

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in Committee Room No. 1 on Tuesday 21<sup>st</sup>  
March, 2017 at 4.45p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>  Report of the Executive Director of Economy and Place (copy herewith).	1
4.	<b>Town and Country Planning Act 1990 – Appeals</b>  Report of the Executive Director of Economy and Place(copy herewith).	31

**E. WAUGH,  
Head of Law & Governance.**

Civic Centre,  
SUNDERLAND.

13<sup>th</sup> March, 2017



# Item 3

## Development Control (South Sunderland) Sub-Committee

21st March 2017

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place 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. 16/01869/VAR  
Masjid Anwar E Madinah Saint Marks Road North Millfield Sunderland  
SR4 7DA
2. 17/00136/FU4  
Caretakers House Barbara Priestman Academy Meadowside Sunderland  
SR2 7QN
3. 17/00212/LP3  
Hillcrest 1 Elms West Sunderland SR2 7BY

##### 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 Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto: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 2015.

## **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 Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Ms. Irene Lucas CBE  
Chief Executive

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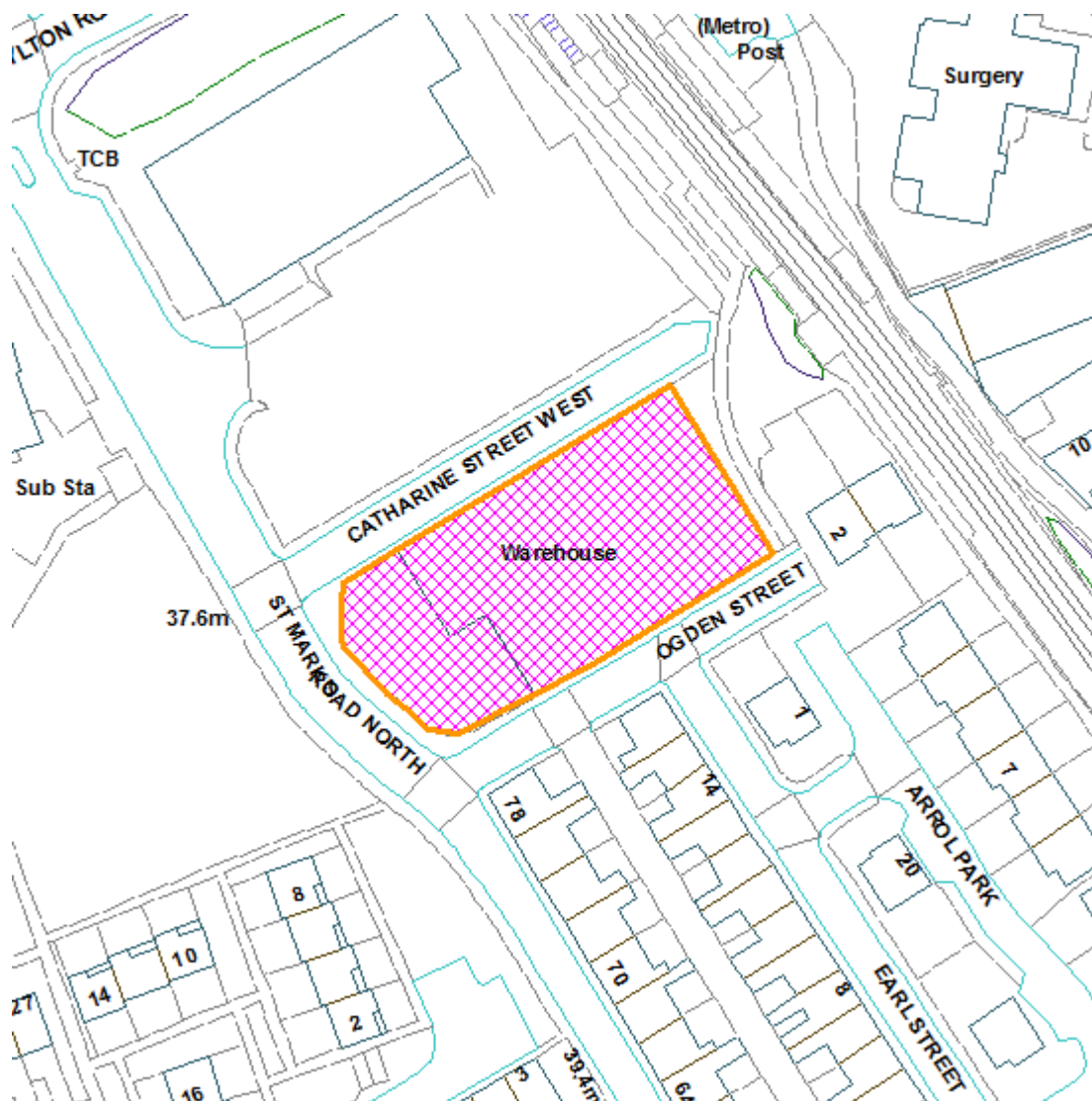
**Reference No.:** 16/01869/VAR Variation of Condition

**Proposal:** Variation of condition 2 of app. ref. 15/01538/VAR (Variation of conditions 2, 4, 5, 8 and 9 of application 11/03598/FUL (Change of use of vehicle storage depot to place of worship, community and education centre etc.)) to seek approval for revisions to design and appearance of minarets and entrance hall to front of building, provision of ceramic tiles to front elevation, installation and alteration of windows, installation of 2 no. air conditioning units to north side elevation and the erection of stone wall with wrought-iron railings and gates to boundaries (RETROSPECTIVE).

**Location:** Masjid Anwar E Madinah Saint Marks Road North Millfield Sunderland SR4 7DA

**Ward:** Millfield  
**Applicant:** Mr Nazeer Hussain  
**Date Valid:** 30 December 2016  
**Target Date:** 31 March 2017

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## PROPOSAL:

The proposal relates to the variation of condition 2 of application ref. 15/01538/VAR (Variation of conditions 2, 4, 5, 8 and 9 of application ref. 11/03598/FUL (Change of use vehicle storage depot to place of worship, community and education centre etc.)) to seek approval for revisions to design and appearance of minarets and entrance hall to front of building, provision of ceramic tiles to front elevation, window alterations, installation of 2 no. air conditioning units to north side elevation and the erection of stone wall with wrought-iron railings and gates to boundaries (retrospective) at Masjid Anwar E Madinah, St. Mark's Road North, Millfield, Sunderland, SR4 7DA.

The proposals affect the Masjid Anwar E Madinah, a place of worship, community and education facility developed within a former Council-owned vehicle storage depot building occupying land off St. Mark's Road North in Millfield. The facilities within the building are predominantly designed to provide a centre for use by the local Pakistani Muslim population.

The application site comprises the storage building and an area of enclosed hardstanding to its front. The site is bordered by St. Mark's Road North to its west side, Ogden Street to its south side and Catharine Street West to its north side, from which vehicular access to the hardstanding is

taken. To the east, the site is bordered by a footpath which links the end of Ogden Street to the nearby Millfield Metro station.

The area surrounding the site is predominantly residential in nature, with blocks of traditional terraced dwellings flanking the streets running away to the south. To the west, meanwhile, on the opposite side of St. Mark's Road North, are the more modern dwellings of Holly Court, whilst to the east, on the opposite side of the aforementioned footpath, are two dwellings within the modern housing development of Arrol Park. To the north side of Catharine Street West, however, is the car park of an Aldi supermarket, whilst the Tyne and Wear Metro line runs parallel to the site's eastern boundary, beyond the footpath.

Members may recall that planning permission for the aforementioned use of the depot building was initially granted at an extraordinary meeting of the Council's Development Control (South area) Sub-Committee on 31st July 2012 (application ref. 11/03598/FUL). The approved development also involved the provision of a range of associated external works to the depot building, including the demolition of single-storey offices, the erection of parapet walls and brick-faced columns to its front elevation and alterations to the building's fenestration.

Subsequent to the determination of app. ref. 11/03598/FUL, an application to vary a series of conditions (nos. 2, 4, 5, 8 and 9) attached to the approval was submitted for the Council's consideration (application ref. 15/01538/VAR). The application sought approval for a range of amendments to the approved scheme, including the erection of two minarets and a domed entrance hall to the front of the building, further changes to fenestration, the erection of new boundary walls and railings, modifications to the layout of car parking areas and alterations to the building's internal layout. Members resolved to approve this application at the Sub-Committee meeting of 13th October 2015 and it now represents the extant planning permission for the development.

The current application seeks to vary condition 2 of the extant planning permission, which requires the approved development to be carried out in full accordance with the approved plans. The variation to condition 2 essentially seeks to amend the list of approved plans in order to secure consent for a range of minor material alterations and modifications to the approved development.

The external development associated with the new use of the building was, at the time of a visit to the site, nearing completion. Indeed, the alterations and modifications to the approved plans sought by this application appear to have already been carried out and so approval is being sought retrospectively.

The proposed amendments to the approved development comprise the following:

- Change to design and appearance of minarets - the approved plans show three minarets; one above the main entrance hall tower and one each above the narrower towers to either side. A row of decorative openings is proposed to be installed between the top of the entrance tower its dome, which has served to increase the height of the entrance tower by approximately 1.2 metres. The row of openings to the two narrower towers simply replaces what would otherwise have been an area of blank render.
- Change to design of entrance tower - the design of the door and entrance feature to ground floor level has been simplified and the row of openings above the door removed.
- Use of ceramic tiles to upper part of front elevation, as opposed to render.

- Installation of additional windows and modification to existing windows and openings in elevation facing Catharine Street West and modifications to windows and openings in elevation to Ogden Street.
- Installation of air-conditioning units on external wall of elevation facing Catharine Street West.
- Alterations to approved boundary treatment around edge of car park in front of building. The boundary treatment will now comprise a coursed stone wall and railings, as opposed to the approved brick wall and railings.

The proposals do not involve any alterations to the nature of the approved use of the building and nor do they affect the approved internal layout or parking arrangements. Furthermore, no other conditions attached to the current planning approval are proposed to be varied as part of this application and in the event Members were minded to approve the application, all other conditions attached to the current planning permission which remain relevant to the development and the on-going operation of the place of worship, community and education centre would be imposed in respect of the new permission.

Members should note that the plans originally submitted with the application did not depict all alterations made to the building which do not benefit from planning permission. The agent of the applicant was subsequently asked to provide a copy of corrected plans showing all unauthorised alterations - such plans were received on 10th March 2017.

The aforementioned previous applications relating to the new use of the building were submitted by the Pakistan Islamic Centre, but the current application has been submitted by a Mr Nazeer Hussain, who has declared ownership of the building.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Millfield - Ward Councillor Consultation  
Southern Area Command - Police  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Environmental Health  
Network Management

Final Date for Receipt of Representations: **09.02.2017**

#### **REPRESENTATIONS:**

Public consultation - one letter of representation has been received, from the occupier of 1 Arrol Park, the rear elevation of which faces the building's south elevation. The representation expresses objection on the basis that the development 'intrudes into the line of vision' from the rear of the house and that the minarets and domes are 'too high'. It is contended that the building is an 'eyesore' and that during construction works, there have been occasions of 'unacceptable' parking which have caused 'potentially life threatening' obstruction.



Members should note that any issues relating to inappropriate parking during construction works should firstly be brought to the attention of the developers/workers at the site in order to seek a resolution. If issues still persist, the matter should ultimately be reported to the police.

The other concerns raised by the objector in relation to the amenity of 1 Arrol Park and the wider area will be considered in more detail in the next section of this report.

Tyne and Wear Fire and Rescue Service - no objections to the proposals, provided that the works comply with the Building Regulations which relate to access and facilities for the Fire Service (to be considered via an application for Building Regulations approval).

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EN\_5

## **COMMENTS:**

### **CONSIDERATION OF APPLICATION**

The principle of the proposed use of the building as a place of worship, community and education facility, together with the broad acceptability of a range of external alterations to the subject building, has already been established through the approval of application refs. 11/03589/FUL and 15/01538/VAR at previous Development Control (South) Area Sub-Committee meetings. In determining these applications, regard was given to the full range of material considerations relevant to the proposed development, including the principle of the proposed use of the building, design and amenity issues, highways and parking issues, noise and disturbance issues and ecology issues.

The proposed variation of condition 2 of the extant planning approval seeks permission for a range of minor amendments to the approved plans, which affect the exterior of the subject building. Given their relatively minor nature, the proposals are only considered to give rise to fresh material issues in relation to design/visual amenity and residential amenity and as such, it is not considered necessary to revisit the full range of matters addressed in the determination of the previous applications. For a consideration of the full range of matters listed above, please refer to the reports to the Sub-Committee produced in respect of app. refs. 11/03589/FUL and 15/01538/VAR.

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines 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 for residential properties.

The relevant guidance of the NPPF as detailed above feeds into policy B2 of the Council's adopted Unitary Development Plan, which seeks to ensure that development proposals are

respectful of visual and residential amenity. Also relevant is policy EN5, which seeks to ensure that development proposals do not give rise to issues relating to noise.

In terms of visual amenity, it is recognised that the alterations to the building carried out in association with its change of use to a place of worship have served to markedly alter its appearance. The revisions to the approved scheme sought by the proposed variation of condition 2 are, however, relatively minor in scope and in comparison to the previously-approved development. The towers and minarets to the front elevation of the building are prominent given that they affect its main public face, but the alterations to the approved designs of the towers and minarets are not considered to significantly increase or markedly alter their visual impact. To this end, the alterations are mainly of a decorative nature and whilst there is an increase in the height of the main entrance tower, the increase is relatively limited and is not sufficiently to cause the tower to become visually obtrusive.

In addition, it is considered that the use of ceramic tiles to the upper part of the building's front elevation will provide it with an attractive and appropriate finish.

The other alterations to the exterior of the building affect its side elevations and primarily involve amendments to fenestration arrangements, including the provision of additional window openings. The alterations are, however, very minor in nature and are considered to be acceptable given the size and appearance of the host building. The air conditioning units, meanwhile, are of a small scale and occupy an unobtrusive position towards the rear corner of the building, facing the car park of the Aldi supermarket.

The alterations to the design of the boundary treatment to the front of the building, in particular the replacement of the approved brick wall with a light-coloured stone wall, is also considered to be appropriate given that it will be viewed against the backdrop of the predominantly cream-coloured façade of the building.

With regard to residential amenity, the objector to the application has suggested that the alterations to the scheme, particularly in respect of the towers and minarets, will harm the outlook from 1 Arrol Park. This dwelling is, however, located close to the building's south-east corner, whereas the towers and minarets affect its west-facing front elevation, approximately 40 metres from the property's rear elevation. Given this relationship, it is considered that the alterations to the towers and minarets will not result in the outlook from 1 Arrol Park being harmed and nor do any other aspects of the development give rise to concerns in respect of this property's living conditions.

Indeed, none of the amendments sought give rise to any residential amenity concerns, especially as any dwellings facing the front of the subject property do so from a considerable distance (e.g. the facing dwellings to the west are almost 90 metres distant). Dwellings to the south, meanwhile, present their blank gable walls to building's south elevation.

The air conditioning units, meanwhile, do not give rise to any concerns relating to noise given their location on the building's north-facing elevation, which faces towards the Aldi car park and away from any nearby residential properties.

In addition to the above, the Council's Highways officers have confirmed that the proposed amendments to the approved scheme do not raise any concerns relating to highway and pedestrian safety.

## CONCLUSION

For the reasons set out above, it is considered that the implications of the proposed revisions to the previously-approved scheme in relation to visual and residential amenity and the overall design quality of the development scheme are acceptable. As such, the proposal is considered to comply with the requirements of the NPPF and policies B2 and EN5 of the Council's adopted Unitary Development Plan (1998). Consequently, the application is recommended for approval.

## EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

**RECOMMENDATION: Approve, subject to the conditions below**

## 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:

location plan received 10/10/2016;

the existing plans - drawing number S213, received 10/10/2016;

the proposed site plan - drawing number S213A, received 10/10/2016;

the existing plans - drawing number S213B, received 10/10/2016;

the proposed plans - drawing number S213C, received 10/10/2016;

the existing and proposed elevations as amended - drawing number S213D, received 10/03/2017;

the roof plan - drawing number S213R, received 10/10/2016;

the proposed sections - drawing number S213S, received 10/10/2016;

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 external materials to be used in the development hereby approved shall be those specified on the proposed elevations submitted with the application (drawing no. S213D), 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.
- 3 The areas identified for the parking of vehicles identified on drawing number S213A, received 10 October 2016 i.e. the car park to the front of the building containing 16 spaces and the internal car park providing a further 16 spaces shall be made available for use for the parking of vehicles prior to the commencement of use of the building for the approved purpose and shall remain available for the parking of vehicles associated with the development at all times thereafter for the lifetime of the development unless first otherwise agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 4 No more than 310 square metres of the internal floor space of the building shall be used for the purposes of worship at any one time. For the avoidance of doubt, the main prayer room as shown on drawing S213A, received 10 October 2016, (310 square metres) shall operate independently from but never in conjunction with the male prayer room (118 square metres) and/or the ladies prayer room (110 square metres) for the purposes of worship in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 5 The prayer rooms as shown on drawing S213C, received 10 October 2016, shall be used for the purposes of worship only and for no other purpose, including any other use which falls within the category of Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (As Amended) or any Statutory Instrument revoking or amending that order, unless first otherwise agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.

- 6 The existing vehicular entrance to the site from Ogden Street shall be closed prior to the commencement of use of the site for the purposes approved by this planning permission, as shown on drawing S213A, received 2 October 2015 and shall remain closed at all times thereafter. For the avoidance of doubt, the measures taken to close the entrance pursuant to this condition shall constitute either the replacement of the existing double gates with palisade fencing to match the existing fence around the car park or through the erection of the new wall and railings as shown on drawing S213A, received 2 October 2015, unless a satisfactory alternative is first agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 7 Notwithstanding the provisions of Schedule 2, Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Statutory Instrument revoking or amending that order, no new openings shall be inserted in the new boundary wall and railings as shown on drawing nos. S213A, received 10 October 2016 without the prior written consent of the Council as Local Planning Authority, in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 8 Prior to first occupation of the development, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of the use of the building for the purposes approved by this planning application, the applicant shall implement and operate the requirements of the approved Travel Plan including any physical measures required and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after the implementation of the use hereby approved. The requirement for the implementation, monitoring and review of the Travel Plan is to ensure that the site is accessible by alternative modes of travel in accordance with policies T14 of the Unitary Development Plan.
- 9 Prior to first occupation of the development, a scheme of soundproofing in order to mitigate any noise emissions from the building shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed soundproofing measures shall be fully implemented prior to the commencement of the use of the building for the purposes hereby approved and shall be retained at all times thereafter until first otherwise agreed in writing with the Local Planning Authority, in the interests of residential amenity and to accord with policy EN5 of the Unitary Development Plan.
- 10 No loudspeaker or sound amplification system of any kind shall be installed within the building, the car park or any other area of the site unless first approved in writing by the Local Planning Authority, in the interests of residential amenity and to accord with policy EN5 of the Unitary Development Plan.
- 11 Construction works required for the development hereby approved shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays and no construction works shall be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policies B2 and EN1 of the Unitary Development Plan.
- 12 Prior to the commencement of the use of the site for the purposes hereby approved, precise written details of the facilities to be made available for storing refuse on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented prior to the use of the building for the purpose hereby approved, and shall be retained as such for the lifetime of the development unless

the Local Planning Authority first approves any variation in writing, in the interests of residential amenity and to accord with policy EN1 of the Unitary Development Plan.

**Reference No.:** 17/00136/FU4 Full Application (Reg 4)

**Proposal:** **Change of use from caretakers house (Class C3) to school unit (Class D2) to include access ramps to front and rear elevations.**

**Location:** Caretakers House Barbara Priestman Academy Meadowside Sunderland SR2 7QN

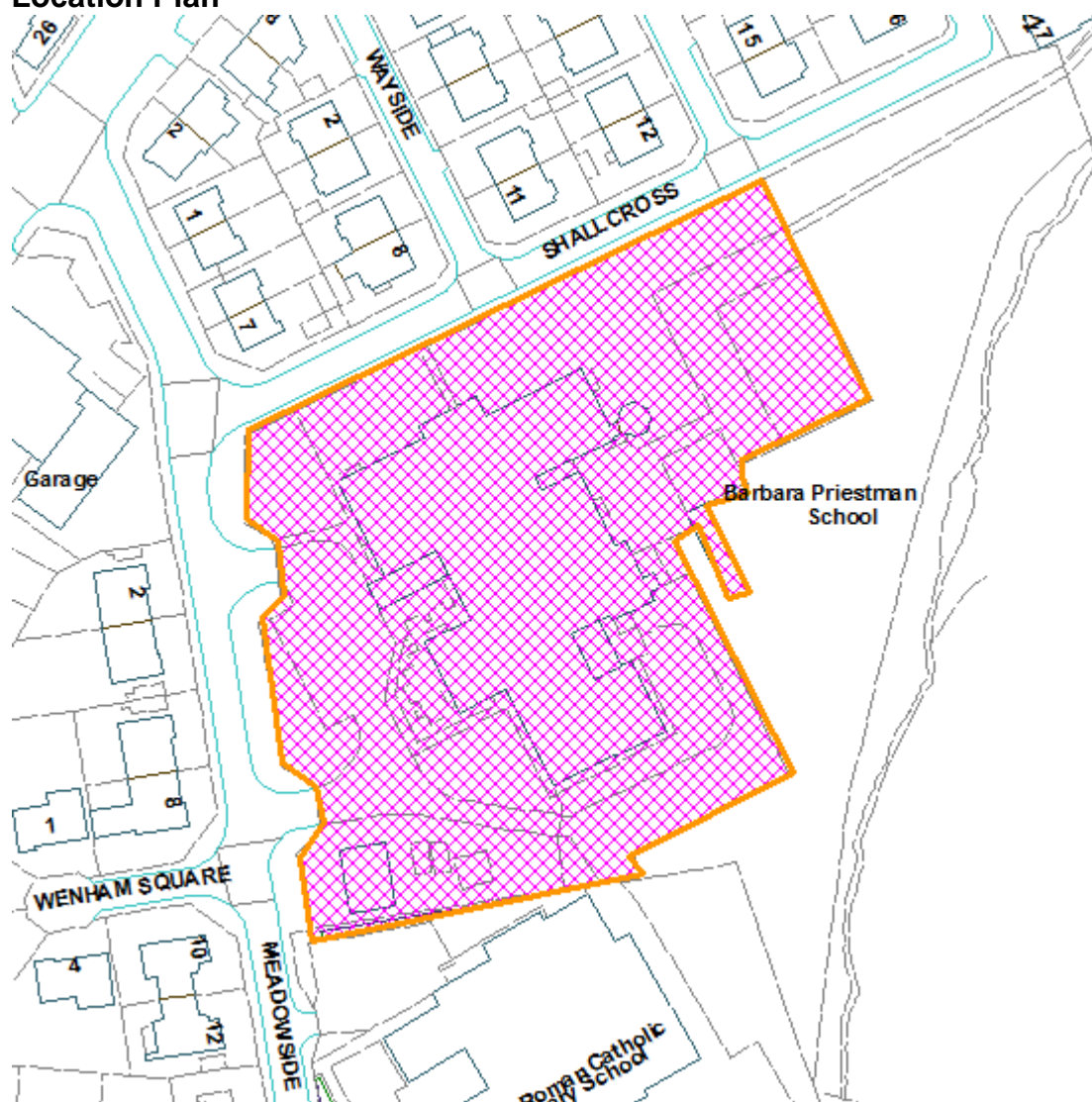
**Ward:** St Michaels

**Applicant:** The Ascent Academy Trust

**Date Valid:** 30 January 2017

**Target Date:** 27 March 2017

### Location Plan



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## **PROPOSAL:**

The application seeks full planning permission for a change of use from a dwelling house (Use Class C3) to a school unit (Use Class D2) at the Caretakers House, Barbara Priestman Academy, Meadowside, Sunderland.

The school lies towards the south of Sunderland and covers approximately 12,000 square metres. The school building itself lies towards the middle of the site and comprises a flat-roofed single storey building constructed from brick. The balance of the land has been given over to car parking and playgrounds.

The proposed change of use relates to a single storey detached dwelling house in the south western corner of the site. The building would provide additional accommodation for the Academy with breakout space and support for pupils. The proposed development also includes the provision of access ramps to the front and back of the building.

The site, in terms of relevant planning constraints, forms part of a School Playing Field and lies within a Coal Authority Standing Advice Area.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

St Michaels - Ward Councillor Consultation  
Environment Agency  
Network Management

Final Date for Receipt of Representations: **07.03.2017**

## **REPRESENTATIONS:**

Cllr Galbraith - no observations.

Network Management - no highway objections.

## **POLICIES:**

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

CF\_5\_Provision for primary and secondary schools  
L\_7\_Protection of recreational and amenity land  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main planning considerations, having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations (including representations received) are noted below:



- \* Principle of the development.
- \* Design
- \* Highway
- \* Living conditions
- \* Playing fields

These considerations are expanded upon below.

## Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) forms a material consideration.

The Framework, at paragraph 12, states that the development plans form the starting point for decision making. The Framework, at paragraph 215, further states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given). The Unitary Development Plan (1998) forms the relevant development plan and consideration needs to be given to its consistency with the Framework.

The relevant policy of the Unitary Development Plan, CF5, states that "primary and secondary education needs will be accommodated primarily on existing sites". These provisions would align quite closely with the Framework which states, at para 72, that Government attaches great importance to ensuring that sufficient choice of school places is available.

The proposed development can be given consideration as being in accordance with UDP policy CF5 as secondary education needs would be accommodated within an existing site through the re-use of an existing building. The proposed development can also be given consideration as being in accordance with the Framework which states, at para 72, that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

The proposal can therefore be supported in principle and consideration can now be given to any detailed impacts. These can be seen below.

## Design

The provisions of policy B2 of the UDP state that the scale, massing, layout or setting of extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality. These provisions would align quite closely with the Framework which states, at para 56, Government attaches great importance to the design of the built environment.

The proposed change of use would involve relatively few alterations mainly restricted to two small access ramps on the front and back of the building and the provision of a 1.8 metre high timber fence. These alterations would have a minimal overall impact upon the character and appearance of the site and wider area.

The proposal would therefore, in accordance with UDP Policy B2 and section 7 of the Framework, respect the character of the host building, nearby properties and locality.

## Highway

The provisions of policy T14 of the UDP states that new development should not cause traffic congestion or highway safety problems on existing roads. These provisions would align quite closely with the Framework which states that development should create safe and secure layouts.

The proposed development would be related to just the dwelling house and surrounding grassed area and would not reduce the provision of parking / turning within the site. The applicant has confirmed that there would be no additional pupils or visitors using the building and that the use would not be outside current Academy opening hours. The Network Management Team have raised no objection.

The proposal would therefore, in accordance with UDP Policy T14, not cause highway safety problems.

#### Living conditions

The provisions of UDP policy B2 states that extensions to existing buildings should retain acceptable levels of privacy. These provisions align quite closely with the Framework which states, at paragraph 17, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed change of use would be unlikely to give rise to a material increase in noise of disturbance for the occupiers of the nearby properties. There would be no additional building works beyond the access ramps; nor would there be any additional windows that could lead to additional overlooking.

The proposed would therefore, in accordance with UDP policy B2 and paragraph 17 of the Framework, ensure a good standard of amenity and acceptable levels of privacy.

#### Playing Fields

The provisions of UDP policy L7 states that land allocated for open space and outdoor recreation will be trained in its existing use. These provisions align quite closely with the Framework which states, at paragraph 73, that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The proposed change of use would be restricted to the building itself and a small amount of grassed area. The playgrounds would not be affected.

The proposed change of use would therefore, in accordance with UDP policy L7, retain land allocated for open space and recreation.

**RECOMMENDATION: Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) and the list of conditions set out below.**

#### Conditions:

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

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

Proposed Conversion to Office & School Facility

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.

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**Reference No.:** 17/00212/LP3 Local Authority (Reg 3 )

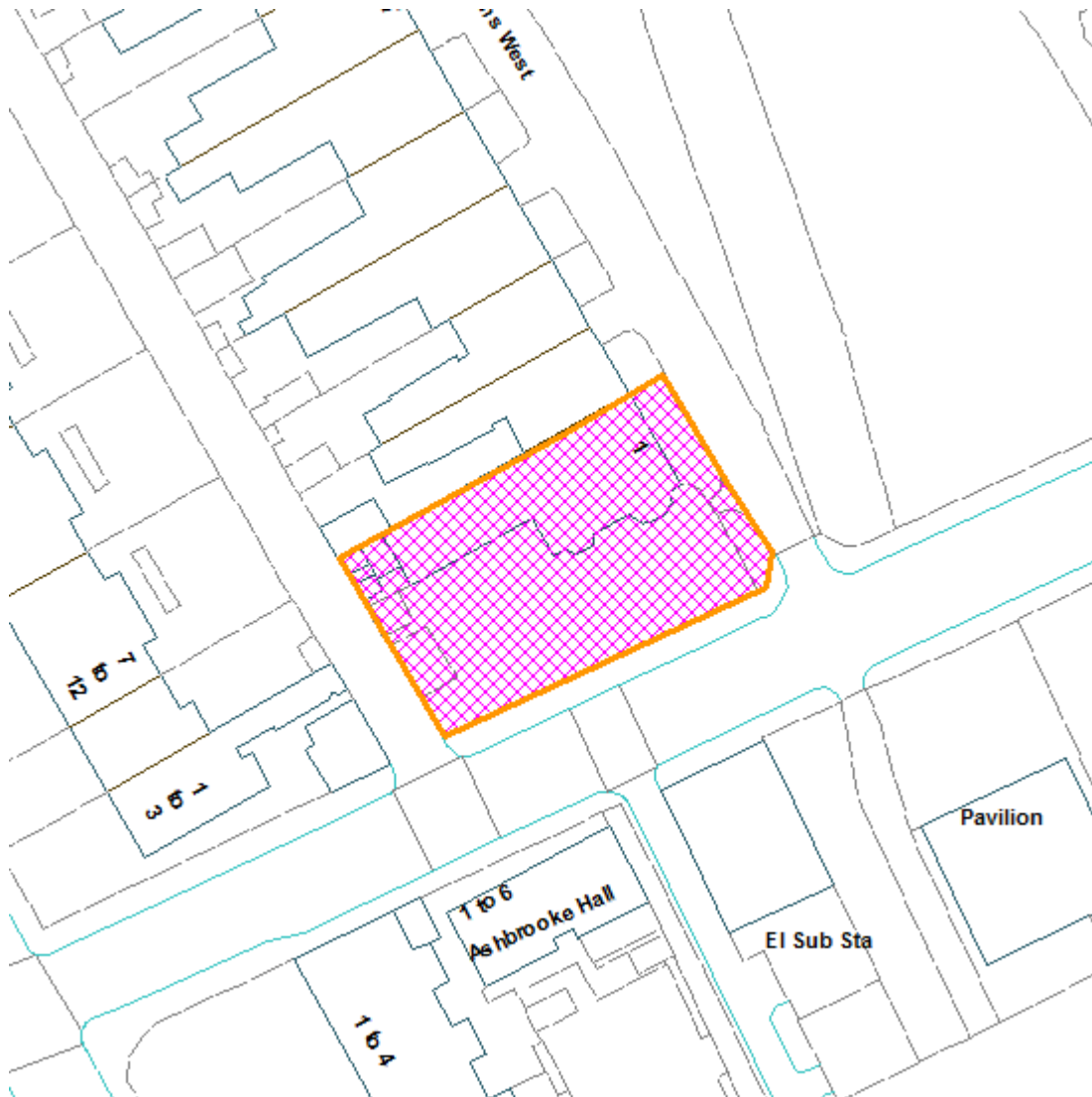
**Proposal:** **Change of use from residential institution (C2) to dwelling house (C3).**

**Location:** Hillcrest 1 Elms West Sunderland SR2 7BY

**Ward:** St Michaels  
**Applicant:** Sunderland City Council  
**Date Valid:** 8 February 2017  
**Target Date:** 5 April 2017

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### Location Plan



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## **PROPOSAL:**

The application relates to the change of use of Hillcrest, 1 The Elms West, from that of a residential institution to a single dwellinghouse.

The host property is a substantial two and a half story end of terrace property located on The Elms West in a residential suburb of Sunderland. The street lies within the extent of the Ashbrooke Conservation Area.

The building is understood to be vacant following the cessation of the former use and as such the City Council are looking to progress the sale of the building as a single residential property subject to obtaining planning permission.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **08.03.2017**

## **REPRESENTATIONS:**

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

Network Management -Although no in-curtilage parking would be provided it is considered that the use would be less intensive than the existing use.

## **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  
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 be considered in determining this application are:-

- i) Land use policy.
- ii) The impact of the proposal on the residential amenity of the surrounding properties, street scene and wider Conservation Area.

## Land use

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan 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 respect of the above, it is evident that the host property has historically been operated in a residential capacity, albeit for the purposes of care, whilst the majority of neighbouring properties are single dwelling houses.

As such, the proposed use of the building as a single residential dwelling would clearly adhere with the existing nature of the surrounding residential area and would bring the property back into the use it was originally intended for. The proposal therefore complies with policy EN10.

For information purposes, members should be aware that the permitted right which allows for a change of use from class C3 (Dwellinghouses) to use class C4 (Houses of Multiple Occupancy for up to six people) without the requirement of planning permission, would not apply to this property as a blanket Article 4 Directive has been imposed within the ward which has had the effect of removing this permitted right.

## Amenity impacts and effects on the Conservation Area

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Policy B4 all development within and adjacent to Conservation Areas will be required to preserve and enhance their character or appearance.

The host dwelling has previously operated in a residential capacity for the purposes of a residential institution and it is not considered that the proposed use of the property as a single residential dwellinghouse, class C3, would be significantly different in overall nature. In addition, as no external alterations/extensions are proposed to the host building there are no material grounds to suggest that use of the property as a single dwelling would adversely impact on the living conditions of neighbouring occupiers or impact on the visual qualities of the prevailing street scene and wider Conservation Area.

Although the proposal would not benefit from in-curtilage parking this is acknowledged to be a historical situation and it is reasonable to suggest that a single dwelling would represent a less intensive use of the property than the current use. In this respect there are considered to be no overriding grounds to warrant a refusal based on parking provision or highway safety.

In conclusion the use of the property as a single residential dwelling would adhere with the predominantly residential context of the area and would serve to bring the property back in to its original use. In addition, the conversion would represent a less intensive use of the building and thus raises no undue highway concerns.

**RECOMMENDATION - Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) and the list of conditions set out below.**

**Conditions:**

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

The floor plans as existing and proposed received 03.02.2017 (Plan ref: 003/HC)

The existing and proposed layout plan received 03.02.2017 (Plan ref: 002/HC)

The location plan received 03.02.2017 (Plan ref: 001/HC).

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.

## 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
<b>16/02356/LR4</b>	Miller Homes	Reserved Matters for up to 160no residential units, public open space, landscaping and internal road networks along with up to 720sqm of Local Equipped Area for Play (LEAP) and 2.88ha of Suitable Alternative Natural Greenspace (SANG).	22/12/2016	23/03/2017
<b>Doxford</b>	ChapelgarthSouth West Of Weymouth RoadSunderland			
<b>17/00202/FU4</b>	Dailyclever Projects Ltd	Change of use from restaurant and residential accommodation (use classes A3 and C3) to bar with function suite and 1no residential unit (use classes A4 and C3), together with external decking area and external staircase and other external alterations.	28/02/2017	25/04/2017
<b>Hendon</b>	4-5 Foyle StreetSunderlandSR1 1LB			



Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41Lawrence StreetSunderland			
16/02242/FU4	Mr Christopher Carolan	Change of use from council land to boat compound (use class B2), erection of a cabin shelter and of 2m steel fence.	16/01/2017	13/03/2017
Hendon	Land AtPanns BankSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/02364/FU4	Siglion	Erection of a steel staircase and lift enclosure to provide a pedestrian link between the former Vaux Brewery Site and Riverside Park to form the final section of the Keel Line public realm. Structure to include an illuminated pendulum feature. Works to include ancillary landscaping works to land at Vaux site and existing open space at Riverside Park, including stopping up of a highway.	06/01/2017	03/03/2017
Millfield	Land North Of Former Vaux Brewery Site Gill Bridge Avenue Sunderland			
16/02130/VAR	Wm Morrison Supermarkets Plc	Variation of condition 3 of previously approved application 99/00084/OUT to allow up to 5162sqm of floor space to trade with a flexible A1 use.	29/11/2016	28/02/2017
Millfield	B And Q Warehouse Trimdon Street Sunderland SR4 6DW			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00162/FUL	Sanne Group Nominees 1 (UK) Ltd	Section 62 of The Town and Country Planning Act 1990 (As Amended) for, change of use from Class A1(Retail) to flexible use Class A1 and D2 (Retail/Assembly and Leisure), installation of a 955 sq metre mezzanine floor and external works.	01/03/2017	31/05/2017
Millfield	Unit 2 Trimdon StreetSunderlandSR4 6DW			
17/00335/LP3	Sunderland City Council	Change of use from open space to allotments including the erection of new boundary fence, stripping of contaminated land, importation of 350mm topsoil and provision of hardstanding.	22/02/2017	19/04/2017
Pallion	Ford Quarry AllotmentsPallion Trading EstateSunderland			
17/00344/LP3	Sunderland City Council	Erection of a electricity sub-station with associated	22/02/2017	19/04/2017
Pallion	Land AtAlexandra Business ParkOff Woodbine Terrace/European WaySunderlandSR4 6UG			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00197/LP3	Sunderland City Council	Sunderland Strategic Transport Corridor, Stage 3: Construction of a 2.15km dual carriageway between the southern bridge head of the new Wear Crossing and St Mary's Roundabout; including associated street lighting, landscaping, retaining walls, demolition of a number of buildings and stopping up of some existing accesses.	07/02/2017	09/05/2017
Pallion	Land Between Southern Bridge Head Of New Wear Crossing To Saint Marys Roundabout City Centre Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01524/HYB	Barratt Homes North East Ltd	Hybrid planning application comprising: Outline planning permission for up to 496no. dwellinghouses (Use Class C3) including care village (up to 80no. bed spaces) and/or up to 700sqm. of community facilities (Use Class A1 and/or A2 and/or A3 and/or A4 and/or A5), landscaping works to Mill Hill and Trig Hill (all matters reserved except access) Full planning permission for demolition of existing buildings and erection of 304no. dwellinghouses (Use Class C3) and associated infrastructure	26/08/2016	25/11/2016
Ryhope	Land At Former Cherry Knowle HospitalBurdon Lane/Stockton RoadRyhopeSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00298/VAR	Lidl UK GmbH	Variation of Condition 4 (Number and times of deliveries) of planning approval 16/02018/VAR to allow for maximum of two deliveries per day to be taken at, or despatched from, the approved store, with no deliveries to take place outside the hours of Monday to Saturday (including Bank Holidays) 06:00 to 23.00 and Sundays 07:00 to 22:00 (AMENDED DESCRIPTION).	20/02/2017	22/05/2017
Ryhope	LiDLRyhope RoadSunderlandSR2 9TB			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01502/OU4	The Church Comissioners For England	Outline planning application with means of vehicular access and emergency vehicular access from A1018 (Saint Nazaire Way) to be determined (all other matters reserved for subsequent approval), for the erection of upto 500 dwellings (Class C3); local centre including upto 500 square metres of floorspace (Class A1, A2, A3, A4, A5, C3, D1, D2 or Sui Generis); earthworks to facilitate surface and foul water drainage; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	17/08/2016	16/11/2016
Ryhope	Land South Of RyhopeSouthern Radial RouteSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00206/FU4	Mr Mysleyko	Erection of two new dwellings and two storey extension to existing dwelling.	03/02/2017	31/03/2017
St Chads	East Herrington Primary School HouseBalmoral TerraceEast HerringtonSunderlandSR3 3PR			
15/02345/OUT	Mr Phillip Jefferies	Outline application for demolition of existing public house, to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).	04/08/2016	29/09/2016
Silksworth	The Hunters LodgeSilksworth LaneSunderlandSR3 1AQ			



## Planning Committee

21 March 2017

### Planning Appeal Decisions – February 2017

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Sunderland Unitary Development Plan 2004 and the National Planning Policy Framework – March 2012. Copies of all of the following decisions are available via public access.

1.	<p><b>Appeal Ref: APP/J4525/D/16/3163373</b> <b>15 Hornsey Crescent, Easington Lane, Houghton-Le-Spring DH5 0HH</b></p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <ul style="list-style-type: none"><li>• The appeal is made by Mr Kevin Johnston against the decision of Sunderland City Council.</li><li>• The application Ref 16/01643/FUL, dated 5 September 2016, was refused by notice dated 1 November 2016.</li><li>• Delegated Decision: REFUSE</li><li>• The development proposed is 'Extension to the side of property with a front porch to form two bedrooms.'</li></ul> <p><u>Main Issue</u></p> <p>The main issue is the effect of the proposed development upon the character and appearance of the area.</p> <p><u>Reasons for Decision</u></p> <p>The appeal property is one of a pair of modest semi-detached houses located in a prominent position on the corner of Hornsey Crescent and Derwent Street.</p> <p>Although it is set at an angle facing the corner, the siting of the appeal property nevertheless respects the front building line of the houses on Derwent Street immediately to the north.</p>	Dismissed
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	<p>The appeal proposal would be 2 storeys high, and the ridge and eaves of the proposed gable roof would align with those of the existing house. At ground floor level the extension would project forward of the main front elevation by 1.5m, incorporating a new front porch, whilst at first floor level it would finish flush with the front elevation.</p> <p>The proposed development would extend back in line with the existing rear elevation although, due to the tapering nature of the side boundary, the extension would be just over a metre wide at the rear. At the front however, the appeal proposal would increase the width of the house by more than 50%.</p> <p>Due to its siting, scale and detailed design the proposed development would result in a bulky addition that would not appear subordinate to the existing house.</p> <p>Furthermore, it would extend significantly beyond the established building line on Derwent Street and would therefore be extremely conspicuous within the street. For these reasons, the appeal proposal would create an unduly dominant and incongruous feature on this prominent corner plot.</p> <p><u>Conclusion</u></p> <p>The development would have a harmful effect upon the character and appearance of the area. As such, it would fail to comply with the design aims of Policy B2 of the UDP.</p>	
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2.	<p><b>Appeal Ref: APP/J4525/W/16/3159550</b>  <b>Havannah Farm, Springwell Road, Springwell,</b>  <b>Gateshead NE9 7YT</b></p> <ul style="list-style-type: none"> <li>• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</li> <li>• The appeal is made by Mr Jack Coupe against the decision of Sunderland City Council.</li> <li>• The application Ref 15/02291/FUL, dated 11 November 2015, was refused by notice dated 3 May 2016.</li> <li>• Delegated Decision - REFUSE</li> <li>• The development proposed is new detached garage and conversion of existing garage to residential dwelling.</li> </ul> <p><u>Main Issues</u></p> <ul style="list-style-type: none"> <li>• Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);</li> <li>• The effect of the proposal on the openness of the Green Belt;</li> <li>• Whether acceptable living conditions would be provided for both future occupiers of the converted garage and occupiers of the adjacent dwellings at Havannah Farm and the Old Barn with particular regard to privacy.</li> <li>• Whether acceptable living conditions would be provided for future occupiers of the converted garage with particular regard to external amenity space.</li> <li>• Whether future occupiers would have acceptable access to services and facilities.</li> <li>• If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special</li> </ul>	Dismissed
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	<p>circumstances necessary to justify the development.</p> <p><u>Reason for Decision</u></p> <p>Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves an extension of a building and that extension would not result in disproportionate additions over and above the size of the original building or, it comprises limited infilling or partial redevelopment of previously-developed land 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. Framework paragraph 90 sets out that some other forms of development are not inappropriate, including the re-use of existing buildings provided that they are of permanent and substantial construction, preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.</p> <p>The proposed conversion of the garage to a separate dwelling falls to be assessed against the provision of paragraph 90. Whilst there was no dispute that the existing building is of permanent and substantial construction, the Council had an issue in terms of openness, referring to proposed dormer windows and potential domestic paraphernalia. In dealing with the latter point first, since things such as washing lines and garden furniture are not part of the building itself, they are more to do with (in the Inspectors opinion) character and appearance, a quite separate matter to openness.</p> <p>In relation to the dormer windows, again their impact in terms of character and appearance was a separate matter in this particular context.</p> <p>However, in terms of the openness of the Green Belt, although the increase in volume and thus the size of the building as a consequence of the proposed dormers was considered to be modest, they would, nevertheless, mean that this part of the Green Belt would be marginally less open than it is at the moment, the concept of Green Belt openness not necessarily being confined to the footprint of a building (Inspectors opinion). As such, the Inspector considered that this element of the scheme would comprise inappropriate development in the Green Belt.</p>	
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	<p>Consequential upon the proposed conversion was the erection of a replacement garage building. The appellant's position was that this element of the proposal constitutes an extension to the existing spread of buildings that would not amount to a disproportionate addition and did not, therefore, constitute inappropriate development. Contrary to this, the Council argued that the proposed replacement garage would constitute an outbuilding outside the curtilage of the farmhouse on a greenfield site. It stated that the proposal should not be regarded as an extension and accordingly would constitute inappropriate development.</p> <p>The Council set out the planning history of the site, which was undisputed by the appellant. This confirmed that there have been various extensions undertaken to the original farmhouse and also that the existing garage subject to the current appeal was erected at some time since 1997.</p> <p>The Inspector argued that depending on the relationship with the original dwelling, a detached outbuilding could be regarded as an extension to it for the purposes of considering compliance with Green Belt policy. The existing garage was directly linked to the side garden of the farmhouse by a series steps and as such is closely physically related to the house. The Inspector considered it to constitute an extension to the dwelling in the context of Green Belt policy.</p> <p>Whilst no dimensions of the original farmhouse were provided for comparative purposes, it was clear that it has been extended in the past. The submitted drawings showed that the proposed garage would be relatively large and capable of accommodating several vehicles. The annotated measurements indicated a footprint of some 13.277 x 7.125 metres, with a flat roof height of around 2.575 metres. The proposed garage was also linked via its roof terrace to the side garden area of the farmhouse and appeared to the Inspector to be an extension to the dwelling in the context of Green Belt policy.</p> <p>Taking those previous extensions into account, including the garage to be converted, in addition to the new garage building proposed, the Inspector was in no doubt that the cumulative increase over and above the size of the original farmhouse was disproportionate. Even if he were to have considered the garage building</p>	
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	<p>as limited infilling, its size means that there would be a material reduction in the openness of this part of the Green Belt. Either way, the building proposed comprises inappropriate development.</p> <p>To conclude on this issue, the Inspector found that both elements of the proposal comprise inappropriate development in the Green Belt. There would be conflict, in this regard, with the provisions of the Framework.</p> <p><u>Openness</u></p> <p>As part of the assessment as to whether the scheme is inappropriate development or not, the Inspector has already assessed openness in relation to the proposed conversion, and in relation to the proposed garage under the criteria relating to infilling. Looking at the proposed garage as an extension, it would introduce a substantial building onto a part of the site that is currently free from built development. As a consequence, this part of the Green Belt would be less open than it is at present. The Inspector was mindful, in this regard that, as set out at paragraph 79 of the Framework, one of the essential characteristics of the Green Belt is its openness. He was also mindful that visual impact is implicitly part of the concept of openness. Notwithstanding that the garage would have a flat roof (with railings on top) and the presence of a mature boundary hedge, it would, nevertheless, be clearly visible from Springwell Road around the wide open access point to the site. From here the garage would interrupt views over open fields in a south-westerly direction. Accordingly it would have an adverse impact on the openness of the Green Belt in visual terms.</p> <p>The appellant argued that it would be possible to park large vehicles on the site of the proposed garage which would result in a greater impact on openness. However it was the view of the Inspector that any such parking would be transient in nature and would not have the material impact on openness that a permanent building would. In any event such parking could still occur and be visible in other parts of the site if the garage were to be constructed.</p> <p>The proposal would therefore be in conflict with the Framework insofar as it seeks to protect the openness of the Green Belt.</p>	
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### Privacy

It was apparent from the Inspectors visit that the proposed converted dwelling would face habitable rooms at close range in the residential property known as the Old Barn, situated opposite the appeal site. Accordingly there would be a mutual loss of privacy for residents.

The Council drew attention to its Residential Design Guide Supplementary Planning Document 2008, which although not part of the development plan provides further guidance on the application of Policy B2 of the City Of Sunderland Unitary Development Plan 1998 (UDP). Amongst other things, it seeks to secure separation distances between main facing windows of some 21 metres. In the appellant's view, the farm complex location of the appeal site would justify a more relaxed approach to separation distances between dwellings which would not be expected to be comparable to those within a residential estate. The Inspector acknowledged that tighter relationships between existing buildings may be justified where specific public benefits may accrue from the development. However the appellant did not make a compelling case that the development would justify a more relaxed approach to privacy.

The Inspector was not convinced either that the use of obscure glazing in the ground floor windows facing the courtyard is a practical suggestion in that it would have an adverse effect on outlook for future occupiers. It was suggested that future occupiers could erect a 2 metres high wall or fence to minimise overlooking under permitted development rights. However, it is usual with conversion schemes such as this to remove permitted development rights. In any event, leaving it to the choice of future occupiers would not guarantee the privacy of the neighbours. Furthermore, without the details of such development, the Inspector was unable to assess whether this would be achievable or what the impact would be on the living conditions of residents or on the character and appearance of the complex as a whole.

The appellant made the point that the adjoining neighbours have not objected to the proposal. However, the absence of an objection does not necessarily equate to support. Notwithstanding this, the

	<p>Inspector has a statutory duty to consider the impact of development including on future neighbours, even when no specific objection from third parties has been forthcoming.</p> <p>The dwelling proposed would also overlook the adjoining side garden and sun room of the 'host' dwelling, again compromising privacy. That property is occupied by the appellant and any shortcomings in this regard would be of his choice. Nevertheless, acceptable living conditions for future occupiers of the dwelling proposed and the host dwelling would not be provided given the intimate relationship between the two properties.</p> <p>The Inspector concluded that the proposal would not result in acceptable living conditions for both future occupiers and existing residents in terms of privacy. The proposal would therefore be in conflict with Saved Policy B2 of the UDP and the Framework which seek to achieve acceptable standards of privacy and protect the living conditions of residents.</p> <p><u>Living Conditions</u></p> <p>The proposed converted garage is situated immediately adjacent to garden areas that are associated with the original farmhouse and which lie outside the site boundary. The appellant suggested that future occupiers would have access to a courtyard area at the front of the property for external amenity purposes. However, from the Inspectors visit it was apparent that the area in question is effectively a wide open thoroughfare over which vehicles would pass to gain access to the wider farm site. This area, which is lacking in greenery and is overlooked by the Old Barn would not provide an attractive or practical private external space for future residents. The Inspector concluded that the proposal would not provide acceptable living conditions for future occupiers in terms of access to external amenity space. This would conflict with the Framework objective of seeking a good standard of amenity for future occupants.</p> <p><u>Access to Services</u></p> <p>A roadside footway with streetlighting connects the site with the nearby village of Springwell which would make it possible to walk from one to the other in a relatively short time. Although the route would not be universally</p>	
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	<p>regarded as convenient it does allow for an element of sustainable transport choice. However, whilst it is undisputed by the parties that Springwell contains some everyday facilities and services, the Council as part of its case refers to the nearest facilities being around 1 kilometre away from the site. The appellant has not challenged this point. Whilst there are bus stops in close proximity to the site the Inspector had not been provided with any details regarding service destinations or frequency.</p> <p>From the information provided, on balance the Inspector considered that future occupiers would be in a relatively functionally isolated location and that they would be heavily dependent on private transport in order to gain access to a range of essential services. Accordingly residents would not have an acceptable standard of access to day to day services and facilities.</p> <p><u>Other Considerations</u></p> <p>In support of the appeal, the appellant draws attention to the absence of objections from statutory consultees, other than the Council's Network Management Team, who object to the prospect of four properties being served from a private access as opposed to a public highway. In relation to the highway comments, the Inspector noted that this was not a reason for refusal and, on the basis of the evidence before me and my own observations at the site visit, the Inspector was not persuaded that this arrangement would result in any harm in terms of highway safety. That said, the absence of objections, or the absence of harm, does not attract positive weight in the overall balance.</p> <p>I note that whilst eleven letters of objection were received, none were from the occupiers of the dwellings within the complex here. However, that does not negate the concerns raised in the correspondence and, as noted above, the absence of any objection from nearby residents does not equate, necessarily, to support. As such, these matters are neutral in the planning balance.</p> <p>The appellant also refers to pre-application discussions with the planning officer in which, the Inspector understands, there was no indication that the scheme might be unacceptable in terms of its Green Belt location. However, the Council maintains that no formal pre-application was made, suggesting that the email correspondence relied on by the appellant provides no</p>	
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	<p>indication as to the acceptability of the proposal. The Inspector found no mention of the Green Belt in the correspondence and understood the appellant's frustration in this regard. That said, the correspondence does not state that the development proposed would necessarily be acceptable. In any event, it is well established that such advice is informal only and is not binding on formal consideration of an application by the Council. Again, that is not a consideration that carries any positive weight.</p> <p><u>Green Belt Balance and Conclusion</u></p> <p>The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. There would also be a loss of openness. The Framework establishes that substantial weight is to be given to any harm to the Green Belt. In addition, I have found harm to the living conditions of existing residents and unacceptable living conditions for future occupiers.</p> <p>For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising. The Inspector considered the other considerations put forward but concluded that they do not carry any positive weight. The substantial harm caused by the inappropriateness of the development proposed, and the unacceptable living conditions that would arise is not, therefore, clearly outweighed by other considerations. Accordingly, the very special circumstances necessary to justify the development have not been demonstrated. Thus, for the reasons given above, the Inspector concluded that the appeal should not succeed.</p>	
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3.	<p><b>Appeal Ref: APP/J4525/W/16/3153157 Land at St Aidan's Terrace, West Herrington, Houghton le Spring DH4 4LZ</b></p> <ul style="list-style-type: none"> <li>• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.</li> <li>• Delegated Decision – REFUSE</li> <li>• The appeal is made by Mrs Helen McCall against the decision of Sunderland City Council.</li> <li>• The application Ref 15/02148/OUT, dated 20 October 2015, was refused by notice dated 22 April 2016.</li> <li>• The development proposed is erection of single dwelling.</li> </ul> <p><u>Procedural Matters</u></p> <p>The application for the proposed development is in outline with all matters reserved. A plan has been submitted showing an indicative layout of the dwelling on the appeal site which the Inspector took to be for illustrative purposes only.</p> <p>Because of a dispute between the parties over whether the appeal site is or is not in the Green Belt it is necessary to set out my conclusions on this matter before turning to the decision itself as the conclusion on this informs the main issues.</p> <p>Based on the <i>Sunderland Unitary Development Plan</i> (UDP) Proposals Map the site is not shown as within the Green Belt and as a result of this the Council's appeal questionnaire also stated the site is not within the Green Belt. However the site was included within the Green Belt in the <i>Tyne and Wear Green Belt Local Plan 1985</i> (TWGBLP) and it was put to the Inspector that in preparing the UDP Proposals Map the site was mistakenly excluded from the Green Belt as a result of a drafting error.</p>	Dismissed
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	<p>The Inspector was referred to case law specifically <i>Fox Land and Property Ltd v SoS CLG [2015]</i>, and <i>R (Cherkley Campaign Ltd) v Mole Valley DC [2014]</i> as relevant to the matter. The former concludes that the Proposals Map of a Plan is not in itself policy, but illustrates detailed policies and assists in understanding the geographical areas to which policies relate. The latter case concludes that to fully understand planning policies, it is permissible to consider supporting text and other illustrative material. In that respect it has been put to me that the supporting text to the UDP makes clear both the extent of the Green Belt in the vicinity of the site in paragraph 22.83 and in general illustrative terms in Figure 11.2 and makes clear at paragraph 11.25 where the Green Belt boundary, established by the TWGBLP, is to be changed by the UDP.</p> <p>With regard to the former the Inspector was not satisfied that the boundary description at paragraph 22.83 is sufficiently clear in itself to conclude that the site is intended to be in the Green Belt. However, notwithstanding the small scale of figure 11.2, the area east of West Herrington, including the appeal site, does seem to be within the Green Belt. It is also clear from the list of additions to and deletions from the Green Belt in paragraph 11.25 which areas are proposed to be changed and that the appeal site and its surroundings is not one of the proposed deletions from the Green Belt as defined in the TWGBLP in 1985. Therefore the Green Belt can be taken to include the appeal site as has been the case since 1985.</p> <p>In reaching a decision on this matter the Inspector also had regard to the <i>National Planning Policy Framework</i> (the Framework) at paragraph 83 which makes it clear that once boundaries are defined they should only be changed exceptionally. No exceptional justification is presented through the UDP regarding boundary changes in the vicinity of the site.</p> <p>Accordingly, unsatisfactory though the Proposals Map error is, the Inspector must consider all parts of the Development Plan when determining whether the site is or is not in the Green Belt. There is no evidence to support the view that there was any intention to amend the Green Belt as defined in the 1985 TWGBLP and to delete the site; nor any evidence of a process of review of the Green Belt in that area.</p> <p>The appellant has referred me to the case of <i>Hundal v</i></p>	
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	<p><i>South Bucks DC [2012]</i>, which established that where a Plan has been adopted without challenge all parties are entitled to proceed on the basis that the Plan has been lawfully adopted. Para 23 of the judgement quotes the then relevant PPG2, which states the importance of defining the Green Belt Boundary. The Inspector acknowledged that in the normal course of events it would be expected that the Proposals Map would be accurate. However, for the reasons above, the Inspector was not persuaded that the findings in the Hundal case bring me to any different conclusion. The Inspector was also referred to the fact that the Council, in preparing the local plan which will replace the UDP, is again considering whether to review the Green Belt boundary, including an area on the north side of Herrington Road. However this review process has not been completed and the fact that it may result in a future change to the Green Belt again did not lead him to a different conclusion with regard to the current status of the site.</p> <p>The Inspector therefore continued with the determination on the basis that the site is within the Green Belt.</p> <p><u>Main Issues</u></p> <ul style="list-style-type: none"> <li>• Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy.</li> <li>• The effect of the proposed development on the openness of the Green Belt.</li> <li>• The effect of the proposed development on the character and appearance of Herrington Road and the countryside within the Green Belt.</li> <li>• If the development is inappropriate whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.</li> </ul> <p><u>Reasons</u></p> <p>The appeal site lies on the south side of Herrington Road in an open countryside setting just to the east of the ribbon of development in St Aidan's Terrace from which it is separated by a Public Right of Way. The triangular site forms part of a larger field parcel of grazing land extending southwards to Herrington Hill which is a Site of Special Scientific Interest. The site itself is relatively flat</p>	
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	<p>but the land to the south rises gradually to Herrington Hill. Herrington Road is developed on its north side by The Stables - a small residential estate.</p> <p><i>Whether the proposal would be inappropriate development in the Green Belt</i></p> <p>Paragraphs 89 and 90 of the Framework establish the circumstances in which development in the Green Belt would not be inappropriate and which amongst other things includes limited infilling in villages. The tests to be applied in this case are whether the proposal would be in a village and whether the proposal would constitute limited infilling.</p> <p>The site is outside the developed or built up area of West Herrington. Development on the south side of Herrington Road finishes at Mitford End, the last property in St Aidan's Terrace, which is separated from the site by trees, shrubs and the Public Right of Way. Infilling is normally taken to be the development of a small gap in an otherwise built up frontage. The development of a new dwelling in the location proposed would not meet this definition and would simply be development in an open countryside setting, albeit overlooked from development on the north side of Herrington Road. The proposal would be inappropriate development in the Green Belt, contrary to the Framework and UDP policy CN2 which establishes the Green Belt and its purposes and which, amongst other things, includes safeguarding the city's countryside from further encroachment. The proposal would also be contrary to UDP policy CN3 which restricts inappropriate development within the Green Belt consistent with the Framework.</p> <p><i>The effect of the proposal on the openness</i></p> <p>The Framework confirms that an essential characteristic of Green Belts is their openness. The construction of a new dwelling on the appeal site, by introducing new development into the Green Belt, would inevitably have a significant impact on its general openness.</p> <p>The appeal site and associated grazing land connects open countryside across the south side of West Herrington. The fact that development continues on the north side of Herrington Road a little further to the east than is the case on the south side of the road, does not reduce the role the appeal site plays in contributing to openness.</p>	
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	<p><i>Character and appearance</i></p> <p>As stated above the appeal site forms part of an area of grazing land backed to the south by a mature tree belt framing the lower slopes of Herrington Hill. As such the countryside provides an attractive landscape setting to West Herrington.</p> <p>Viewed from the approach to West Herrington from the East along Herrington Road the St Aidan's Terrace development is largely screened from view by trees and shrubs along the Public Right of Way particularly whilst the trees are in leave and the appeal site forms part of undeveloped countryside. The introduction of a new dwelling into this setting would appear as an incongruous encroachment. Moreover the visual impact of the dwelling in views eastwards along Herrington Road leaving the village would be equally damaging by introducing development east of the Public Right of Way. The Inspector acknowledges the intention to design the property to be in keeping with the scale of development in St Aidan's Terrace but this would not overcome the harm to the open countryside setting.</p> <p>It was put to the Inspector that the intention would be to landscape the south/south-eastern boundary of the appeal site and that the opportunity exists to enhance tree planting as part of the Great North Forest on land within the ownership of the appellant. However the Inspector was not persuaded that boundary landscaping would make any material difference at least for some considerable time given the open countryside setting. With regard to the opportunity to enhance the Great North Forest in accordance with UDP policies CN15 and CN16 no such specific proposal was put forward within the outline application.</p> <p>The addition of a new house, even restricted in height, would impact significantly on local views and urbanise and change the character and appearance of the countryside setting to West Herrington. The presence of street lighting and The Stables development on the north side of the road does not of itself create an urban character warranting further development. As such the proposal would be contrary to UDP policies CN5 and B2 which, respectively, safeguard the visual amenity of the Green Belt and seek to ensure that the design of new development respects and enhances the best qualities of the locality.</p>	
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	<p><i>Other Considerations</i></p> <p>It was put to the Inspector that the proposal would bring social and economic benefit by adding to the provision of housing locally in a sustainable location and that the Council cannot demonstrate a 5 year supply of housing which is deliverable. Therefore in terms of paragraph 49 of the Framework the housing policies of the UDP should not be considered up to date and in these circumstances the presumption in favour of sustainable development applies and paragraph 14 of the Framework is engaged.</p> <p>The Sunderland Strategic Housing Land Availability Assessment 2016, albeit in draft, indicates that in excess of 5 years' supply of deliverable and developable housing sites can be delivered between 2016 and 2021. No specific evidence has been submitted to support the appellant's assertion that there would be a shortfall. In any event even if there was a shortfall leading to an inability to demonstrate a 5 year supply, the footnote to paragraph 14 of the Framework makes it clear that this does not constitute a reason to set aside specific policies of the Framework indicating that development should be restricted (including those relating to the Green Belt).</p> <p>Notwithstanding the modest social and economic benefits which could be secured from construction of an individual house, the Framework adopts a wide definition of sustainability. Indeed, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice. Paragraph 8 of the Framework states that all economic, social and environmental gains should be sought jointly. In terms of paragraph 9 of the Framework, and for the reasons given above, the taking of an area of Green Belt countryside for development would not be a positive improvement in the quality of the built and natural environment. In this case, the proposal would not be sustainable development in the terms of the Framework.</p> <p>The Inspector notes that some other aspects of the development which have been matters of concern to third parties, including access arrangements, traffic, and residential amenity have been deemed by the Council to be acceptable subject to control at the reserved matters stage through appropriate conditions. However planning appropriately for these aspects and ecological and contamination issues, which the Council also considers can be controlled by conditions, is a prerequisite of any proposed development and is therefore neutral in terms</p>	
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	<p>of the weight that the Inspector can attach in favour of the development.</p> <p><u>Conclusion</u></p> <p>The Inspector concluded that the site is within the Green Belt and the proposal would be inappropriate development contrary to the Framework and the UDP. There would also be a loss of openness in the Green Belt and harm to the character and appearance of West Herrington and adjoining countryside. Together these factors constitute significant material harm to the Green Belt to which the Inspector attached substantial weight.</p> <p>For the reasons given above the 'other considerations' would be insufficient to clearly outweigh the harm to the Green Belt. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the appeal should be dismissed.</p>	
4.	<p><b>Appeal Ref: APP/J4525/W/16/3162537</b>  <b>Land adjacent to 16 Queen Alexandra Road,</b>  <b>Sunderland, Tyne and Wear Grid Ref Easting:</b>  <b>440470 Grid Ref Northing: 554763</b></p> <ul style="list-style-type: none"> <li>• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</li> <li>• The appeal is made by Mrs Lindsey Thompson against the decision of Sunderland City Council.</li> <li>• The application Ref 16/00440/FUL, dated 15 March 2016, was refused by notice dated 30 June 2016.</li> <li>• The development proposed is 'erection of 3 storey dwelling house and garage.'</li> <li>• Delegated Decision – REFUSE</li> </ul>	Dismissed

	<p><u>Procedural Matter</u></p> <p>The address given on the application form is Queen Alexandra Road. However, it is clear from the submitted plans and appeal form that the appeal relates to land adjacent to 16 Queen Alexandra Road. The Inspector therefore took the full appeal site address from the appeal form rather than the application form.</p> <p><u>Main Issue</u></p> <p>The main issue is the effect of the proposed development upon the character and appearance and biodiversity of the area.</p> <p><u>Reasons</u></p> <p>The appeal site is open space located in a predominantly residential area on the north side of Queen Alexandra Road, a wide street with mature trees set in grass verges on both sides. The site is opposite the junction with the southern section of Woodstock Avenue. A public footpath leading to the northern section of Woodstock Avenue and the shops and services on Ryhope Road runs along the western boundary of the site. The houses on the northern section of Woodstock Avenue overlook the road and the public footpath, and have a strong front building line set behind front gardens with low boundaries. The 4 early mature cherry trees and well maintained grass give the appeal site a verdant appearance and the low timber fence along its western and southern boundaries allows views across it, thus providing an attractive setting to the pedestrian route and making a positive contribution to the street scene of both Queen Alexandra Road and the northern section of Woodstock Avenue.</p> <p>The proposed development would be a substantial detached 2 storey house with accommodation in the roof and an attached single garage to the eastern elevation.</p> <p>The infill development at 20 Queen Alexandra Road to the west of the appeal site is located to ensure that the side gable does not extend forward of the front south west corner of the house at 32 Woodstock Avenue, immediately to the north, thereby respecting the building line along the street. By contrast, the side and much of the rear elevation of the proposed dwelling would project significantly forward of the front building line formed by the semi-detached pair of houses at 17 and 19</p>	
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	<p>Woodstock Avenue to the north east of the appeal site. This would have the effect of closing what is currently an attractive open vista from both the north and south, and the development would effectively turn its back on Woodstock Avenue contrary to the prevailing urban form.</p> <p>The submitted plans indicate that a 1.8m high fence would be erected along approximately 14m of the boundary with the public footpath. Although this fence would be of a similar height to the side boundaries of the adjacent houses at Nos 16 and 19, it would not reflect the open nature of the existing front boundaries along the public footpath and Woodstock Avenue, and would further exacerbate the enclosing effect of the proposed development identified above. As such, it would reduce the attractiveness and appeal of the public realm and pedestrian environment.</p> <p>All the existing trees on the site would be removed. The submitted tree survey and arboricultural assessment conclude that, with the exception of tree T3 in the south east corner of the site, the trees are in good condition and provide landscape amenity to the immediate area. Although replacements are shown on the submitted drawings they would not be of the same size as the existing trees and, due to the considerable footprint of the proposed dwelling, would be set in a much smaller area. Consequently the proposed development would significantly reduce the contribution the site makes to the landscape quality of the street scene.</p> <p>The arboricultural assessment states that the trees on the appeal site do not provide the features required by roosting bats. However, no investigations or desk based studies have been carried out. The Inspector noted that the Council validated the application without an ecology survey, and that the Council's delegated report does not make reference to any consultation response from an ecology specialist. Notwithstanding this, although the appeal site is located in a residential area, it is nevertheless within a wildlife corridor and therefore the loss of the trees and the development of a significant part of the site could have an adverse effect upon biodiversity. Based upon the limited evidence before me, the Inspector was not satisfied that the appeal scheme would put in place adequate measures to avoid or mitigate potential adverse effects upon biodiversity.</p> <p>The appellant states that the appeal site is in private ownership and could, under permitted development</p>	
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	<p>rights, be enclosed by a 2m high wall or fence. It is further stated that, because the site is not in a Conservation Area and they are not subject to a Tree Preservation Order, the trees could be removed without consent. However, there are no details before me to show in what way the site could be enclosed without the need to apply for planning permission. Furthermore, the Inspector had no substantive evidence to indicate that the site would be enclosed in such a way or that the trees would be removed should the appeal be dismissed. The Inspector therefore attached very little weight to these matters.</p> <p>The Inspectors attention was drawn to a newly built detached house to the south of the appeal site. I have not been provided with details of the planning history of this scheme. However, based upon the submitted evidence, whilst the development may be similar in design and scale to the appeal proposal it differs considerably in terms of its situation. Whereas the appeal site is located in a prominent position adjacent to a road and public footpath, the other site is surrounded by buildings and has no road frontage and is therefore far less conspicuous. As such, the circumstances of that scheme are not directly comparable with the proposed development and therefore I have afforded it limited weight. In any event, the Inspector must determine the appeal on its own merits.</p> <p>Overall, the siting, scale and design of the appeal proposal would fail to respect the established development pattern in the surrounding area and would appear as an excessively dominant, oppressive and incongruous feature when viewed from Queen Alexandra Road, both the northern and southern sections of Woodstock Avenue and the public footpath that bounds the site. Also, the loss of the open space and trees would significantly erode the spacious and verdant nature of the site, and would potentially result in the loss of habitat.</p> <p>For the reasons set out above, the Inspector concluded that the proposed development would have a harmful effect upon the character and appearance of the area and could have a harmful effect upon the biodiversity of the area. As such, it would conflict with the design, landscape and nature conservation aims of UDP Policies B2, B3, CN17, CN18, CN22, CN23 and R1.</p> <p>The first reason for refusal set out on the Council's decision notice cites conflict with UDP Policies H1 and H8 which relate to new housing development and windfall</p>	
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	<p>sites. UDP Policy H1 sets out a number of criteria for the provision and location of new housing and seeks to secure the re-use of vacant and derelict land wherever possible, in accordance with the 8th core planning principle set out in paragraph 17 of the Framework. UDP Policy H8 stipulates that proposals for housing development on windfall sites must normally be in accord with other policies and proposals of the development plan. The appeal site is not previously developed land and the proposed development would fail to accord with a number of development plan policies as set out above. As such, the Inspector found that the appeal proposal would also conflict with the aims of Policies H1 and H8 of the UDP in these regards.</p> <p>The Council made reference to conflict with UDP Policy EN10 in the second reason for refusal set out on the decision notice. However, the Inspector noted that this policy states that, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain and that proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. The appeal site is located in a predominantly residential area and the proposed development is a house. The Inspector therefore did not find conflict with UDP Policy EN10.</p> <p>In addition to the development plan policies referred to above, the Inspector had regard to the presumption in favour of sustainable development set out in paragraph 14 of the Framework, to the core planning principles which the Framework sets out in paragraph 17 and to the policy aims in respect of building a strong, competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities and conserving and enhancing the natural environment set out in Parts 1, 4, 6, 7, 8 and 11 of the Framework.</p> <p>For the reasons set out above, the proposed development would not create a high quality built environment and would fail to protect and enhance the natural environment as required by the social and environmental roles set out in paragraph 7 of the Framework. The three dimensions of sustainable development are mutually dependent, and the Inspector considered that the conflict with the social and environmental dimensions would outweigh any positive contributions the appeal proposal would make towards the economic dimension through the provision of an</p>	
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	<p>additional dwelling house in a residential area within walking distance of shops, services and public transport facilities. As such, the proposal would not constitute sustainable development when assessed against the policies contained within the Framework as a whole.</p> <p><u>Other Matters</u></p> <p>The appeal site has a pedestrian access gate on the western boundary with the public footpath. During the site visit the Inspector did not observe anyone using the site, although the representations from local residents were noted which state that it is used by local children for informal play. However, there is a large recreational play area located within walking distance of the appeal site on Westheath Avenue. As such, the appeal proposal would not significantly reduce the opportunities for informal recreation in the local area. Nevertheless, this relatively minor matter did not persuade the Inspector to find the appeal scheme acceptable overall.</p> <p><u>Conclusion</u></p> <p>For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.</p>	
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