

## **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/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

Houghton

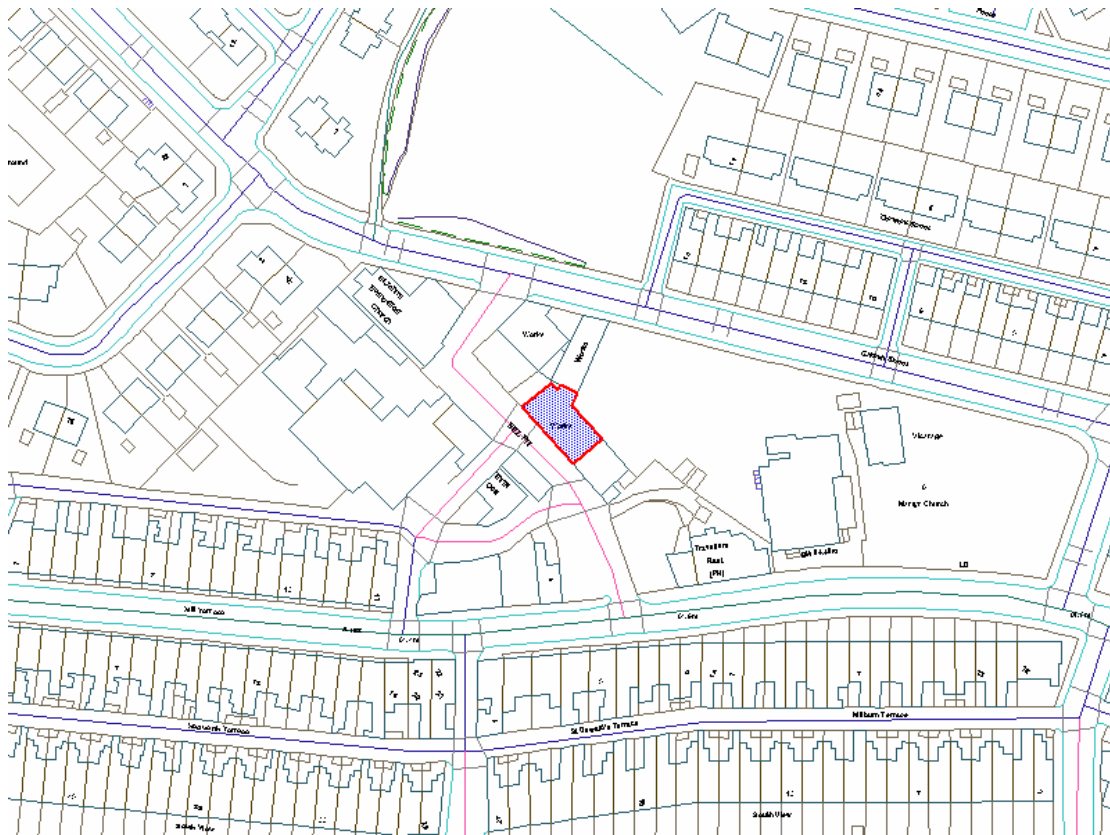
Reference No.: 11/01307/FUL Full Application

Proposal: **Change of use of building to be used as a gym and martial arts centre (amended description)**

Location: Former Garage Mill Pit Houghton-Le-Spring DH4 4RA

Ward: Shiney Row  
Applicant: Mr Colin Grecian  
Date Valid: 20 April 2011  
Target Date: 15 June 2011

### 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 relates to the retrospective change of use of the previously approved building, considered under application number 09/03397/FUL, to a gym and martial arts centre at Former Garage, Mill Pit, Houghton Le Spring.

Members may recall that the application was considered at a meeting of the Sub-Committee on the 26 July 2011 where the application was delegated to the Deputy Chief Executive, pending the signing of a Section 106 legal agreement in relation to parking provision adjacent to the site. Unfortunately, since this meeting it has not been possible to progress the legal agreement as the applicant

has been unable to reach a satisfactory arrangement with the land owner. Consequently a decision must now be taken as to the acceptability of the scheme without the benefit of securing additional parking in the vicinity of the site.

The application site is located to the rear of the properties on Mill Terrace, the A182. Mill Pit comprises a number of small businesses and lock up units including car body repairs and warehouses. The existing units at Mill Pit appear to have longstanding uses with no recent planning applications recorded.

Prior to the construction of the building, to which this change of use relates, the site was derelict and had been standing empty for a number of years with the last known use as a single garage. The site was in a poor state of repair covered in rubble, car parts and was used for fly tipping.

The application property was subject to a previously approved scheme (Ref: 09/03397/FUL) which related to the erection of a two storey building with lock up vehicle repair garage to ground floor with an office, reception and storage area to first floor. This use was determined on the basis that the proposal was to be used for commercial purposes, as detailed within the associated delegated report. Furthermore the information provided on the application form for application 09/03397/FUL stated that the property would be used for motor vehicle repairs.

During the construction of the building a demand for a gym and martial arts centre was identified due to the lease of a building within Washington, in use as a gym, expiring. Although the construction of the building was completed the approved use was not implemented. Instead, use as a gym and martial arts centre commenced and has continued as such since the last Sub-Committee on the 26 July 2011. The application, for this use, was submitted retrospectively.

Notwithstanding the commencement of the gym and martial arts centre use it should be noted that the approval of the building for vehicle repair garage, office, reception and storage remains a valid permission and therefore the building could lawfully be occupied for those uses.

Given the authorised use of the premises for motor vehicle repairs, it is considered such a use would typically generate a parking demand in the region of 10 to 12 vehicles. In this regard, the likely parking demand of the authorised use should be borne in mind for comparison purposes when assessing the proposal for a gym and martial arts centre.

The application property comprises engineering facing bricks with a pitched tiled roof. The windows and doors are white UPVC with roller shutter doors to the ground floor. The only external alterations relate to the installation of windows behind the proposed vehicular access to the ground floor which was approved under application 09/03397/FUL, where the acceptability of the appearance and use of the building was assessed. The previously approved roller shutters are to remain as approved.

Internally the layout of the building is to remain as per the previous approval. The submitted plans illustrate that the building is to remain open plan to both the ground and first floors.

It should be noted that the application would have ordinarily be determined under the Council's delegation scheme. However, at the time of the original submission a request was made by a local Councillor to refer the application to the Sub-Committee.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

City Services - Network Management  
County Archaeologist

Final Date for Receipt of Representations: **17.05.2011**

**REPRESENTATIONS:**

**Neighbours**

The period for the receipt of representations has expired and four letters of support were received in connection with the use of the building as a gym and martial arts centre. These representations include a letter from the nearest residential occupier, Thrift Cottage, and adjacent businesses.

The letters of support state that the area has seen a reduction in fly-tipping and crime which has lead to a general `uplift; of the area of benefit to the residents of Shiney Row. It is also confirmed within the submitted correspondence that there has been no issues relating to car parking.

Support from the nearest residential occupier is of particular note having lived adjacent to the site for 49 years. The representation states that the proposed use has aided in the improvement of the area and created an environment that they are proud to live in while confirming they have heard of no complaints of gym and martial arts use.

**Consultees**

**County Archaeologist** - no objections or recommendations were received with respect to the change of use of the building.

**Planning Policy** - The proposal was identified as being minor in nature and raising no strategic planning issues.

**Executive Director of City Services (Transportation)** - In assessing the proposed use it was considered reasonable to suggest that the gym and martial arts centre use may increase vehicles to and from the premises, due to the short term nature of activities undertaken at the premises, e.g. exercise workouts. However, the information supplied within the application, which includes class times, type of class and average number of patrons and vehicles used, indicates that the gym generates a parking demand for up to 5 vehicles at any one time. As such, the proposal represents an overall reduction in expected parking demand when compared to the authorised vehicle repair garage which would be expected to generate a demand for 10 - 12 vehicles, a use which could still be implemented.

In accordance with the above, the change of use of the building to a gym and martial arts centre is considered to be acceptable from a highway perspective and would see an overall reduction in expected parking demand.

Notwithstanding the acceptability of the proposal in terms of highway safety, concern is noted that possible future uses of the premises, as permitted via the Use Classes Order 1987, could result in a greater parking demand. Therefore should members be minded to approve the application it is considered necessary that any planning permission be restricted by way of condition to the gym/ martial arts use only.

In addition to the above it is noted that the premises has operated as a gym and martial arts centre since the meeting of the Sub-Committee on the 27 July 2011. In light of experience and given the timescale of the operation of the gym and martial arts centre it should be noted that there has been no record of incidents relating to highway safety issues.

### **POLICIES:**

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

T\_22\_Parking standards in new developments

B\_2\_Scale, massing layout and setting of new developments

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

### **COMMENTS:**

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

- the principle of the change of use
- impact on the streetscene
- highway implications

### **Principle of the Change of Use**

The site is subject to policies B2, EN10 and T14 as detailed within the Council's adopted Unitary Development Plan (UDP) (1998).

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is mixed while commercial uses and a church are in close proximity of the site. As such, the change of use, being a commercial gymnasium, is considered to reflect the existing pattern of land use within the area and complies with the above policy.

Notwithstanding the acceptability of the proposal in policy terms, given that residential dwellings are located in the wider area, it is considered necessary to limit the hours of operation. As such, a suitably worded condition has been suggested should Members be minded to grant consent for the proposed change of use.

### **Impact on the Streetscene**

Policy B2 of the adopted UDP seeks to ensure that alterations and extensions to buildings respect and enhance the best qualities of nearby properties. The subject building was assessed through application 09/03397/FUL where the scale, massing and setting was deemed acceptable. In accordance with the previous approval and given that the only external alteration relates to the installation two glazed units, which are set behind the previously approved roller shutters, the minor alterations to the previous approval is deemed acceptable.

### **Highway Implications**

Policy T14 of the adopted UDP seeks to ensure that new development does not result in any significant detrimental impact on highway safety. In addition policy T22 requires development to provide adequate levels of car parking. Upon receipt of a consultation response from the Executive Director of City Services (Transportation) the proposal is considered to be acceptable.

### **Conclusion**

Notwithstanding the acceptability of the proposal concern is noted that possible future uses of the premises as permitted via the Use Classes Order 1987 could result in a greater parking demand. Therefore, it is recommended that any planning permission be restricted to the gym use only. In addition, to safeguard the amenity of residents in the wider area it is considered appropriate to condition the hours of operation of the premises. Accordingly appropriately worded conditions should be attached to the permission should members be minded to approve the application.

Therefore it is considered that the proposal is acceptable subject to the imposition of relevant conditions and as such accords with the requirements of policies B2, EN10, T14 and T22 of the Unitary Development Plan. As such Members are recommended to approve the application.

### **RECOMMENDATION: Approve**

#### **Conditions:**

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

The location plan received 20.04.2011

Drawing No. 1, received 20.04.2011. The existing and proposed elevations

Drawing No.2, received 20.04.2011. The existing and proposed floorplans

Drawing No. 3, received 20.04.2011. Site and roof plan

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

- 2 The premises shall not be operated for the purposes hereby approved between the hours of 9.30pm and 8am on weekdays and Saturdays or 8pm and 9am on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.

- 3 The premises shall be used as a gym and martial arts centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), without the approval in writing of the Local Planning Authority, in order to achieve a satisfactory form of development and to accord with policies EN10 and T14 of the UDP.

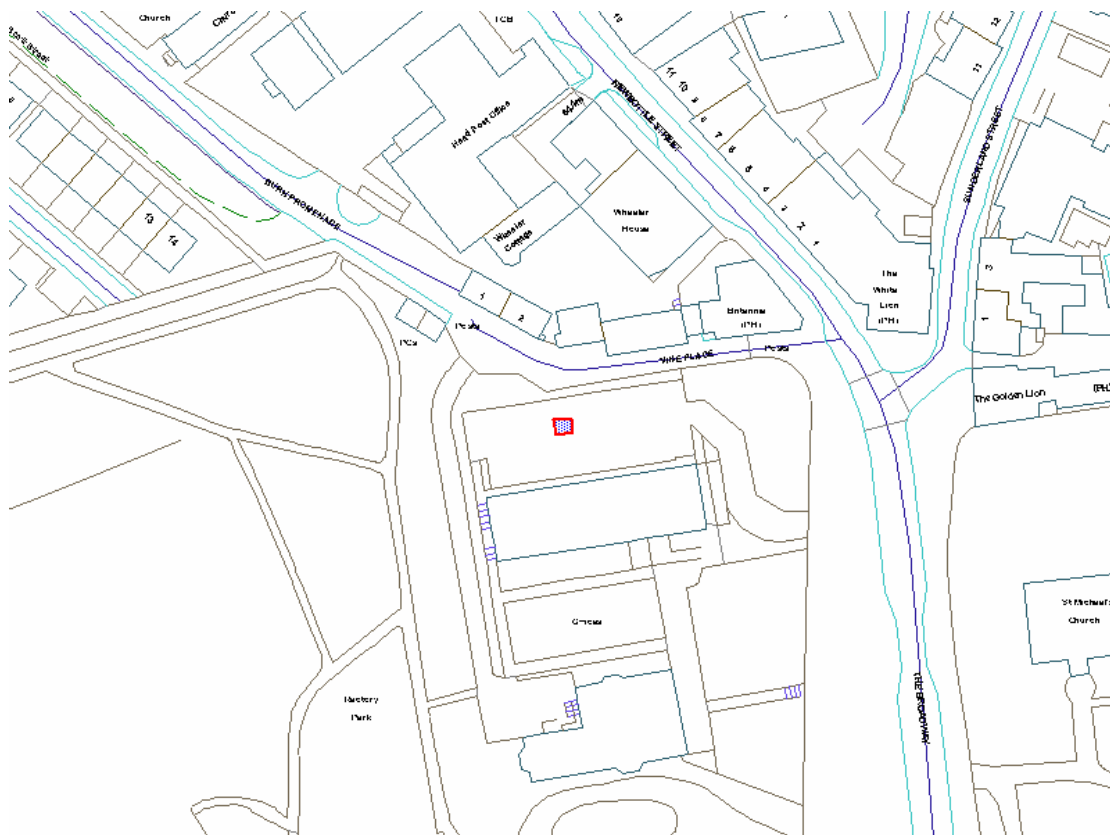
**Reference No.:** 11/03412/LAP Development by City(Regulation 3)

**Proposal:** **Erection of an 8 metre CCTV column including a 360 degree camera.**

**Location:** Rectory Park The Broadway Houghton-Le-Spring DH4 4BB

**Ward:** Houghton  
**Applicant:** City Of Sunderland  
**Date Valid:** 11 January 2012  
**Target Date:** 7 March 2012

## Location Plan



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

## PROPOSAL:

The application relates to the erection of an 8 metre high CCTV column with 360 degree camera within Rectory Park, The Broadway, Houghton Le Spring.

Rectory Park is located within the St Michael's Conservation Area with two Grade II Listed Buildings within its ground, The Rectory and The Houghton Area Office. In addition, there is a Grade I Listed Church, St Michaels, located to the opposite side of The Broadway.

The proposed column is to be situated to the northeast of the park, within the car park of the 1960's element of the Houghton Area Office, which has recently been demolished.



The camera is to be located 4.59 metres from the boundary shared with Vine Place, 28.89 metres from a footpath within the park to the west of the proposed site and 25.89 metres from a planted area to the east.

The proposed column is to be 8 metres in height with a 360 degree Pan Tilt and Zoom (PTZ) camera attached to a small arm, projecting from the top of the column. The column will have a 0.6 metre wide base which then tapers up to the main pole which is to be 0.17 metres in width. The submitted elevation plan indicates that the proposal is to be constructed from a grey steel column which is to be painted black.

The capabilities of the proposed camera have been discussed and agreed by the City Council's Security Section while the position and type of the camera have been selected in order to be the most effective in relation to crime prevention and detection.

It should be noted that planning approval was granted in 2007 for the erection of a 10 metre high column located on the opposite side of The Broadway (REF: 07/05558/LAP) and in 2010 for the erection of 2no 8 metres CCTV columns within Rectory Park (REF: 09/03938/LAP). The approval granted for the two cameras within the park was never implemented due to funding issues. Subsequently and given the recent demolition of the Houghton Area Office an alternative location was selected to enable better coverage of the park and is the proposal subject to this application.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

None

Final Date for Receipt of Representations: **17.02.2012**

**REPRESENTATIONS:**

One letter of representations has been received in support of the proposal. However, it should be noted that the consultation period does not expire until 17 February 2012, which is after the deadline for preparation of this report. Should any further representations be received they will be reported in advance of the Sub-Committee Meeting by way of a Supplementary Report.

**POLICIES:**

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

- B\_2\_Scale, massing layout and setting of new developments
- B\_4\_Development within conservation areas
- B\_6\_Measures to preserve and enhance conservation areas
- B\_10\_Development affecting the setting of listed buildings
- B\_13\_Sites and monuments of local importance affected by development
- B\_14\_Development in areas of potential archaeological importance

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

B\_23\_Design of street furniture, surface treatments, traffic signs and road markings

## **COMMENTS:**

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

- The principle of the proposed CCTV Columns
- Impact of the development on the character and appearance of the conservation area and listed buildings
- Impact on archaeology
- Residential and visual amenity
- Impact of the development on highway/pedestrian safety

### **Principle of development**

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policies EN10, B2, and T14. In addition, given the proposal is located within a conservation area and an area of potential archaeological importance, policies B4, B6, B10, B13 and B14 of the UDP are applicable and will be considered below.

Policy EN10 seeks to ensure that all proposals for new development are compatible with the principal land use of the neighbouring area. The site was used for vehicular parking, serving the 1960's office block, which has recently been demolished. The listed Houghton Area Office for the City Council is also located within the vicinity of the application site. Policy EN10 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 is aimed at improving the safety of the users of both the Council Office and Rectory Park, the proposed works are considered to accord with the requirements of policy EN10.

### **Impact on Listed Buildings and Conservation Area**

The CCTV column is positioned within the St Michael's Conservation Area and in excess of 45 metres away from a Grade II\* Listed building, Houghton Area Office. As such the proposal is subject to UDP Policies B4, B6, B10 and the Houghton Conservation Areas Character Appraisal and Management Strategy. The aforementioned policies and documents seek to ensure that proposals within Conservation Areas achieve the highest quality of development that enhances or preserves the character of the Conservation Area. In addition, it is imperative that developments within the vicinity of listed buildings do not adversely affect their character or setting.

The CCTV column is positioned in excess of 45 metres from the listed Houghton Area Office and thus will not impact upon its setting. Moreover, there are higher columns for the illuminations and street lighting in closer proximity to the listed building and as such it is considered that the development will have a limited impact on the setting or fabric of the listed structure.

In relation to the impact of the proposal on the character and appearance of St Michael's Conservation Area it is considered that the column will have a minimal affect. The height of the column will allow the camera to sit below the level of the tree tops within the surrounding wooded area, thus screening and minimising any visual impact on the wider Conservation Area. In addition the proposal is to replace a scheme which was approved for the installation of 2 columns and therefore reduces potential impact.

Consequently it is considered that the proposal accords with UDP Policies B4, B6 and B10 and the Houghton Conservation Area Character Appraisal and Management Strategy.

### **Impact on Archaeology**

The proposed column is sited within the extent of the Houghton Medieval Village and as such UDP Policy B14 applies. Through this policy where developments are likely to have an impact on archaeology, an assessment should be undertaken. Given that there are to be ground works and underground cables laid there may be some disturbance of artefacts. Consequently, should members be minded to approve the application, a condition relating to an archaeological watching brief should be included on the decision notice. With the insertion of appropriately worded conditions the scheme is considered to accord with UDP Policy B14.

### **Impact on Residential and Visual Amenity**

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. UDP policy B23 seeks to ensure that street furniture is designed and located to be sympathetic to the environment.

The proposed camera provides a field of vision which allows 360 degree panoramic rotation, with the nearest residential property, 14 Scott Street, located in excess of 80 metres away from the site. However, the Britannia Inn is positioned 30 metres from the column to the northern edge of the site but is well screened by the existing trees and it is considered that the amenity of the commercial units and residential properties will not be compromised by the proposed installation.

Moreover, there are strict controls and working practices which the operator of the camera follows. The operators are required to adhere to The Human Rights Act, The Data Protection Act, The Freedom of Information Act, The Data Commissioners Code of Practice and The Regulatory and Investigatory Powers Act. Any breach of any these acts would leave the operator liable to prosecution.

The column is to be positioned within an area which is served by several large lampposts which dominate the street scene and have various lighting fixtures attached to them. The height of the column has also been kept below the canopies of the existing trees and the developments will not be highly visible from the public realm.

In light of the above it is considered that the proposal has limited impact on residential amenity and as such accords with policy B2 of the approved UDP. However, should members be minded to approve the application a colour

treatment condition should be attached to the decision notice to ensure the proposal accords with surrounding street furniture.

### **Highway/ pedestrian safety Implications**

UDP Policy T14 aims to ensure that new developments do not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. The submitted plans indicate that the columns will not be detrimental to highway safety or significantly affect parking availability given the relatively small footprint.

The proposal is not considered to contravene the requirements of Policy T14 of the adopted UDP.

### **Conclusion**

For the reasons given in this report it is considered that the scheme does not have any significant adverse impact on the St Michael's Conservation Area, listed buildings, archaeology, residential and visual amenity or highway safety. The scheme therefore complies with Policies EN10, B2, B4, B6, B10, B13, B14, and T14. Consequently, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant permission for the proposal subject to the conditions listed 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:

The site plan received 22.11.11

The location plan received 22.11.11

The proposed CCTV column elevation received 22.11.11

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 details, the CCTV camera columns hereby approved shall be painted black prior to their erection and maintained as such thereafter for the lifetime of the development, in the interests of the visual amenity of the locality and to comply with the requirements of policy B2 of the UDP.
- 4 Notwithstanding the submitted plans, the installation hereby approved shall be removed from the site when no longer required, in order to

achieve a satisfactory form of development and to comply with policy B23 of the UDP.

- 5 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing in order to accord with UDP Policies B13 and B14.
- 6 The development shall not commence on site until the report of the results of observations of the groundworks pursuant to condition 5 has been submitted to and approved in writing by the Local Planning Authority in order to accord with UDP Policies B13 and B14.

**Reference No.:** 11/03442/FUL Full Application

**Proposal:** **Erection of 83 dwellings, with associated landscaping, parking and highway works**

**Location:** Land North Of Pattinson Road Pattinson Industrial Estate  
Washington

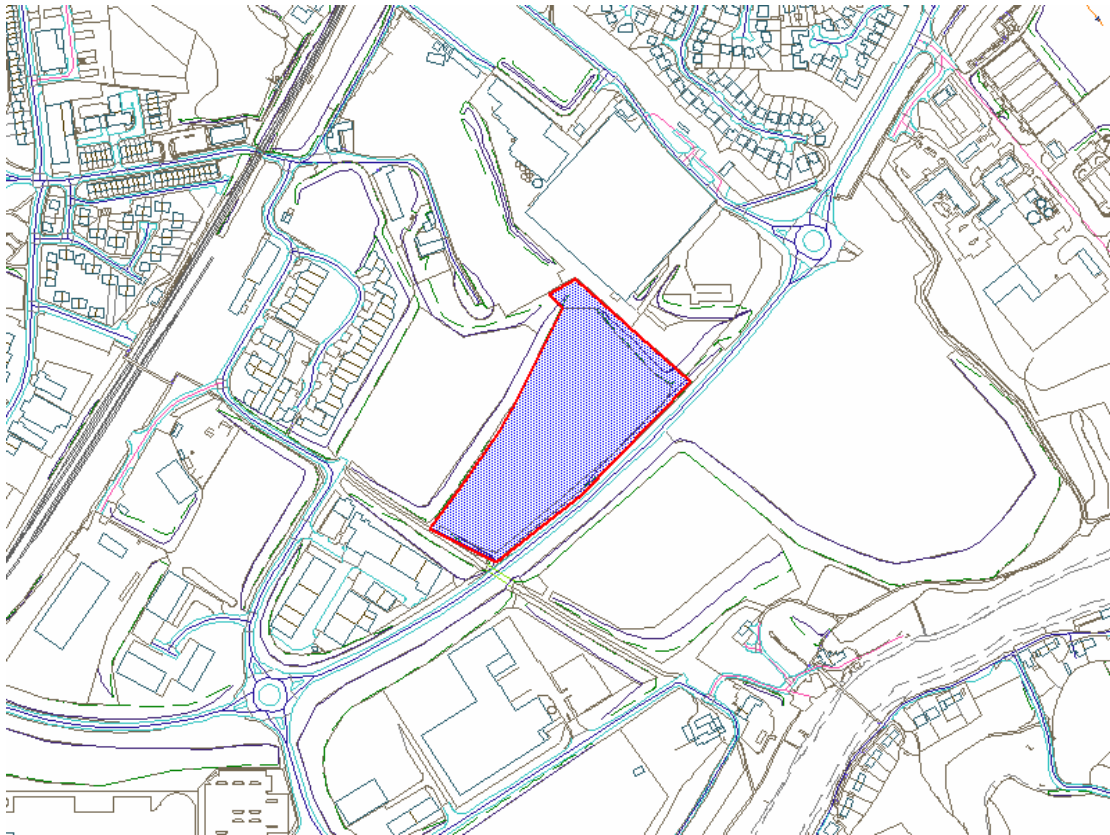
**Ward:** Washington East

**Applicant:** Hellens Investment (Washington) LLP

**Date Valid:** 6 December 2011

**Target Date:** 6 March 2012

### Location Plan



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

### PROPOSAL:

This application seeks full planning permission for 83no. 2, 3 and 4 bedroom dwellings with on-site informal open space, landscaping, parking and associated highway works. A percentage of the site will be given over to the provision of affordable housing.

The majority of the units on the site will be 2 - 2.5 storeys in height. The 2 storey units will have an eaves height of between 5m-5.2m whilst the eaves height of the 2.5 storey units will range between 5.4m-5.7m.

The palette of materials proposed for the construction of the units is relatively simple consisting of red brick properties with render panels, natural timber boarding and slate effect roofs.

Vehicular access to the site is proposed to be taken off Teal Farm Way, which is at the north-east corner of the site. A 5.5m wide primary access road is proposed through the site and leads onto a series of secondary vehicular routes which are 4.8m wide.

The landscaping strategy for the site has been designed in a way which maximises the number of mature trees on the site that are to be protected, retained and utilised as part of the overall development proposal. The proposal seeks to retain existing features, such as mature trees, and complement this with additional tree planting through the sites main linear thoroughfare.

The proposed development site is located to the west of Pattinson Road in Washington and has an area of 2.83 hectares, of which 2.15 hectares is developable land. The site is currently vacant, with a combination of low grade shrub and grass planting covering the entire site. The northern boundary of the site is edged by dense hedgerow and landscape buffer which runs the entire length of the boundary, whilst a large spoil heap dominates the eastern section of the site. A number of existing services and easements run along the northern end of the site serving as a key constraint in the amount of developable land. Like with the northern boundary, the eastern boundary is occupied by dense planting with the southern boundary being situated within close proximity to Pattinson Road. To the south-west corner of the site is an underpass which links the site with Staithes Road.

The application site is a continuation of Teal Farm and Teal Farm Park residential housing estates by Pattinson Road which runs adjacent to the eastern boundary of the application site.

The application submission is accompanied by a Design and Access Statement, landscape strategy, noise assessment, flood risk assessment, bio-diversity, marketing report, archaeological assessment, ground stability report, travel report, ground investigation, remediation statement, statement of community involvement, planning statement, ecological report, design and access statement and transport assessment.

The application site is allocated for industrial development on the UDP proposals map and as such is a departure from the adopted plan. In this regard the Town and Country Planning (Consultation) (England) Direction 2009 sets out the Secretary of States power to issue directions to local planning authorities requiring them to consult with specified persons before granting planning permission. The areas covered by this direction include development within the greenbelt, development (retail, leisure or office) outside town centres, World Heritage site development and development on playing fields. In this regard it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009 and as such can be determined through the normal process.

The application has been advertised accordingly by way of site, press and neighbour notification.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Association Of North East Councils  
City Services - Network Management  
Business Investment  
Force Planning And Police Architectural Liaison Officer  
Fire Prevention Officer  
Director Of Children's Services  
Street Scene (Environmental Service)  
Environment Agency  
Northumbrian Water  
Nexus  
Sustrans  
The Woodland Trust  
The Highways Agency  
Durham Wildlife Trust  
The National Trust

Final Date for Receipt of Representations: **10.01.2012**

**REPRESENTATIONS:****Executive Director of City Services (Environmental Health)**

No objections have been received to the proposal subject to the imposition of a series of conditions relating to land contamination, noise and construction works.

**Highways Agency**

No objection

**Nexus**

The site is not well served by public transport and as a consequence the site is not considered to be sustainable and will increase the reliance on public transport. In this regard, Nexus have requested that a financial contribution be made towards improvements to public transport services.

**County Archaeologist**

Following the submission of the original desk based assessment, trial trenching across the site has been undertaken. The findings of both reports have been considered by the CA who has confirmed that no further archaeological work is required for this development site.

**Durham Wildlife Group**

DWG originally raised concerns regarding the data used to inform the ecological report. Further dialogue with the agent and DWG has been on-going and whilst the DWG raise no formal objection to the proposal they do remain of the view that the most accurate data was not used to assess the site.



**POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

CN\_22\_Developments affecting protected wildlife species and habitats

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

**COMMENTS:**

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

- Land use
- Design, scale, massing and layout
- Ecology and landscaping
- Highway related issues
- Ground contamination
- Noise
- Archaeology
- S106 Contributions

The above matters are currently under consideration and it is anticipated that a full and detailed report will be contained on a supplement report to the main agenda.

**RECOMMENDATION: Deputy Chief Executive to Report**

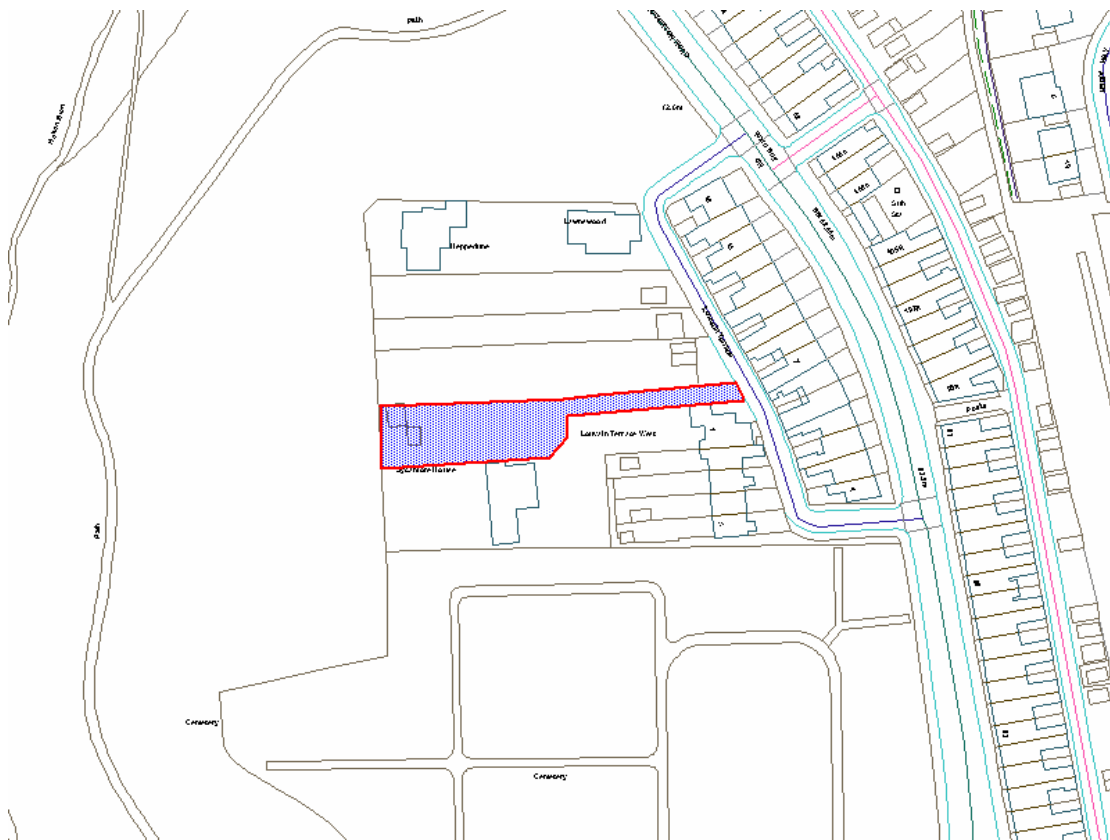
**Reference No.:** 11/03553/FUL Full Application

**Proposal:** **Erection of new dwelling. (Amended plan received 08.02.2012).**

**Location:** Land North Of Sycamore House Louvain Terrace West  
Hetton le Hole Houghton-Le-Spring DH5 9PR

**Ward:** Hetton  
**Applicant:** Mr And Mrs Vayro  
**Date Valid:** 15 December 2011  
**Target Date:** 9 February 2012

### Location Plan



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

### PROPOSAL:

Planning permission is sought for the erection of a detached dwelling on land to the north of Sycamore House, Louvain Terrace West, Hetton le Hole. The site lies to the west of the back lane that separates the rear of the 2-storey Victorian terraced houses at Louvain Terrace from the detached gardens associated with them. Part of it is also to the rear of no. 1 Louvain Terrace West. To the west of the site is an area of park land, whilst to the south and north are larger, detached and relatively modern houses. The site is predominantly grassed with hedging and fencing to the rear and sides. It is rectangular in shape and measures approximately 45 m long by 14 m wide with a shared driveway leading to Louvain

Terrace, to the east of the site. There is a mature sycamore tree within the site close to the western boundary.

### **RELEVANT PLANNING HISTORY**

The dwelling immediately to the south of the site, known as Sycamore House, was approved during 2004 (04/00582/FUL). During March 2007 planning permission for a dwelling (ref: 07/00153/FUL) with detached double garage immediately to the north of the site was refused by the City Council at the site on the grounds that the proposal would have an adverse impact on the established character of the locality and the amenities of adjacent residential properties; an unacceptable intensification of use of the rear lane and junction onto Houghton Road prejudicial to highway safety; and the adverse impact on the amenities of the adjoining detached garden. The proposal was subsequently dismissed at appeal on the grounds that the proposal would be out of character with the area and detrimental to the living conditions of adjoining properties. However, the Inspector, in his conclusions, made the following statement:

" I consider that appropriate residential development on the appeal site would not be incompatible in principle with existing residential uses under Policies EN10 of the adopted City of Sunderland Unitary Development Plan 1998 (UDP). However, the proposal is for an imposing 5-bedroomed double-fronted detached house with a pitched roof some 9.3m high to the ridge and with 3 floors of living accommodation including attic rooms. It would be dominating and out of scale with its surroundings, appearing visually intrusive when seen from the neighbouring houses, the public park or the cemetery.

I conclude on this issue that the scheme before me would harm the appearance and character of the area. This would be contrary to the provisions of UDP Policies H22, B2 and B3 which require that the scale, massing, design, layout and setting of development respects the appearance and character of its surroundings and does not harm the amenity value of public or private open space."

Following this decision further applications were submitted (ref: 08/01781/FUL and 08/04341/SUB) with amended house designs and this culminated in planning permission being approved for a dwelling in 2009.

### **PROPOSAL**

It is proposed to erect a two storey dwelling between the two properties described above. The design of the proposal has been amended to take account of officer concerns regarding scale, proximity to adjoining dwellings and height. It has an L-shaped footprint of 93 square metres and is 7.2 m high and is 12.4 m wide and 13 m long (including the integral garage). It is designed with an integral garage, hipped and pitched roof and a series of dormer windows within the roof. Materials have been chosen to reflect the character of houses in the vicinity and will have rendered walls and slate grey roof tiles.

The site lies within a wildlife corridor. A habitat survey report and a bat survey report have been submitted with the application to address these issues.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Hetton Town Council  
City Services - Network Management  
Street Scene (Environmental Service)  
Natural England  
Hetton Town Council  
City Services - Network Management  
Street Scene (Environmental Service)  
Natural England

Final Date for Receipt of Representations: **01.03.2012**

**REPRESENTATIONS:****Neighbours**

One letter of objection has been received as a result of the publicity and consultation process. A neighbouring occupier to the east of the site is concerned, in summary, about the following:

- 1) The previous dwellings built to the north and south of the site appear to have caused damage to several houses in Louvain Terrace West, including cracking to walls, particularly as a result of construction vehicles using the driveway to the side of the house.
- 2) The construction of Ashdale House has resulted in loss of privacy and sunlight in to the living room of no. 1 Louvain Terrace West. The new dwelling would be uncomfortable close to the boundary of no. 1 Louvain Terrace West and reduce privacy and daylight to rear rooms and garden
- 3) The introduction of a further dwelling would further increase the volume of traffic experienced in the street, which is narrow and with only one footpath. There have been incidents of near misses and damage to walls as a result of visiting lorries due to the above.
- 4) The dwelling would adversely affect the character and appearance of the area, introducing 'mansion type' houses and removing the open views into the park that once existed.
- 5) Bats are present in the area and may be disturbed as a result of further building on the site.

The amended proposal has been the subject of further consultation exercise with residents. Any further comments received will be reported on the Supplement prior to the Committee meeting.

## **Hetton Town Council**

Object to the application on the grounds that:

- 1) Traffic congestion/road safety would be further compromised within the street and at the junction of the main A182.
- 2) Concern about drainage into Hetton Park and Hetton Bogs Local Nature Reserve (LNR) as flooding/sewerage problems are already evident.

## **Network Development**

No objection. It is noted that the proposed dwelling would be accessed via the back lane of Louvain Terrace, which exits onto the A182 Houghton Road. The back lane is approximately 4.8m in width, with a narrow footway to the east and currently serves 24 dwellings. Such back land development proposals are usually resisted on the basis of limited vehicle access and poor to no pedestrian provision, however in this instance a neighbouring plot has been subject to a planning appeal whereby the Inspectorate dismissed these concerns on the basis that one additional dwelling would not add significantly to the relatively low flows of vehicular and pedestrian traffic.

In view of the above considered that resisting such a proposal on highways grounds would not stand up to scrutiny, as such there would be no objection to the proposal in principle. It should however be ensured that the parking provision currently accommodated on the site, believed to be associated with Louvain Terrace is maintained or that suitable alternative provision be made.

An assessment of the traffic accident record for the immediate vicinity has been made and there are no records to suggest that any serious incidents have occurred over the last ten years or so, either within Louvain Terrace or the junction with the A182.

## **Northumbrian Water**

Comments awaited.

## **Natural England**

The application site is in close proximity to the Hetton Bogs Site of Special Scientific Interest (SSSI) However, no objection is raised given the nature and scale of the proposal, subject to the proposal being carried out according to the terms and conditions of the application on account of the impact on designated sites. It is noted that the Habitat and Bat Survey were dated 2008 and are therefore more than three years old. Although no significant impacts were identified it is recommended that if there is a delay in the commencement of works further information should be sought to ascertain whether there have been any significant changes and that protected species are not present. Similarly, if the site is close to a LNR there should be sufficient information to understand the impact of the proposal on local wildlife. Should planning permission be forthcoming opportunities should be taken to secure biodiversity enhancements, such as bat and bird roosts.

## **Environmental Health**

No objection subject to conditions to control the method and timing of construction.

## **POLICIES:**

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

CN\_20\_Developments affecting designated/proposed SSSI's  
CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
B\_2\_Scale, massing layout and setting of new developments  
CN\_15\_Creation of the Great North Forest  
CN\_23\_Measures to conserve/ improve wildlife corridors  
HA\_26\_Provision or improvement of strategic footpath links

## **COMMENTS:**

The main issues in this case relate to:

- land use
- impact of the proposal on residential and visual amenity
- highway safety
- ecology
- drainage

## **LAND USE**

The site is subject to policy EN10 of the UDP which states that all proposals for new development will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood. In this case, the predominant use of the area is residential and the proposal does not encroach onto park land to the west. The proposal therefore accords with the above policy in principle.

## **RESIDENTIAL AMENITY**

The proposed dwelling has a staggered building line in relation to immediately adjacent houses. The gap between the gable walls of the proposed dwelling and the property to the north would be two metres whilst to the south it would be three metres. The application proposal has been amended to ensure that the proposed dwelling does not impact on the light, outlook or privacy of adjoining residential occupiers to comply with the guidance laid down in the adopted SPD entitled 'Residential Design Guide'. Having applied the 90 degree rule it is evident that light to the windows along the front and rear elevations of dwellings to the north or south has not been compromised. Whilst there are windows in the gable end of the dwelling to the south that face the new dwelling these are secondary windows to others that exist along the rear elevation and therefore light is not unduly compromised. The objector's dwelling to the west is at least 30 metres away from the proposed dwelling and there would be no significant loss of outlook, privacy or light as a result of its siting given that the SPG requires a minimum privacy distance of 21 metres. The proposal therefore complies with policy B2 of the UDP, which states that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

## **VISUAL AMENITY**

The dwelling is a substantial detached structure but is consistent with the scale and footprint of existing properties on the west side of Louvain terrace. The design of the dwelling has been modified to reduce both the height and scale of

the roof to ensure a consistent roofline along a north-west axis and to maintain an adequate gap between the three properties. The proposal therefore is acceptable in terms of visual amenity and the character and appearance of the area. The proposal also complies with policy B2 of the UDP, above in this regard.

### **HIGHWAY SAFETY**

The issue of highway safety has been considered having had regard to the appeal decision in respect of the dwelling immediately to the north of the site during 2008. At that time objections were raised about the substandard nature of the back lane leading to the site. However, the Inspector concluded that 'one additional dwelling would not add significantly to the relatively low levels of vehicular and pedestrian traffic. In light of the above it is considered that it would be difficult to substantiate a refusal on highway safety grounds for one more dwelling. The traffic accident records for the site and its junction with the A182 have been scrutinised and it has been found that there are no records of any accidents over the last five years that would warrant a departure from this stance. Adequate on site parking provision has been provided for the proposal and it is therefore considered to comply with policy T14 of the UDP.

### **ECOLOGICAL ISSUES**

The site lies close to an SSSI and LNR. However, the scale of the proposal is such that there is unlikely to be minimal impact on this important designation. Bats are known to be present around the site. As with the previously approved dwelling (08/04341/SUB, therefore, it is suggested that any planning approval be conditioned to ensure that bat and bird boxes are provided within the fabric of the dwelling and around the perimeter of the site. The proposal complies with policies CN20, CN21 and CN23 of the UDP which seek to ensure that any new development does not adversely affect SSSI's, LNR's or other ecologically sensitive sites.

### **DAMAGE TO NEIGHBOURING PROPERTY**

The issue raised by the objector (above) relating to potential damage to buildings and boundaries as a result of previous construction works/traffic is not one that may be dealt with under planning. Such matters would appear to be private and may be addressed under Civil Law.

### **DRAINAGE**

The application has been referred to Northumbrian Water for comments regarding any potential sewerage and/or flooding issues. A response is awaited and a further report will be provided on the Supplement, along with conclusions and recommendations, prior to the Committee meeting.

### **CONCLUSION**

In relation to the majority of the above issues the application is considered to be acceptable. However, comments on drainage and flooding issues are awaited, as is the expiry of the neighbour and Town Council re-consultation period. For this reason the outstanding issues will be further reported as a Supplement prior to the Committee meeting.

**RECOMMENDATION: Deputy Chief Executive to Report.**