

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

Reference No.: 11/02018/FUL Full Application

Proposal: **Erection of a detached dwelling
(RETROSPECTIVE)**

Location: Land Adjacent To 9 Grange View Newbottle Houghton-Le-Spring DH4 4HU

Ward: Copt Hill
Applicant: Mr Peter Conway
Date Valid: 20 July 2011
Target Date: 14 September 2011

PROPOSAL:

Planning permission is sought in retrospect for the erection of a single 4-bedroom detached dwelling which is currently known as Hilltop House, no. 10 Grange View, and is now occupied. This application was submitted following the grant of planning permission to erect a single dwelling on the site which differs from that which has been constructed on site. The retrospective proposal constitutes a departure from the allocated land use for the site as set out by the adopted Unitary Development Plan (UDP) and has been publicised accordingly.

Applications of this nature are normally determined under delegated powers, however this application has been referred to the Sub-Committee for determination at the request of a local Ward Member.

Due to the drastic gradient of the application site, the subject dwelling comprises a single storey to the front and 2-storeys to the rear, including habitable roof space served by 2no. pitched-roof dormers and rooflights to the front and 3no. pitched-roof dormers to the rear. The dwelling (excluding the balcony) occupies a footprint of approximately 189sq.m, measuring maximums of 18.1m in width by 10.6m in depth (excluding the porch), and has a gabled roof with a dropped ridgeline over the integral double garage at its northernmost section. A gabled front porch provides the main entrance and a balcony with a raised platform and separate Juliet balcony have been provided in the rear. An external stairway and walkway have been provided along the south side and windows have been incorporated in the front, rear and north-facing side elevations of the dwelling.

The previously approved dwelling on this site has a footprint of 185sq.m, measuring 18m in width by 10.5m (max.) in depth, and is of a similar height and similar design to that which is the subject of this application. The current retrospectively proposed dwelling is set approximately 1m further forward and 1.4m further northward than that previously approved.

Grange View is a residential cul-de-sac comprising predominantly of 1.5 and 2-storey detached dwellings of varying designs, some of which have open plan frontages. The application site is situated on the outside of a bend in the road and formerly existed as a 0.06ha plot of overgrown open space atop a substantial bank with a particularly steep gradient running from Coaley Lane up to Grange View. The site is situated on the periphery but outside of the Newbottle

Conservation Area and is allocated by the UDP as forming part of an area of public open space and is also identified on the register of open space. A tarmac public footpath runs along the front and north side of the site, the neighbouring dwelling to the north is split level and is of similar height and design to the host dwelling and the dwellings on St. Matthew's Terrace to the north are set significantly below the application site.

Outline planning permission (ref. 07/04935/OUT) was granted in January 2008 and reserved matters (ref. 08/04041/REM) were approved in January 2009 to erect a single dwelling on the site. A dwelling was subsequently erected on the site which did not accord with the approved plans, so the current application seeks to regularise the development.

Previously, the site comprised part of a site of two proposed housing developments. Application no. 04/02420/FUL proposed seven dwellings and was withdrawn in February 2005 and, subsequently, resubmitted application no. 05/00656/SUB was refused in May 2006 on grounds relating the principle of the proposed use being contrary to the land-use policy of the UDP.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
County Archaeologist
Environmental Health
Northumbrian Water

Final Date for Receipt of Representations: **01.09.2011**

REPRESENTATIONS:

No representations have been received from neighbouring occupants.

The County Archaeologist indicated that the site lies outside the presumed extent of Newbottle medieval village, however the site was part of a large quarry in the mid-19th century, so no medieval remains exist on the site and no archaeological work is required.

Northumbrian Water confirmed that public sewers are not affected by the development.

The Council's Built Heritage team confirmed that it has no objections from a conservation perspective.

The Council's Environmental Health section inspected the various environmental reports provided and, upon receipt of the most recent ground gas monitoring report, confirmed that it has no objections and no further such monitoring is required.

The Council's Natural Heritage team recommended that that the development is acceptable from an ecological perspective, provided that the biodiversity measures identified by the submitted ecology report are carried out and that the rear boundary of the plot follows the same north-south line as that of the neighbouring properties to the south.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

POLICIES:

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

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

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

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

B_2_Scale, massing layout and setting of new developments

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

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

COMMENTS:

The main issues to consider in assessing this application are:

- The Principle of the Development
- Residential Amenity
- Design and Impact on Street Scene and Conservation Area
- Highway Implications
- Ecology
- Environmental Health

Principle

The principle of the residential development of the site has already been established through the approval of the application ref. 07/04935/OUT as described above.

Notwithstanding this, it is noted that the site in question is allocated by policy B3 of the adopted UDP as open space to be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. As such, the proposed erection of a dwelling of the site constitutes a departure from its land use allocation as provided by the adopted UDP.

Policy L7 states that land allocated for open space will be retained in its existing use. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or
- (ii) the development is for educational purposes; and
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

The application site previously existed as an area of unkempt scrubland which offered little amenity value, so it is not considered that any notable loss in amenity or recreational value has ensued as a result of the development, whilst the nature conservation value of the site will be addressed in the 'Ecology' section of this report.

Grange View and the surrounding streets are predominantly residential in character and, as such, it is considered that the development is in-keeping with the existing pattern of land use. As such, despite the proposal being a departure from the land use allocated by the adopted UDP and subject to an assessment of its ecological impact, the principle of the development is considered to be acceptable.

Residential Amenity

Policy B2 of the UDP reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'.

Given the site's close proximity with existing residential properties, the minimum spacing standards, as set out within section 10C of the adopted Residential Design Guide Supplementary Planning Document (SPD) should be given due regard, which indicates a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables.

The subject dwelling faces eastward onto Grange View and the front of the property includes primary windows in the form of ground floor lounge windows and serving bedrooms dormers. The dwelling opposite, no. 12 Grange View, has an L-shaped footprint and the westernmost section of this property includes a ground floor bow window which is situated approximately 19m from the host dwelling. However, this bow window directly faces the garage, porch and a hallway window of the host dwelling and no primary windows.

The neighbouring dwelling to the south, no. 9 Grange View, has windows in its gable end facing the application site, however the upper floor window is obscurely glazed and appears to serve a bathroom while the two ground floor windows are particularly narrow and approximately 1.5m high timber fencing separates this property from the application site which substantially screens views from these ground floor windows. Whilst a raised walkway runs along the southern boundary, this provides access between the front and rear parts of the property and a door in the gable end of the host dwelling and does not afford external amenity space, so the privacy afforded to no. 9 has not been unduly compromised.

The nearest dwelling to the north, no. 22 Saint Matthew's Terrace, is set significantly below the application site but lies approximately 19.5m from the proposed dwelling and has only a landing (secondary) windows in its southern gable end.

A balcony has been provided to the rear of the dwelling, however given that this has been positioned centrally on the rear elevation and the nearest property to the rear of the site is around 100m away, this would not impede the privacy of any nearby residents.

Given the orientation of the proposed dwelling relative to its surroundings, it is not considered that any loss of sunlight or daylight would result from the proposal, nor does the dwelling appear overbearing. Whilst no. 22 Saint Matthew's Terrace to the north is set significantly below the application site, given the distance from this property together with the limited height of the host dwelling this property is not overshadowed.

Design / Impact on Streetscene and Conservation Area

In addition to policy B2, UDP policies B4 and B6 are also relevant, which seek to preserve or enhance the character or appearance of conservation areas by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries.

The host dwelling is of modern design and is situated on the periphery but outside the boundary of the Newbottle Conservation Area. The immediate surroundings includes properties of post 1990 construction (albeit these are within the boundaries of the conservation area) which are identified by the Newbottle Conservation Area Character Appraisal and Management Strategy (CAMS) as having a neutral impact on the historic significance of the Conservation Area. As such the modern design of the host dwelling does not have an adverse impact on the townscape value of Newbottle Conservation Area given the physical and visual detachment of the site from the historic core of the Conservation Area.

The subject dwelling is considered to reflect both the scale and character of the surrounding residential properties in terms of its height, footprint and design, incorporating features and materials which are typical of other dwellings in the local area. The dwelling has been positioned to generally continue the pattern of development along this section of Grange View and the rear boundary has been altered to continue the general curve of the rear boundaries of nos. 6-9 Grange View. The boundary treatment which has been provided is considered to be adequately in-keeping with that of other properties in the area and a 1.8m wide verge would be retained along the footpath which runs alongside the site to the north and the landscaping which has been carried out is considered to be appropriate for a residential property and reflective of the local area.

Highway Implications

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety

problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles. Generally, at least a single parking space should be provided for a new single dwelling to measure no less than 5m, or 5.5m should an outward-opening garage door be provided.

Access to the dwelling is taken directly off Grange View to the south of the site and a double drive of at least 5.9m in length has been provided in front of the integral double garage, which accords with the aforementioned criteria, and, as reported previously, Network Management has confirmed that it has no objections to the proposal.

Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process. Reflective of such aims, UDP policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state 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'.

An Ecological Assessment has been provided which concludes that the site is of low ecological value and that the development is unlikely to pose significant ecological impacts. This has been assessed by the Council's Natural Heritage team who have advised that, whilst the survey work to inform the report was carried out a sub-optimal time, provides a basic assessment of the site, lacks a boundary and habitat plan and omits the built development now on part of the site, given the nature and location of the site the assessment of the open ground is sufficiently accurate.

This Assessment also recommends measures to enhance the biodiversity of the site, namely the retention of a small wildlife area in the corner of the site to contain trees, scrub and/or dense undergrowth, which should remain largely undisturbed, and the provision of a hedgehog box, bird nesting boxes and bat boxes. Accordingly, some bushes which have been planted in a rear corner of the back garden, which provides a wildlife area and includes a hedgehog box, and bird nesting boxes and bat boxes have been provided on the gable walls of the dwelling. These provisions are considered to be acceptable and the revised location of the rear boundary of the site ensures that there is no undue encroachment into the area of open space to the rear which is likely to provide habitat for wildlife.

In addition, Japanese Knotweed has been identified as being present within the site, which has the potential to spread. As such, it is recommended that a suitable condition be imposed requiring the removal of this weed by proper means.

Environmental Health

Policy EN14 of the UDP dictates that, 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, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application site is identified as having previously accommodated industrial activity and, as such, the previous planning permission to erect a dwelling on the site was subject to conditions requiring the carrying out of a further detailed desk study and site investigation and, if necessary, remediation work. This information was required prior to the commencement of development, however it was apparent that development has been substantially completed and these pre-commencement conditions had not been discharged. Accordingly, given that the development is now substantially complete and the potential danger caused by exposure to any contaminants which may be present, it is considered that the information should be submitted prior to the determination of the application.

A number of reports have been provided during the course of this application attempting to address these issues, however the majority of these were not considered to be satisfactory upon assessment by the Council's Environmental Health section, particularly in respect of landfill gas and shallow mine workings.

In respect of shallow mine workings, additional evidence was supplied, informed by information obtained from the Coal Authority and Ground Sure, by e-mail on 30.01.2013 which concludes that the site is not at significant risk of coal mining activities and has been agreed by Environmental Health.

This e-mail also attempted to address risk from landfill gas, however this was not considered satisfactorily conclusive by Environmental Health and further survey work in the form of gas monitoring was recommended. Following further correspondence and awaiting the necessary level of atmospheric pressure (i.e. low and falling, when there is greatest risk of ground gas being drawn out of the ground from the adjacent landfill), an Internal Ground Gas Monitoring Report was submitted on 12.02.2014. This has been assessed by Environmental Health who advise that, based on the findings of this Report, there is no requirement for further monitoring or retrospective gas protection and no objection to the development based on the perceived risk of ground gases.

Accordingly, all Environmental Health matters have been addressed and no conditions are required in this respect.

Other Issues

Concerns have previously been raised by local residents over the storage of spoil to the rear of the plot. However, this has now been largely incorporated back to the plot to form the garden of the host dwelling and no significant amount of spoil is now apparent.

A condition was imposed on the previous planning permission for a dwelling on this site removing permitted development rights. However, this condition was imposed at outline planning permission stage and, having re-assessed the requirement for this subsequent to the submission of additional details, satisfying other planning conditions and the completion of the development, it is apparent

the host dwelling and its plot are commensurate with others in the local area and such a condition is therefore no longer considered to be necessary.

Conclusion

For the reasons given above, the principle of the development is considered to be acceptable and it is not considered that the development is detrimental to residential amenity, the visual amenity and appearance of the street scene and adjacent Conservation Area, highway safety, the free passage of traffic, local wildlife or environmental health, in accordance with policies B2, B3, B4, B6, CN18, CN22, EN14, L7, T14 and T22 of the UDP.

It is therefore recommended that Members approve the application, subject to the conditions set out below.

RECOMMENDATION: Approved

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:

Drawing No. 0-00 Rev. B: Location Plan received 10.04.2013

Drawing No. C-02 Rev. A: Constructed Site Plan received 21.02.2012

Drawing No. D-02 Rev. G: Proposed Lower Ground Floor Plan received 28.06.2011

Drawing No. D-03 Rev. E: Proposed Ground Floor Plan received 28.06.2011

Drawing No. D-04 Rev. E: Proposed First Floor Plan received 28.06.2011

Drawing No. D-05 Rev. D: Proposed Elevations received 28.06.2011

Drawing No. D-10 Rev. E: Proposed Section A-A received 28.06.2011

Drawing No. D-11 Rev. D: Proposed Section B-B received 28.06.2011

Drawing No. E-02 Rev. B: As-Built Site Plan received 10.04.2013

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 dwelling hereby approved shall be constructed using the following external materials:

Brick: Ivanhoe Cottage Blend

Roof Tile: Sandtoft Neo-Pantile

Window and Door Frames: Dark Brown-Coloured uPVC

unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policies B2, B4 and B6 of the adopted Unitary Development Plan.

- 3 All Japanese Knotweed on or adjacent the application site shall be treated with chemical spray in order to facilitate its removal. This treatment shall be undertaken for a period of not less than 5 years from the occupation of

the dwelling hereby approved, unless otherwise first agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policies B2 and EN14 of the adopted Unitary Development Plan.

Reference No.: 13/02723/OUT Outline Application

Proposal: **Demolition of (former) derelict church and construction of new 30 unit Elderly and Mentally Infirm (EMI) care facility**

Location: Saint Nicholas Church Front Street Hetton-le-Hole
Houghton-le-Spring DH5 9HJ

Ward: Hetton

Applicant: Brett Bros Developments Ltd

Date Valid: 16 September 2013

Target Date: 16 December 2013

PROPOSAL:

The proposal, as submitted, relates to the demolition of the derelict church and construction of a new 30 unit elderly and mentally infirm (EMI) care facility at Saint Nicholas Church, Front Street, Hetton Le Hole, Houghton Le Spring, DH5 9HJ. The application has been submitted in outline form with all matters reserved for subsequent approval. Therefore the application is to determine the acceptability of the principle of the proposed use.

During the consideration of the application it was established that the church was structurally in a dangerous condition following a previous fire. Ordinarily the demolition of any unlisted building requires permission from the Local Planning Authority. However in this instance it was stated that the demolition of the remaining elements of the church was urgently required as the structure was unsound and in imminent danger of collapse. In this regard it is noted that the owner has not been able to secure the site because of repeated trespass and anti-social behaviour.

With no suitable or practical alternative to alleviate the immediate health and safety risk the only realistic option was for the demolition of the building. As such, it was considered that the demolition of St Nicholas Church, without prior notification or planning approval constituted permitted development by virtue of Part 31, Class A, condition A.2 (a) of the Town and Country Planning, (General Permitted Development) Order, 1995.

It should be noted that a structural report was submitted supporting the conclusion that demolition was the minimum measure necessary to make the site safe.

The development site comprises the former St Nicholas's Church and part of the Churchyard which is located within close proximity to listed buildings to the southwest of the site which are in a residential use.

The site is located adjacent to Hetton-le-Hole Centre allocated as a Major Existing Centre within the Unitary Development Plan (UDP) with the churchyard

allocated as Existing Open Space. The site is allocated as Cemeteries and Disused Churchyards on the open space register 2007.

RELEVANT HISTORY

To provide a planning history of the site, full planning (ref. 09/00226/FUL) and listed building applications (ref. 09/00729/LBC) for the conversion of the church into 15 dwellings were withdrawn on the 29 July 2009. These applications were withdrawn due to concerns regarding the presence of bats and the inadequacy of the submitted information, the amount of development proposed and the access and egress to the site and the constrained nature of the local highway network.

Subsequently a resubmission was approved for a reduced density scheme pertaining to the conversion of the church to form 6 dwellings. At this time the church was also de-listed by English Heritage removing the need for the submission of a listed building application. The use of the site for residential purposes was considered to be established at this time.

Proposal

The proposal has been submitted in an outline format with all matters reserved for subsequent approval. In this respect it must be noted that this application is to determine the acceptability of the proposed use of the site for an EMI care facility. The proposed use must be assessed against the land use allocation of the site.

In addition to the above, although indicative plans have been submitted, they are not binding and do not necessarily constitute the final design of the scheme. In this regard any indication of design, access or parking arrangements could be subject to change. As such, any comments provided in relation to consultation during the determination of the current application are for information purposes only and are to inform the agent should a reserved matters application be subsequently submitted following the determination of this outline application. At the reserved matters stage detailed consideration would be given to access, appearance, landscaping, layout and scale.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **16.04.2014**

REPRESENTATIONS:

Public Consultation

The consultation period for the site notice expired on 1 April 2014 whilst the press notice expired 11 April 2014. The initial consultation period was extended as the proposal was re-advertised as a departure from the land use allocation within the Unitary Development Plan (UDP).

Upon the expiry of the consultation period two letters of representation were received.

The following issues were noted from the owner/occupier of the adjacent dwelling, Laburnum House, Front Street, Hetton Le Hole, Houghton Le Spring. The writer states that they feel it would have been more appropriate for the proposals to have been phased with the first phase dealing with the demolition and site clearance whilst the second phase could deal with the new development.

In addition it was noted that demolition has taken place although the site has not been cleared. Additionally as the site is not secure it is stated rubbish is accumulating at the site. Concern was also noted with the management of the site stating that the objector is not confident any type of development would be completed.

The owner/ occupier of the adjacent Saint Nicholas House stated that they fully support the application. It was also stated that they were hopeful that two trees to the front of the church would be removed as part of the scheme to improve access to the subject site and improve light to the front of their property.

County Archaeologist (CA)

During the consideration of the application a number of discussions have been undertaken with the CA given the unusual nature of the proposed development site. Issues have arisen in connection with the proposal and the potential for graves and buried remains to exist at the site. Notwithstanding that the application is in outline form with all matters reserved for subsequent consideration, the potential constraints of the site were considered fundamental in determining the acceptability of the proposal and whether the principle of development was acceptable.

In accordance with the above it was noted that the plan illustrating the original location of the headstones at the site would indicate that there are graves under the site and beyond the footprint of the church. In this respect given services are to be installed to the north of gravestone 5 (as detailed on the submitted plan), assuming the graves filled the whole churchyard, human remains could be encountered when services are installed and also during the shallow excavations for the creation of the car park and access road.

In accordance with the above it was recommended that an archaeological watching brief be attached to any approval decision, as a precaution, in case any human bones are found.

As an additional note it was stated that in the event human remains were found during the watching brief and in the event that they couldn't be left in situ, confirmation was requested from the Diocesan Advisory Committee to advise where the bones could be reburied. In this respect it is the applicant's responsibility to ensure that they have any permission in place that they may need, from the Church of England.

Notwithstanding the above it has been confirmed that the church was archaeologically recorded in 2009.

Heritage and Design Considerations

At the time of writing the former Saint Nicholas Church shell was standing and as such the comments provided by the Heritage Protection Team were on this basis.

Notwithstanding the above it was accepted at the time of writing that the demolition of the church was necessary to enable a development scheme to progress.

The Heritage Protection Team stated that the submission of a Design and Access and Heritage Statement would have been helpful in order to make a properly informed assessment of the proposal whilst it was also stated further information was required to determine the impact of the proposal on the existing heritage assets and to understand the design approach to the new building.

With regard to the above it was stated that it is important that any redevelopment scheme acknowledges the site's history and historic context and in turn the local character and distinctiveness, defined by the adjacent early 19th Century terrace, inclusive of the grade II listed Laburnum House, and the historic town centre of Hetton (a proposed conservation area, inclusive of the application site).

With regard to the above it is stated any new building should, through a high quality design solution, seek to respect and continue the legacy of the church in making a key contribution to local character.

Although it is acknowledged that the application is submitted in an outline format with all matters reserved, the following observations are noted with respect to the indicative plans provided.

The proposed design in the current format is not considered to contribute positively to local character and distinctiveness or better reveal or enhance the setting of adjacent heritage assets and the proposed conservation area. The general scale and form of the proposal, although similar to that of the church, appears over bulky in its massing and the articulation of the design and in particular the arrangement and orientation of the elevations do not relate well to adjacent heritage assets.

More specifically the west elevation fronting Hetton Road was identified as being bland, articulated with only small ancillary sized windows and does not present a strong façade to the main road through Hetton. In this respect Saint Nicholas Church was designed with an architecturally impressive west elevation with imposing tall gothic mullioned windows and bell tower feature which was prominent when viewed from the main road and alongside Laburnum House.

The proportions of the proposed windows and doors on all elevations of the building also appear jumbled in place, with some of the ground and first floor windows appearing squat and squashed beneath more sizable upper floor windows. This arrangement is considered to be uncharacteristic with the generally diminishing hierarchy of window proportions from ground floor upwards characteristically found on surrounding historic properties.

It is also stated that the choice of materials are crucial in achieving a satisfactory design and should be informed by their historic context. Although no specific details have been provided it would appear it is proposed to utilise a mix of brick, render and slate which would be generally acceptable. It was suggested natural slate would be appropriate for the roofing material whilst uPVC should be avoided for windows and doors.

The indicative details for the proposed building do not, for the reasons detailed above, address the historic setting in a positive architectural manner and could be potentially harmful to the setting of the adjacent listed building (Laburnum House) and would not respect and reinforce local character and distinctiveness.

Given that the application is to determine the acceptability of the proposed use with all matters reserved for subsequent considering it is recommended that the agent and applicant have regard to the above comments prior to the submission of any further details.

Executive Director of City Services (Transportation)

UDP policy T14 requires new development to provide adequate parking provision and be readily accessible to pedestrian and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

With regard to the above the engineers state that the indicative plans demonstrate a one way system for site access and egress. In this respect it is stated that the arrangement should be formalised via the display of entry and exit signs whilst pedestrian access provision should be made throughout the site.

Parking provision for residential institutions is identified as 4 spaces per development plus 1 space per 10 beds, with 1 additional space per residential and non residential staff.

As such it is recommended that the agent and applicant have regard to the above standards whilst finalising any submission for reserved matters.

Public Health

Given the previous use of the site it is noted that a desk top study will be required.

Ecology and Tree considerations

UDP policy CN17 requires the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be

permitted. Furthermore policy CN23 seeks to maintain and create existing wildlife corridors.

The application was supported with the submission of an arboricultural impact assessment, an ecology report and a bat survey. Upon consideration of the submitted information the Natural Heritage Team note that the mitigation measures within the Ecology Report and Bat Survey reports produced by Dendra Consulting Limited is acceptable and should be conditioned. Additionally it is stated that a Lighting Plan should be submitted to the LPA before any works commence on site to ensure any lighting is sympathetic to protected species.

It has also been confirmed by Natural England that a license is not required for the proposed works in this instance.

It is noted that the proposal includes the removal of four trees as part of the works. These trees are identified as T5, T6, T7 and G1. The trees are stated as providing a low landscape value with removal likely to have a minor negative impact at a site level only.

In addition T1, T2, T3 and T4 are identified as requiring pruning to allow the passage of vehicles and pedestrians which is not considered likely to affect the long term health of the trees. Notwithstanding the suggested pruning works to the above trees, the storage of materials, machinery and the installation of driveways and parking bays could cause severe damage during the construction stage. The consideration of the impact to trees will be given further consideration during any subsequent reserved matters application.

POLICIES:

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

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_8_Demolition of listed buildings

B_10_Development affecting the setting of listed buildings

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

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

T_22_Parking standards in new developments

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

CN_23_Measures to conserve/ improve wildlife corridors

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

S_4_Seek to improve the appearance, safety and efficiency of existing shopping facilities identified in S2

B_1_Priority areas for environmental improvements

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

L_1_General provision of recreational and leisure facilities

L_7_Protection of recreational and amenity land

L_9_Retention of land used for allotments

B_2_Scale, massing layout and setting of new developments

COMMENTS:

The main issue to be considered in determining this application is the principle of development in the proposed location. Although consideration has been given to the indicative plans within consultation responses, these details are subject to change and issues identified could be given further deliberation at a later date.

Policy considerations

The former church site is allocated as a Major Existing Centre to be Retained and Improved, subject to policies S2, S4 and B1 whilst the churchyard is allocated as Existing Open Space, subject to policies L1, L7, L9 and B3.

Although it is acknowledged that the church would have been a community use given that it has been decommissioned for a significant period of time the community use has long since ceased.

The retailing allocation of the church, through policy S2 of the UDP states retailing (A1 Use Class), financial and professional services (A2 Use Class), Food and Drink (A3 Use Class), Non residential Institutions (D1 Use Class) and Assembly and Leisure (D2 Use Class) uses as being acceptable in this location. In addition Business (B1 Use Class), Hotels (C1 Use Class) and Hostels are identified as being acceptable where they compliment the retailing function of the centre. Dwellings above ground floor level are also listed, subject to satisfactory residential environment. Development proposals for uses not listed above will be decided on their merits.

Policy S4 seeks to improve the appearance, safety and efficiency of the existing shopping facilities through promotion of environmental improvements, improving service arrangements, traffic management and provision of parking facilities, improving public transport and encouraging uses on redundant upper floors.

The Council will also implement a programme of environmental improvements with priority given to sites which are visually prominent and/ or in the areas of greatest degradation. Particular emphasis is given to securing improvements within and adjacent to areas with concentrations of derelict land and poor quality buildings and those of degraded land on the urban fringe and prominent edges of the built up area.

The open space allocation of the churchyard is subject to policy L1 which relates to the provision of recreation and leisure facilities specifically aiming to enhance the quality of life for residents and visitors by providing a range of high standard recreational, sporting, cultural and community facilities. Policy L7 states land allocated for open space will be retained in its existing use. Through this policy it is noted open space is no less important than other uses and planning authorities should seek to achieve a balance between the need to make adequate provision for development in urban areas and the need to protect such land from development, having regard to local circumstances.

Policy B3 of the UDP aims to protect public and private open space from development which would have a serious adverse effect on its amenity, recreation or nature conservation value. Proposals are considered in light of their

contribution to urban regeneration and to the importance of such space to the established character of the area.

The proposed site is located on the edge of the retailing centre and has not provided a retailing function historically. The church however did provide a D1 use provision which has long ceased to exist. Although the proposed use is likely to fall within a C2 use, this is broadly compatible with other residential uses identified as being acceptable at this site and previous approval of planning permission for residential dwellings. Additionally given the poor condition of the site its improvement is seen as a positive.

With regard to the amenity value of the open space to the rear of the site its contribution is questionable along with its accessibility given the nature of the previous use, current site conditions and general restricted nature of the site. Although the proposed development would erode a small portion of the open space, the benefits of improving the site and the removal of the remains of the previous church are considered significant and outweigh the loss of this space. In addition, regard must be had to the previous approvals at the site where the acceptability of the change of use of the land is considered to have been established. In this respect the proposed development site is contained within a similar red line boundary to previous approvals at the site.

Furthermore, the church grounds could potentially become more accessible and useable given the restrictions which have been in place when the church structure was unsound and further limited at the present time by the condition of the land and the remains on the site. As such, within this context the proposal is considered, on balance, to be acceptable in principle and in accordance with policies B3 and L7 of the UDP.

Nevertheless, it is important to recognise that the application site is contained within a wildlife corridor and as such is subject to policy CN23. Therefore due regard should be given to the conservation and improvement of this wildlife corridor, at any future application stage.

Residential and visual amenity considerations

Policy B2 of the UDP requires the scale, massing and layout of new development to retain acceptable levels of privacy and relate harmoniously to adjoining areas.

Given the outline nature of the application it is not possible to fully evaluate the potential impacts to residential and visual amenity although the indicative plans have been reviewed. Notwithstanding the outline nature of the application regard has been given to the nearest residential properties. Two residential dwellings are located to the front of the entrance to the site whilst residential properties are also located on Richard Street to the north of the site.

The perpendicular relationship between the development site and residential properties to the front of the site is likely to allow for mitigation and limit over looking whilst subject to final design details, the site appears to be able to accommodate a building with adequate spacing standards.

The local planning authority recognises that access and egress to the site is to be taken from the front of the church due to the constrained nature of the site, adjacent buildings and highway network. This would result in pedestrians and

vehicles passing immediately to the front of the Vicarage and Laburnum properties. This arrangement has previously been agreed for residential properties and was a longstanding access route when the site was in use as a church. As such the suggested access is unlikely to be detrimental to residential or visual amenity however the submitted details could be subject to change.

Furthermore given the recent condition of the site accommodating a fire damaged church, which has since been demolished, with rubble and remains left on the site, the potential redevelopment is considered to be positive and of benefit to the wider visual amenity of the area.

Consequently and notwithstanding any reserved matters submission, the broad principles of policy B2 are not likely to be compromised and as such the principle of developing the site for an EMI facility is considered to be acceptable.

CONCLUSION

For the reasons outlined above the construction of an EMI facility on the site of the former St Nicholas Church is considered to be acceptable in respect to the principle of development with all other matters reserved for subsequent consideration at a later date. As such, the proposal is considered to be acceptable and Members are recommended to approve the application subject to the following conditions.

RECOMMENDATION: Approve

Conditions:

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed, pursuant to the provision of Section 92 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Access
Appearance
Landscaping
Layout
Scale

Plans and particulars of the reserved matters shall be submitted utilising an appropriate planning application form and shall be carried out as approved. As the application is in outline only and no details have been submitted of the reserved matters set out above, they are reserved for subsequent approval by the Local Planning Authority.

- 3 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. 100: Existing site plan, roof plan and elevations, location plan, received 03.09.2013

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.

- 4 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 adopted Unitary Development Plan.
- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 7.00 and 19.00 on weekdays and 07.30 and 14.00 on Saturdays nor at any time on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 6 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include 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 containing construction dirt and debris within the site 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 adopted Unitary Development Plan.
- 7 No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected during the course of the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the saved adopted Unitary Development Plan.
- 8 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 9 to number 11 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 12 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.

- 9 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

- 10 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.

- 11 The remediation scheme approved under Condition number 10 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 9 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 10 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 11 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 13 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 adopted Unitary Development Plan.
- 14 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.

- 15 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 B2 of the UDP.
- 16 No groundworks or development shall commence until a qualified archaeologist has been appointed to undertake a programme of observations of groundworks to record any items of archaeological interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks in accordance with a programme of visits to be agreed in writing by the Local Planning Authority prior to the commencement of any ground works, given that the site is located within an area identified as being of potential archaeological interest and in order to ensure that any human remains which may remain on the site can be preserved in-situ wherever possible and recorded and, if necessary, to allow emergency salvage to be undertaken, in accordance with the NPPF and policies B11, B12 and B13 of the adopted Unitary Development Plan.
- 17 The building shall not be occupied or brought into use until the report of the results of the observations and groundworks undertaken in pursuance of Condition 15 have been submitted to and approved in writing by the Local Planning Authority, given that the site is located within an area identified as being of potential archaeological interest and in order to ensure that any human remains which may remain on the site can be preserved in-situ wherever possible and recorded, in accordance with policies B11, B12 and B13 of the adopted Unitary Development Plan.
- 18 Prior to the commencement of works, details of any external lighting to be attached to the proposed building or erected within its curtilage must be submitted to and approved by the City Council as Local Planning Authority in order to ensure the lighting is sympathetic to protected species. The agreed lighting shall then be installed and maintained as such thereafter, unless otherwise first agreed in writing with the Council as Local Planning Authority, in order to minimise the risk of protected species being adversely affected by the development and comply with policy CN22 of the Council's adopted UDP.
- 19 The development hereby approved shall be carried out in complete accordance with the recommendations in Section 5 of the Ecology Report by Dendra Consulting Ltd (dated 15 November 2012), copies of this strategy shall be issued to the developer and building contractors working on site prior to the commencement of works, in order to ensure a satisfactory form of development and to comply with policies CN18, CN22 and CN23 of the Unitary Development Plan.
- 20 The development hereby approved shall be carried out in complete accordance with the recommendations in Section E of the Bat Survey

Report by Dendra Consulting Ltd (dated 9 September 2013). Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policies CN18, CN22 and CN23 of the Unitary Development Plan.

- 21 No development shall take place until details of car parking and other vehicle and pedestrian access and circulation areas have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, in the interests of highway safety and residential amenity and to comply with the requirements of policies B2 and T14 of the UDP.
- 22 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property, to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 23 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.: 14/00155/VAR Variation of Condition

Proposal: **Variation of condition no.2 (approved plans) for previously approved application 12/00057/FUL (Demolition of existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing) to create additional roller shutter doors, reposition the roller shutter doors and omit the viewing gallery on south east elevation.**

Location: Birchwood Omega Ltd Wilden Road Pattinson South Washington NE38 8JU

Ward: Washington East
Applicant: O'Brien Waste Management
Date Valid: 24 January 2014
Target Date: 25 April 2014

PROPOSAL:

The proposal is for a variation of Condition 2 (plans) of previously approved application 12/00057/FUL (Demolition of existing waste facility and construction of a material recovery facility with associated storage bays, weighbridge and proposed perimeter fencing).

Condition 2 of approved application 12/00057/FUL read: -

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site Location Plan - 1990/00B received the 24th May 2012
 Proposed Site Plan - 1990/05E received 2nd August 2012
 Proposed Elevations and Sections received 27th March 2012.

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.

Whilst the development has now been completed, the building was not built in strict accordance with the approved plans listed above and as such the applicant has sought to regularise the development through varying the approved plans.

In terms of overall scale and massing the building remains as per the approved plans, however aesthetically a number of fenestration changes have been made to the elevations as outlined below;

North western elevation - The addition of two access doors;

South western elevation - An enlarged roller shutter door and new access door;
North eastern elevation - A section of the elevation has been cut away, a new roller shutter door has been installed, a previously approved roller shutter door has been enlarged and a new access door created;
South eastern elevation - Viewing gallery removed and seven roller shutter doors have been installed as opposed to the three originally approved. Two access doors have been inserted.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
Environment Agency
Network Rail
Washington East - Ward Councillor Consultation

Final Date for Receipt of Representations: **01.03.2014**

REPRESENTATIONS:

Neighbour representations

No representations have been received as a result of the neighbour consultation letters issued or site notice posted.

Network Management

No observations or recommendations have made

Environmental Health

Comments have been received to the effect that the installation of the new and enlarged roller shutter doors may have an impact upon the results of the noise assessment that was undertaken and submitted as part of the 2012 application. As such it was considered that the original noise assessment should be reviewed to determine whether there will be a resultant impact upon neighbouring properties or the previous mitigation measures proposed. This is further discussed within the main body of the report.

Environment Agency

The Environment Agency has no objections to the proposal as submitted, but they have stated that their original comments in relation to the 2012 application are still applicable

Northumbrian Water

Northumbrian Water has no comments to make on the proposed scheme.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

COMMENTS:

The principle of the development has already been established through planning application 12/00157/FUL, therefore the relevant issues to consider in respect of this variation of plans application is to purely assess the perceived impacts of the revised building fenestration.

In respect of the above, the key areas for consideration are;

- The visual impact of the retrospective changes to the building;
- Any associated impacts as a result of the changes.

Visual Impact

As has previously been discussed, the scale and physical massing of the building would be unaltered with no change in built footprint. Visually the wider site is almost completely contained by a combination of mature woodland, peripheral landscaping belts, the Pattinson Road embankment (to the south of the site) and the screen fencing on the existing Holystone site. Based on the context of the site and given the nature of the elevational changes made, it is considered that the development has no materially greater impact on the site and wider area than the scheme as previously approved in 2012.

The building is therefore considered to be acceptable in terms of its visual appearance and therefore complies with policy B2 of the adopted Unitary Development Plan.

Any associated impacts as a result of the changes

It was initially considered that the installation of the new and enlarged roller shutter doors may have an impact upon the results of the noise assessment that was undertaken and submitted as part of the 2012 application. As such it was requested that the original noise assessment should be reviewed to determine whether there will be a resultant impact upon neighbouring properties or the previous mitigation measures proposed.

In response the agent submitted a statement prepared by their acoustic consultant wherein it was stated that the facade of the process building does not face any surrounding residential areas and that the doors will remain closed except for access. It was also reiterated that all other noise control and mitigation

measures will remain as previously assessed. The statement therefore concluded that the alterations would have no additional noise impact on potentially noise sensitive receptors.

Environmental Health are satisfied that the information contained within the statement has suitably addressed their concerns and it has further been acknowledged that a condition attached to the original planning permission requires that an additional noise assessment is undertaken at the site within a month of operating. The purpose of this additional assessment is to ensure that the predictions made in the original assessment were correct.

Recommendation

In light of the above reasoning it is considered that the proposed variation of condition 2 is considered acceptable and complies with the Council's adopted Unitary Development Plan policies. It is therefore recommended that the variation of the plans be approved subject to the provision of all pertinent conditions as attached to the previous planning approval on the site.

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:

Site Location Plan - 1990/00B received the 24th May 2012

Proposed Site Plan - 1990/05F received 22nd January 2014

Proposed Elevations and Sections - 1990/04C received 22nd January 2014

Plans - 1990/03B received 22nd January 2014

Application Form - received 22nd January 2014

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

- 2 There shall be no burning of any materials on any part of the site, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 3 Notwithstanding the plans and associated details hereby approved, no stockpile within the site shall exceed five metres in height, measured from the natural ground level, at any time. This is 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 EN1 of the UDP.
- 4 All activities to be undertaken within the confines of the site shall only involve soil, brick, concrete, clay, wood and other inert material including municipal wastes (household, commercial, industrial and institutional wastes) with no external storage of municipal waste and shall not include any organic waste material as per the permitted waste operations in permit

number EPR/BB3332RK.unless the prior written consent of the Local Planning Authority has been obtained, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.

- 5 Notwithstanding any information provided within the application, full details of any floodlighting and other exterior lighting shall be submitted to and improved in writing by the local planning authority prior to operation . Thereafter, the lighting shall be installed in accordance with the approved plans and details in order to ensure a satisfactory form of development and to comply with policies B2 and EN1 of the UDP.
- 6 Notwithstanding the submitted plans and associated details hereby approved, no crusher shall be used on the site between the hours of 21.00 to 07.30 hours without first receiving written approval from the local planning authority, in the interests of protecting, local amenity in accordance with policies B2, EN1 and EC12 of the UDP.
- 7 Notwithstanding the submitted plans and associated details hereby approved, the proposed 6 metre high acoustic boundary fence shall be erected before the site is occupied.

No later than 1 calendar month after the approved use commences, a noise report shall be submitted to the local planning authority based on measurements taken in accordance with BS4142:1997 "Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken from within the site boundary and from the two nearest sensitive receptors, whilst the site is operating and the report should demonstrate that the fence provides a minimum 10db(A) reduction in noise level generated by the site from the site, when operating,

- 8 Notwithstanding the submitted plans and associated details hereby approved, no later than 1 calendar month after the proposed use commences, a noise report shall be submitted to the local planning authority. The report shall demonstrate that a minimum 25db reduction in noise level from the plant and equipment operating inside the building has been achieved through effective use of construction materials and methods, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken from inside the building and from the two nearest sensitive receptors, whilst plant in the building is operating, and taken in accordance with BS4142:1997.

- 9 Notwithstanding the submitted plans and associated details hereby approved, no later than 1 calendar month after the proposed use commences, a noise report shall be submitted to the local planning authority. The report shall demonstrate that any increase in background noise when the site is operating, does not exceed 5db(A) over and above the background noise measured prior to the commencement of the

approved use, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken in accordance with BS4142 at Barmston Court and Greenwood Close before and after the proposed use commences

- 10 Notwithstanding the submitted plans and associated details hereby approved, whilst operations are taking place inside the proposed building, all doors/windows and roller shutters shall be kept closed between the hours of 21.00 each evening and 6.30am the following day, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Reference No.: 14/00368/FUL Full Application

Proposal: **Part change of use of shop to fish and chip takeaway.**

Location: Sunrise Discount Store Alexandra House 21 Hazel Terrace
Houghton-le-Spring DH4 5JX

Ward: Houghton
Applicant: Mr Jaffar Ali
Date Valid: 21 February 2014
Target Date: 18 April 2014

PROPOSAL:

The property to which the application relates is a detached building which accommodates a retail shop at ground floor level with a four bedroom flat at first floor level. The applicant advises that the ground floor retail shop has been closed since 2009.

The building stands at the southern extremity of the former Homelands Estate, where a large scale demolition exercise has taken place over recent years by Gentoo in order for the site to be redeveloped. Members may recall that under planning application 12/01318/FUL, planning permission was granted for the erection of 58 new dwellings in place of a number of those which had been cleared to the eastern portion of the former estate. Works to implement this planning permission are now underway and construction work was ongoing at the time of a visit to the site on 20 March 2014. It should be noted that the dwellings for which planning permission has been granted and which are currently under construction are not directly adjacent to the application premises with the plans approved by application 12/01318/FUL showing an intervening strip of land marked Potential Future Development. To date, no application has been received for the development of this intervening land.

Notwithstanding the large scale clearance of the Homelands Estate which leaves the application premises somewhat isolated when viewed from the north, to the south and west, a number of existing residential properties are in relatively close proximity to the application site. The front elevations of the closest dwelling on the south-west side of Blind Lane (number 50) is approximately 50 metres away from the application premises, the side elevation of number 1 Blind Lane which is on the north-east side of Blind Lane is approximately 35 metres away from the application property, whilst the proposed takeaway is offset from the closest dwelling in Beckwith Close (number 18) by approximately 45 metres.

Planning permission is sought for the change of use of part of the ground floor of the premises to a fish and ship takeaway (Use Class A5). The submitted plan shows that the shop will be subdivided so that the westernmost part would form the proposed takeaway with a customer entrance formed through an existing entrance, albeit with the door and window replaced. The internal layout of the building would be reconfigured so as to allow for the use of one of the shop's

existing store rooms as a food preparation area, whilst the shop and the proposed takeaway would share the existing staff room. The submitted plan indicates that an extraction flue would be installed to the front elevation of the property.

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

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Network Management
Environmental Health
Gentoo Group Ltd.

Final Date for Receipt of Representations: **20.03.2014**

REPRESENTATIONS:

Neighbours

Consultation letters were sent to 15 nearby properties, including the nearest on four dwellings on Beckwith Close and ten dwellings on Blind Lane and the flat above the shop where the change of use is proposed. In addition, a consultation letter was sent to Gentoo as the developer of the adjacent land and a public notice was displayed in front of the premises. No responses were received in response to the consultation letters or the site notice.

An objection has been received from Councillor Ellis following complaints from residents in respect of the application at Councillor Ellis' Ward Surgery. Councillor Ellis advises that residents had been told that the premises were going to be re-opened as a small convenience shop (no alcohol etc) and that residents were shocked to receive notification of the proposed change of use of the premises to a hot food takeaway particularly as there is an established fish and chip shop 10 minutes walk away in Grasswell. Councillor Ellis advises that residents are highly concerned about smell and noise, especially late in the evening and the potential for youths to gather on the forecourt. Councillor Ellis shares these concerns, objects to the proposal and as set out above has requested that the application be presented to the Sub-Committee for determination.

Consultees

Network Management

The Network Management Team has been consulted and has noted that the premises has two in-curtilage parking spaces in the rear yard area. The applicant should clarify the arrangements for visitor parking and it is

recommended that parking be made available on the adjacent hardstanding area. On the application form, the applicant states that waste storage and collection arrangements are to be as existing. These arrangements should be clarified.

Environmental Health

The Environmental Health Team has considered that proposal and advised that regard should be had to the potential for odorous and noise emissions from the proposed hot food shop to give rise to complaints of nuisance or disturbance from nearby residential properties. It is therefore recommended that a suitable and effective extraction / ventilation system which efficiently captures odours and incorporates a grease filtration system and mitigates noise shall be provided to serve the hot food shop. The extraction system should terminate in a suitable position above eaves level and not be fitted with any restriction at the final opening, such as a plate, cap or cowl.

A residential dwelling is located directly above the proposed hot food shop. As such particular attention must be given to the design specification and to the construction methods and practice to ensure that adequate protection is afforded to first floor occupants with regard to noise and odorous emissions.

Additionally it is recommended that the opening hours of the proposed hot food shop be restricted to prevent late night disturbance as the operation of the proposed hot food shop may result in disturbance to nearby residents as a result of customers entering and leaving the premises.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_1_Improvement of the environment

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

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

T_22_Parking standards in new developments

COMMENTS:

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

- 1) Principle of the Development.
- 2) Residential and Visual Amenity.
- 3) Highway Issues.

- 1) Principle of the Development.

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and

decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and should encourage the effective re-use of land and property.

The site in question is not allocated for any specific land use within the Council's adopted Unitary Development Plan (UDP) 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. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In this regard, the ground floor of the premises to which the application relates are isolated commercial premises within a predominantly residential area. The site already operates as a mixed commercial and residential premises and it is not considered that the introduction of the proposed hot food takeaway use to the premises would unacceptably alter the character or balance of uses within the area so as to warrant a refusal of planning permission on this basis. The proposal is therefore considered to accord satisfactorily with UDP policy EN10 in respect of its inter-relationship with existing surrounding land uses. This assessment is notwithstanding the assessment of the proposal's impact upon amenity and highway safety which are considered in greater detail below.

2) Residential and Visual Amenity

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

In respect of the impact of the proposal upon visual amenity, the main interventions to the building are the proposed replacement of the window and door at the entrance to the proposed takeaway and the erection of the proposed new flue to the front elevation. The replacement fenestration at the shop's entrance is a relative minor alteration which is not considered likely to impact unacceptably upon the street scene, however the proposed extraction flue as shown on the plans is cause for concern. The detail provided in the application shows that the new flue would comprise a 315mm spiral duct to the front elevation directly adjacent to the entrance to the shop. Details of the proposed colour treatment or any proposed colouring or screening of the duct have not been provided and as such, a full assessment of its impact is not presently possible. Discussions are ongoing with the applicant in respect of the positioning and detail of the flue and whether any alternative positions have been considered. It is anticipated that these discussions will be completed prior to the Sub-Committee Meeting in order to allow this issue to be fully considered.

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

In this regard, the Environmental Health Team advised that a suitable extraction/filtration system is required in order to avoid the potential for noise and/or odour disturbance to result to neighbouring residents as a result of the proposed hot food takeaway. The means of providing this is subject to further

consideration as set out above, but subject to appropriate details being secured and appropriate hours of operation being conditioned for the proposed takeaway, it is considered that the proposal could accord satisfactorily with UDP policy EN1.

Policy S12 of the UDP relates specifically to hot food takeaways and suggests that they should normally be allowed in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.

In this regard, the proposal is considered to be a relatively accessible site, notwithstanding the fact that it does not stand within an existing town or local centre. The impact of the proposal upon the environment, amenity and highway safety are considered below.

Section 9 of the adopted Development Control Guidelines Supplementary Planning Guidance relates to all types of takeaway hot food shops, where the primary business of the premises is the sale of hot food, to the visiting public, for consumption off the premises. Guidance is provided within this document for various scenarios and those which are applicable to this proposal are set out below.

Section 9.1a(ii) states that applications for hot food takeaways situated in a predominantly residential area will not normally be permitted where the principal elevation of the nearest dwelling or block of flats is less than 50 metres away.

In this regard, the property is situated in a predominantly residential area. It faces the side elevation of number 1 Blind Lane and although this property has been extended through the addition of a double garage, its original side elevation is approximately 30 metres away from the front elevation of the proposed takeaway. The garage, for which planning permission was granted in 2006 is 5 metres wide and as such, the separation distance between the extended dwelling and the proposed takeaway is approximately 25 metres. The curtilage of number 1 extends to meet the back of the footway on the opposite side of the road to the application property and the curtilage is enclosed at this point by a high close boarded timber fence. The distance between the front elevation of the application property and the side fence of number 1 is approximately 15 metres. Given that the property faces the side elevation of number 1, the curtilage of which is enclosed by a relatively high close boarded fence, the separation distance between the application dwelling and this property are considered to be sufficient in order that unacceptable detriment would not occur to the amenities of occupiers of number 1 so as to warrant a refusal of planning permission.

The closest dwelling on the opposite side of Blind Lane is number 50, the front elevation of which stands approximately 50 metres away from the application property. This distance, combined with the indirect alignment of the application property with the properties on Blind Lane is considered to be such that detriment to the amenity of occupiers of properties on Blind Lane will not be adversely affected so as to warrant a refusal of planning permission.

The closest dwelling on Beckwith Close is number 18 and this is approximately 40 metres away from the part of the application premises wherein the takeaway is proposed. This distance, combined with the indirect alignment between the properties is considered to be such that detriment to the amenity of occupiers of

properties on Beckwith Close will not be adversely affected so as to warrant a refusal of planning permission.

The curtilage of the nearest new dwelling approved by planning application 12/01318/FUL is approximately 45 metres away from the proposed takeaway and does not face the application site. This arrangement is considered to be appropriate in order that the amenities of occupiers of this property or any of the new dwellings to be erected would be adversely affected as a result of the operation of the proposed takeaway. The annotation on the site plan approved by application 12/01318/FUL in respect of potential future development on other parts of the former Homelands Estate is noted, however in the absence of any planning application having been made at the present time, this annotation can only be afforded very limited weight in the assessment of this planning application.

The potential impact of the use of part of the building to which the application relates as a hot food takeaway is considered to be acceptable for the reasons set out above, subject to the further considerations set out below.

Section 9.1b(iii) dictates that where a takeaway hot food shop is considered permissible notwithstanding the presence of nearby residential properties, conditions may be imposed on hours of operation. Premises should generally cease trading at 23:30 and depending on their location, Sunday and Bank Holiday trading may not be acceptable.

In this instance, the applicant is proposing opening hours of 11:00-14:00 and 16:00-22:00 on Mondays to Saturdays, with no trading proposed on Sundays or Bank Holidays. In proposing to cease trading at 22:00 each day, the proposal is acceptable with regard to the SPG recommendations regarding closing times for takeaways in predominantly residential areas. The fact that the shop is proposed to be closed on Sundays and Bank Holidays is also noted and this is considered to further increase the acceptability of the proposed use. In reaching a conclusion regarding hours of operation, it should be noted that the premises could re-commence operation as a retail shop (Use Class A1) without the need for any further planning application and that there are no conditions attached to the existing use limiting its permitted operating hours. Thus, a variety of retail uses could operate from the premises and the Local Planning Authority would have no control over the hours of operation. On this basis, the proposed limited operating hours as set out in the application are considered to be acceptable in order that the times during which the premises are operational are controlled in order to further reduce any impact upon the amenities of nearby residents.

Section 9.1a(iii) states that applications for hot food takeaways likely to lead to car parking on nearby residential roads in evening periods and which would be likely to cause nuisance to nearby residents will not normally be permitted.

As set out above, the proposed hours of operation are considered to be appropriate to the setting particularly given the fallback position of the use as a retail shop without control over the hours of operation. The comments of the Network Management Team have requested certain clarifications from the applicant and these issues remain under consideration. It is anticipated that these considerations will be completed in time to allow a recommendation to be made by way of a supplementary report.

Section 9.1b(iv) dictates that proposals for hot food takeaway shops immediately adjacent to or below properties in residential use will normally only be permitted where effective measures to mitigate smells and internally generated noise can be implemented. Such measures must be fully installed before trading commences and equipment such as extractors and flues, as far as practical must be designed and installed so as not to be visually intrusive.

The application premises include a first floor residential unit and there is also an extant planning permission for the same applicant to erect an extension to the building to allow the creation of a further dwelling on the site. This planning permission which was granted under delegated powers - reference 13/01529/FUL is a material consideration. Notwithstanding this, the proposal includes details of the proposed means of extraction, although as set out above, further discussion is required with the applicant over the precise positioning and appearance of the external elements of the system. However, it is considered reasonable that subject to a planning condition requiring the installation and maintenance of a suitable ventilation system that the amenities of occupiers of wither the existing or proposed new dwelling on the site would not be unacceptably compromised through granting planning permission for the proposed takeaway.

Section 9.1a(iv) of SPG states that where the acceptability of a hot food takeaway, judged against the criteria of SPG, is finely balanced, the advantage of attracting a new use to a run down or declining group of shops may be taken into account.

The applicant advises that the premises have been vacant since 2009 following the demolition of the majority of dwellings on the Homelands Estate. The application would see part of the ground floor brought back into beneficial use and this is a material consideration in the assessment of this planning application.

The impact upon residential amenity is considered to be acceptable for the reasons set out above, however the impact of the proposed extraction duct on visual amenity is still subject to further discussion and negotiation with the applicant and remains under consideration. It is anticipated that these considerations will be concluded in time to allow a recommendation to be made by way of a supplementary report.

3) Highway Issues

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

Section 9.1b(i) of the SPG states that take-away hot food shops will not normally be permitted without adequate on-street or other short stay parking provision, which should be conveniently located for use by customers and should not result in hazardous conditions for pedestrians, vehicles and other road users.

In assessing the implications of the proposal for highway safety, regard has been had to the comments of the Network Management Team. The adjacent land referred to by the Network Management Team as being a potential position for off street customer car parking is not within the ownership of the applicant. It is in

fact owned by Gentoo, being the site of a now demolished pair of semi-detached dwellings and as such, there is no evidence that its use could be secured for car parking in association with the proposed takeaway. The implications of this, along with the other comments offered by the Network Management Team remain under consideration. It is anticipated that these considerations will be completed in time to allow a recommendation to be made by way of a supplementary report.

Conclusion

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

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 14/00367/LAP Development by City(Regulation 3)

Proposal: **Erection of single storey extensions to northern and western elevations and creation of multi use sports area with flood lighting and landscaping. (Amended description 09.04.2014)**

Location: Easington Lane Primary School High Street Easington Lane
Houghton-le-Spring DH5 0JT

Ward: Hetton
Applicant: Children's Services
Date Valid: 24 February 2014
Target Date: 21 April 2014

PROPOSAL

The proposal relates to the erection of single storey extensions to the northern eastern and western elevations and the creation of multi use sports area with flood lighting and associated landscaping.

The proposed development affects Easington Lane Primary School located off High Street, Easington Lane, Houghton le Spring.

The school, which was constructed in 2006, occupies a 2ha site and is positioned to the north of Easington Lane. Outside the confines of the site the surroundings of the school are primarily residential with dwellings to the north and west. A mixture of further residential dwellings and commercial uses are located on Easington Lane to the south whilst an area of open space sits to the east.

Two of the proposed extensions would replace existing temporary class rooms positioned to the north and west of the school in order to provide permanent facilities for the key stage 1 and key stage 2 children. The third extension would appear as a small infill development which would adjoin the eastern elevation. The extensions are designed to reflect the main school building with all brickwork, roof tiles, windows, fascias and rainwater goods to match the existing materials. The accompanying Design and Access Statement has confirmed that the extensions would not result in significant changes to user numbers or access routes into the building.

The nursery/infants extension on the western elevation would tie in with the existing ridgeline presenting a width of approximately 15.5m and projecting to a maximum distance of 10.5m.

The junior's extension on the northern elevation would rise approximately 1.4m above the main buildings existing ridgeline presenting a width of approximately 15.5m and projecting to a maximum distance of 8.65m.

The 'studio' extension would be flat roofed projecting to a maximum distance of 7.3m and presenting a maximum height of 3.3m.

The second element of the proposed development involves the installation of a multi-user games area (MUGA) enclosed by powder coated mesh fencing. The games area would be located towards the western extent of the schools playing field and is to be accessed via gates and a ramp to be erected/installed to the south of the pitch. The MUGA would be lit by 4no. 8m high lighting columns.

The accompanying Design and Access Statement confirms that the principle use of the MUGA would be to allow school pupils to play football, hockey, tennis etc all year round. The secondary purpose for the games area is to hire out the facility to members of the public out of school hours. Further correspondence has been received from the agent confirming that it is the intention of the school to utilise the MUGA between the hours of 9am and 9pm Monday to Friday and 9am and 5pm on Saturdays and Sundays.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Sport England
Network Management
Hetton - Ward Councillor Consultation
Hetton Town Council
Network Management
Hetton - Ward Councillor Consultation
Hetton Town Council
Environment Agency

Final Date for Receipt of Representations: **23.04.2014**

REPRESENTATIONS:

Neighbour representation

As a result of the consultation letters and site notice posted, one letter of representation has been received. The concerns expressed were in relation to the potential impact the development may have in terms of encouraging on-street parking within the area.

Consultation responses

Network Management

Have noted that the proposed extensions would primarily replace existing temporary classrooms and that no additional user numbers are proposed in terms of employees or pupils.

One observation has been made in respect of MUGA wherein it has been recommended that the out of hours use for members of the public be co-

ordinated so that the both areas of the schools car park can be used after the staff have left for the day.

Environmental Health

Comments awaited

Environment Agency

No objections have been received. Comment was made to the effect that the sewerage undertaker be consulted to ensure that the sewerage systems serving the development have sufficient capacity to accommodate the additional flows generated by the development.

Northumbrian Water

Awaiting response

Sport England

Awaiting response

Hetton Town Council

Members have commented that the presence of the floodlights could be an issue for local residents by way of an inconvenience, however the facility was welcomed in the village and therefore no objections have been recorded.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

CF_5_Provision for primary and secondary schools

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

T_22_Parking standards in new developments

COMMENTS:

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

- the principle of the proposed development;
- the impact of the development on visual amenity;
- the impact of the development on residential amenity;
- the impact of the development on highway safety
- any issues raised by Sport England
- any matters relating to drainage

1. Principle of development

The application site 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 there is no specific land use allocation, new development should respect and complement the existing pattern of land use. In this case, the development provides extensions and additional facilities for the existing educational establishment and will be used for purposes associated with the educational use. As such, the proposed development is considered to be appropriate and consistent with the prevailing pattern of land use, in accordance with the requirements of policy EN10.

Given the nature of the site, the proposals are also subject to policy CF5. Policy CF5 states that primary and secondary education needs will be accommodated primarily on existing sites and on other sites provided that the impact on the amenity of the neighbourhood is acceptable and the traffic generated can be safely accommodated. Such matters will be considered below.

2. Impact of development on visual amenity

Policy B2 of the UDP requires new development proposals to respect visual amenity. The two principal extensions positioned to the north and west would replace existing temporary classrooms and all extensions would be constructed out of materials to match those found within the main school building. The extensions would appear largely subordinate to the main building and be contained well within the confines of the sites curtilage. The relationship between the extensions and the existing school is therefore considered to be acceptable.

The MUGA is to be erected within the confines of the school grounds and is to be bound by mesh fencing to a height of 3.6m. The fencing would be powder coated dark green to help assimilate into the back drop provided by the wider playing field. The 4no lighting columns would be erected to a height of 8m and positioned approximately 40m away from the nearest residential property. Such distances should ensure that the structures do not appear incongruous or visually harmful within the locality.

The school building is set well back from Easington Lane and the proposed development is positioned in such a manner that it would have no demonstrable visual impact within the context of the surrounding area. In respect of the above comments, it is considered that the impact of the proposed development on the visual amenity of the locality is acceptable, in accordance with the requirements of policy B2 and CF5 of the UDP.

3. Impact of development on residential amenity

The proposed school extensions are positioned well within the confines of the school site and are located a good distance away from any nearby residential properties. Due to the proposed siting it is considered that there would be no significant adverse impact on the living conditions of any surrounding occupier by way of a loss of sun/daylight, the creation of overshadowing, visual intrusion, or a loss of privacy.

As such and in respect of the proposed scheme, the main issue to consider is the perceived impact the use of the MUGA would have on the living conditions of

surrounding residential occupiers. The site is bound, in part, by residential properties with the closest dwelling on North View sitting approximately 70m away and closest property on The Poplars sitting approximately 40m away. Clearly the pre-existing situation for these properties is that they are located within relative proximity to the school and that a level of noise and disturbance would therefore be expected within school term time and particularly during break times when pupils are playing outside. In this respect any potential noise and disturbance associated with the MUGA during these periods is unlikely to be unreasonable and consistent with the pre-existing situation.

Nonetheless, the secondary purpose for the games area is to hire out the facility to members of the public (out of school hours) between the times of 9am and 9pm Monday to Friday and 9am and 5pm on Saturdays and Sundays.

In this respect and despite the fact no objections have been received to the facility, it is wholly reasonable to consider the potential implications the MUGA would have on the living conditions of nearby residential occupiers during these periods.

To date a consultation response has yet to be received from Public Health and it is expected that such issues relating to noise, disturbance and the potential impacts of the flood lighting will be addressed therein. As such it is anticipated that these matters will be considered in a supplementary report to committee.

4. Impact on highway safety

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 new development to be afforded an appropriate level of dedicated car parking.

In response to consultation, the Council's Network Management team have noted that the proposed development would not result in significant changes to user numbers and that there would be no change to existing employee numbers.

The application form states that there are 35 parking bays within the curtilage of the school and the existing provision is considered to be adequate to cater for any additional users the MUGA may generate. However one observation has been made on the basis that the MUGA would be hired out to the community out of school hours. It is suggested that the staff car park should be made available to members of the public after school hours in order to ensure that all parking would be retained within the site. A planning condition can be placed on the application to ensure that the staff parking area would be available to users of the MUGA outside of school hours.

5. Sport England

Sport England are currently considering the proposal in light of its playing field policy, the aim of which is to ensure an adequate supply of sports fields and seeks to protect sports pitches from development. It is anticipated that the response from Sport England will be provided within a supplementary report to committee.

6. Drainage

Due to the site area being over 1ha in size, the Environment Agency was consulted on the proposal. In response they have confirmed that they have no objections to the development although comment was made to the effect that the sewerage undertaker be consulted to ensure that the sewerage systems serving the development have sufficient capacity to accommodate the additional flows generated by the development.

In respect of the above a consultation response has yet to be received from Northumbrian Water. The response will therefore be outlined in a supplementary report to committee.

Conclusion

Whilst matters pertaining to principle, visual amenity and highways have been all been considered and deemed acceptable, outstanding matters relating to the impact of the development on residential amenity, the potential loss of a section of school playing field and drainage details are still subject to consultation. It is therefore anticipated that these outstanding issues will be considered and presented to members in a supplementary report to committee.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 14/00520/FUL Full Application

Proposal: **Change of Use to Hot Food Takeaway (Use Class A5) with ancillary seating (to open partly as a cafe during the daytime) and indicative flue run externally to rear to exit 1 metre above eaves (Amended Address 26.03.2014)**

Location: Part 47 Newbottle Street Houghton-le-Spring DH4 4AR

Ward: Houghton

Applicant: Mr Chris Jain

Date Valid: 7 March 2014

Target Date: 2 May 2014

PROPOSAL:

Planning permission is sought for the change of use to hot food takeaway with ancillary seating (to open partly as a cafe during the day) and indicative flue to rear of part 47 Newbottle Street, Houghton-le-Spring, DH4 4AR.

The proposed change of use and associated development affects one half of the ground floor of a three-storey mid-terrace property fronting the east side of Newbottle Street in the town centre of Houghton-le-Spring. Newbottle Street forms the main commercial thoroughfare of Houghton town centre and the terraces on either side of Newbottle Street are wholly in commercial use (to ground floor level at least), with a range of shops, public houses, cafes, offices, financial and professional services outlets and hot food takeaways in evidence nearby.

The ground floor of the subject building was previously occupied as one large unit by Heron Foods, but has been split into two retail units, with planning permission for the installation of two separate shop fronts granted through the approval of application ref. 10/00039/FUL. The right-hand unit (as faced from Newbottle Street) is currently occupied by a mobile phone repair shop, but the second unit, to which this application relates, is vacant. The upper floors have historically been occupied by a solicitor's firm but are also empty at present.

At the rear of the property is a range of flat- and pitched-roofed extensions, offshoots and outbuildings, many of which belong to the adjoining no. 49. Beyond this range of buildings and a small service yard is the large car park of the Co-Operative supermarket.

The application seeks to change the use of the ground floor of the premises from a shop (use class A1 of the Town and Country Planning (Use Classes) Order (as amended)) to a hot-food takeaway (use class A5 of the Order). The public floor area is proposed to include a small number of tables and seats for customers (4 no. tables are shown on the proposed floorplan submitted with the application), with the rear of the premises used for food preparation and cooking and staff

facilities. A total of 4 no. full-time staff and 4 no. part-time staff are anticipated to be employed at the premises.

The statement supporting the application advises that it is intended for the business to open at 7am to serve breakfasts, whilst during the day, it will serve hot and cold drinks, cakes, hot and cold snacks, a range of basic oven and hob-based meals, pizzas, kebabs and wraps to be taken away or consumed in the premises. After 7pm and until 11pm, it is intended to operate solely as a hot-food takeaway. The supporting statement advises that although the daytime function may be akin to a cafe, the primary use is as a hot-food takeaway, with the consumption of food and drink on the premises at an ancillary level.

An extraction flue is also proposed to be fitted to the rear of the property; it will exit the kitchen through the flat roof of the extension to the rear of the property before running vertically against the rear wall, up between the rear windows of the first floor flat and terminating above the eaves of the property.

An application of this nature would normally be determined under the Council's Delegation scheme, but it has been referred to the Houghton, Hetton and Washington Development Control Sub-Committee at the request of Cllr Sheila Ellis.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Houghton - Ward Councillor Consultation
Environmental Health
Network Management
Houghton - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **16.04.2014**

REPRESENTATIONS:

Public consultation

Two letters of objection have been received in response to consultation, from the occupiers of nos. 72 and 100 Newbottle Street. The concerns raised by the objections are as follows:

- there are already a large number of takeaways and cafes on Newbottle Street;
- the number of food outlets has 'exceeded the above national average' and is destroying the retail availability for Houghton's shoppers;
- the City Council is supporting and encouraging the development of local retail traders;
- whilst a new business on Newbottle Street is positive, there is a saturation of takeaway/cafe uses;

- Newbottle Street comprises approximately 50 shops, of which 18 sell food and careful consideration should be given expanding this number;
- there is already a problem with Newbottle Street being seen as a food hall or a 'night-time economy';
- takeaway uses generate inconsiderate parking, which is already a problem on Newbottle Street.

In addition to the above, Cllr Ellis' request for the application to be called to Committee also raises the following points in objection to the application:

- there are now 28 cooked food outlets within a 5 minute walk in the centre of Houghton;
- the mixed economy of Houghton is being 'destroyed';
- the high number of properties closed during the day is dissuading shoppers from visiting Houghton town centre and they are travelling elsewhere instead;
- the erosion of the retail offer in Houghton town centre is detrimental to those without access to vehicles;
- there is a steady loss of retail employment in Houghton.

POLICIES:

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

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

B_2_Scale, massing layout and setting of new developments

S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

HA_30_Support for Houghton Town Centre

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

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and should encourage the effective re-use of land and property.

Also relevant is section 2 of the NPPF, which requires Local Planning Authorities to promote the vitality of town centres by directing planning applications for 'main town centre uses' to existing centres. Included within the list of 'main town centre uses' are those relating to the provision of food and drink.

The relevant guidance of the NPPF detailed above feeds into policies B2, S2, HA30, S12 and T14 of the City Council's adopted Unitary Development Plan

(1998), which are consequently considered to be pertinent to the determination of this application.

Policy S2 of the UDP states that the Council will give favourable consideration to proposals which sustain and enhance the viability, vitality and appropriate diversification of primary retail centres, such as Houghton town centre. It sets out a range of uses which are considered to be most appropriate - included are food and drink uses, i.e. those falling into the former use class A3. It should be noted at this point that the Town and Country Planning (Use Classes) Order was amended in 2006 and the former use class A3, which incorporated all food and drink related uses, was replaced by a new use class A3 (restaurants, snack bars and cafes), use class A4 (pubs and bars) and use class A5 (hot food takeaways). Policy HA30 states that the improvement of Houghton shopping centre will be supported having regard to policy S2's over-arching guidance.

Policy S12, meanwhile, advises that hot-food takeaways are generally acceptable if they are located within an existing town or local centre but proposals must not have a detrimental impact on the environment, residential amenity and public or highway safety. The requirements of policy S12 are expanded upon in section 9 of Supplementary Planning Guidance (SPG) to the UDP, which states that applications for A5 uses must be set against the need to protect the amenities of residential properties from noise and disturbance associated with food preparation and vehicle and pedestrian movement.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety.

Issue to Consider

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

1. principle of proposed development;
2. impact of development on vitality and viability of Houghton town centre;
3. impact of development on visual amenity;
4. impact of development on residential amenity;
5. impact of development on highway and pedestrian safety

1. Principle of development

Newbottle Street forms the focal point of the Houghton retail centre, as identified by the proposals map of the UDP. As noted above, policy S2 of the UDP states that food and drink uses, including hot-food takeaways, are acceptable in principle in such centres, whilst policy S12 advises that hot-food takeaways will normally be acceptable when located within town or local centres. The proposed use is therefore considered to be appropriate within this local centre and, in principle, is acceptable.

However, in line with the requirements of policy S12 and Section 9 of the SPG, an assessment of the impact of the proposed use on the amenity of any nearby residential properties and highway and pedestrian safety is necessary in order fully consider the merits of the proposal. Such an assessment is provided below.

2. Impact of proposal on vitality and viability of Houghton town centre

The representations from members of the public and Cllr Ellis primarily object to the proposal on the grounds that there is already a high number of 'food outlets' along Newbottle Street, which is undermining the vitality of the shopping street and particularly its retail offer.

As a starting point, it must be recognised that both policy S2 of the UDP and section 2 of the NPPF advise that food and drink-related uses, such as that proposed, are most appropriate within town centres such as Houghton. The basic principle of the proposed use of the premises is therefore acceptable. Nevertheless, both the UDP policy and the NPPF aim to support the vitality and appropriate diversification of town centres and in this regard, it must be ensured that centres such as Houghton continue to provide an acceptable range of services and facilities, with no one particular use becoming dominant.

The representations have cited a high number of 'food uses' in Newbottle Street, but a visit to the site established that whilst there are a significant number of businesses selling hot and cold food nearby, these vary in nature. For example, there are a number of retail bakeries (e.g. Greggs and Cooplands) and sandwich outlets (e.g. Subway), together with cafes and hot-food takeaways. As such, no one 'food use' dominates and the range of businesses selling hot and cold food generally appear to complement one another and the wider shopping street, especially as some cater for daytime trade and others for evening/night-time trade.

In this regard, it must be noted that it is intended for the proposed business to operate throughout the day, ensuring an active frontage to Newbottle Street during the daytime, when the majority of hot-food takeaways are usually closed.

In addition to the above, Members are reminded that the application premises is currently vacant and has been empty for a number of years (since 2008, according to the planning application form). The applicant's agent has also advised that there has been no interest in a retail use of the premises throughout the vacancy. Consequently, the proposal has the additional benefit of bringing a long-term vacant unit back into a use which is appropriate within such a town centre location. It will also see the creation of a small number of full- and part-time jobs.

With regard to the above comments, it is considered that whilst there are a significant number of businesses involved in the sale of hot and cold food throughout Newbottle Street, the proposed use of the unit will not result in harm to its vitality and viability, especially as it will lead to the re-opening of a long-term vacant unit and the business will be open during the day. The proposal is therefore considered to be compliant with policy S2's requirements and the aims and objectives of the core principles and section 2 of the NPPF in this regard.

3. Impact of development on visual amenity

The only physical alteration to the premises proposed in association with this application is the erection of the extraction flue to the rear of the property. The flue will be partially visible from the Co-Operative supermarket car park at the rear of the property, but it will be screened to an extent by the range of offshoots,

extensions and outbuildings to the rear of the terrace. Within such a context, it is considered that the flue would not appear as unduly obtrusive or harmful to the visual amenity of the locality, in accordance with the requirements of policy B2 of the UDP.

4. Impact of development on residential amenity

Although the principle of the proposed change of use is considered to be broadly acceptable as this site, policies B2 and S12 of the UDP and section 9 of the SPG require the impact of the use on the amenity of nearby residential properties to be considered. The amenity of residential properties can, it is considered, be detrimentally affected by a hot food takeaway due to the noise, disturbance and smells/odours which such a use may generate (although modern ventilation and extraction systems are considered eminently capable of mitigating smells and odours from food preparation).

In this respect, the upper floors of the property are currently vacant and there do not appear to be any residential uses to the first floors of the adjoining buildings. There may be some residential uses to the upper floors of buildings elsewhere along Newbottle Street, but any such residential units would be sufficiently distant from the application site so as not to be unduly affected by the proposed use. In any case, a degree of noise and disturbance, even later into the evening, must be anticipated if living on a street of such commercial nature.

The nearest dwellings to the site are those fronting Wheler Street, which joins Newbottle Street opposite the application premises. These properties are, however, almost 50 metres from the application site, are set within a different street and do not face the application premises. Consequently, it is considered that their living conditions will not be harmed by the proposed use of the premises.

With regard to the above comments, it is considered that given the predominantly commercial context of the application premises, the proposed use of the unit will not result in any significant harm to residential amenity, with the nearest residential properties being sufficiently distant from the site to ensure that their living conditions will not be detrimentally affected by the proposed use.

As such, the proposed change of use of the unit and associated extraction flue is considered be acceptable in relation to residential amenity, in accordance with the requirements of the core planning principles of the NPPF, the requirements of aforementioned policy S12 of the Council's adopted Unitary Development Plan and section 9 of the 'Development Control Guidelines' Supplementary Planning Guidance.

5. Impact of development on highway and pedestrian safety

In response to consultation, the Council's Network Management team has noted that the application premise is situated within in a busy local retail centre. There is a pedestrian crossing adjacent to the premises and waiting restrictions between 8am and 6pm along Newbottle Street. It is anticipated that the proposed hot-food takeaway use will increase short-stay parking in the vicinity of the premises.

The comments do not, however, offer any objection to the proposal in relation to highway and pedestrian safety, with the on- and off-street parking provision within Houghton town centre (e.g. the large public car park on Station Road, which is just 75 metres to the north-west of the site) able to satisfactorily accommodate any increase in parking, both during the day and at night. The proposal is therefore considered to comply with policy T14's requirements.

CONCLUSIONS

With regard to the above comments, it is considered that the principle of a hot-food takeaway in the subject unit is acceptable in terms of its location within a local commercial centre, whilst the proposal raise no concerns in relation to visual amenity, residential amenity or highway and pedestrian safety. In addition, for the reasons set out above, it is considered that the use will not result in harm to the vitality, viability and diversity of Houghton town centre, especially as the proposal will see the opening of a long-term vacant unit and involves daytime trade.

The proposal is therefore considered to comply with the core principles and requirements of section 2 of the NPPF, policies S2, S12, HA30, B2 and T14 of the UDP and the relevant sections of the SPG.

The application is consequently recommended for approval, subject to the following conditions:

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:

location plan received 07/03/2014, the site/roof plans received 07/03/2014 and the existing and proposed elevations and floorplans received 07/03/2014.

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

- 3 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Sunday 07:00 to 23:00

In order to protect the amenities of the area in accordance with policies S12 and B2 of the UDP.

- 4 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the agreed details before the approved use commences and the agreed system maintained as such thereafter for the lifetime of the approved use of the premises, in order to protect the amenities of the area and to comply with policy S12 of the UDP.

Reference No.: 14/00254/FUL Full Application

Proposal: **Installation of uPVC windows and canopies to front elevation and erection of an external steel staircase, extraction flue and ventilation equipment to side elevation. (Part Retrospective)**

Location: The Golden Lion The Broadway Houghton-le-Spring DH4 4BB

Ward: Houghton

Applicant: Mr Parviz Golzar

Date Valid: 25 February 2014

Target Date: 22 April 2014

PROPOSAL:

Planning permission is sought in retrospect to install replacement ground floor uPVC windows and timber canopies to the front, an extraction flue and ventilation equipment to the north side of the property. Consent is also sought to provide uPVC windows in the upper floor and to erect an external steel staircase on the north side, which have not been installed. Applications of this nature are normally determined under delegated powers however, in this instance, the application has been referred for determination by the Sub-Committee at the request of Councillor Sheila Ellis.

The ground floor frontage previously had (and the first floor frontage currently has) timber casement windows which were/are not original features of the building. The windows have been fitted with safety glazing and the applicant has cited safety and security as justification for their installation.

Two canopies have been provided above the ground floor windows, each constructed of plywood and coloured predominantly white and providing a clearance of approximately 2.2m from ground level.

The extraction flue runs along the north side elevation of the building adjacent to the alleyway enters the building around 2m from ground level and terminates around 1m above the eaves of this middle section of the building. Two air conditioning/condenser boxes measuring 700mm by 550mm and a 450mm-square vent have been provided adjacent to the lower section of the flue.

The proposed external staircase is to be provided at the recess of the middle and rear sections of the building, to comprise steps to a 1.3m high platform leading to a new doorway to be provided in the rear-facing elevation of this recess. This access would lead to a new upper floor doorway to be provided in place of an existing Golden Lion sign. The applicant has set out that this access is required to provide a fire escape route from the upper floor due to the revised ground floor layout.

The host property is a historic detached two-storey building situated in a prominent location within Houghton Town Centre and the Saint Michael's Conservation Area immediately to the north of the Grade I listed 12th century Saint Michael's and All Angels Church. The building is understood to have been constructed during the early 18th century and includes a gabled slate-tiled roof, a rendered front elevation with two separate entranceways with ornate surrounds (only the central of which is currently in use), stone quoins on its front corners, substantial two-storey rear offshoots and a mix of stonework and brickwork on its northern gable which abuts a narrow thoroughfare. The building has historically been used as a public house and is currently operated as a restaurant with residential accommodation above. A block of further attractive historic buildings lie immediately to the north, namely nos. 1 and 3 Sunderland Street, the more modern (1940-1970) White Lion public house building is situated opposite to the northwest and there is an area for car parking to the rear.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Environmental Health
Network Management

Final Date for Receipt of Representations: **22.04.2014**

REPRESENTATIONS:

Councillor Shelia Ellis has formally objected to the application on grounds relating to heritage and a copy of this representation is appended to this report.

A representation has been received in opposition to the application from the owner of no. 3 Sunderland Street wherein concerns are raised over the provision of uPVC windows and canopies within the Conservation Area, which he was not permitted to use by the Council, as Local Planning Authority (the 'LPA'), so allowing those currently retrospectively proposed would be inconsistent. Concerns are also raised over the proposed provision of an external staircase in respect of access along the thoroughfare and the current colour of the building and further comments are made suggesting that a chimney be reinstated.

The Council's Built Heritage team has raised significant concerns over the proposal, which shall be incorporated into subsequent parts of this report.

The Council's Network Management section has confirmed that no observations or recommendations are offered in this instance, noting that the proposed external staircase would not affect the thoroughfare which runs alongside the site.

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_10_Development affecting the setting of listed buildings

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

COMMENTS:

Policy Background

Paragraph 17 of the National Planning Policy Framework (NPPF) sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and also should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. As an expansion on this approach of dealing with applications relating to heritage assets, paragraphs 131-133 of the NPPF are also relevant.

Paragraph 131 states that in determining 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.

Furthermore, 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.

Paragraph 133 advises 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:

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.

NPPF paragraph 135 goes on to advise that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Reflective of these policies, UDP policies B4 and B6 seeks to ensure that all development within and adjacent to conservation areas will be required to preserve or enhance the character of the conservation area whilst policy B10 sets out that proposals shall not adversely affect the character or setting of listed buildings.

In addition, 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

Furthermore, being situated within the Sunnyside Conservation Area, the site is subject to the provisions of the Houghton's Conservation Areas Character Appraisal and Management Strategy (CAMS).

Issues and Recommendation

The main issues to consider in assessing the proposal are the impact of the proposed shopfront on the visual amenity of the street scene, the character and appearance of the Conservation Area, the setting of the adjacent Grade I listed Saint Michael's and All Angels Church and any highway implications.

In terms of highway issues, it is noted that, whilst the thoroughfare which runs alongside the site does not form part of the adopted highway network, no part of the extraction flue, ventilation equipment or proposed external staircase would cause an obstruction to this thoroughfare, as confirmed by Network Management, nor would it affect any formal parking area. As such, it is not considered that the development poses any detriment to highway safety or the free passage of traffic.

However, whilst not listed, the host property is a highly significant historic building that makes a key contribution to the significance, character and appearance of the Saint Michael's Conservation Area. The Golden Lion is thought to have been built as a Coaching Inn over 300 years ago, having a prominent position on the main road through Houghton-le-Spring to Sunderland and Durham. It has been used as a Public House ever since and is one of a collection of public houses that emerged and came to characterise the heart of Houghton as the town grew through the 19th and 20th centuries, providing a somewhat contrasting community role to that of Saint Michael's and All Angels Church. The Golden Lion is almost certainly the oldest surviving public house in the Conservation Area and is for this reason highly significant.

The building has been subject to some insensitive external alterations over the years, however it has retained its essential historic character; the general form and arrangement of its external elevations remains intact apart from the loss of

its traditional sliding-sash windows. Whilst the longstanding use of the property as a public house has been lost, this does provide the opportunity to undertake restoration works that would rectify previous insensitive interventions. For instance, the character and significance of the building could be greatly enhanced by the restoration of the original window style.

The Houghton's Conservation Areas CAMS notes on page 31 that relatively minor alterations to buildings can, over time, have a significant impact on the street scene and overall quality of character and appearance of an area. Many modern alterations, such as uPVC windows, appear harsh and are damaging to the historic fabric. The use of garish bright colours in painting works can also further detract considerably from the traditional character of historic buildings and appear highly obtrusive and incongruous in historic areas where buildings which would have been painted or rendered would usually have been done so in traditionally dark colours.

Management Proposal 2c of the CAMS document emphasises that the Conservation Area's key buildings should be cared for, adopting the principles of 'Informed Conservation'. This means that repair and alteration works should be 'true' to the historic and architectural integrity of the building, the design and specification of the works being informed wherever possible by historic evidence, physical or documented, of the original material, form, pattern and detailing of the feature or building component being repaired or reinstated.

Photographic evidence indicates that the building originally had sliding-sash timber windows and was traditionally painted in a darker colour, possibly dark brown. Unfortunately, however, the previous ground floor timber casement windows to the front elevation of the building have been replaced with uPVC frames. Whilst the existing timber windows were not reflective of the style and operation of the original sliding-sash windows, they were at least made of timber, the traditional historic material for the fenestration of the building. The uPVC windows installed and proposed are to the contrary and wholly incongruous and inappropriate for the historic building and its setting and only serve to further erode its significance and the character and appearance of the Conservation Area. The new colour scheme of the front elevation is also somewhat unfortunate, however this, in its own right, does not require planning permission.

The extraction flue already installed and the proposed steel staircase to the side are also considered to be harmful to the historic building and the Conservation Area in general. The side lane has a positive historic character; the old stone walls along the lane provide it with a strong sense of enclosure and mystery that is unlike anywhere else in the Conservation Areas and is generally well preserved, unique within this setting. The extraction flue clearly intrudes into the historic lane and is an especially obtrusive and alien feature against the historic stonework and in views down the lane to the Broadway; whilst there exists a flue to the rear of no. 1 Sunderland Street to the north, this flue is situated wholly within the rear yard and does not overhang any part of the lane so is not visible from the front of the property. The proposed steel staircase would have a lesser detrimental visual impact due to its less stark appearance and its siting at a recess of the building, though will still be something of an incongruous feature within the lane.

A meeting was held with the applicant in an attempt to address the concerns outlined above and achieve a more acceptable scheme. However, the applicant was unwilling to alter the any aspect of the scheme.

Whilst the benefits of the scheme are noted in terms of improved security provided by the use of safety glazing, facilitating an improved means of emergency escape and providing extraction/ventilation for a commercial kitchen, it is not considered that this development is the only way of achieving such means, nor it is considered that such benefits outweigh the substantial harm to the host building and Conservation Area as described above.

Conclusion

For the reasons set out above, it is considered that the retrospective and prospectively proposed development is harmful to the visual amenity of the street scene and the significance, character and appearance of the host building and the Saint Michael's Conservation Area, contrary to paragraphs 17, 131, 132, 133 and 135 of the NPPF, policies B4, B6 and B10 of the UDP and the provision of the Houghton's Conservation Area CAMS, in particular Management Proposal 2c.

However, the statutory period for the receipt of representations does not expire until 22 April 2014, subsequent to the preparation of this report but prior to the Sub-Committee meeting. Therefore, it is recommended that Members refuse planning permission subject to no further representations being received. If any representations are received prior to the Sub-Committee meeting, these will be reported to the Sub-Committee, any new information/evidence will be addressed and the recommendation reappraised if necessary.

RECOMMENDATION: Refuse

Reasons:

- 1 The development, by virtue of its design, proportions and materials used, is considered to pose significant harm to the visual amenity of the street scene and the significance, character and appearance of the subject building and Saint Michael's Conservation Area, contrary to Management Proposal 2c of Houghton's Conservation Areas Character Appraisal and Management Strategy, policies B4, B6 and B10 of the adopted Unitary Development Plan and paragraphs 17, 131, 132, 133 and 135 of the National Planning Policy Framework.

Appendix A – Copy of Objection from Cllr S Ellis