeting.

POLICIES:

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

None applicable

COMMENTS:

The main issue to consider in assessing this application is the impact of the proposal on the historic character and fabric of the designated heritage asset, namely the Grade II listed building.

Paragraph 128 of the National Planning Policy Framework (NPPF) states that, in determining applications, LPAs should require an applicant to describe the

significance of any heritage assets affected. Paragraph 129 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal whilst paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Upon consultation and in accordance with the advice provided by the Council's Built and Natural Heritage section (conservation), this scheme is considered to be a relatively minor and subtle modification to the existing timber screening to provide the requisite additional door to the kitchen. It will have a limited impact on the significance of the listed building and is therefore considered to be acceptable.

The impact of the proposal is considered to be acceptable in accordance with the aims of the NPPF where it relates to the impact of development on heritage assets

Conclusion

For such reasons, the proposed alterations are considered to be acceptable and it is recommended that Members resolve to be minded to grant consent and to refer the application to the Secretary of State for Communities and Local Government under Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

However, the statutory period for the receipt of representations does not expire until 20 April 2015, after the preparation of this report but prior to the Sub-Committee meeting. If any representations are received prior to the Sub-Committee meeting, these will be reported to the Sub-Committee and the proposal will be reappraised, if necessary.

RECOMMENDATION: Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and the conditions as set out below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The Elevations to Screen as Existing and Proposed - Drawing Number 387/01, received 4 March 2015 and
 - The Location Plan, received 4 March 2015.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3.

South
Sunderland

Reference No.: 15/00510/FU4 Full Application (Reg 4)

Proposal: **Installation of pontoons.**

Location: Austin Dock Panns Bank Sunderland

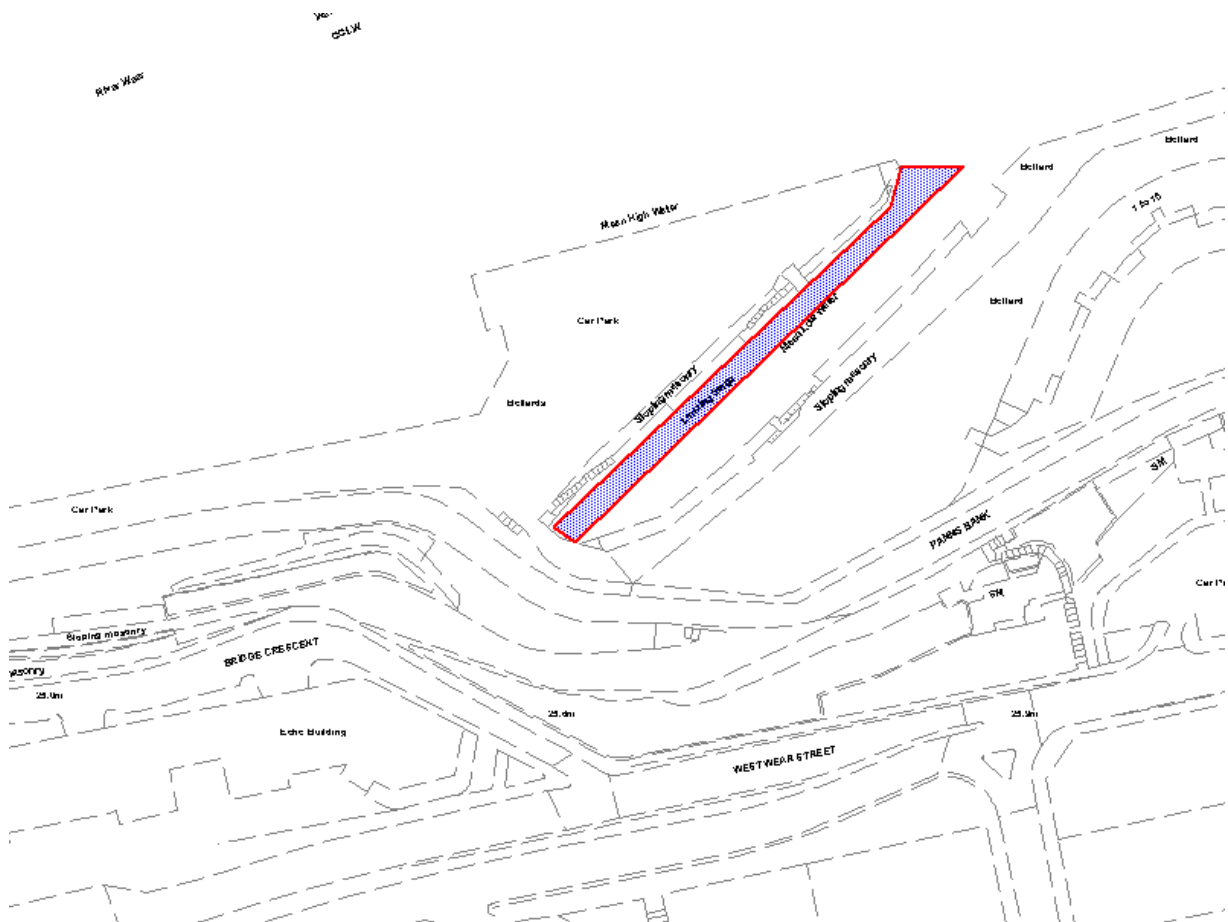
Ward: Hendon

Applicant: Hudson Dock Boat Club

Date Valid: 19 March 2015

Target Date: 14 May 2015

Location Plan



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PROPOSAL:

Planning permission is sought for the installation of pontoons into Austin's Dock, located adjacent to the River Wear and accessed by road via Panns Bank. The proposed installation is to facilitate the use of the dock by the Hudson Dock Boat Club to moor pleasure boats belonging to members of the club. It is not considered that planning permission is required for the use of the dock by the boat club and as such, consideration of this proposal is limited to the proposed physical works to facilitate the use.

The dock is presently unused and incorporates a steel gantry walkway allowing access from the car park adjacent to the River Wear. There are low level concrete walkways within the dock and to one side, there are three universal columns of steel construction. The applicant advises that the last use of the dock was as a ferry landing and that this ceased in excess of 20 years ago. The dock is located within the Old Sunderland Riverside Conservation Area.

The proposal involves the fixing pontoons to the existing universal columns within the dock using steel clamps. The pontoons comprise a steel frame with timber decks and polystyrene/concrete floats. The submitted layout plan showing the proposed arrangement suggests the provision of eight projecting pontoons to which boats could be moored, occupying approximately half of the width of the dock, with the remainder of the dock left unobstructed to allow the boats to manoeuvre into place.

The applicant has advised that in his view, the use of the dock for the proposed purpose would improve the ambience of the area by bringing the presently unused dock brought back into use to moor pleasure boats moored to the proposed pontoons with an almost constant activity of club members tending to their boats. The applicant also suggests the view that boats and marinas are a draw to the public, as can be witnessed by the activities around North Dock. In addition, the applicant suggests that the presence of club members seven days a week will act as a deterrent to anti-social behaviour in the area.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **21.04.2015**

REPRESENTATIONS:

Neighbours

To date, no representations have been received, however it should be noted that the consultation period does not expire until 21 April 2015, which is subsequent to the publication of this agenda report. Any representations which are received prior to the Sub-Committee Meeting will be reported at the Meeting.

Consultees

The Network Management Team has offered no observations or recommendations in connection with the proposed development.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

COMMENTS:

The main issues to consider in determining this proposal are:

- Principle of the development.
- Heritage Issues
- Amenity Issues.
- Access and highway issues

Principle of the development

The site lies within the area wherein the UDP Alteration No.2 Central Sunderland is a material consideration. No specific land use allocation is identified on the proposals map for the application site. As such, the relevant local planning policy is the Council's adopted Unitary Development Plan (UDP). Therein, the site is not allocated for any specific purpose and, as such, 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.

In this regard, the proposed pontoons would facilitate the return to use of the dock for the mooring of boats, which is considered to be an appropriate activity adjacent to the river. It is considered that the proposed development would facilitate a use which is compatible with its surroundings and as such, is considered to be acceptable in accordance with UDP policy EN10.

Heritage Issues

Paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Policy B4 states that all development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end, the Council will issue planning/design guidance for the various areas from time to time.

Policy B6 states that the City Council will preserve and enhance the character or appearance of conservation areas; measures will include:-

1. Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
2. Encouraging the retention of existing mature trees;
3. Introducing controls over the display of advertisements ;
4. Seeking, where appropriate, to control development by the use of Article 4 directions;
5. Giving special attention to the preservation of important views into and out of the area;
6. Restoring highways and verges by use of appropriate materials and planting, encouraging utility companies to respect such works;
7. Reducing the impact of traffic where possible by diversion and traffic calming measures; and
8. Promoting environmental improvement and enhancement measures.

The site is identified in the UDP as a site of potential archaeological importance. Within such areas, policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by UDP policies B13 and B14.

In considering the implications of the development in respect of heritage matters, the relatively small scale nature of the works must be noted. This application seeks consent for the installation of pontoons into the dock to facilitate its use for the mooring of pleasure boats. The pontoons would be affixed to existing universal columns by way of steel clamps and as such the proposal is not considered likely to prove harmful to the value of the heritage asset. In addition, given that it is proposed to simply clamp the pontoons to the existing universal columns, it is not considered that any archaeological interest in the dock would be compromised.

For these reasons, the proposal is considered to accord satisfactorily with the relevant NPPF and UDP guidance in respect of heritage and archaeological matters.

Amenity Issues

Policy B2A of UDP alteration No.2 relates to sustainable urban design and states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

In respect of the impact on residential amenity, the nearest dwellings are in Hart Court to the east of the dock, with the closest part of this development to the dock comprising a block of 18 apartments. These properties are 30 metres away from the dock, wherein the pontoons are proposed at a low level. This distance between these properties and the dock, coupled with the nature of the development for which planning permission is sought, i.e. the installation of the pontoons is considered to be such that the amenities of occupiers of Hart Court are not considered to be adversely affected.

In addition, the installation of the pontoons at low level within the dock is not considered likely to adversely affect visual amenity so as to warrant a refusal of planning permission.

For the reasons set out above, the proposal is considered to accord satisfactorily with the aims of policy B2A as set out above.

Access and highway issues

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

The Council's Network Management Engineers have raised no observations or recommendations in connection with the proposed development, which does not

impact upon the highway or footpath network and as such, accords with UDP policy T14.

Conclusion

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

It is recommended that Members should be minded to grant consent subject to Regulation 4.

This recommendation is made on the basis that no representations are received in advance of the expiration of the consultation period on 21 April 2015. Should any representations be received in advance of this date, the contents and implications will be reported to Members by way of a supplementary report and the recommendation re-appraised if necessary.

RECOMMENDATION: Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 and subject to the conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The Existing Dock Plan, received 10 March 2015;
 - The Proposed Dock Plan, received 10 March 2015;
 - The Section Detail, received 10 March 2015;
 - The Location Plan, received 19 March 2015.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.