

DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE

AGENDA

Meeting to be held in the Committee Room 2 on Tuesday, 28th April, 2015 at 5.45 p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith)	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith)	74

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

20th April, 2015

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

28th April 2015

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 14/01804/OUT - Land south of Redburn Road and Black Boy Road, Chilton Moor, Houghton-le-Spring
2. 14/02823/FU4 - Woodhouse Farm, Ferryboat Lane, Sunderland, SR5 3HP
3. 15/00079/LAP - Columbia Grange School, Oxclose Road, Washington, NE38 7NY
4. 15/00193/FUL - 11 Essex Street, Hetton-le-Hole, Houghton-le-Spring DH5 9LW
5. 15/00222/LAP - Site of 135 High Street, Easington Lane, Houghton-le-Spring, DH5 0JS
6. 15/00144/SUB - Barn/garage to rear of 1-3 Doxford Avenue, Hetton-le-Hole, Houghton-le-Spring

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (019 561 8755) or email dc@sunderland.gov.uk .

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

1.

Houghton

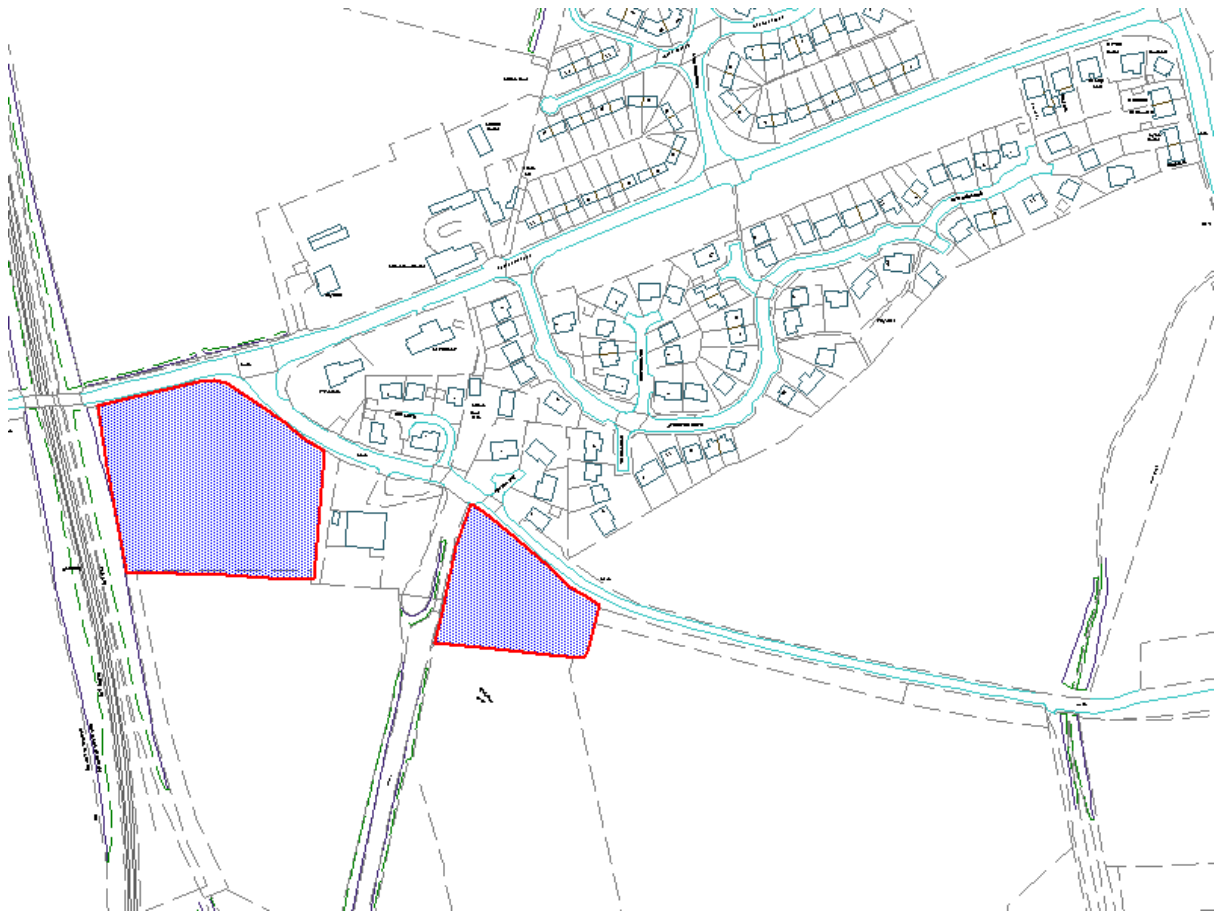
Reference No.: 14/01804/OUT Outline Application

Proposal: **Outline application for residential development of Sites A & B consisting of 27 no. dwellings - approval sought for layout, scale & access.**

Location: Land South Of Redburn Road And Black Boy Road Chilton Moor Houghton-le-Spring

Ward: Houghton
Applicant: Mr John Bailey
Date Valid: 6 August 2014
Target Date: 5 November 2014

Location Plan



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

PROPOSAL:

Outline planning permission is sought for residential development consisting of 27 no. dwellings, with approval sought for layout, scale and access, at land south of Redburn Road and Black Boy Road, Chilton Moor, Houghton-le-Spring.

The proposal affects two irregularly-shaped plots of undeveloped green open land on the south side of Redburn Road and Black Boy Road, at the western edge of Chilton Moor. Although the two plots appear capable of agricultural use, both are relatively overgrown, with no obvious signs of recent animal grazing or crop planting in evidence.

Site A is the larger of the two plots and has an area of just under 1 ha. Its northern edge is bordered by Black Boy Road and then, after the junction between the two, by Redburn Road. To the south is open agricultural land stretching away towards Rainton Meadows Nature Reserve and Local Wildlife Site, which contains the Joe's Pond Site of Special Scientific Interest (SSSI), whilst to the west is the (currently mothballed) Leamside railway line, which also serves as the border with County Durham.

Site B, meanwhile, has an area of approximately 4000 sq. metres and is bordered by Redburn Road on its north side and agricultural land to its east and south. Whereas Site A's boundaries to Black Boy Road and Redburn Road are generally open, save for a section of mature hedging at the north-east corner of the site, Plot B is primarily enclosed by dense hedging interspersed with a number of mature trees. Both plots are relatively flat.

The two plots stand approximately 70 metres apart and are separated by an area of fairly rough open space (outside the ownership of the applicant), on which stands an agricultural building and an area of hardstanding. A public right of way (Houghton Footpath 106) leading from Redburn Road to Rainton Meadows runs alongside the western boundary to Site B, following the line of a disused mineral line.

As noted above, the land to the south of the two plots is primarily agricultural in nature, as is the land further east, on the far side of the Leamside line. However, on the north side of Redburn Road are the buildings of Chilton Moor Farm and the modern residential cul-de-sacs of The Mews (approved in 1991, application ref. 91/0025B) and Maiden Law (approved in 1983, application ref. 83/1629), all of which are accessed from Redburn Road and together form the south-western edge of the urban area of Chilton Moor.

On the north side of Black Boy Road is an area of open land which has, as Members may recall, been subject to an outline planning application for up to 97 no. residential dwellings together with associated access arrangements (application reference 07/03641/OUT). The application was refused by the City Council on 28th November 2007 for reasons pertaining to housing supply (i.e. there were considered to be more sequentially preferable sites available for development), highway and pedestrian safety and biodiversity. A subsequent appeal against the refusal was dismissed by the Planning Inspectorate (appeal reference APP/J4525/A/08/2062926) - the Council's concerns in relation to housing supply were supported, but the Inspector found the impact of the scheme on highway and pedestrian safety and biodiversity to be acceptable.

The current application has been submitted by the landowner, Mr John Bailey, and proposes a development of 27 no. residential dwellings across the two plots, with 21 no. units to Site A and 6 no. units to Site B. The Design and Access Statement supporting the application advises that 24 no. dwellings are detached, with 9 no. affording four bedrooms and the remaining 15 no. affording three bedrooms. The remaining 3 no. dwellings will stand as a short terraced block.

The application has been submitted in outline form, with formal approval sought for matters relating to layout, scale and access, and matters relating to appearance and landscaping reserved for future formal approval. The application has been accompanied by a proposed site layout, which shows the positioning and footprints of the proposed dwellings, together with the internal road arrangements and points of access from existing roads.

The development at Site A would be accessed from Redburn Road, just to the east of its junction with Black Boy Road. The site would accommodate 18 no. detached dwellings occupying spacious plots, arranged around a cul-de-sac road featuring two short spurs and a loop around a communal lawn. The block of 3 no. affordable housing units is proposed to stand adjacent to the entrance into the site from Redburn Road. The development at Site B will also be accessed from Redburn Road, to the east of the junction with Maiden Law, and it comprises 6 no. substantial detached dwellings arranged around a short cul-de-sac.

All dwellings are afforded double-width driveways to accommodate two vehicles and the new internal roads will provide areas for visitor parking. Site A is proposed to be bounded by a 1.8 metres high close-boarded timber fence, as is Site B's boundary to Redburn Road. The existing hawthorn hedges to the eastern, western and southern boundaries to Site B are, however, proposed to be retained and pruned to a height of 1.8 metres.

The application also proposes to widen the section of Redburn Road adjacent to Site B up to 7.3 metres and introduce a footway along the southern side of Redburn Road, between the junction with Black Boy Road and the eastern boundary of Site B (including alongside the 'gap' site between the two development plots).

The application has been accompanied by a comprehensive range of supporting documentation, namely:

- A Design and Access Statement;
- An Extended Phase 1 Habitat Survey (prepared by Durham Wildlife Services);
- A Bat Survey Report (prepared by Durham Wildlife Services);
- A Great Crested Newt Survey Report (prepared by Durham Wildlife Services);
- A Flood Risk Assessment (prepared by Northpoint Consulting);
- A Coal Mining Risk Assessment (prepared by Northpoint Consulting);
- A Transport Statement (prepared by Development Planning Ltd.);
- A Cultural Heritage Assessment (prepared by Solstice Heritage);
- A Phase 1 Desktop Study (prepared by Solmek).

Members should also note at this stage that a separate full planning application for a residential development of 70 no. dwellings on land to the north of Redburn Row, immediately to the north-east of the site of the current application, has been submitted and is pending consideration (application ref. 14/01647/FUL). The access for this development is proposed to be taken from the north, from Black Boy Road via the existing residential cul-de-sac of Atherton Drive. This second application has been submitted by Persimmon Homes and is not connected to the current application.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fire Prevention Officer
Durham Wildlife Trust
Public Rights Of Way Officer
Durham County Council
Houghton - Ward Councillor Consultation
Network Management
Environment Agency
Environmental Health
Director Of Children's Services
Durham Bat Group
Natural England
Tyne And Wear Archaeology Officer
The Coal Authority
Nexus
NE Ambulance Service NHS Trust
Northumbrian Water
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **17.09.2014**

REPRESENTATIONS:

Tyne and Wear County Archaeologist

The County Archaeologist has considered the Cultural Heritage Assessment submitted with the application. The Assessment concludes that the remains of 19th century industrial buildings may be present on both plots, with the building to the eastern plot (Site B) being a blacksmith's shop and the building to western plot (Site A) likely to have been cottages or a workshop. In addition, both plots are bounded by former railway lines on their west sides, which originated as a waggonway from Rainton to Penshaw in the late 17th century.

As the site is undeveloped greenfield, it is advised that early archaeological remains (prehistoric or Romano-British) could survive. A programme of archaeological work is therefore required, comprising a geophysical survey and evaluation trenching; if remains are found in the preliminary trenches, and if those remains are threatened by the new development, the remains must be fully archaeologically excavated and recorded before development can commence. The County Archaeologist has suggested a series of conditions which require the undertaking of fieldwork and the preparation of a report on the results prior to the commencement of any other development.

Nexus

Nexus advises that a number of bus services stop along the B1284 (at the eastern end of Redburn Road), but walking distances are between 650-700 metres. Nexus works to an accessibility base of 400 metres as a recommended walking distance and so the walking distances stated in the Transport Statement submitted with the application may be a little optimistic.

Nevertheless, there is no objection to the development and Nexus welcomes the new footways to Redburn Road as a safety provision.

Tyne and Wear Fire and Rescue Service

The Fire Service has offered no objections, simply providing a set of comments relating to the provision of water supplies for fire fighting (i.e. fire hydrants and mains) and ensuring vehicular access routes are capable of accommodating service vehicles, a copy of which has also been sent to the applicant.

The Coal Authority

The Coal Authority has reviewed the proposals and the Coal Mining Risk Assessment submitted with the planning application, which correctly identifies that the application site has been subject to past coal mining activity. The Risk Assessment concludes that intrusive site investigations should be undertaken in order to establish the exact situation in respect of coal mining legacy issues at the site and the findings should inform any mitigation measures which may be necessary.

The Coal Authority has advised that the content and conclusions of the Risk Assessment are sufficient for the purposes of the planning system and meets the requirement to demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority recommends that in the event the City Council, as Local Planning Authority, elects to grant planning permission, it should impose a condition requiring intrusive investigation works to be carried out prior to the commencement of development. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure such works are also undertaken prior to development commencing.

Natural England

It is noted that the application site is in close proximity to the Joe's Pond SSSI, but Natural England is satisfied that the development will not damage or destroy the interest features for which the site has been notified, provided it is carried out in strict accordance with the submitted details. The consultation comments therefore advise that the SSSI does not represent a constraint in determining the application.

Natural England has not assessed the application in respect of protected species or locally designated sites (e.g. Local Wildlife Sites and Local Nature Reserves), for these are matters for the City Council to consider, with guidance available from Natural England's online standing advice. Natural England's comments do point out, however, that the application represents an opportunity to enhance biodiversity and landscaping and recommends that these should be pursued by the City Council as Local Planning Authority.

Environment Agency

The Environment Agency (EA) initially lodged an objection to the proposed development, on the basis that the Flood Risk Assessment (FRA) submitted with the application was unsatisfactory. In particular, the EA considers that the FRA fails to suitably address surface water disposal from the site - whilst the site itself may not be at risk, it is necessary for the FRA to properly demonstrate that the development will not increase flood risk elsewhere.

Additional information was supplied by the applicant's flooding/drainage consultant in response to the EA's concerns, which essentially outlines that, subject to further site investigations, it is intended to utilise soak-aways to prevent surface water being directed off-site. If this is not practicable, a restricted discharge to the nearby watercourse of Red Burn (to the south-west of the site) will be considered, with suitable attenuation measures provided to ensure flows are restricted to the current rate of greenfield run-off.

The EA has considered the additional information supplied by the applicant's consultant and subsequently confirmed its withdrawal of the initial objection. The EA has, however, requested the imposition of a condition requiring the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The strategy should essentially demonstrate that the surface water run-off generated by the development will not exceed run-off from the existing undeveloped site. The agreed scheme should then be implemented ahead of the completion of development.

In addition to its comments regarding flooding/drainage, the EA has advised that the controlled waters at the site are of low environmental sensitivity and so it will not provide detailed advice in relation to land contamination issues. The EA has also advised that the disposal of foul sewage is a matter for discussion with Northumbrian Water, whilst it is also noted that the EA's records indicate the possible presence of water vole in the locality.

Northumbrian Water

Northumbrian Water Ltd. (NWL) has advised that at this stage, there is not sufficient detail with regards to the management of surface and foul water from the development for NWL to make a full assessment of its capacity to treat flows. As such, NWL has requested that a condition requiring the submission of a detailed scheme for the disposal of surface and foul water, which should be informed by the hierarchy of preference for surface water drainage solutions, is imposed on any grant of planning permission.

Durham County Council (adjoining local authority)

No comments received

Durham Wildlife Trust

No comments received

PUBLIC CONSULTATION

A total of 18 no. letters of objection have been received from residents in the locality, from the occupiers of 4 (two letters received), 18, 24 and 38 Atherton Drive; 4 (two letters received) and 5 The Mews; 2 Stretton Close; 12 and 16 Syston Close; Redburn House, Burnfield Cottage and Westwinds (two letters

received), Redburn Row; Mayfield, Black Boy Road, and Chilton Moor Farmhouse (two letters received).

The following matters of concern have been raised by the objectors:

- A greenfield site such as this shouldn't be built upon and the developer should be directed towards brownfield sites instead;
- Houghton-le-Spring is not historically part of Sunderland and should be viewed as a small town without much need to expand its population, rather than part of a conurbation;
- The land should not be classed as 'white land' when it is greenfield/agricultural and should remain as such;
- The land is not allocated for housing development;
- There is no need for the proposed development, in addition to all other housing development being built/already approved in the Houghton-le-Spring area;
- The site is outside the current edge of built development on the north side of Redburn Road and will 'penetrate' southwards towards the Nature Reserve,
- The development is proposed on a site adjacent to a very busy country lane (i.e. Redburn Road) which sees vehicles travelling at up to 60mph and does not have proper provisions for pedestrians;
- Redburn Road has the character of a country lane and should remain so;
- Redburn Road is dangerous, with a history of accidents in the past, and features uneven surfaces, blind bends, narrow sections and a number of hazardous junctions and accesses;
- Redburn Road is heavily used by staff of the nearby N Power offices (more so since staff were relocated there from its Newcastle offices) and by pedestrians to access Rainton Meadows Nature Reserve;
- The road is a 'rat-run' used to avoid traffic lights in Fencehouses;
- Traffic using Redburn Road has increased in volume and speed in recent years and traffic calming measures carried out by the City Council have made little difference;
- The accesses to the two development plots would be off an 'S'-bend in the lane, creating a further hazard;
- The Transport Statement submitted with the application does not properly consider the nature of Redburn Road;
- The Council should implement its plans for a by-pass road from Elba Park (the development on the site of the former Lambton Cokeworks) to Rainton Bridge;
- The housing development to the north of Black Boy Road (application ref. 07/03641/OUT) was refused and this should be taken into account;
- There are insufficient school and doctors' places in the area to cater for new housing;
- The development should only be approved when the correct infrastructure is in place (i.e. drainage/sewerage, increased school and doctors' places, improved road network and layout, additional resources for emergency services);
- Additional house building in the area will add to existing flooding problems due to increased run-off;
- The development will add to existing sewerage problems in Atherton Drive and the wider area and further stretch the 'already-overcapacity' Sedgeleth Treatment Works;

- The development may result in increased domestic insurance premiums due to increased flood risk and it is suggested that the Council should underwrite any losses;
- The development will, directly or indirectly, have a negative impact on the wildlife of the Nature Reserve and the wider locality;
- Development of this nature requires a licence from Natural England;
- No mention is made as to how retained trees and hedges will be looked after post-development;
- The Council has no consideration for the welfare and safety of the general public - the development will lead to 'chaos' on the roads and additional flooding;
- The development should be subject to a full Environmental Impact Assessment;
- The building of housing will create noise and disturbance;
- The development will restrict the view from Mayfield, Black Boy Road;
- The current application should be looked at in conjunction with the second application for the development on the north side of Redburn Road;
- The occupier of Chilton Moor Farmhouse owns the land between the two development plots, which is required for the proposed new footway to Redburn Road;
- The proposals would involve the loss of some mature trees;

The implications of the proposals in respect of the principle of the development, flooding/drainage, highway and pedestrian safety, amenity and ecology/biodiversity are considered in more detail in the next section of this report.

Whilst concerns regarding potential disruption from the building phase are acknowledged, this is an inevitable by-product of any development scheme and planning permission cannot be withheld on this basis. Nevertheless, if Members are so minded, conditions which, for example, restrict hours of working, can be imposed on any planning approval to seek to manage the construction phase to ensure its impact on residential amenity is minimised.

One of the objectors has suggested that the proposals will necessitate an application for a licence from Natural England - such licences may be needed where wildlife is proposed to be disturbed or removed, however Natural England has not highlighted the requirement for a licence in commenting on the current planning application.

An objector has also suggested that the development scheme should be accompanied by an Environmental Impact Assessment (EIA). Whether a development proposal is subject to an EIA is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and only certain types of development and/or projects which will have significant environmental effects will require the preparation of an EIA. In this case, given the nature and scale of the proposed development and as the application site is not within a 'sensitive area' (as defined by regulation 2(1) of the Regulations), it is considered that the proposals do not constitute EIA development.

Finally, an objector has suggested that an increased risk of flooding may affect domestic insurance costs and asks if the Council would be prepared to underwrite any losses incurred. The implications of the development in respect of flooding and drainage are considered in more detailed below and it must be

recognised that the Council should only grant planning permission if it is satisfied the development will not lead to any adverse impacts in this regard - in any case, however, it would not be for the Council to agree to underwrite any losses incurred in respect of private insurance cover.

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood
EN11 Restrictions upon new development or intensified use of land liable to flooding
EN12 Conflicts between new development and flood risk / water resources
EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
H1 Provision for new housing
H4 Density of housing development to at least reflect that of the locality
H8 Windfall sites to accord with other policies unless specific benefits are provided
H16 Negotiation for affordable housing in major developments
B2 Scale, massing layout and setting of new developments
B11 Measures to protect the archaeological heritage of Sunderland (general)
B13 Sites and monuments of local importance affected by development
B14 Development in areas of potential archaeological importance
CN 8 Protection of higher grades of agricultural land (Grades 2 and 3A)
CN15 Creation of the Great North Forest
CN20 Developments affecting designated/proposed SSSI's
CN21 Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN22 Developments affecting protected wildlife species and habitats
CN17 Tree Preservation Orders and replacement of trees
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
T22 Parking standards in new developments

COMMENTS:

ISSUES TO CONSIDER

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

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

The NPPF sets out a presumption in favour of sustainable development. Paragraph 14 states that this means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The NPPF sets out a series of 12 'core planning principles' which should 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:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs,
- encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land),
- always seek to secure a high quality design and a good standard of amenity,
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment

These core principles of the NPPF feed into policies EN10, EN11, EN12, EN14, H1, H4, H8, H16, B2, B11, B13, B14, CN8, CN15, CN17, CN20, CN21, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

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

- The principle of the proposed development;
- The principle of developing agricultural land;
- The impact of the development on visual and residential amenity;

- The impact of the development in respect of highway and pedestrian safety;
- The impact of the development in respect of ecology and biodiversity;
- The impact of the development in respect of flooding and drainage;
- The impact of the development in respect of ground conditions, including coal mining legacies;
- The implications of the development in respect of archaeology;
- Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

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

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

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

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and the therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

With regard to local policy, the development site is not allocated for a specific land use on the proposals map of the Council's adopted UDP (it does not, for example, form part of the Green Belt) and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

Given that existing housing stands on the opposite side of Redburn Road, it is considered that the proposed residential development is, in terms of broad land use principles, an acceptable use of the application site and not to be in conflict with the aims and objectives of aforementioned policy EN10 of the UDP. The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City.

As noted above, the application site is not allocated for housing development by the UDP and nor has the site been identified in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA), the purpose of which is to identify and assess a supply of potentially deliverable housing land in the City. As such, the proposed housing is classed as 'windfall' development and policy H8 of the UDP states that housing applications on 'windfall' sites must normally accord with other relevant policies and proposals of the plan.

Given the relatively modest numbers of dwellings involved in the scheme, it is considered that the proposals will not conflict with or undermine the Council's wider and strategic aims in respect of housing numbers and delivery; rather, the proposed development will make a modest contribution to housing supply in the City, particularly in terms of numbers of substantial detached dwellings. As such, the proposals are not considered to conflict with policy H8's requirements.

In summary, there is not considered to be any clear conflict with the aforementioned land use-related policies in the UDP, although it is recognised that the application involves the development of a greenfield site, rather than, as is more desirable, securing the redevelopment of previously-developed 'brownfield' land. Nevertheless, and especially as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability.

In this regard, the proposed development will make a modest, but valuable, contribution to housing supply and in the absence of any clear conflict with relevant local and national land-use policies or a robustly-tested supply of

housing land, the proposed development of the site for residential purposes is considered to be acceptable in principle, subject to the assessment of other impacts of the scheme, which are addressed in more detail below.

Principle of developing agricultural land

The development sites do not appear to have been subject to agricultural activity for some time, with no obvious evidence of grazing or crop planting. Nevertheless, the land could be used for agricultural purposes and as such regard must be given to policy CN8 of the UDP, which seeks to protect the most valuable agricultural land in the City (i.e. Grades 2 and 3A) from development resulting in its irreversible loss. This approach broadly reflects the advice of paragraph 112 of the NPPF, which requires Local Authorities to give preference to the development of poorer quality agricultural land ahead of higher grade land.

Natural England's Agricultural Land Classification map for the North-East region identifies the site as constituting Grade 3 land, although this mapping does not differentiate between Grade 3A and 3B land. However, a review of the MAGIC website, which is the Government's authoritative geographic information database, has shown the land to be Grade 3B and consequently, the proposal will not lead to the loss of prime, valuable agricultural land, in accordance with the aims and objectives of policy CN8 of the UDP and paragraph 112 of the NPPF.

Impact of development on amenity

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity. Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy CN17 seeks to protect valuable trees and hedgerows.

In terms of the visual amenity of the locality, it is clear that the application site affects open, agricultural land located beyond the existing south-western edge of Chilton Moor. This urban edge is not, however, identified as a 'settlement break' (i.e. an important break between two neighbouring settlements) by the UDP and so is not subject to the policy therein (i.e. UDP policy CN6) which seeks to retain such breaks. Broadly speaking, it is considered that the proposed development will act as a 'natural' south-westward extension to Chilton Moor and would not unacceptably jar with the established pattern of built development in the area. Indeed, the development would sit relatively comfortably within the landscape, with the retention of the trees and mature hedging around Plot B assisting in maintaining a green, 'leafy' character to the locality.

As noted at the outset of this report, matters relating to the appearance of the proposed dwellings and a scheme of landscaping have been reserved for future consideration. The proposed layout of the dwellings is, however, considered to be acceptable, with the provision of a central area of green space to Plot A, around which a number of dwellings are arranged, an interesting and welcome feature. Plot sizes throughout the two sites are generally generous and the density of the built development is broadly reflective of the existing residential development at The Mews and Maiden Law on the opposite side of Redburn Road and Atherton Drive beyond, whilst the intention to build two-storey

properties is considered to be acceptable given that this is the predominant scale of dwelling in the immediate locality. Dwellings are also afforded double-width driveways and, it would appear, integral garaging, although this would be confirmed through a reserved matters application. The proposed means of boundary treatment are also considered to be appropriate in respect of the context of the site on the urban fringe.

Given the above, it is considered that subject to the submission of acceptable proposed elevations as a reserved matter and the agreement of suitable external materials and finishes, the proposed development will be of an acceptable design quality and not cause any significant harm to the visual amenity of the locality.

The proposed layout will, it is considered, afford prospective occupiers with a good standard of amenity, with all new dwellings afforded substantial areas of private external amenity space. In addition, spacing between the new dwellings accords with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations), an arrangement which ensures dwellings are afforded acceptable levels of privacy and main living room windows with a middle- to long-distance outlook.

In addition to the above, it is noted that the dwellings to the western part of Site A are in relatively close proximity to the Leamside railway line. The line is currently mothballed, and whilst there have been various proposals to bring it back into use, there are currently no firm plans to do so and much of the track has been removed. Nevertheless, as the westernmost dwellings to Site A are separated from the cutting containing the line by a strip of scrub/grassland and a public footpath, the rear elevation of the nearest unit will be positioned approximately 30 metres from the line, a distance which would provide a significant buffer in the event the line ever becomes operational.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that the separation distances between the new dwellings and existing properties is such that their living conditions will not be unduly harmed. The closest existing dwelling to a proposed new dwelling is 4 Maiden Law, the south-west elevation of which faces across Redburn Road to plot 6 of the new development (within Site B). The two dwellings are, however, separated by approximately 25 metres and will not directly face one another (i.e. 4 Maiden Law faces south-westward whilst the dwelling to plot 6 faces northward) and as such, the new development will not result in 4 Maiden Law, or any other nearby dwellings, experiencing any significant loss of outlook, privacy or being subjected to overshadowing/loss of light.

One of the objectors to the scheme (from Mayfield, which fronts Black Boy Road) has suggested that the development will restrict the view from the property. It must be recognised, however, that the planning system cannot protect privately-enjoyed long-distance views; rather, it can only seek to maintain acceptable levels of outlook from main living rooms to ensure dwellings are continued to be afforded satisfactory living conditions. For the reasons set out above, the proposed development has been found to be acceptable in this regard.

With reference to the above comments, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in

accordance with the requirements of policies CN17, B2 and H4 of the UDP, the Council's Residential Design Guide SPD and the core principles of the NPPF.

Impact of the development on highway and pedestrian safety

Paragraph 32 of the NPPF advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 32 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated.

Clearly, one of the main issues of concern amongst objectors to the development is its impact on highway and pedestrian safety, with Redburn Road cited as already being a busy, narrow and dangerous route with vehicles travelling at up to 60 mph which is subject to regular accidents and incidents. It is essentially suggested that the road is not capable of accommodating the additional traffic associated with the proposed development and that the new access points serving the development will create additional hazard points.

In response to consultation, the Council's Network Management team initially raised concerns in respect of the proposed development, in particular the highway and pedestrian safety implications of the likely levels of additional traffic along Redburn Road, and in this regard, its substandard width and alignment and poor forward visibility was noted. Concern was also raised in respect of pedestrian and cycling accessibility and links to the wider area. It was suggested, however, that the situation could be improved if the developer was willing to contribute towards a road safety scheme, the aim of which would be to introduce speed reduction/traffic calming measures.

The concerns raised by the Network Management team were discussed with the applicant's agent and transport consultant. Following further dialogue and consideration of the issues of concern, the information provided by the applicant's Transport Statement in respect of trip generation and distribution has been accepted and it is agreed that the proposed scheme will not raise any significant issues in respect of the capacity of junctions in proximity to the application site (i.e. the Redburn Road/Black Boy Road junction and the Redburn Road/B1284 Front Street junction to the east).

In addition, the applicant has agreed to provide funding to enable the introduction of a road safety scheme which is intended to address the concerns raised in respect of the suitability of Redburn Road to accommodate additional vehicular and pedestrian traffic. To this end, a scheme incorporating measures to include the provision of signs and road-markings, along with the introduction of traffic orders to reduce traffic speeds and introduce weight limits, in the immediate vicinity of the application site, has been agreed in principle. The scheme will be formally designed and delivered by the City Council, with appropriate costs met at the applicant's expense. Costs are anticipated to amount to approximately £30,000 and the applicant has agreed to enter into a legal agreement under

Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the payment of the required contribution on or before the occupation of the first residential unit.

The road safety scheme will be accompanied by the provision of new footways which, when combined with the speed reduction measures, will benefit vulnerable road users, including cyclists. It should be noted at this stage that the new footway will be created within the boundary of the existing highway, an arrangement which serves to overcome the concerns raised regarding the ownership of the intervening area of land between Sites A and B. The proposed position of the footway will also now enable the retention of two mature trees standing on the south side of Redburn Road, which were previously proposed to be removed.

The Council's Network Management team has confirmed that, subject to the successful delivery of the road safety scheme, to be funded by developer contributions secured through a Section 106 agreement, the impact of the proposed development on highway and pedestrian safety will be acceptable. Indeed, such a road safety scheme will be of benefit to existing road users insofar as it will improve the prevailing conditions along this section of Redburn Road.

In reaching this view, it must be noted that the Network Management team has had full regard to the potential additional highways and traffic implications raised by the prospective development of 70 no. dwellings to the north of Redburn Road, the planning application for which (ref. 14/01647/FUL) is currently pending consideration.

For the reasons set out above, it is considered that the proposed development will not give rise to severe residual cumulative impacts and so does not conflict with the requirements of paragraph 32 of the NPPF, whilst the proposals also comply with the aims and objectives of policy T14 of the UDP.

Implications of development in respect of ecology and biodiversity

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable. Also relevant is policy CN15, which sets out the Council's support for establishing the Great North Forest.

Again, a number of objectors have expressed concern in respect of the potential impact of the development on the value of the nearby Rainton Meadows Nature Reserve and the Joe's Pond SSSI and the wildlife using the development site and its immediate environs. However, as advised in the 'Representations' section of this report, Natural England has not raised any concerns in respect of the impact of the proposals on the Joe's Pond SSSI and has advised that the proximity of the SSSI does not represent a constraint to the development.

In addition to the above, the Council's Natural Heritage Protection officer has considered the application and the supporting information provided, particularly with regard to nature conservation factors. It is observed that the development sites form part of an area of open countryside that provides a buffer for and connectivity with Rainton Meadows Local Wildlife Site and Nature Reserve. The sites also fall within the Great North Forest and, as the supporting reports summarise, have some features of actual and incidental biodiversity interest, namely bats, amphibians, birds and trees/hedgerows.

Consequently, the proposed residential development cannot necessarily be seen as a positive land use in this regard, but it is advised that if the principle of the development is considered to be acceptable, it can proceed subject to the adoption of the recommendations presented in the three supporting reports, which include retention of trees and hedgerows and mitigation and enhancement measures for protected and local biodiversity action plan species.

Regard should also be given to drainage and hydrology issues, particularly with reference to nearby wetland sites, and the inclusion of a sustainable drainage systems and wetland habitats in the design and operation of the sites should form part of the development.

Furthermore, in line with the aims and objectives of section 11 of the NPPF, the Council's Natural Heritage officer has recommended that the developer makes a financial contribution to the protection and enhancement of off-site biodiversity, to offset the impact of people and domestic animals (i.e. pet dogs and cats) on key habitats and species associated with Rainton Meadows Nature Reserve and to deliver the aspirations of the Great North Forest.

The focus of the ecological protection and improvement measures is within the boundary of Rainton Meadows Nature Reserve and the contribution is based upon assessments and management recommendations for habitats and priority species in the area, and relates directly to habitats, access and public greenspace, and the need to upgrade these and control access to sensitive areas in advance of increased visitor pressures. Standard operations, such as the annual maintenance of Rights of Way and other similar routes and the Council's current grounds maintenance programme, would be excluded.

The contribution requested is £23, 625, to be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), with the figure required similar to the contributions made in respect of the recent planning application at Southern House Farm, North Road, Hetton-le-Hole (app. ref. 10/02420/FUL) and its impact on the Hetton Bogs Local Nature Reserve.

The applicant has confirmed agreement to the requested financial contributions towards off-site biodiversity enhancements and mitigation and, as suggested, it will be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

With regard to the above and the views of Natural England and the Council's Natural Heritage officer, it is considered that subject to the financial contributions required through the Section 106 agreement and the development being carried out in accordance with the recommendations provided by the three supporting ecological surveys/reports, the development will have an acceptable impact on

the nearby SSSI and Local Nature Reserve, protected species and the provision of the Great North Forest, in compliance with the requirements of section 11 of the NPPF and policies CN15, CN20, CN21 and CN22 of the UDP.

Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding).

The Flood Risk Assessment (FRA) submitted with the application advises that the development site is located within Flood Risk Zone 1, i.e. land at the lowest risk of flooding. The FRA essentially concludes that the site is not within an area which is susceptible to fluvial or tidal flooding and is not at risk from flooding.

However, as initially identified by the Environment Agency, the FRA does not suitably address how surface water will be disposed of from the site. The additional information provided by the applicant's consultant has, however, enabled the Environment Agency to withdraw their initial objection to the scheme, subject to the requested condition requiring the submission of a comprehensive surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

In addition, the Council's Flood and Coastal Group Engineer has reviewed the proposals and shares the views of the Environment Agency in respect of surface water drainage not being adequately addressed by the FRA. It is accepted, however, that some of the outstanding questions were answered by the applicant's consultant; consequently, and as the application has been submitted in outline form, it is considered that the application can be approved subject to the condition suggested by the Environment Agency.

Further to the above, as noted in the 'Representations' section of this report, Northumbrian Water has offered no objection to the development, subject to a condition requiring the submission of a detailed scheme for the disposal of surface and foul water, which should be informed by the hierarchy of preference for surface water drainage solutions.

With regard to the above comments, it is considered that the proposed development is compatible with this location in terms of flood risk and that, subject to the satisfactory discharge of the condition recommended by the Environment Agency and the Council's Flood and Coastal Group Engineer, the development will not materially increase the risk of flooding elsewhere. Furthermore, subject to the condition recommended by Northumbrian Water, the proposed development will not give rise to concerns in relation to surface and foul water. As such, the proposal is considered to be compliant with the requirements of policy EN12 of the UDP and the core principles and relevant paragraphs of the NPPF in this regard.

Implications of development in respect of land contamination/coal mining legacies

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The Phase 1 study submitted with the application has concluded that the site represents a low-moderate environmental risk and recommends that a series of 'Phase 2' intrusive ground investigations are undertaken before any construction works start on site, in order to determine ground conditions and install monitoring wells as required. It is considered that this recommendation can, if Members are so minded, be addressed via the imposition of the suite of conditions which require the additional investigations to be carried out, followed by the submission of details of remediation and mitigation where necessary.

In addition to the above, and with regard to coal mining legacies, as noted in the 'Representations' section of this report, The Coal Authority has recommended that in the event the City Council elects to grant planning permission, it should impose a condition requiring intrusive investigation works to be carried out prior to the commencement of development. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure such works are also undertaken prior to development commencing.

With regard to the above comments, it is considered that subject to the imposition of the recommended conditions, the implications of the development in respect of land contamination and coal mining legacies is acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.

Implications of development in respect of archaeology

In line with the requirements of aforementioned paragraph 141 of the NPPF, policy B13 of the UDP states that the Council will seek to safeguard sites of local archaeological significance, whilst policy B14 states that where development proposal affect sites of known archaeological importance, an archaeological assessment or evaluation may be required.

As noted in the 'Representations' section of this report, the County Archaeologist has asked that as the development site is of potential archaeological interest due to its greenfield nature, conditions be imposed to require the undertaking of an archaeological fieldwork exercise, to be followed by the production of a review of the findings and a report suitable for publication in a relevant journal. It is recommended that, in the event Members are minded to approve the application, the conditions requested by the County Archaeologist are imposed in order to ensure any remains at the site are properly investigated and recorded prior to it

being developed, in accordance with the requirements of the aforementioned relevant local and national planning policy.

Section 106 Contributions

As set out earlier in this report, the applicant has agreed to provide a financial contribution of £30, 000 to the road safety scheme required by the Council's Network Management team and £23, 625 towards off-site biodiversity enhancement and mitigation, as requested by the Council's Natural Heritage officer. These contributions will be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

In addition to the road safety and biodiversity contributions, the applicant has agreed to contribute £47, 556 towards the creation of primary school places at Newbottle Primary School, Dubmire Primary School and/or Burnside Primary School. £18, 927 will also be contributed towards the cost of providing new or improving and maintaining existing off-site play facilities at Keir Hardie Play Area in nearby Fencehouses.

Furthermore, as detailed earlier, the proposed development will incorporate affordable housing at the required ratio of 10% of the total number of units being created (in this case, 3 no. affordable units out of 27 no. dwellings in total), all of which are to be situated within Site A. Two of the affordable housing units are proposed to be affordable rented units and one will be a shared ownership unit.

A draft Section 106 agreement has been drawn up by the Council's Solicitor which, to summarise, will secure:

- Contribution of £30, 000 towards a road safety scheme, to be paid on or before the occupation of the first housing unit;
- Contribution of £23, 625 towards off-site biodiversity enhancements and mitigation, to be paid on or before the commencement of development;
- Contribution of £47, 556 towards education facilities, to be paid on or before the occupation of the 13th housing unit;
- Contribution of £18, 927 towards off-site play, to be paid upon the completion of the development;
- Provision of affordable housing on-site, with 2 no. affordable rented units and 1 no. shared ownership unit.

The terms of the agreement are currently being considered by the applicant's solicitor, although the applicant has already indicated a willingness to contribute as required. It is consequently anticipated that the Section 106 agreement will be completed and sealed in the near future, although this is likely to occur after the meeting of the Sub-Committee on 28th April.

ADJACENT APPLICATION

As noted in the first section of this report, a second planning application for the erection of 70 no. residential units on the north side of Redburn Road has also been submitted (ref. 14/01647/FUL) and is currently pending consideration. A number of objectors have suggested that the two applications should be determined together at the same Sub-Committee meeting.

However, it is unclear at this stage as to when the second application will be in a position to be presented to the Sub-Committee, whereas the current application

is, it is considered, ready to be determined. In this regard, the NPPF requires Local Planning Authorities to determine planning applications which comply with relevant national and local planning policy without delay and as such, the current application is being presented to the Sub-Committee for determination.

Notwithstanding the above, it must be noted that the two applications are not intrinsically linked - they affect different sites which do not adjoin one another and which each have their own, differing characteristics. In addition, the current application also primarily raises issues which are specific to this proposal, or are able to be considered in isolation from of the implications of the second application. Where regard has had to be given to the potential for combined impacts from the two development proposals, for example, in respect of highway safety and traffic, this has been done.

Given the above, Members are advised that there are not considered to be any planning reasons to delay the determination of the current application in order to wait to consider the second application. A recommended decision is therefore provided below.

CONCLUSION

In summary, the principle of housing development is considered to be acceptable in this location when assessed against the impact tests set out in the NPPF.

Similarly, and subject to the satisfactory approval of reserved matters and the imposition of the conditions suggested throughout the report, for the reasons set out above, the proposed development is considered to be acceptable in terms of urban design, visual and residential amenity, highway access and car parking, flood risk and drainage, ground conditions, archaeology, ecology/biodiversity, play space and education provision and affordable housing. Given that the proposed development has been found to be acceptable with regard to all relevant material planning issues, with regard to the overarching aims and objectives of the NPPF, it is considered that the scheme will achieve sustainable development and should therefore be approved.

It is consequently recommended that the application is delegated to the Deputy Chief Executive, who is minded to approve the application, subject to the conditions set out at the foot of this report and also subject to the signing of an agreement under the provisions of section 106 of the Town and Country Planning Act, 1990.

RECOMMENDATION: Delegate to the Deputy Chief Executive who is minded to approve the application subject to the conditions set out below and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: Delegate to Deputy Chief Executive

Conditions:

- 1 An application for the 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 then 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.

Appearance
Landscaping

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:

the location plan received 01/08/2014, the existing site plan (drawing no. 8320/01) and the amended proposed site layout and boundary details (drawing no. 8320/02C).

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 All dwellings hereby approved shall be limited to no more than 2 storeys in scale, in order to ensure the development is respectful of the amenity of surrounding existing dwellings and to comply with the NPPF and policy B2 of the Council's adopted Unitary Development Plan.
- 5 No construction works required for the development hereby approved shall be carried out outside the hours of 07:00 and 19:00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 07:30 and 14:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 6 None of the dwellings hereby approved shall be occupied until the accesses to the sites and internal road and footpath layout has been laid out to at least base course level, unless otherwise agreed in writing with the City Council as Local Planning Authority, in the interests of amenity and highway and pedestrian safety and to comply with the requirements of policy T14 of the UDP.
- 7 No tree or hedge shown to be retained on the approved site layout plan shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning

Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

- 8 No groundworks or development shall take place until a programme of archaeological fieldwork (to include evaluation and, where appropriate, mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the City Council as Local Planning Authority, in order to ensure that any archaeological remains on this site of potential archaeological interest can be preserved where possible and recorded, in accordance with policies B11, B13 and B14 of the UDP and paragraph 141 of the NPPF.
- 9 The dwellings hereby approved shall not be occupied until the final report of the results of the archaeological fieldwork undertaken pursuant to condition 8 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policies B11, B13 and B14 of the UDP and paragraph 141 of the NPPF.
- 10 The development hereby approved shall not be occupied until a report detailing the results of the archaeological fieldwork undertaken pursuant to condition 18 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal, in order enhance understanding of, and allow public access to, the work undertaken, in accordance with paragraph 141 of the NPPF.
- 11 Development shall not commence until a programme of intrusive site investigation works have been undertaken in order to establish the exact nature of coal mining legacies at the site and written details of the findings of the investigations have been submitted to and agreed in writing by the City Council in consultation with The Coal Authority. In the event the investigations confirm the need for remedial works to treat areas of shallow mine workings, development shall not proceed until a programme of proposed remedial works has been submitted to and approved in writing by the City Council in conjunction with The Coal Authority, in order to ensure the safety and stability of the proposed development and paragraph 121 of the NPPF.
- 12 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 13 to number 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 16 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with policy EN14 of the Unitary Development Plan.

- 13 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.

- 14 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.

- 15 The remediation scheme approved under Condition number 14 (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.

- 16 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 13 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 14 (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 15 (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.
- 17 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the City Council as Local Planning Authority in consultation with the Environment Agency. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100-year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how surface water run-off will be restricted to 2 l/s per hectare from the impermeable areas;
- details of how the scheme shall be maintained and managed after completion;

The scheme is required in order to prevent the increased risk of flooding, both on and off site and comply with the requirements of the NPPF and policy EN12 of the UDP.

- 18 Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the City Council in consultation Northumbrian Water. The scheme shall be developed by working through the Hierarchy of Preference contained within the revised Part H of the Building Regulations 2010, namely: (1) soakaway, (2) watercourse and, finally (3) sewer. The development shall then take place in accordance with the approved details, in order to prevent the increased risk of flooding and to comply with the requirements of the NPPF and policy EN12 of the UDP.
- 19 The development hereby approved shall not commence until details of a scheme of biodiversity mitigation and enhancement in respect of protected and local biodiversity action plan species has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the scheme shall be informed by the recommendations provided by:
- Section 5.0 of the Extended Phase 1 Survey, Land at Chilton Moor (DWS Ecology);
 - Section 6.0 of the Bat Survey Report, Land at Chilton Moor (DWS Ecology);
 - Section 4.0 of the Great Crested Newt Survey Report, Land at Chilton Moor (DWS Ecology);

submitted with the planning application. The development shall then proceed in complete accordance with the approved scheme, in the interests of improving the biodiversity value of the site and to comply with the requirements of section 11 of the NPPF.

Reference No.: 14/02823/FU4 Full Application (Reg 4)

Proposal: Construction of an 11KV underground electrical connection from the proposed Woodhouse Farm Solar PV Array to Nissan Motor Manufacturing UK Limited.

Location: Woodhouse Farm Ferryboat Lane Sunderland SR5 3HP

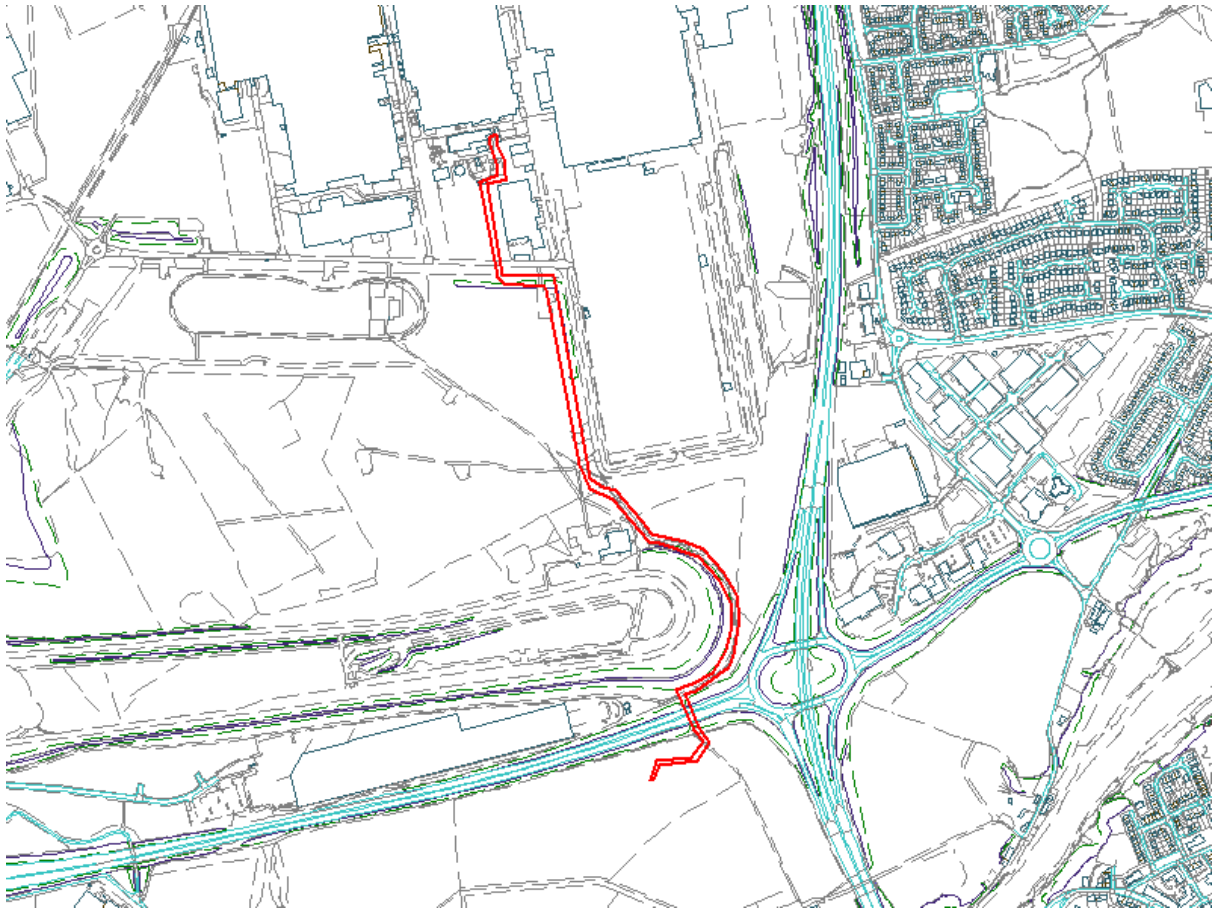
Ward: Washington East

Applicant: European Energy Photovoltaics Limited

Date Valid: 18 December 2014

Target Date: 12 February 2015

Location Plan



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

PROPOSAL:

Planning permission is sought to install a 11KV electrical connection between the Nissan Motor Manufacturing UK Limited premises and Woodhouse Farm where, as Member may recall, planning permission was recently refused (ref. 14/02132/FUL) for the construction, operation and decommissioning of Solar

Photovoltaic (PV) Array of 44,088no. PV panels and associated works; the applicant has until 15 June 2015 to appeal this refusal.

The proposal comprises the provision of two 300sq.mm 11kV cables and two 2.5sq.mm pilot cables to be housed within a typically 830mm deep by 450mm wide trench which would be backfilled with excavated material. The proposed installation has a total length of 1398m, its majority would be situated within the Nissan site whilst its southern section crosses the A1231 via an existing underpass (which is currently closed to the public) and Bridleway 70 (which forms part of the Coast to Coast (C2C) cycle route) onto an agricultural holding known as Woodhouse Farm, which is situated within the Tyne and Wear Green Belt. The applicant estimates that it would take four weeks to carry out the proposed installation.

Since the refusal of the aforementioned Woodhouse Farm application, the applicant has submitted a request for an Environmental Impact Assessment Screening Opinion of the Local Planning Authority for the installation of a 5.0MWp capacity PV array of approximately 20,000 PV panels and associated infrastructure on a site of some 7.4 hectares within the Nissan test track, which is situated within the Nissan Motor Manufacturing (UK) Ltd. site to the north of the A1231.

The current application was submitted prior to the determination of application ref. 14/02132/FUL and, despite this previous application being refused planning permission, the applicant has requested that the current application be determined in order to facilitate a potential future connection between the potential solar farm on the test track and a Distribution Network Operator (DNO) situated on the south side of the A1231. Whilst it is intended that the electricity generated from the potential test track solar farm would, in the first instance, be supplied to Nissan, the applicant would like to retain the option to export any surplus electricity to the grid via the DNO when this is not required by Nissan. However, it is noted that the existing DNO connection is situated some 650m to the west of the southern end of the currently proposed cable and, in any event, a connection between the DNO and potential solar farm could be made using current 'permitted development' rights provided that it is carried out by a statutory undertaker.

Site Description and History

The site is situated to the north of the River Wear and the A1231 runs east-west through the site which separates Woodhouse Farm and the wider Green Belt to its south and, to its north, Nissan, the substantial Vantec warehouse and the Turbine Park employment site. The A19 runs north-south to the east and there are residential properties within close proximity in Low Barmston Farm to the southwest and Woodhouse Farm and the adjacent dwelling to the southeast. The Washington Wetland Centre, which is one of nine visitor centres in the UK operated by the Wildfowl and Wetlands Trust (WWT), is located to the southwest of the site. The nearest established residential areas are Teal Farm, Washington, situated some 1.5km to the southwest, North Hylton, around 0.6km to the northeast and South Hylton some 0.6km to the southeast on the opposite side of the River.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Washington East - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **02.04.2015**

REPRESENTATIONS:

The Council's Network Management section confirmed that no objections are offered and noted that the installation works must be agreed with Network Management given the reinforced concrete construction of Woodhouse Underpass in addition to any traffic management to cover temporary closure and diversions for the C2C route during installation works.

No third party representations have been received.

POLICIES:

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

EC4 Retention and improvement of existing business and industrial land
T8 The needs of pedestrians will be given a high priority throughout the city.
T9 Specific provision will be made for cyclists on existing/new roads and off road
T10 Protect footpaths; identify new ones & adapt some as multi-user routes
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
WA1 Retention and improvement of established industrial / business area

COMMENTS:

The proposed connection is situated partly within the Nissan complex, which is allocated as an existing employment site by the UDP, and partly within the Tyne and Wear Green Belt. The main issues to consider in the assessment of this application are the principle of the proposed development in respect of each allocated land use and, in respect of the latter, whether the proposal constitutes inappropriate development in the Green Belt and, if so, whether any harm by reason of inappropriateness together with any other harm would be clearly outweighed by other considerations so as to amount to very special circumstances. In making such an assessment this report is set out as follows:

- Land Use and Appropriateness of Green Belt Development
- Openness of Green Belt
- Highway / Public Rights of Way

Land Use and Appropriateness of Green Belt Development

The Nissan Employment Area is allocated by policies EC4 and WA1(5) of the adopted UDP as an established industrial/business area, which is to be retained and improved primarily for Use Classes B1 (Offices and Research and Development and Light Industry), B2 (General Industry) and B8 (Warehouses and Storage). The Area is also identified as Primary Employment Areas by the emerging Sunderland Local Plan: Core Strategy and Development Management Policies (Draft Revised Preferred Options August 2013) and policy DM3.1 of this document reiterates the safeguarding, promotion and management of the uses set out by the UDP as above.

The proposal would facilitate the operation of Nissan by providing a link to a potential source of energy, albeit this source has yet to be established and certainly no planning permission has been granted for such. Therefore, the proposal is considered to accord with the adopted and draft policies set out above.

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether any conflict is considered to exist between the Council's adopted Unitary Development Plan (the "UDP") and the NPPF. In this regard, it is considered that the UDP policies relating to Green Belt development are partially compliant with the relevant sections of the NPPF, although given that there is some conflict the LPA shall rely primarily on the NPPF to this regard.

Section 9 of the NPPF is concerned with the protection of Green Belt land. Within this section, paragraph 79 sets out that 'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 of the NPPF sets out five purposes of including land within Green Belts, namely:

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

Policy CS7.5 of the emerging Core Strategy and Development Management Policies DPD reflects this, indicating that the broad extent of the Green Belt will be maintained to:

- a) check the unrestricted sprawl and encourage the regeneration of the built-up area;
- b) assist in safeguarding the City's countryside from further encroachment;

- c) preserve the setting and special character of historic settlements; and
- d) prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham and the merging of Shiney Row and Houghton-le-Spring with Washington, Chester-le-Street and Burnmoor.

In order to safeguard the Green Belt, paragraph 87 of the NPPF considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in 'Very Special Circumstances'. Paragraph 88 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Within this context paragraph 89 of the NPPF indicates that the construction of new buildings inside the Green Belt is inappropriate unless it is for one of the following purposes:

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

The current proposal clearly does not constitute a form of development described by paragraph 89. However, paragraph 90 of the NPPF goes on to state that 'certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;

- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order'.

The NPPF offers no description so to what can be considered an 'engineering operation'. However, such a definition is considered to be akin to activities altering the profile of land, such as by excavation, or those which change the character of the surface of land. The Town and Country Planning Act 1990 defines 'engineering operations' to 'include the formation and laying out of a means of access to highways' whilst the placing or assembly of any tank in inland waters for the purpose of fish farming is an engineering operation by virtue of sec.55.4(A) of this Act. The LPA accepts a wider general view that 'engineering operations' are those which are normally, although not necessarily, undertaken by an engineer, which has some indirect credence in law.

In this context, the proposed electricity connection is considered to fall within the scope of what could reasonably be considered to constitute an 'engineering operation'. However, the exceptions to inappropriate development in the Green Belt set out by paragraph 90 of the NPPF only apply 'provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'.

Given the nature of the proposed development, it is not considered that it conflicts with any of the five purposes of including land within Green Belts, as set out by paragraph 80 of the NPPF (see above). Therefore, provided that the proposal does not impact on the openness of the Green Belt, as set out below, it is not considered that the proposed installation constitutes inappropriate Green Belt development.

Impact on Openness of Green Belt

As set out above, the NPPF (paragraph 79) sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. As established by case law (Heath and Hampsted Society v London Borough of Camden 2007 and Timmins/Lymn v Gedling BC 2013), 'openness' relates strictly to the absence of buildings or development. The extent to which a site is visible from public vantage points and the extent to which a proposed development would be visually intrusive are separate from openness and shall be addressed subsequently in this report. Applying this approach, the majority of development within the Green Belt is likely to have some impact on its openness.

However, in this instance the proposed cables would be positioned wholly underground and all trenches would be backfilled. Therefore, the impact of the proposal on the openness of the Green Belt is considered to be negligible.

Highway / Public Rights of Way

Paragraph 75 of the NPPF states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek

opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

UDP policies T8, T9 and T10 promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes. 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.

Upon consultation with the Council's Network Management section, including the Cycle Network & Public Rights of Way Officer, it is noted that the proposal would pose no disruption to the A1231, given that the existing underpass would be utilised. Bridleway 70, which forms part of the C2C route, and footpath 66, which runs from the south-east corner of the site along the eastern boundary, are the only right of way which would be traversed by the proposed connection. In order to prevent disruption to its users, the applicant proposes to utilise a directionally drilled cable duct below these rights of way, ensuring that it would not be closed for any period of time.

Such means of installation are considered to be appropriate and it is therefore considered that conditions can be reasonably imposed to adequately protect the adjacent bridleway from undue obstruction or damage.

Conclusion

The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This includes 'development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

(a) the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more; or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.

In this instance, the floorspace to be created is less than 1,000 square metres and, for the reasons set out above, it is not considered that the proposal would have a significant impact on the openness of the Green Belt'. Accordingly, it would not be necessary to refer the application to the Secretary of State should Members be minded to approve.

It is also noted that the currently proposed connection would constitute 'permitted development' if carried out by a statutory undertaker, which is likely to be the case given that it proposes a connection to a DNO. Nonetheless, the applicant has requested that the application be determined and, given that it has not been comprehensively established that the connection would be carried out by a statutory undertaker, it is not considered that this application can be formally determined as constituting permitted development.

Notwithstanding this, for the reasons set out above the proposal is considered to be acceptable in land-use terms and it is not considered that the proposal constitutes inappropriate Green Belt development, would harm the openness of the Green Belt or would compromise any adjacent highway / public rights of way. It is therefore considered that the proposal accords with the relevant UDP and NPPF criteria, as set out above, and it is recommended that Members grant planning permission under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended).

RECOMMENDATION: GRANT PP Under Regulation 4

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:

Drawing no. EEPL01: Location Plan received 17.12.2014

Drawing no. EEPL02: Site Plan received 17.12.2014

Drawing no. EEPL03: Cable Trench Cross Section received 17.12.2014

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

3 Notwithstanding the submitted plans, the section of the connection hereby approved which traverses Bridleway 70 and Footpath 66 shall be installed using a directionally drilled cable duct, in order to prevent any disturbance to users of these rights of way and to comply with policies T8, T9, T10 and T14 of the adopted Unitary Development Plan.

3.

Washington

Reference No.: 15/00079/LAP Development by City(Regulation 3)

Proposal: **Erection of a single storey extension to south and east elevations**

Location: Columbia Grange School Oxclose Road Washington NE38 7NY

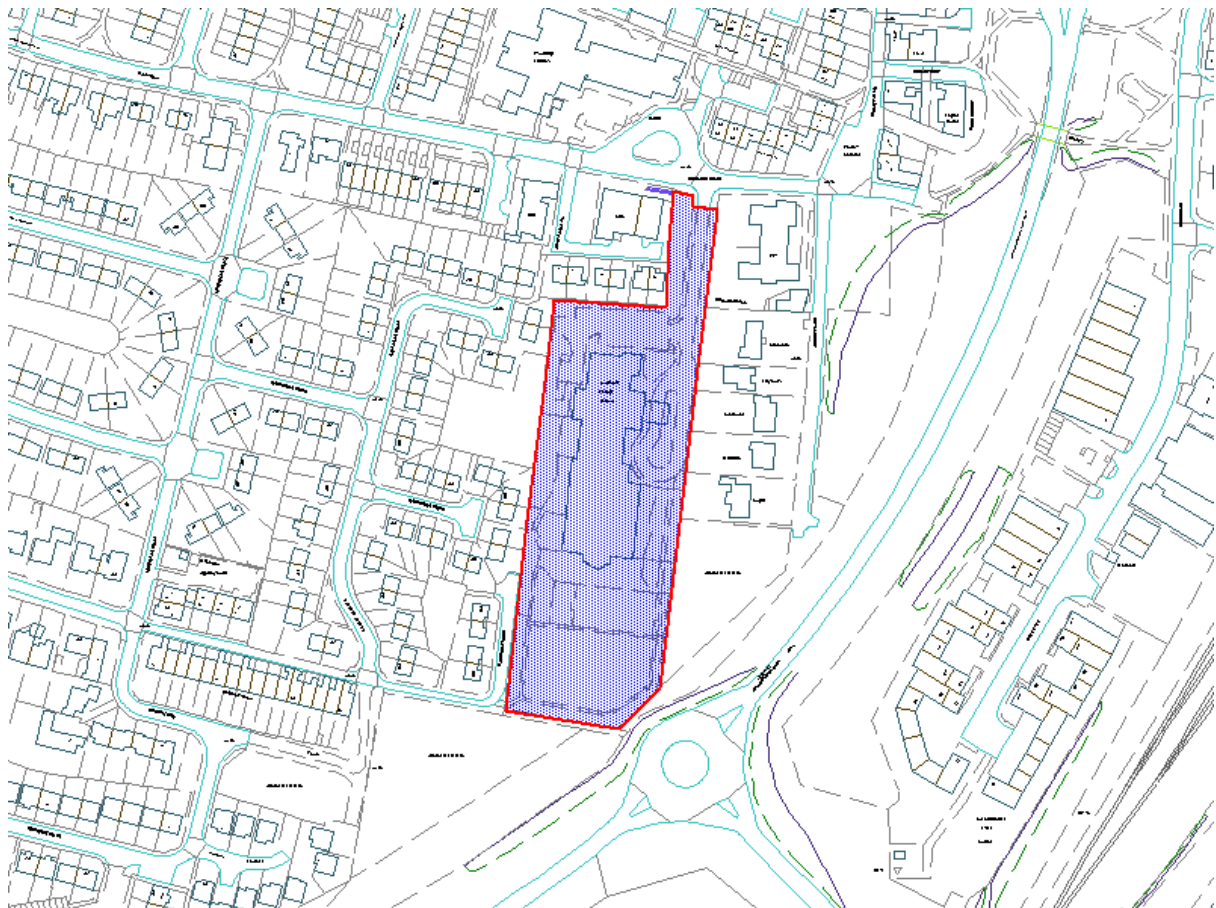
Ward: Washington Central

Applicant: Childrens Services

Date Valid: 27 January 2015

Target Date: 24 March 2015

Location Plan



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

PROPOSAL:

The application is for the erection of two single storey extensions to the southern and eastern elevations of Columbia Grange School, Oxclose Road, Washington

The proposed development affects Columbia Grange School, a modern building occupying a long, narrow plot within an otherwise residential area. The school, which was granted planning approval in 2002 (see app. ref. 02/00911/LAP) is

accessed from Oxclose Road to the north and its grounds are bounded by the residential dwellings of Albert Place to the east and Raeburn Avenue to the west, whilst to the south is a range of allotment gardens.

The proposed extensions would provide a new class room and training room and accommodate an additional 16 pupils within the school. The classroom extension will accommodate 8 pupils with the remaining 8 pupils being accommodated in the adjacent classroom which is currently being used as an office. The staff displaced from the office will be transferred to the new training room.

Both extensions are relatively limited in scale and massing (in comparison to the main school) presenting floor areas of 8.5 x 9.2m and 8.3 X 9.3m and a height (ground to ridge) of approximately 5.2m to 5.3m respectively. The design of the extensions would reflect the main school building with all brickwork and feature block banding, standing seam roof, external doors and windows, fascia's and rainwater goods all to match existing

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Washington Central - Ward Councillor Consultation
Environment Agency

Final Date for Receipt of Representations: **17.03.2015**

REPRESENTATIONS:

No representations have been received as a result of the public consultation undertaken.

POLICIES:

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

B2 Scale, massing layout and setting of new developments
EN10 Proposals for unallocated sites to be compatible with the neighbourhood
L7 Protection of recreational and amenity land
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
T22 Parking standards in new developments

COMMENTS:

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

- Principle of development
- Design and external appearance
- Impact on residential amenity
- Highway implications

Principle of development

There are no relevant policies associated with the proposal within the Council's adopted Unitary Development Plan (UDP) (1998) and, as such, the scheme 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. As the proposal relates to the limited extension to the existing building, it is considered that the proposal accords with the above policy.

Whilst not specifically designated for any particular land use the site is governed by UDP Policy L7. Policy L7 states, in part, that land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

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

In accordance with the above, the proposals are relatively limited in scale and as such are likely to have a limited impact to the amenity, recreational or wildlife habitat of the site. The proposal is required for the enhancement of the educational facility and as such the proposal is considered to accord with UDP Policy L7.

Design and external appearance

Policy B2 of the UDP relates to new development, redevelopment and alterations to existing buildings and states in part that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

With regard to policy B2 detailed above, it is considered that the size and form of the proposed extension will not detract from the appearance of the existing school or wider area. The extensions would be of an appropriate scale and massing and are to be constructed from materials and a design to correspond with the existing building. As such it is considered that the design and appearance of the proposed extensions is acceptable and complies with the requirements of Policy B2 of the adopted UDP.

Impact on residential amenity

The proposed extensions are to be positioned comfortably within the built envelope of the school site with the southernmost extension sited over 50m away from the nearest dwelling on Raeburn Avenue and the easternmost extension located over 30m away from the nearest dwelling of 'Greyroofs' on Albert Place.

These distances would ensure that the proposed development would have no demonstrable impact on the living conditions of nearby properties over and above those already experienced. In this respect it is considered proposed extensions comply with the requirements of Policy B2 of the adopted UDP

Highway implications

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 provision.

In response to consultation, the City Council's Network Management team have made a number of observations based on fact that the extensions would accommodate an additional numbers. These are as outlined below;

Parking

It has been noted that there are currently 41 spaces plus 4 disabled spaces available within the schools grounds although additional informal parking can be accommodated within the curtilage of the school.

Staff

The proposed extension will result in 8 additional staff. It is normally recommended that 1 parking space per member of staff be required, however informal parking within the grounds can be accommodated. The school has agreed to monitor and manage the parking.

Pupils

The proposed extensions will result in an additional 16 pupils. It is noted that the school has a drop off/pick up area and that the majority of pupils are transported by taxi and mini bus. There are 4no disabled bays for parents to use for drop off and pick up.

In respect of the above Network Management are largely satisfied that the existing parking provision can accommodate the proposed increase in pupil/staff numbers and that the development would therefore comply with the requirements of policies T14 and T22 of the UDP.

Conclusion

For the reasons given in this report it is considered that the principle of development is acceptable and the proposal is of an appropriate design and appearance without resulting in any adverse impact to residential or visual amenity. The proposal raises no significant concerns in respect of highway or pedestrian safety and as such the proposal is considered to comply with policies EN10, B2 and L7 of the adopted UDP.

Accordingly it is recommended that Members grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

RECOMMENDATION: Grant Consent Under Regulation 3

Conditions:

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

The existing and proposed site plans received 16.01.2015 (Plan ref's 0514057/ARCH/101 and 0514057/ARCH/200)

The existing and proposed elevations received 16.01.2015 (Plan ref's 0514057/ARCH/103 and 0514057/ARCH/300)

The existing and proposed ground floor plans received 16.01.2015 (Plan ref's 0514057/ARCH/102 and 0514057/ARCH/201)

The existing and proposed roof plans received 16.01.2015 (Plan ref's 0514057/ARCH/104 and 0514057/ARCH/202)

The location plan received 16.01.2015 (Plan ref 0514057/ARCH/100).

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 15/00193/FUL Full Application

Proposal: Creation of new access onto classified road to include dropped kerb and block paved driveway.

Location: 11 Essex Street Hetton-le-Hole Houghton-le-Spring DH5 9LW

Ward: Hetton
Applicant: Mr Steven Tempest
Date Valid: 4 February 2015
Target Date: 1 April 2015

Location Plan



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

PROPOSAL:

Planning permission is sought for the creation of a new access onto a classified road, to include dropped kerb and block-paved driveway at 11 Essex Street, Hetton-le-Hole, DH5 9LW.

The proposed development affects a single-storey semi-detached dwelling situated within the Park Estate in Hetton-le-Hole. The dwelling's east elevation faces towards the narrow road which serves Essex Street and Bedford Street on its opposite side. The property is, however, set back from the street behind an area of grassed landscaping, through which runs a short 'dead-end' spur of road. This spur provides vehicular access to both neighbouring dwellings (nos.10 and 12), but the subject property is unable to utilise the spur for access as its garden tapers to a sharp point where it meets the spur's end and is not sufficiently wide to accommodate a vehicle.

The property's west elevation, meanwhile, is set back from the B1284 North Road behind a large garden.

The application is essentially seeking planning permission for the provision of an off-street parking space within the dwelling's curtilage. As noted above, it is not possible to gain access into the curtilage from the spur of Essex Street and as such, the application proposes to create an access onto North Road. Although 'permitted development' rights exist to allow new accesses into domestic curtilages to be created without planning permission being required (rights afforded by Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015), these do not apply where the access is proposed to a classified road, as is the case with the B-class North Road.

The proposed access has a width of 4 metres and will join North Road adjacent to the boundary with no. 10. The access will also involve the provision of a footway. The access will feature inward-opening gates of the same height as the existing fence (i.e. 860mm) and behind it will be a block-paved driveway with a length of 10.1 metres.

An application of this nature would usually be dealt with by Planning Officers using delegated powers, but it has been referred to the Sub-Committee on account of the receipt of an objection from Hetton Town Council, which is a statutory consultee in respect of planning applications. Details of the objection from Hetton Town Council are provided in the next section of this report.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hetton Town Council
Hetton - Ward Councillor Consultation

Final Date for Receipt of Representations: **11.03.2015**

REPRESENTATIONS:

Public consultation - no representations received.

Hetton Town Council - the response received from Hetton Town Council has advised that the Town Council's Planning and Development Committee considered the application at their meeting on 13th March 2015. The Committee Members determined to lodge a formal objection to the proposed development, for reasons relating to the ongoing traffic problems on North Road (which are subject to preventative measures from the Council's Network Management team), which includes incidences of accidents and speeding. It is considered that the provision of a new access would not be appropriate and will add to the existing problems.

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

B2 Scale, massing layout and setting of new developments

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

EN12 Conflicts between new development and flood risk / water resources

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government 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 should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.

Of particular relevance in this case is paragraph 32 of the NPPF, which states that planning decisions should ensure that safe and suitable accesses to development sites. It advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The relevant guidance of the NPPF as outlined above feeds into policies EN10, EN12, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development in respect of visual and residential amenity and drainage;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood. The proposed development essentially involves the provision of a domestic parking space and does not give rise to any land use implications. Consequently, there is not considered to be any conflict with policy EN10's requirements.

2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated.

The proposals do not raise any concerns in either respect - the insertion of the gates and provision of the hard-surfaced driveway will have negligible impact on the visual amenity of the locality, whilst it is considered that the development will not give rise to harm to the amenity of neighbouring dwellings.

Meanwhile, policy EN12 of the UDP seeks to resist development which would give rise to unacceptable flooding and drainage issues - in this regard, whilst the proposals do involve the provision of a hard-surfaced driveway, only a small proportion of the property's large front/side garden will be affected, an arrangement which should ensure the development will not significantly impact upon local drainage capacity.

With regard to the above, it is considered that the implications of the development in respect of amenity and drainage are acceptable, in accordance with the requirements of aforementioned policies B2 and EN12 of the UDP.

3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP is of relevance in this regard and it states that new development proposals must not prejudice highway and pedestrian safety, whilst as noted earlier, paragraph 32 of the NPPF recommends the refusal of development which would have a severe negative impact in relation to transport issues.

As noted in the 'Representations' section of this report, Hetton Town Council have raised significant concerns in respect of highway and pedestrian safety.

In addition, in response to consultation, the City Council's Network Management team has recommended that the application is refused planning permission. The consultation comments received note that North Road is a busy classified road. To the north of the application site, there is a speed limit change from 40mph down to 30mph, whilst to the south, there is the brow of a hill and a bend in the road which serve to restrict visibility. There have been numerous accidents on North Road in recent years, with a serious collision occurring in February 2015.

Given the prevailing conditions of the road, it is considered that the creation of a new access directly onto North Road would be detrimental to highway safety and should therefore be strongly resisted.

As an alternative, it is suggested that attempts are made to create an access from Essex Street on the east side of the property, potentially as a shared provision with the neighbouring dwelling.

The Council's Network Management team have clear and significant concerns in respect of the proposed development and its impact on the safety of a road which is busy, offers poor visibility to drivers and is already subject to regular accidents. These concerns are supported by Hetton Town Council's objection. Consequently, it is considered that the proposed development would result in highway safety being significantly prejudiced, in conflict with the requirements of policy T14 of the UDP and paragraph 32 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst it does not raise any significant concerns in respect of visual and residential amenity and drainage.

However, the Council's Network Management team has recommended the refusal of the application due to the concerns the proposal raises in respect of the highway safety of North Road, which are outlined in more detail above.

In situations where an unacceptable development is proposed by a planning application, the Council's practice is to seek amendments to secure an acceptable alternative scheme. The Council's concerns regarding the proposal were brought to the attention of the applicant by letter, with the creation of a shared access to Essex Street suggested as an alternative. However, the applicant has not been in contact to discuss any alternative schemes.

With regard to the above, it is considered that the Council has actively sought to open dialogue on possible alternative proposals, but in the absence of any other schemes being put forward, it is necessary to determine the application in its current form.

As set out above, the proposed development raises significant highway safety concerns so conflicts with the requirements of policy B2 of the Council's adopted UDP and paragraph 32 of the NPPF. The application is consequently recommended for refusal.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed development involves the creation of an additional vehicular access onto a busy classified road (i.e. B1284 North Road) with a history of recent traffic accidents, at a point where the visibility of road users is restricted. The proposed access would therefore be of significant detriment to highway safety, in conflict with the requirements of policy T14 of the UDP and paragraph 32 of the NPPF.

Reference No.: 15/00222/LAP Development by City(Regulation 3)

Proposal: **Erection of 2.4m high vertical bar fencing.**

Location: Site Of 135 High Street Easington Lane Houghton-le-Spring
DH5 0JS

Ward: Hetton

Applicant: Office Of The Chief Executive - Sunderland City
Council

Date Valid: 11 February 2015

Target Date: 8 April 2015

Location Plan



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

PROPOSAL:

Planning permission is sought for the erection of 2.4 metres high vertical bar fencing at the site of 135 High Street, Easington Lane, Houghton-le-Spring, DH5 0JS.

The proposed development affects the site of a cleared property (no. 135) within the terrace on the north side of High Street in Easington Lane. The site is roughly

rectangular in shape and has a width of approximately 9.7 metres and a depth of approximately 13 metres. It is almost wholly grassed, save for a strip of block paving along its southern edge.

The land is bordered by the footway of High Street on its southern side, with a row of bollards standing within the aforementioned strip of paving. To its north is the lane serving the rear of High Street, beyond which are the residential dwellings of The Lawns. The west and east sides of the site are flanked by the side walls of nos. 133 and 139 High Street respectively, with no. 133 featuring a pizza takeaway at ground floor level and the ground floor of no. 139 occupied by a convenience store. Both adjacent properties have residential flats above the ground floor commercial units.

The application proposes the erection of a 2.4 metres high vertical bar fence across the land, running from the side wall of no. 133 to the side wall of no. 139. It will be set back 1.5 metres from the edge of the footway to the High Street, behind the aforementioned block paving and bollards. The fence will be constructed from aluminium and finished in a green powder coating.

The land subject to the application is owned by Sunderland City Council and the application has been submitted by the Council's Building Services team. A statement provided with the application advises that the proposed fencing is intended to address anti-social behaviour problems at the site, which have been raised with the Council by the police and the owner of the shop at no. 139.

Northumbria Police has since advised that youth disorder on Easington Lane High Street is an ongoing issue and that the site of 135 High Street forms part of a 'rat run' which allows those responsible to evade the police. Fencing at nearby Tower Court has proved effective in preventing youths congregating around that area and the police are of the opinion that the proposed fencing would assist in stopping youths evading officers and protect the residents of The Lawns from the disorder they are currently experiencing.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Hetton - Ward Councillor Consultation
Hetton Town Council

Final Date for Receipt of Representations: **11.03.2015**

REPRESENTATIONS:

Public consultation - two letters of representation have been received, from the owner of the Premier Lane Stores at 139-141 High Street, which abuts the application site, and from a resident of Easington Lane (resides at 3 Lyons Avenue), who attended a Hetton Town Council Sub-Committee meeting where the application was discussed.

The following issues were raised by the objector from Premier Lane Stores:

- the site has always been clear to allow the public to cross to the High Street and access the shop;
- the shop's elderly customers will find it more difficult to reach the store;
- it would affect the shop owner's access to the rear of the premises;
- if the access is closed it could have an impact on the takings of the business;

The following issues were raised by the objector from 3 Lyons Avenue:

- an elderly relative lives behind the site (presumably at The Lawns) and he and neighbours have crossed the land to access the High Street for many years;
- the shop owner (presumably of Premier Lane Stores) has advised that youths congregate in front of the shop, rather than on the open space;
- it is asserted that a public right of way would be blocked;
- access to the High Street would be totally blocked to residents behind the High Street;
- the proposed fence itself is not in-keeping with the streetscene and it would appear 'ugly' and screen a rare area of green space in Easington Lane;
- the erection of the fence will not solve anti-social behaviour problems and a CCTV camera would be a better deterrent.

It should be noted at this point that the impact of the proposed development on the takings of the store is a private matter and is not material to the determination of this application. Rather, the application must be determined with regard to its impact on wider public interests; to this end, the access and amenity issues raised by the objectors are considered in more detail in the next section of this report.

Hetton Town Council - no objections received, with a note advising that the Town Council is aware of the anti-social behaviour problems at the site.

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

B2 Scale, massing layout and setting of new developments

B3 Protection of public/ private open space (urban green space)

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

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government 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 should 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 and take account of the different roles and character of different areas.

These core principles of the NPPF feed into policies EN10, B2, B3 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

In addition to the above, of relevance is policy B3 of the UDP, which seeks to protect valuable areas of public and private open space from development which would have a serious adverse effect on its amenity, recreational or nature conservation value, with any proposals considered against the importance of the land and its contribution to the established character of the area.

The proposal would not necessarily result in any change of use of the land in question given that it does not involve its complete enclosure and as such, there is not considered to be any conflict with the aims and objectives of policy EN10. With regard to the requirements of policy B3, the land is not large enough to have any obvious merit in relation to recreation (i.e. informal play and sports) or nature conservation. It does have some modest value in respect of the visual amenity of the locality, insofar as it provides a brief green break within the long terrace flanking Easington Lane High Street. It also appears to act as a pedestrian 'cut' through to the High Street from the dwellings of The Lawns, as is evidenced by a path worn into the grass, and so holds some recreational/amenity value in this respect.

The erection of the fence will not, however, result in its value as a green break being wholly eroded; some grass will remain in front of the fence, whilst the narrowness of its bars and the spacing in between the bars will permit views

through the fence from the High Street. Furthermore, the closure of the 'cut' will not act as an undue impediment to those wishing to reach the High Street from The Lawns (and vice-versa), with alternative connections available in close proximity, to the sides of 113 High Street (the junction with Murton Lane) and 151 High Street.

With regard to the above comments, it is considered that the proposed development raises no obvious land use implications, whilst the proposals will not result in the loss of land which has any significant amenity, recreational or nature conservation value. The proposed development does not, therefore, conflict with the requirements of aforementioned policies EN10 and B3 of the UDP.

2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated.

The position of the fence, between the blank side walls of two commercial buildings and not directly faced by any dwellinghouses, ensures that it raises no obvious concerns in relation to residential amenity.

Its impact on the visual amenity of the locality is also considered to be acceptable; the fence is of a relatively attractive, lightweight design and the intention to finish it in green is appropriate. The visual impact of the fence is also lessened somewhat by its position, set back from the edge of the footway of High Street.

Given the above, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policy B2 of the UDP.

3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP is of relevance in this regard and it states that new development proposals must not prejudice highway and pedestrian safety.

The City Council's Network Management team has, in response to consultation, not raised any objections in relation of the proposals, but the role of the land in providing a pedestrian 'cut' through to the High Street is noted. The cut is not considered to be a formal highway, but a statement is provided to advise the applicant (i.e. the Council's Building Services team) that under the provisions of section 31 of the Highways Act 1980, there is a presumed dedication of a public right of way after 20 years of use by the public as of right and without interruption.

In the event such a claim is made (there have been no representations to this effect in response to the planning application consultation), it would have to be considered by the Council as Local Highway Authority, having regard to any supporting evidence provided by the claimant.

The provisions of section 31 of the Highways Act should, it is suggested, be brought to the attention of the Council's Building Services team via an informative note attached to any consent granted. Subject to such a note, the implications of

the proposals in relation to highway and pedestrian safety are considered to be acceptable, in compliance with the requirements of policy T14 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst it raises no significant concerns in relation to visual and residential amenity and highway and pedestrian safety. In reaching this conclusion, regard has been given to the ongoing anti-social behaviour issues in the vicinity of the site and the police's clear assertion that the new fencing would provide welcome assistance in dealing with such problems.

The proposed development is therefore considered to comply with the requirements of the core principles and section 8 of the NPPF and policies EN10, B2, B3 and T14 of the UDP and it is therefore recommended that Members Grant Consent under Regulation 3 of the Town and Country General Regulations 1992 (as amended) subject to the following conditions:

RECOMMENDATION: Grant Consent Under Regulation 3

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

the location plan received 10/02/2015; the existing elevations and plan view received 10/02/2015 and the proposed elevations and plan view received 10/02/2015.

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

3 The fence hereby approved shall be finished in green and maintained as such thereafter for the lifetime of the development, unless an alternative finish is first agreed in writing with the Council as Local Planning Authority, in the interests of visual amenity and to comply with the requirements of policy B2 of the UDP.

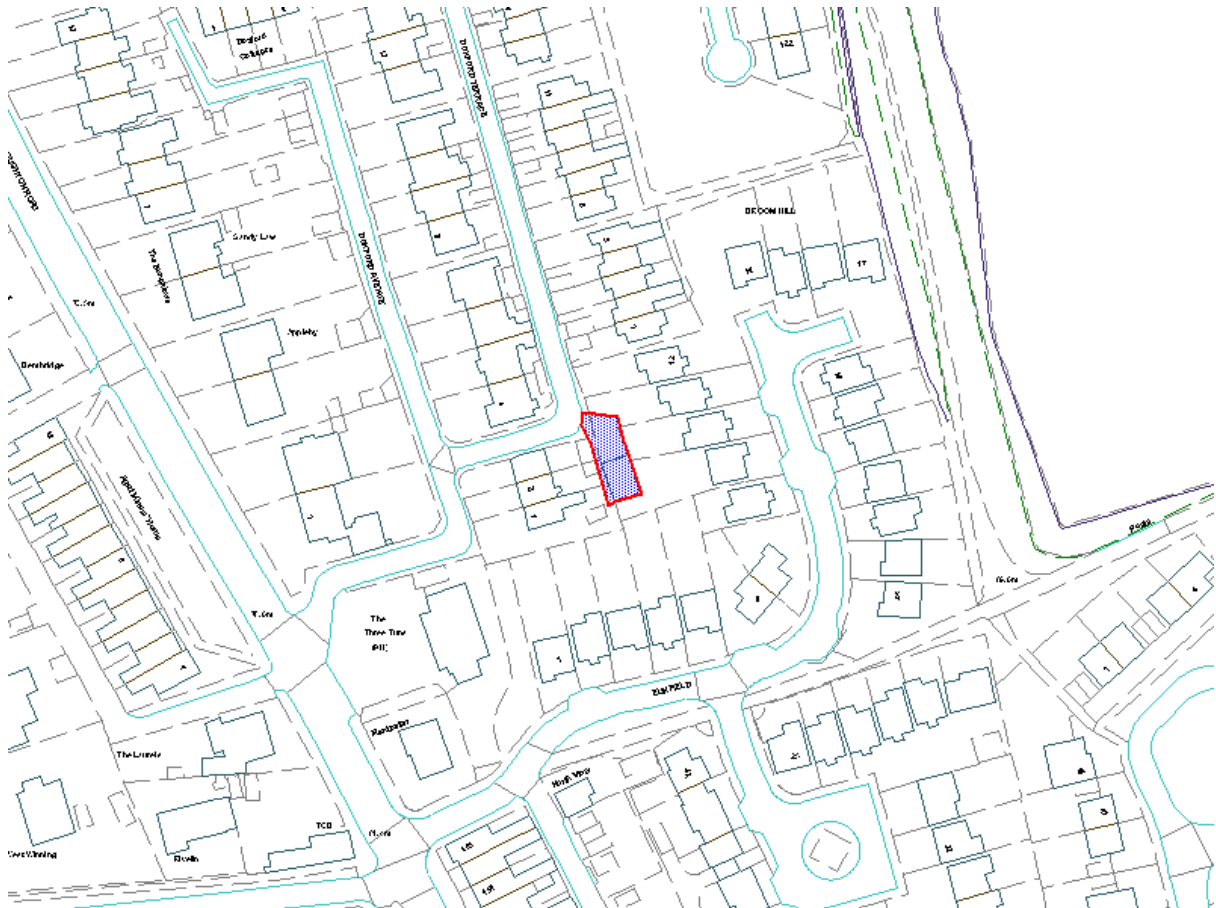
Reference No.: 15/00144/SUB Resubmission

Proposal: Change of use of barn/garage to residential property with erection of single storey extension to western elevation, erection of a first floor extension above existing building and associated access and hard and soft landscaping (Resubmission).

Location: Barn/Garage To Rear 1- 3 Doxford Avenue Hetton-le-Hole Houghton-le-Spring

Ward: Copt Hill
Applicant: Mr Peter Ruddick
Date Valid: 3 February 2015
Target Date: 31 March 2015

Location Plan



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

PROPOSAL:

Planning permission is sought for the change of use of barn/garage to residential property with erection of single-storey extension to western elevation, erection of

a first floor extension above existing building and associated access and hard and soft landscaping at barn/garage to rear of 1-3 Doxford Avenue, Hetton-le-Hole.

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

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

The existing garage/barn has a length of 9.1 metres, a width of 6 metres and a dual-pitched roof with a maximum height of 4.7 metres. The garage/barn is brick-built with a cement/asbestos roof and features large double doors in its front (north) elevation, but there are no openings in any other elevation. The building is currently empty but appears to have historically been used for storage, with planning permission granted for the keeping of livestock in the building in 1988 (application ref. 88/1457).

The west elevation of the building is positioned 11.5 metres from the rear elevations of 1 and 2 Doxford Terrace, whilst the south (rear) elevation is 25.5 metres from the rear elevation of 4 Elmfield and the east elevation is 16 metres from the rear elevation of 9 Elmfield. The west elevation of the building is separated from the rear garden boundaries of 1-3 Doxford Terrace by the aforementioned passageway, whilst the rear (south) elevation abuts the rear garden of 9 Elmfield. The east elevation is abutted by the rear gardens of 9 and 10 Elmfield.

The application essentially proposes to convert the barn/garage into a residential dwelling, together with a series of extensions and modifications to the building to facilitate the change of use.

The main extension involves the addition of a first floor to the eastern side of the building. The first floor extension is flat-roofed and has a height of 6 metres above ground level, 1.3 metres more than the maximum height of the existing building, and it will cover the entire length of the existing building, from front to rear. The western side of the extension is set in 1.9 metres from the west elevation of the existing building, with the rear boundaries of 1-3 Doxford Avenue a further 1.3 metres beyond, on the opposite side of the passageway.

The roof line to the west side of the building is proposed to be retained, and this will slope up to meet the west side of the first floor extension.

The roof at the northern end of the building, meanwhile, will be flat and is proposed to provide a balcony area, which will be accessed via doors in the north elevation of the aforementioned first floor extension. The balcony will be enclosed by a parapet wall, built up to a height of 2.3 metres on its east side and 1.6 metres on its west side, to act as a privacy screen.

The extended building would afford an open-plan lounge/kitchen/diner, bathroom, utility room, storage room and entrance porch at ground floor level and two bedrooms and a bathroom at first floor level. The main entrance is proposed to be via the north elevation, whilst there would also be a door in the west elevation. The west elevation also features kitchen and utility room windows at ground floor level and rooflights in the roof slope. The south elevation, meanwhile, includes a bathroom window at ground floor level and bathroom and landing windows at first floor level.

The east elevation of the modified building is proposed to be blank, whilst the north elevation of the first floor extension will contain doors opening onto the aforementioned balcony. At ground floor level, the north elevation will also feature doors opening onto a small patio and lawn area proposed to be created in front of the building.

The area in front of the building will also provide an off-street parking space, which is proposed to be accessed via gates in the boundary on the outside of the bend in Doxford Terrace. The site layout submitted with the application indicates that the lawn is intended to be fitted with a soakaway to deal with additional surface water run-off from the proposed driveway and wider development.

The extensions/alterations to the building are proposed to be finished in red brick, with a grey tile used to the roof slope to the west elevation. The boundary to the rear gardens of 1-3 Doxford Avenue is intended to take the form of a 2 metre high close-boarded timber fence.

The current application is the third to propose the conversion of the building into a dwelling and at this stage, it is considered pertinent to summarise this recent planning history.

In February 2010, the applicant submitted the first application proposing to convert the building into a dwelling, together with various extensions and modifications (application reference 10/00447/FUL). In line with Officer recommendation, this application was refused planning permission by the Development Control (Houghton, Hetton and Washington Sub-Committee) in March 2010, for reasons relating to the impact of the development on the character and appearance of the locality, its impact on the living conditions of nearby existing dwellings and the level of amenity afforded to prospective occupants of the proposed accommodation.

The applicant subsequently lodged an appeal against the refusal (appeal ref. APP/J4525/A/10/2137470), which was dismissed by the Planning Inspector. In dismissing the appeal, the Inspector found that the first floor extension to the building would harm the outlook from the rear windows of 1-3 Doxford Avenue. Although the Inspector was also concerned with the visual impact of some aspects of the proposed physical alterations to the building, it was indicated that subject to modifications, the extended/altered building could appear as a 'quirky but attractive addition to the neighbourhood'.

Following the refusal of planning permission and dismissal of the subsequent appeal, the applicant elected to submit a second application to convert the building into a dwelling (application ref. 14/01446/FUL). In an attempt to overcome the Inspector's concerns relating to residential amenity and design, the proposals were revised to limit the first floor extension to the eastern side of the building (as is proposed by the current application), whilst the treatment of the front of the building was also modified.

This second application was also referred to the Sub-Committee, but prior to the date of the first available Committee meeting, the applicant elected to lodge an appeal against the Council's failure to determine the application within the statutory 56-day period (appeal ref. APP/J4525/A/14/2226180). Whilst it was accepted that the revisions to the scheme did serve to improve its impact on visual and residential amenity, the Council contested the appeal on the basis that planning permission would have been refused, with concerns maintained regarding the development's impact on the amenity of 1-3 Doxford Avenue and its incongruous appearance within the existing streetscene.

The second appeal was also dismissed, with the Inspector expressing concern in respect of the visual impact of the development, particularly with regard to the proposed detailing and finishes, which were considered to be at odds with the modest and traditional surrounding existing dwellings, and the tall, narrow proportions of the first floor extension. However, the Inspector did find that the proposals would not harm the living conditions of nearby residential occupants in terms of their privacy and outlook.

The current, third application, has essentially attempted to overcome the previous Inspector's concerns in respect of visual amenity, by simplifying the design approach to extending and modifying the building, revising the form and appearance of the first floor extension and reverting to using more traditional materials and finishes, whilst aiming to limit the impact of the development on the amenity of existing dwellings to an acceptable level.

An application of this nature would normally be determined by Officers under delegated powers, but it has been referred to the Committee by Cllr Colin Wakefield.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Copt Hill - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water
Hetton Town Council

Final Date for Receipt of Representations: **06.03.2015**

REPRESENTATIONS:

Letters of representation have been received from the occupiers of 1, 2 and 3 Doxford Avenue and 5, 6 and 9 Elmfield. The main points of concern raised by the representations are as follows:

- The extended/altered building would be totally out of character with the surrounding housing;
- The additional height to the building would be 'overpowering' when viewed from 1-3 Doxford Avenue;
- The extended building would dominate the outlook from 2 Doxford Avenue and harm the enjoyment of its rear garden;
- The building would be overbearing from 6 and 9 Elmfield;
- The development would harm the privacy of 1-3 Doxford Avenue and 9 Elmfield;
- The windows in the west elevation of the building would harm the privacy of 2 Doxford Avenue and allow a view into the converted barn/garage from the upper floor windows of no. 2;
- The rooflights to the west side of the barn/garage would 'overlook' 2 Doxford Avenue, as would other windows when open;
- The development would affect the amount of natural light reaching 1-3 Doxford Avenue;
- The development would cause a loss of sunlight to the garden of 2 Doxford Avenue;
- There would be a loss of light and privacy to 'many' properties on Elmfield;
- The proposals would not meet the Council's spacing standards for distances between the windows of existing dwellings and the new development;
- The building should stay as it is and not be extended;
- The proposal would be an inappropriate overdevelopment of a small, confined and 'surrounded' site;
- Any future occupiers of the new dwelling would be afforded a poor standard of amenity and it would not be an attractive proposition to potential buyers;
- The access to the rear of 1-3 Doxford Avenue (i.e. the passageway on the west side of the subject building) belongs to the three dwellings and has been maintained as such by residents for many years - it is not in the ownership of the applicant;
- Loss of access to the rear of 1-3 Doxford Avenue could be an issue for emergency services, utilities and maintenance of properties;
- The applicant's inclusion of the access in the proposals shows no regard for the residents of 1-3 Doxford Avenue;
- The matter of the ownership of the access passage has been referred to the Land Registry for clarification;
- An increase in the height of the fence to the rear boundaries of 1-3 Doxford Avenue could present a safety hazard, especially if access is restricted;
- The proposals could compromise access and parking in the area;
- There is not sufficient parking proposed with the development;
- It is understood that the garage/barn cannot be used as a dwelling as a term of the sale of the building to the applicant and assurances to this

effect were given by Council officers at the time of the approval of the dwellings at Elmfield (late 1990's/early 2000's);

- Planning permission was never granted for the barn/garage and extending/modifying it is not feasible due to its structural capabilities and it being built on sandy foundations;
- Construction works and the removal of harmful material from the site (e.g. asbestos) would present an inconvenience and hazard to local residents;
- The proposals have been ongoing for a number of years and the concern it is raising is having a detrimental impact on the health of the occupier of 1 Doxford Avenue;
- New housing is not required;
- The building could be converted into a domestic garage at little expense;
- The last appeal decision was clear in determining that the proposals were unacceptable and identifying fundamental concerns that cannot be overcome by the proposed minor changes;
- Residents should not be subject to these ongoing applications and be required to submit fresh representations each and every time;
- The owners of 2 Doxford Avenue would not permit disruptive works on their property for drainage connections etc.;
- The proposals may affect the ability for surrounding residents to extend their homes and could affect property values;
- The applicant has neglected the property and this should not be of benefit in seeking planning permission;
- The applicant's (perceived) pursuit of a financial return from the site should not be at the expense of the harm the development will cause to surrounding residents;

The objectors to the development have raised a number of relevant material planning considerations, which are addressed in more detail in the next section of this report.

However, a number of issues raised are not material to the consideration of planning applications and cannot, therefore, be a factor in the determination of the current application. In particular, the issues surrounding ownership of the passageway and the access it provides to the rear gardens of 1-3 Doxford Avenue are private matters to be resolved between the respective interested parties and cannot have a bearing on reaching a decision. To this end, even if planning permission is granted, the permission does not bring with it automatic rights to develop land which is outside the applicant's/developer's ownership or control and does not necessarily serve to diminish any third party rights in respect of the land.

In addition, it must be noted that the potential impact of a development proposal on property value is also a private interest and cannot influence a planning decision.

Although concerns relating to disruption etc. are acknowledged, this is a largely inevitable by-product of any development and does not represent a reason to withhold planning permission. A degree of control over the construction programme could, if Members were so minded, be secured through conditions attached to any approval.

Objectors have also argued that the building may not be capable of being converted and extended in the manner proposed due to structural weaknesses

and underlying ground conditions. This is not, however, a matter for the planning system to consider; rather, structural and construction issues will be considered separately as part of any subsequent application for Building Regulations approval.

It has also been suggested that the building may be subject to covenants which restrict its use and development. Whilst this may be so, planning permission can still be sought and granted for any given development proposal, with the applicant/developer subsequently responsible for obtaining any other permissions/consents which may be required. One objector has also asserted that the barn/garage may have been erected without planning permission in the first place - it is unclear as to exactly when the building was erected, although it has undoubtedly stood for at least 27 years (given the historic planning permission allowing the keeping of livestock in the building dating from 1988) and so is 'lawful' for planning purposes.

A number of the objections have also expressed concern in respect of the ongoing nature of the proposals and the number of applications submitted which, it is suggested, is giving rise to anxiety amongst residents. Whilst it is acknowledged that the applicant has been pursuing the proposed conversion of the building for a number of years (first planning application in 2010), the Council is obliged to consider each application afresh, especially when, as in this case, each new application has essentially sought to resolve issues raised by the Council in refusing earlier applications and the Planning Inspector in dismissing appeals.

POLICIES:

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

- EN10 Proposals for unallocated sites to be compatible with the neighbourhood
- T14 Accessibility of new developments, need to avoid congestion and safety problems arising
- T22 Parking standards in new developments
- B2 Scale, massing layout and setting of new developments

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the 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 the planning system should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and meet housing needs and should encourage the effective re-use of land and property.

The relevant guidance of the core principles and section 2 of the NPPF detailed above feeds into policies B2, EN10, T14 and T22 of the City Council's adopted

Unitary Development Plan, which are consequently considered to be pertinent to the determination of this appeal.

Policy EN10 requires new development to respect, and be compatible with, existing patterns of land use, whilst policy B2 requires the scale, massing, layout or setting of new developments and extensions to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Meanwhile, policy T14 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 appropriate levels of dedicated car parking.

Also relevant in the determination of the application is the City Council's 'Residential Design Guide' Supplementary Planning Document (SPD). The SPD has been subject to full public consultation and was formally adopted by the Council in October 2008. The purpose of the document is to provide detailed design guidance and advice to developers, with the aim of securing the highest possible standards of residential development.

Particularly pertinent in this case are the spacing standards set out by the SPD, which seek to ensure that new and existing dwellings are afforded satisfactory levels of space, privacy and outlook. A distance of 21 metres should be maintained between elevations of dwellings containing main living room windows, and 14 metres between an elevation containing a main living room window and an elevation which is blank or contains windows to secondary living areas (e.g. a bathroom, landing etc.).

With regard to the above policy framework, it is evident that the main issues to consider in the determination of the application are:

- The principle of the proposed development;
- The impact of the proposed development on visual amenity;
- The impact of the proposed development on residential amenity;
- The level of amenity afforded to prospective residents of the new dwelling;
- The impact of the proposed development on highway and pedestrian safety;

Principle of development

Given that the surroundings of the proposal site are entirely residential in character, the proposed conversion of the garage/barn into a dwelling is considered to be compatible with the prevailing use of the neighbourhood. As such, the proposal accords with the requirements of policy EN10 of the UDP and the principle of the development is therefore considered to be broadly acceptable.

Impact of development on visual amenity

As set out in the first section of this report, in dismissing the most recent appeal in respect of the proposed development (appeal ref. APP/J4525/A/14/2226180), the Planning Inspector held concerns regarding the impact of the development on visual amenity, particularly in respect of the applicant's design approach

(suggested to be 'Art Deco' in style), the proposed detailing and material finishes and the tall, narrow proportions of the proposed first floor extension.

The applicant has, with the current application, reverted to a more traditional design approach, and the alterations and extensions are now proposed to be of a more simple style and appearance. For example, the stepped parapets proposed with the previous application have largely been removed, whilst the building is now intended to be finished with traditional red brick and grey tiles, rather than incorporating areas of off-white render as previously intended.

The height of the first floor extension has also been reduced by almost 1 metre, an arrangement which, together with the removal of the stepped parapets to its front elevation, is considered to give the extended building a substantially lower, less intrusive profile, rather than appearing as excessively and incongruously tall and narrow, as was the case with the previous proposal.

It is recognised that a number of the objectors to the proposal harbour concerns in respect of the visual impact of the proposed development and maintain that the scheme will be of harm to the existing streetscene. Indeed, it is acknowledged that the extended and altered building will be markedly different to its current state and, to a lesser extent, it will still contrast with the neighbouring existing residential dwellings.

However, it is considered that the revisions to the scheme and the more traditional, low-key design approach now being taken by the applicant will result in a form of development which is more sympathetic to its surroundings and will not unacceptably jar with the prevailing streetscene. As such, the proposed design approach is considered to be more appropriate with regard to the context of the site and the development will not, it is suggested, result in the visual amenity of the locality being unacceptably harmed.

To ensure the development is finished using high-quality and sympathetic materials, it is suggested that in the event Members are minded to approve the application, planning permission is granted subject to a condition requiring the submission of samples of final materials for formal agreement.

With regard to the above comments, and subject to the aforementioned condition, it is considered that the proposed development will comply with the core principles and aims and objectives of the NPPF and policy B2 of the Council's adopted UDP in respect of design and visual amenity.

Impact of development on residential amenity

The objectors to the proposed development, from both Elmfield and Doxford Avenue, maintain that the scheme will have a harmful impact on their living conditions, particularly in respect of their privacy, outlook from living room windows and the amount of light reaching their gardens and rooms. It is also suggested that the extended building would appear as overly dominant from rear gardens and facing rear windows.

The current proposals are broadly the same as previously proposed in terms of the positioning of the proposed extensions and window openings, although as noted above, the height of the proposed first floor extension has been somewhat reduced. The proposals therefore raise similar implications in respect of

residential amenity and consequently, in considering the impact of the development on the living conditions of existing residential dwellings, regard must be given to the views of the Planning Inspector in determining the most recent appeal affecting the site (i.e. appeal ref. APP/J4525/A/14/2226180, decision date 23rd December 2014).

To this end, the Inspector found that the positioning of the first floor extension (i.e. set in from the elevation facing 1-3 Doxford Avenue), would achieve a spacing of approximately 14 metres from the dwellings to the west. In addition, there would be no windows (apart from rooflights) in the west-facing elevation to allow for direct overlooking of these dwellings, whilst only angled views would be possible from the proposed balcony. The Inspector considered that this arrangement accorded with the minimum separation distance set out in the Council's Residential Design Guide SPD and as such, concluded that the effect of the development on the privacy of nearby existing dwellings did not justify refusal. Furthermore, the separation distance would mean that the first floor extension would not appear as unduly overbearing.

Overall, the Inspector concluded that the previously-proposed scheme would not harm the living conditions of nearby residential occupants in terms of privacy and outlook.

The new proposals do not give rise to any fresh residential amenity concerns; indeed, the impact of the development in this regard will be lessened by the reduction in the height of the proposed first floor extension. In summary, it is considered that the position of the first floor extension and the separation distances achieved to surrounding dwellings will ensure the extended building will not unacceptably impact upon the outlook from the rear windows and gardens of dwellings to both Doxford Avenue and Elmfield and nor will it appear as unacceptably overbearing or intrusive from these properties.

Furthermore, it is considered that the extended building will not cause any unacceptable loss of daylight/sunlight, especially as it stands to the east of 1-3 Doxford Avenue, a view shared by the Planning Inspector in the determination of the first appeal affecting the site in 2010 (i.e. appeal reference APP/J4525/A/10/2137470).

The privacy of existing dwellings can be acceptably maintained by imposing conditions requiring the windows in the south elevation (facing directly across the rear gardens of 4 and 5 Elmfield) to be fitted with obscured glazing (as is proposed) and preventing the insertion of new windows in the east elevation. The capacity for overlooking of the rear gardens of 1-3 Doxford Avenue from the ground floor windows to the west elevation of the building would, meanwhile, be mitigated by the proposed 2 metre high fence, which could be erected by utilising the 'permitted development' rights afforded by Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

The implications of the proposed development in respect of the amenity of existing residential dwellings has been considered carefully - however, for the reasons set out above and having had regard to the Planning Inspector's conclusions on this matter in the consideration of the most recent appeal, it is considered that the proposed development will have an acceptable impact on the living conditions of neighbouring properties. As such, the proposals comply with the core principles of the NPPF and policy B2 of the UDP in this regard.

Amenity afforded to prospective residents

A number of objectors have suggested that the proposed dwelling would afford poor living conditions to any prospective occupiers, a view which was held by the City Council in refusing the first planning application affecting the site (ref. 10/00447/FUL). However, in handling the subsequent appeal (ref. APP/J4525/A/10/2134740), the Planning Inspector held that the dwelling would provide satisfactory accommodation, with future residents afforded acceptable levels of space, privacy, natural light and outlook. This position was maintained by the Planning Inspector in determining the second appeal (ref. J4525/A/14/2226180).

The views of the two Inspectors are accepted in this regard and it is therefore considered that the new dwelling would afford prospective occupiers with acceptable living conditions, in compliance with the requirements of the core principles of the NPPF.

Impact of development on highway and pedestrian safety

In response to consultation, the Council's Network Management team has offered no objection to the proposals. It is noted that the development provides an off-street parking space, as is required by the Residential Design Guide SPD, although it is advised that given the position of the access point on the bend in the street, it would be advantageous to create a turning area within the curtilage of the property to allow vehicles to exit the site in forward gear.

However, such an arrangement would seriously compromise the amount of usable external amenity space available to occupiers of the proposed dwelling, insofar as a turning area would have to be accommodated in the area intended to provide a lawn. It is considered that, on balance, it would be preferable to maintain the proposed arrangement in order to achieve a satisfactory amount of external amenity space, especially as the use of the access is likely to be very infrequent and given the quiet, lightly-trafficked nature of Doxford Terrace.

The Network Management team has also suggested that the new access gates to the site should open inwards, away from the highway - this can, if Members be so minded, be stipulated via a condition attached to any approval.

The consultation comments received also suggest that the accesses to the rear of 1-3 Doxford Avenue should be maintained. The submitted plans do not necessarily show the accesses being formally blocked, although clearly, if the applicant implemented any planning permission granted, the passageway would form part of the new dwelling's curtilage. Nevertheless, as noted in the 'Representations' section of this report, disputes over the right to use the access and the ownership of the land are private matters between the relevant interested parties and not for the City Council to resolve.

With regard to the above, and in the absence of any objection to the proposals from the Council's Network Management team, it is considered that the parking and highway and pedestrian safety implications of the proposed development are acceptable, in accordance with the requirements of policies T14 and T22 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the scheme raises no significant concerns in respect of highway and pedestrian safety. In addition, the implications of the revised development proposals in respect of visual amenity and the living conditions of existing neighbouring residential dwellings have been considered carefully and, for the reasons set out above and having had regard to the two previous appeal decisions in respect of the site, have been found to be acceptable.

The proposed development will bring with it some other minor benefits - as is encouraged by the NPPF, the scheme will secure an alternative use of a building which currently stands vacant, whilst it will also serve to create a new residential unit which would provide prospective occupants with an acceptable standard of living.

Given the above, it is considered that the proposed scheme is compliant with the relevant core principles and guidance of the NPPF and policies EN10, B2, T14 and T22 of the UDP and will consequently deliver sustainable development. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

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

existing floorplans received 03/02/2015, existing elevations received 27/01/2015, sections received 27/01/2015, location plan and proposed site plan, elevations and floorplans received 27/01/2015.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the

approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 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 days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 6 Notwithstanding the submitted drawings, the ground and first floor windows in the south elevation of the building shall be fitted with top hung or non-opening obscure glazing and shall be maintained as such thereafter for the lifetime of the development, in order to maintain acceptable levels of privacy and to comply with policy B2 of the UDP.
- 7 Notwithstanding the provisions of Schedule 2, Part 1 of the current Town and Country Planning (General Permitted Development) Order, or the provisions of any subsequent amendment or revision to that Order, no extensions or alterations to the subject building (including the insertion of new windows and openings) or other development (including the erection of detached outbuildings and other structures within the curtilage of the building) shall be undertaken at the application site without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.
- 8 Notwithstanding the submitted plans, the proposed vehicular access gates shall be fitted so as to open inwardly into the application site and not across the highway and shall be maintained as such thereafter for the lifetime of the development, in the interests of highway and pedestrian safety and to comply with the requirements of policy T14 of the UDP.

ITEMS FOR INFORMATION

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/02592/LP4	Gleeson Developments Ltd.	Erection of 27no. two-storey 2 and 3 bedroom dwellings with associated works.	05/01/2015	06/04/2015
Copt Hill	Land At Henry Street Hetton Downs Hetton-le-Hole Houghton-le-Spring			
14/02639/FU4	Mrs Judith Hackett	Erection of two detached bungalows with associated works.	17/02/2015	14/04/2015
Hetton	Garden Of Lindisfarne South Hetton Road Easington Lane Houghton-le-Spring DH5 0LG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved).	17/11/2014	16/02/2015
Hetton	Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX			
14/01100/LO4	Springboard North East	Demolition of existing community training facility and construction of new single storey community training facility, incorporating classrooms, office, cafe, changing rooms, bicycle repair shop, equipment stores, minibus garage, and ancillary accommodation, with associated landscape works.	14/05/2014	09/07/2014
Hetton	Hetton Lyons Park Downs Pit Lane Hetton-le-Hole Houghton-le-Spring DH5 9NL			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/00521/VAR	Galliford Try	Variation of condition 17 of application reference 14/01704/LP4 (Demolition of the existing school and redevelopment of the site to provide replacement school premises, parking, landscaping and sports facilities) to allow for maximum surface water run off discharge rate of 107 litres per second.	20/03/2015	19/06/2015
Hetton	Hetton School North Road Hetton-le-Hole Houghton-le-Spring DH5 9JZ			
15/00532/RN4	Dubmire Primary School	Renewal of planning application 12/01172/FUL for use of mobile unit as baby room.	26/03/2015	21/05/2015
Houghton	Dubmire Primary School Britannia Terrace Houghton-le-Spring DH4 6HL			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/02833/FUL	Gentoo Homes	78 dwellings with associated garages and landscaping, construction of new estate roads and site access from Coaley Lane and demolition of 2 existing dwellings, and associated stopping up of highway.	21/01/2015	22/04/2015
Houghton	Land At Former Homelands Estate - Incorporating Chestnut Crescent, Coronation Crescent And Part Of Beechwood Terrace.			
14/01647/FUL	Persimmon Homes	Erection of 70no. residential dwellings with associated infrastructure and landscaping.	16/07/2014	15/10/2014
Houghton	Land North Of Redburn Row Houghton-le-Spring			
13/03215/FUL	John Flowers Ltd	Change of use of amenity grassed land to storage/distribution (Class B8), to create open air storage compound for construction materials, erection of 2.4m perimeter palisade security fencing and erection of a staff smoking shelter. (Retrospective)	05/01/2015	06/04/2015
Washington East	Land Adjacent To 2 Monument Park Pattinson Industrial Estate Washington NE3 8 8QU			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/00475/FUL	Nissan Motor Manufacturing (UK) Ltd	New Panel Press facility which is an extension to the existing pressing department facilities. Works include demolition of existing panel store, erection of new 6780sqm building, and to include necessary alterations to roads, carparking, other hardstanding areas, and landscaping.	25/03/2015	24/06/2015
Washington North	Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland SR5 3NS			
09/02091/FUL	Peel Investments (UK) LTD	Demolition of Unit 2 (Allied Carpets) and erection of new retail unit attached to existing Unit 1 (Homebase)	03/06/2009	02/09/2009
Washington North	Allied Carpets Unit 2 The Peel Centre District 10 Peel Retail Park Washington NE37 2PA			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/02687/VAR	B&Q Properties PLC	Variation of conditions 3 (Class A1 sales restriction) to allow the sale of convenience goods (food) and toys, sporting goods and camping equipment and variation of condition 19 (Floor space) of planning permission 01/02086/OUT to reduce the minimum acceptable floor space of each unit from 1000 sq metres to 500 sq metres. (01/02086/OUT approved the erection of non food retail warehouses with customer car parking and service yards).	27/11/2014	26/02/2015
Washington West	B And Q Plc Armstrong Road Armstrong Industrial Estate Washington NE3 7 1QW			
14/02701/FUL	Jomast Developments	Demolition of existing building and erection of foodstore, with associated access, parking, servicing and landscaping.	17/12/2014	18/03/2015
Washington West	Armstrong House Armstrong Road Armstrong Industrial Estate Washington			

Appeals Received In April 2015
For
Houghton/Hetton/Washington

Team : Washington

Ref No : 15/00006/REF

Address : Garden of 3 Buckland Close, Biddick, Washington.

Description : Erection of 4 no.detached executive dwellings to include creation of associated vehicular access onto Parkway.

Date Appeal Lodged : 02.04.2015

Appeals Determined In March For
Houghton Hetton Washington

Appeals Determined Hetton Houghton and Washington

Between 01/03/2015 and 31/03/2015

Team	Ref No	Address	Description	Appeal Decision	Date of Decision
HO	14/00016/ENF	The Golden LionThe BroadwayHoughton-le-SpringDH4 4BB	Appeal against	DISMIS	17/03/2015