

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

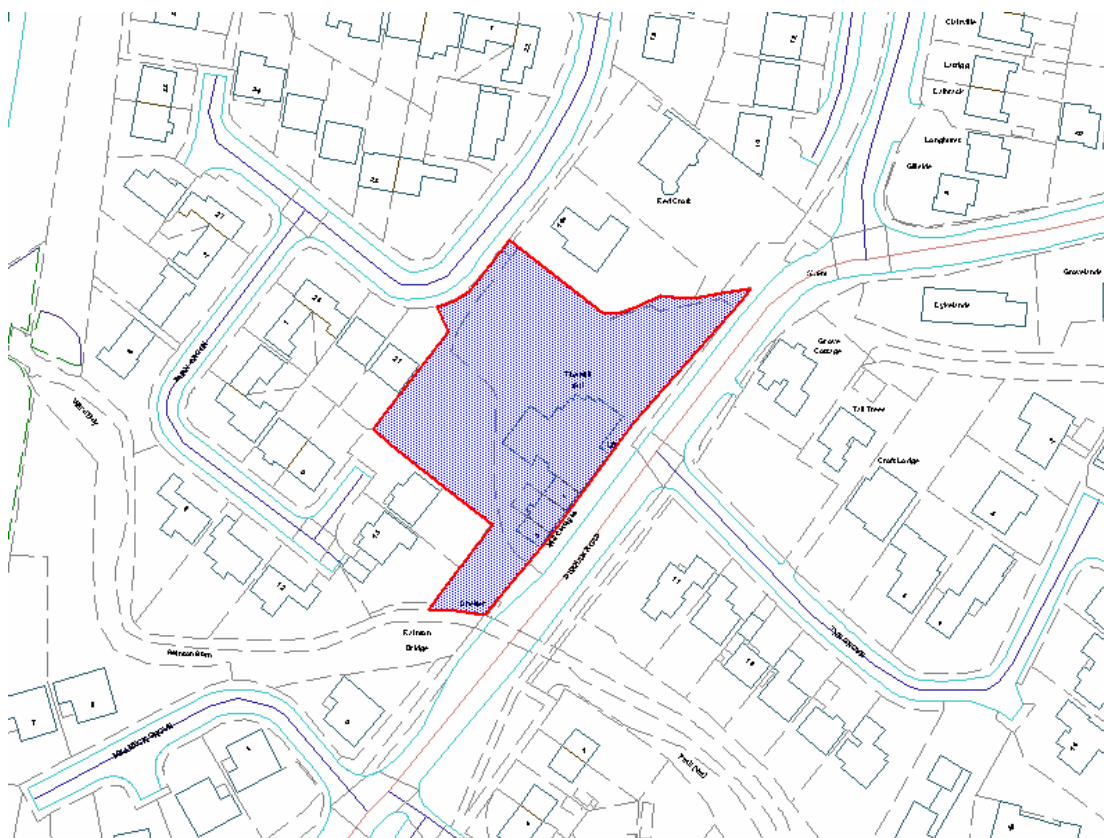
Reference No.: 11/03449/FUL Full Application

Proposal: Erection of single storey extension to rear, patio area enclosed by new fencing, hardstanding area and carport. (Part Retrospective).

Location: Mill Inn Durham Road Houghton-Le-Spring DH5 8NG

Ward: Copt Hill
Applicant: Mr Alan Waters
Date Valid: 19 April 2012
Target Date: 14 June 2012

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a single storey extension to rear, patio area enclosed by new fencing, hardstanding area and car port (part retrospective) at The Mill Inn public house, Durham Road, Rainton Bridge, Houghton-le-Spring, DH5 8NG.

The proposed development affects The Mill Inn public house, a primarily two-storey building standing on the north-west side of Durham Road at Rainton Bridge, just to the south of its junction with Gillas Lane West. A row of three two-

storey cottages fronting Durham Road, known as Mill Cottages, extend south-westwards from the original building, with no. 1 adjoining its south-west side elevation and now subsumed as part of the public house. To the south-west of 3 Mill Cottages, Durham Road bridges Rainton Burn, which flows westwards to pass under the nearby A690 Durham-Sunderland road.

Historic mapping indicates that The Mill Inn and the cottages have occupied this site for at least 150 years, and the public house likely once operated as a coaching inn on what was formerly the main road between Durham, Houghton-le-Spring and Sunderland. The surroundings of the public house are now primarily residential, with the dwellings of Burn Crook and Mill Hill to the north, south and west built in the 1960's/70's. Dwellings were also built on the opposite (south-east) side of Durham Road around this time.

The Mill Inn occupies extensive grounds with an area of over 2500 sq. metres. The original public house building has been enlarged considerably over time, with a range of flat- and pitched-roofed single-storey extensions added to its rear and north-east side and an enclosed outdoor drinking/dining area to the northern corner. The public house is flanked to the north-east and north-west by its large car park, with the main access point from Durham Road adjacent to the building's north-east elevation. Access can also be achieved via a driveway which exits Durham Road adjacent to 3 Mill Cottages and runs to the rear of the three dwellings to enter the car park.

On the west side of this driveway is a roughly triangular area of grass (measuring approximately 550sq. metres) abutted by the boundary fences of the residential properties of 11 Burn Crook and 21 Mill Hill. A detached private garage has also been erected in the car park close to its north-western boundary where it is abutted by the footway of Mill Hill.

As noted above, a number of extensions have been added to the public house and other structures built within its grounds over time. Planning permission was granted in 1994 (application ref. 94/0021) for an extension to the public house and a play area (now gone), with a further application in 2000 (app. ref. 00/00907/FUL) for a porch, toilet extension, bin store, screen to the kitchen access and other alterations. A proposed extension to the manager's garage was approved in 2005 (ref. 05/04059/FUL) and an application to replace a timber storage area with a brick and slate store was granted planning permission in 2009 (app. ref. 09/00290/FUL).

Planning permission was refused, however, for the erection of an extension to provide a family room and internal play areas, a new external play area and the use of the aforementioned grassed area as a beer garden in March 1997 (application ref. 97/0023), for reasons relating to residential amenity, highway and pedestrian safety and overdevelopment of the site. A second application in 1997 (ref. 97/00959/FUL) sought retrospective planning permission for the beer garden, an outside play area and an outdoor barbeque and was also refused for reasons relating to the amenity of nearby dwellings.

In determining a subsequent appeal (appeal ref. T/APP/J4525/C/98/651577) against the enforcement notice issued by the City Council requiring the cessation of the use of the grassed area as a beer garden and the removal of the barbecue, the Planning Inspectorate made an important judgment on the relationship between the grassed area and the rest of the grounds of the public

house. Firstly, the Inspector agreed with the appellant's assertion that the grassed area formed part of the planning unit of The Mill Inn, having been purchased by previous owners of the public house in 1966 and used ever since for purposes associated with the public house. It was also considered that there was no physical distinction or barrier between the grassed area and the rest of The Mill Inn's grounds.

The Inspectorate went on to note that previous appeal decisions (not specifically relating to The Mill Inn) have concluded that the use of the curtilage of a public house for the consumption of food and drink purchased on the premises (use class A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) can be carried out in any part of the planning unit, and intensification of use within the same use class does not constitute development. As such, as the grassed area had been found to be part of the same planning unit as The Mill Inn, the Inspector determined that its use as a beer garden did not result in a material change of use and consequently did not require planning permission.

The Inspectorate subsequently allowed the appeal in relation to the use of the land as a beer garden and awarded costs against the City Council on the grounds that it had acted unreasonably in issuing an enforcement notice without having full regard to relevant judicial authority and its own records, which, upon reflection, had only served to undermine its stance.

The extension to the public house proposed by this application is to be built on the site of the aforementioned external drinking/dining area and will adjoin the northern side wall of an existing single-storey extension at the rear of the building which houses the restaurant area. The extension, which will provide further restaurant space, has a length of 6 metres and a width of 10 metres and will feature a hipped roof with a ridge height of 4.8 metres, the same as the extension it adjoins. The north-east side wall of the extension does not extend beyond the existing single-storey extension to the north-east side of the existing building, and so a distance of 16 metres will be retained to the boundary with the dwelling of 19a Mill Hill to the north-east.

The proposed car port, which is for private use, has a width of 6.8 metres, a length of 5.7 metres and a maximum height of 2.7 metres. It is open on three sides, apart from the north-east side, which abuts the side wall of the existing detached garage. The rear (north-west) of the car port stands approximately 2.5 metres from the boundary with the front garden of 21 Mill Hill, which is defined by a 1.8 metres high timber fence. The car port is proposed to stand on a new area of hardstanding.

The application also proposes the creation of a new flagged outdoor patio on part of the grassed area abutting the driveway to the rear of Mill Cottages. The patio is roughly rectangular in shape and has a width of 6 metres and a length of 11 metres, with the boundary of 21 Mill Hill 12 metres to its north-west and the boundary with 11 Burn Crook 13.5 metres to the south-west. It is to be enclosed by a 950mm high timber fence, with access via a gate in the section of fencing abutting the car park. The fencing is proposed to be continued along the edge of the driveway and car park to wholly enclose the grassed area.

The proposed car port, hardstanding, patio and fencing had, at the time of a site visit, already been completed, and so these elements of the application are being considered retrospectively.

Please note that an application of this nature would normally be determined under the City Council's Development Control Delegation Scheme, but it has been referred to the Houghton, Hetton and Washington Development Control Sub-Committee at the request of Councillor Colin Wakefield.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

City Services - Network Management
Hetton Town Council

Final Date for Receipt of Representations: **10.05.2012**

REPRESENTATIONS:

PUBLIC CONSULTATION

A total of 8 letters of representation have been received in response to consultation, from the occupiers of 21 Mill Hill, another un-numbered/un-named property on Mill Hill, 10 Burn Crook, 11 Burn Crook (two letters received), 13 Burn Crook, 1 Brookside and 11 Hertford Crescent in Hetton-le-Hole (objector regularly visits a friend living to the rear of The Mill Inn).

The main issues raised by the letters of objection are as follows:

- Use of the patio area will result in nearby dwellings suffering noise and disturbance, especially late at night
- Smokers using the proposed patio constitute a fire risk;
- Potential for noise nuisance is exacerbated by applicant's recent removal of trees along the north-west and south-west boundaries of the site;
- Removal of trees has led to a loss of screening, resulting in the privacy of adjoining dwellings being diminished;
- Removal of trees has harmed the character and appearance of the area;
- Applicant has allowed grassed area to become overgrown in order to improve chances of patio proposal being approved;
- Not enough car parking to accommodate increase in size of restaurant;
- Applicant has removed trees in order to avoid the requirement to submit a tree survey with the planning application;
- Planning permission should not be granted for retrospective development as work was carried out 'illegally';
- Retrospective planning permission was refused in 1997 for an outside drinking area on the grassed area and so the proposed patio should also be refused;
- The previous beer garden referred to above (which had been developed on the grassed area without first seeking planning permission) was a huge nuisance, especially in summer months, with users kicking footballs around, shouting, swearing and playing loud music. This type of activity will happen again if planning permission is granted;
- Previous and present landlord have done little to prevent noise and disturbance from customers of the public house;
- There is already some noise and disturbance from users of the existing patio area and smokers to the rear of the building;
- Applicant should be required to re-plant trees removed from the boundaries;
- Proposal is over-development of a small site;
- The Mill Inn used to be a quiet local pub but since being extended in the 1990's it causes noise and nuisance in what is a residential area;
- The existing patio (granted planning permission in 2004) contains outdoor drinking to the immediate vicinity of the main building and the same should apply here;
- The site is in a 'flood plain' and the proposed development may contribute to flooding in the area;
- Outside patio area will become a target for local youths once the public house has closed for the evening;
- Objector from 11 Burn Crook had been informed that no further extensions to the building would be allowed;

A number of the letters of objection have expressed concern at the applicant's decision to carry out development and then apply for planning permission

retrospectively, with one letter even suggesting that permission should be withheld for this reason. However, whilst such an approach should never be encouraged, it must be noted that section 73a of the Town and Country Planning Act does allow for planning permission to be granted for development carried out before the date of an application. Retrospective applications are to be treated in exactly the same manner as prospective planning applications to ensure no benefit is gained by commencing development without first obtaining planning permission.

The applicant's decision to remove trees from the boundary of the public house has also been cause for objection amongst local residents. However, the trees removed from the site were not afforded any statutory protection as they were not covered by a Tree Preservation Order and nor is the site located in a Conservation Area. As such, whilst the loss of the trees is unfortunate and such action not encouraged, the consent of the City Council as Local Planning Authority was not required for their removal.

As noted above, the objector from 11 Burn Crook has claimed he/she was advised that no further development at the Mill Inn would be permitted after the last extension, although the objection does not indicate who gave this advice or when exactly it was given, whilst other objectors have suggested that the site is being overdeveloped. There is not necessarily a set limit as to how much development any given site can take; rather, new development proposals must be considered on their own merits, with regard had to the cumulative impact of the proposed development in combination with previous development at the site. Where further development will ultimately result in a material planning concern, planning permission should be refused if the concern cannot be adequately overcome.

EXTERNAL CONSULTEES

Hetton Town Council - no comments received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EN_11_Restrictions upon new development or intensified use of land liable to flooding

EN_12_Conflicts between new development and flood risk / water resources

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

T_22_Parking standards in new developments

COMMENTS:

ISSUES TO CONSIDER

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

1. The principle of the proposed development;
2. The impact of the proposed development on visual amenity;
3. The impact of the proposed development on residential amenity;
4. The impact of the proposed development on highway and pedestrian safety;
5. The implications of the proposed development for flood risk in the area;

1. Principle of development

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

In this case, the proposed development affects a longstanding public house in an otherwise residential locality. Nevertheless, the proposed development does not introduce any new land uses to the site; rather the application proposes to expand the public house's existing restaurant and provide a new outdoor patio for the use of customers on land which has been determined by the Planning Inspectorate to form part of the planning unit of the public house. The car port, meanwhile, is a domestic structure for the use of The Mill Inn's landlord. As such, the application essentially maintains the existing land use of the site and the existing pattern of land use in the area. It is therefore considered to comply with the requirements of aforementioned policy EN10.

2. Impact of development on visual amenity

Policy B2 of the UDP requires the scale, massing, layout and setting of new development and extensions to existing buildings to respect the best qualities of the locality.

The proposed single-storey extension at the rear is considered to be a sympathetically designed addition to the building, being of a similar appearance and height to the existing restaurant extension, which it adjoins. It is subservient to the main building effectively 'squares off' the corner currently occupied by the existing patio area. Its relationship with the host building is therefore considered to be broadly acceptable. Furthermore, as the extension does not project beyond the side walls of the extension to the north-east elevation of the public house, it is screened from view when in front of the public house and only partially visible when approaching the site along Durham Road from the north-east. Similarly, the car port is primarily screened from Mill Hill at the rear of the car park by the boundary fence of 21 Mill Hill and the presence of the existing detached garage, which it abuts, whilst the patio area and fencing is only readily visible from within the car park.

With reference to the above, it is considered that the development proposed by this application will not appear as intrusive within the streetscene of Durham Road or Mill Hill or be harmful to the visual amenity of the locality.

It is noted that a number of objectors to the application have suggested that the public house and its grounds have already been 'overdeveloped'. The extension does further extend the footprint of the public house and adds to the already significant range of earlier extensions and additions to the building, whilst the car port and patio area introduce further development to its grounds. However, the restaurant extension has a footprint of 60 sq. metres, whilst the car port covers an area of approximately 39 sq. metres and the patio an area of 66 sq. metres, all within grounds covering over 2500 sq. metres. It is accordingly considered that the grounds of the public house are large enough to accommodate both the earlier development at the site and the development proposed by this application without the visual amenity of the area being unduly affected.

It is recognised that 'overdevelopment' does not solely relate to the visual impact of multiple development proposals at any given site. The impact of the proposals on residential amenity and highway and pedestrian safety are given full consideration later in this report.

Objectors have also expressed dismay at the applicant's decision to fell the trees around the north-west and south-west boundaries of the site, partly because they were considered to aid the character and appearance of the area. Photographs submitted by objectors certainly illustrate that some of the trees were mature specimens which appeared to make a valuable contribution to the streetscene of Mill Hill and Durham Road. However, as noted earlier in this report, the trees were not offered statutory protection and whilst their loss may have resulted in some harm to the visual amenity of the locality, the Council's consent was not required for their removal and nor is the landowner under any statutory obligation to arrange for their replacement.

With regard to the above comments, it is considered that the impact of the proposed development on the visual amenity of the locality is acceptable, in accordance with the requirements of aforementioned policy B2 of the UDP.

3. Impact of development on residential amenity

Policy B2 of the UDP also requires new development proposals to respect the amenity of nearby residential dwellings.

The proposed restaurant extension is positioned well away (16 metres) from the nearest residential property (19a Mill Hill) and so this dwelling will not suffer a loss of outlook or privacy or be subjected to overshadowing as a result of this element of the scheme. Similarly, the physical development associated with the patio area and hardstanding raise no concern in relation to residential amenity. The rear of the proposed car port stands adjacent to the very end of the side boundary of 21 Mill Hill's front garden, but it is an open-ended, lightweight structure which will only be partially visible above the 1.8 metres high boundary fence. As such, it is considered that the car port will not result in the front windows of 21 Mill Hill suffering a loss of outlook or the enjoyment of its front garden being significantly diminished.

The main concerns of objectors relate to noise and disturbance, primarily associated with the use of the outdoor patio area. However, as detailed in the 'Proposal' section of this report, the appeal decision from 1998 determined that the use of the grassed area for the consumption of food and drink purchased on the premises did not require planning permission, with the Planning Inspector concluding that such activity was ancillary to the planning unit of the public house, of which the grassed area forms a part. Physical development (e.g. the proposed patio) associated with such a use may need planning permission in its own right, but the grassed area could be laid out with, for example, lightweight, moveable tables and chairs and used for outdoor eating and drinking without planning permission being required.

Accordingly, although the provision of the patio area may give rise to an increase in noise from the public house as more customers sit outside closer the boundaries with residential dwellings, given the decision of the Planning Inspector, the City Council, in its capacity as Local Planning Authority, cannot seek to prevent the use of the grassed area for purposes associated with the public house. Noise nuisance would have to be controlled by other regulatory regimes.

It should be noted, however, that the patio is proposed to occupy the north-east corner of the grassed area, which is closest to the main building and as far as possible from the boundaries of both 21 Mill Hill and 11 Burn Crook. At the time of a site visit, there was no outward sign that the remaining grassed area was intended to be used for outdoor eating and drinking (there were not, for example, any tables or chairs present) and if this remains the case, activity will be concentrated on the patio, further away from the nearest dwellings. The proposed arrangement is therefore preferable to the entire grassed area being used as a beer garden, as it once was.

The concerns of objectors in relation to potential noise and disturbance are understood, but regard must be had to the findings and decision of the Planning Inspector on the relationship between the grassed area housing the proposed patio and the planning unit of the public house in determining the 1998 appeal at the site. The other elements of the proposed scheme are not considered to raise any significant concerns in relation to the amenity of nearby dwellings. As such, and given the above comments in relation to the use of the grassed area for outdoor eating and drinking, it is considered that the impact of the proposed development on the amenity of surrounding dwellings is acceptable, in accordance with the requirements of aforementioned policy B2 of the UDP.

4. Impact of proposed development on highway and pedestrian safety

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

In response to consultation, the City Council's Executive Director of City Services (Network Management) has raised no objection to the proposed development. The applicant has indicated that there will be room for up to 60 vehicles in the car park following the proposed development and that the public house will have a gross internal floorspace of 424.4 sq. metres (including the proposed extension). The parking guidelines set out in the Council's adopted Development Control Guidelines Supplementary Planning Guidance (SPG) recommend one car parking space per 10 sq. metres of floorspace, equating to a requirement for 42 parking spaces for the public house as extended. The car park is considered large enough to accommodate such a number and so the development is considered to be afforded an appropriate level of parking and therefore unlikely to lead to conditions which are prejudicial to highway and pedestrian safety, in compliance with the requirements of policies T14 and T22 of the UDP.

5. Flood risk implications

Policy EN11 of the UDP states that in areas subject to flooding, new development or the intensification of existing development will not normally be permitted without appropriate flood protection measures being incorporated into the scheme. Policy EN12, meanwhile, states that the Council will seek to ensure that proposals will not materially impede the flow of flood water or increase the risk of flooding elsewhere. Objectors to the development have suggested that the development of the proposed patio may increase the risk of flooding in the area.

The immediate environs of nearby Rainton Burn are identified as a Flood Risk Zone on the Council's most recent Strategic Flood Risk Assessment (SFRA). However, the grounds of The Mill Inn are wholly outside the Flood Risk Zone of the burn and the grassed area provides the curtilage with a soakaway for run-off. The proposed

patio covers approximately 12% of the grassed area, with 490 sq. metres being retained. Given the very limited loss of the grassed area, it is considered that the development is highly unlikely to materially increase the risk of flooding in the locality, and so complies with the requirements of policies EN11 and EN12 of the UDP.

CONCLUSION

For the reasons given above, it is considered that the principle of the proposed development is acceptable, whilst no part of the proposed scheme is considered to result in harm to the visual amenity of the locality. Nor is the development considered likely to result in any increase in the risk of flooding in the locality or to prejudice highway and pedestrian safety. The impact of the development on the residential amenity of surrounding dwellings has been given careful consideration. No part of the development is considered to result in overshadowing, loss of outlook or loss of privacy in relation to nearby dwellings. The concerns of objectors in respect of noise nuisance are acknowledged but as detailed earlier in this report, the previous appeal decision at the premises has established that planning permission is not required to use the area covered by the proposed patio for outdoor eating and drinking.

Accordingly, it is considered that the proposal is compliant with the requirements of policies EN10, B2, T14, T22, EN11 and EN12 of the UDP and the application is consequently recommended for approval, subject to the following conditions:

RECOMMENDATION: Approve

Conditions:

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

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

the location plan received 16/04/2012,
the site plan received 24/11/2011,
the existing and proposed elevations and floorplans received 24/11/2011,
the proposed patio details received 24/11/2011,
the proposed car port elevations received 19/04/2012

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees

any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 12/01014/VAR Variation of Condition

Proposal: **Variation of condition 5 of planning application 10/03726/HYB to read 'no more than 50 houses shall be occupied until the buildings for A1/A2/A5 uses have been built and made ready for occupation'.**

Location: Land East Of Pattinson Road Pattinson Industrial Estate Washington

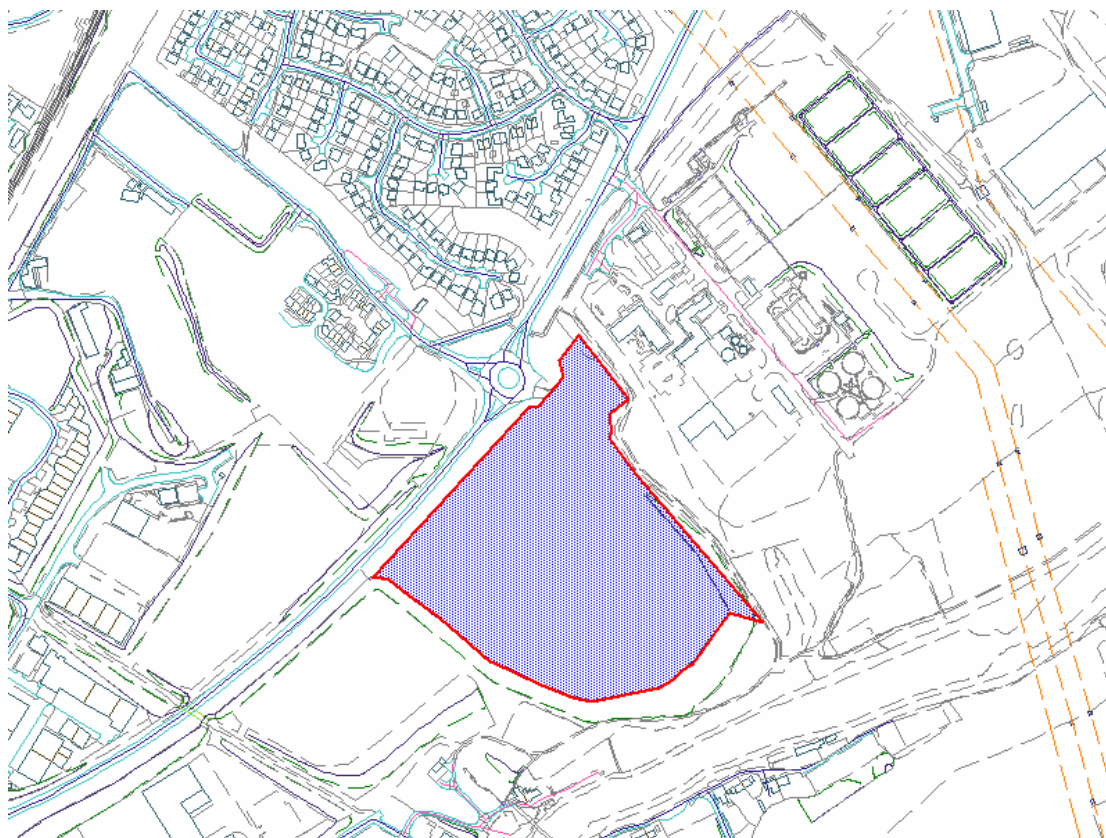
Ward: Washington East

Applicant: Hellens Investments (Washington) LLP

Date Valid: 11 April 2012

Target Date: 11 July 2012

Location Plan



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PROPOSAL:

This is an application to vary condition 5 attached to planning permission 10/03726/HYB, which was granted planning permission on 26 May 2011. That permission was in relation to a "hybrid" planning application, i.e. partly a full application and partly an outline application. That application sought full planning permission for a mixed use development comprising B1* (Business) B2* (General Industry) and B8* (Storage and Distribution) units, A1* (retail) A2* Financial and

Professional Services) and A5* (Hot Food Takeaway) units and 95 dwelling houses (C3*). It also sought outline planning permission (i.e. agreeing the principle of development) for a public house/restaurant (A3*/A4*) (up to 580.6 square metres and a multi use games area (D2*) [*As defined by the Town and Country Planning (Use Classes) Order, 1995.] The B2 use was subsequently deleted from the application at officers request as likely to cause amenity problems for the proposed housing.

The proposed development site is located to the east of Pattinson Road in Washington and has an area of 6.273 hectares, of the 6.273 hectares 0.77 hectares of the site will comprise the outline element as described above.

Condition 5 reads as follows:-

5. No more than 50 houses shall be occupied until the buildings for A1/A2/A5 uses have been built and made ready for occupation. To ensure that a mixed use development is achieved on this site, in accordance with policy EC5.

This would potentially mean that up to 45 of the approved 95 house would either not be built or built but not occupied until all the 3170 sq m. of employment buildings had been built. This puts the whole development at risk, because in order to finish the houses the developer would have to build all the employment units even if tenants were proving difficult to attract or risk an incomplete site deterring the sales of the first 50 houses. Both possibilities increase the risk of the development and hence the difficulty in attracting capital at viable interest rates.

The present application, therefore, seeks to vary that wording as follows:-

5. No more than 50 houses shall be occupied until the buildings for employment and A1/A2/A5 uses have been built and made ready for occupation.

This type of application allows the planning authority to either approve the amended condition as applied for, to refuse it, or to amend the condition differently than applied for. In the latter cases there is of course a right of appeal. What the planning authority cannot do is revisit the principle of the development and consequently fewer external consultees have been contacted than on a completely new application. In any case the original permission will remain and any favourable decision on this application would constitute a fresh permission. Additional conditions can be added to the new permission but only in so far as the change itself needs to be controlled.

The application has been supported by a Planning Statement, which is considered later in this report

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

City Services - Network Management
Street Scene (Environmental Service)

Environment Agency

Final Date for Receipt of Representations: **09.06.2012**

REPRESENTATIONS:

Planning Implementation

Having appraised the submitted information, Implementation have few comments to offer upon this variation of condition. Whilst from an urban design perspective a mix of compatible uses is preferable on major development sites to promote sustainability and activity throughout the day, the reasoning and justification behind the variation of condition appears to present a strategic policy issue. As such it is recommended that guidance is sought from the Strategic Policy team upon the acceptability of this variation of condition. Members can see Policy comments below.

Should the variation of condition be granted in this instance, it may be prudent to inform the applicant that any proposal to develop the northern section of Teal Farm Village as a residential proposal would need to retain the overall design principles, character and quality of the scheme approved under planning application reference 10/03726/HYB. Furthermore site topography and the existing use/noise generated by Pattinson Road may ultimately constrain the amount of residential development deliverable at this element of the site. Members should note that any alternative land use proposal for the land proposed for employment use would need to be the subject of a separate full planning application.

Planning Policy

Having considered the Planning Statement submitted as part of the planning application it would seem that condition 5 of planning application 10/03726/HYB is no longer workable. That is they consider that the prospects of marketing employment units on this site (with restricted height of units and B2 uses excluded) to be poor.

In accordance with the planning application 10/03726/HYB Planning Policy would have liked the site to be retained for employment land and not lost to other uses however they appreciate that this may not be currently viable given the current financial climate. For this reason Planning Policy agrees to the removal of condition 5.

City Services - Network Management

Have no comments to offer. The removal of HGV movements and car journeys associated with the employment use would reduce the traffic movements at the access point from Pattinson Road.

Environment Agency

Have no comments as the condition proposed to be amended was not required by the Agency.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
L_1_General provision of recreational and leisure facilities
WA_1_Retention and improvement of established industrial / business area
EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EC_9_Locations for Hotels and Conference centres.
EC_15_Development or extension of bad neighbour uses
B_1_Priority areas for environmental improvements
CN_15_Creation of the Great North Forest
M_5_Establishing a need for opencast coal where objections arise
WA_19_Maintenance of a Green Belt
WA_12_Sites for major recreational / cultural facilities
WA_26_Identification of Strategic multi-user routes and their protection from development
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_12_Major traffic flows and HGV's will be encouraged to use strategic route network

COMMENTS:

In the context of considering this application to vary condition 5 policy EC_4_Retention and improvement of existing business and industrial land is the most important policy. However, that policy has had to be considered pragmatically when determining all of the applications relating to Teal Farm since around 2005. In particular the cost of mitigating site contamination and site instability, associated with the former use of the site and storage of asbestos at what was the former Cape Insulation site, has meant that employment development could only be profitably implemented where such costs were largely met by associated housing development. In addition in the present financial climate such costs can now only be met on these sites with increasing proportions of housing development and decreasing proportions of employment development, otherwise lenders will not provide the capital.

The National Planning Policy Framework (NPPF), which came into effect on 27th March 2012, sets out the Government's planning policies for England and how these are expected to be applied by Local Planning Authorities.

The NPPF has served to replace a wide range of national planning policy statements and guidance. For the purposes of decision-taking, the policies contained within the Framework are material considerations which Local Planning Authorities should take into account from the day of its publication. It is therefore important to now consider the development proposal in light of the relevant policies set out in the NPPF (in addition to the Development Plan policies outlined above).

Policy 49 of the NPPF is relevant to this development proposal as it states that housing applications should be considered in the context of the presumption in favour of sustainable development. Members will recall that conditions were attached to the previous permission to secure improved sustainability of the

proposal particularly footway improvements to infrastructure to the north (Barmston Rd) and along Pattinson Rd and reconfiguration of the Pattinson Rd roundabout, speed limit changes and bus laybys and bus shelters. These were covered by conditions in the existing permission and would similarly be covered if any new permission were granted.

COMMENTS

This application which is supported by a planning statement and subsequent additional information sent by e-mail, seeks to amend condition 5 because the applicant believes that full implementation of the scheme is not achievable with that condition attached.

Their arguments supporting the application are of 2 main types. Firstly ones relating to the Government agenda for economic growth generally and house building in particular and its contribution to the economy, together with government policy statements regarding the economic and social benefits of new job creation and the need to avoid imposing unnecessary burdens on development, which are accepted. Secondly they put forward arguments to support deletion of the 3170 sq m. of employment buildings on this site and their substitution with additional employment development at Teal Farm Park of 1765sq m.

In particular they argue that development of employment uses on land east of Pattinson Rd (referred to by the developer as Teal Farm Village) will be difficult to market because, in order to secure the environment of the houses also being developed it has been necessary to remove B2 general industry use, reducing the types of industry they could attract and limiting the eaves height of the units to 3.7m in some parts of the site to reduce their visual impact on the houses. This size restriction limits the size of plant and equipment which the units can contain and therefore reduces their attraction to end uses.

Conversely they have already developed 3439 sq m. of employment buildings at Teal Farm Park, which generally have 6m height to the eaves and no restriction against general industry. Consequently following their completion in 2008, despite the economic downturn from that time, all these units have now been tenanted, the majority within 2 years of completion. This is partly because the 6m eave height is attractive in terms of the accommodation of plant and equipment in comparison to many alternative units on the market in Washington.

The proposal now is to provide a further 1765 sq m. of similar buildings. While this is less than would have been required at Teal Farm Village, there would appear to be a much greater likelihood, based on the take-up of existing units, of this floorspace creating significant new employment than that at Teal Farm Village.

The key point here is that planning policies such as those contained in the UDP are not an end in themselves but a means to achieving ends, so Policy EC has objectives one of which is creating new jobs. However, taking a flexible view to applying that policy, by allowing the obligation to be transferred to a nearby site which has shown to be successful in terms of employment generation, could achieve more new jobs than a rigid approach and insisting that the condition be met fully on the Teal Farm Village site. Furthermore Government policy asks local planning authorities to take such an approach.

At this point in time, while a positive comment has been received from Planning Policy on this application, a response is awaited from Economic Development. Accordingly a supplement report will be produced when those comments have been received and a recommendation made in that report.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 12/00132/FUL Full Application

Proposal: **Extension of environmental management compound to include an area for two leachate tanks, extension to screen bund and provision of a turning area for vehicles accessing the compound.(Retrospective)**

Location: Biffa Waste PLC Houghton Quarry Newbottle Street
Houghton-Le-Spring DH4 4AU

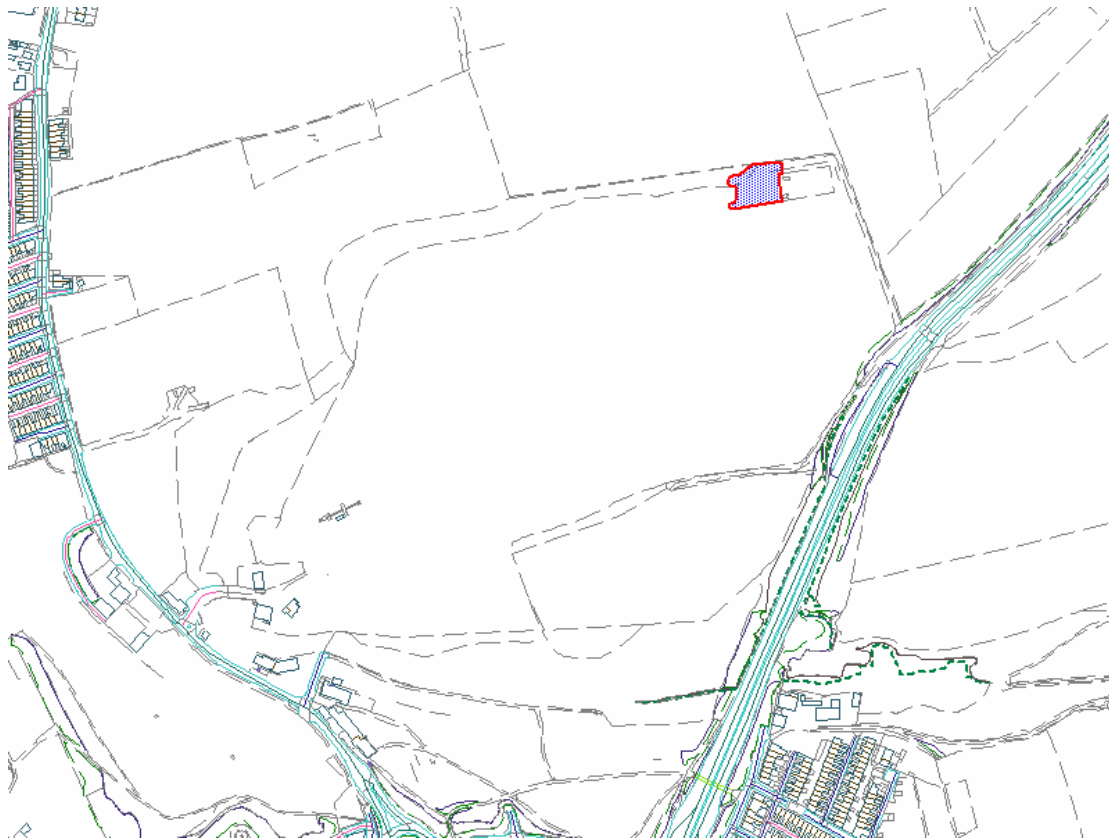
Ward: Copt Hill

Applicant: Biffa Waste Services Limited

Date Valid: 23 February 2012

Target Date: 19 April 2012

Location Plan



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PROPOSAL:

Planning permission is sought for an extension to the existing environmental compound to the northernmost corner of the site which will include an area for the installation of two leachate tanks, an extension to the existing screen bund to the north of the compound and the provision of a turning area for vehicles required to access the compound.

The proposed leachate tanks will measure 7.3m x 3.1m x 3.3m (high) = Tank 1 and 7.3m x 3.6m x 3.3m (high) = Tank 2. Each cylindrical leachate tank will be self bunded with a 110% capacity. Both tanks will be coloured dark green

The proposed compound area for the leachate tanks would measure 8m x 12m and be enclosed by a 2.4m high palisade fence with a 1.1m wide pedestrian access gate to match the existing compound fencing.

The screen bund would extend along the northern boundary from an existing length of approximately 43m to 101m to provide screening for both the leachate tanks and the turning area for tankers. The 2m high wooden fence on top of the existing screening bund is also proposed to be extended along the length extended screening bund. Planting along this area will be planted with the same mix of trees and shrubs as the existing screening bund as approved as part of the landfill restoration scheme.

NB: Leachate is a generic term given to water that has come into contact with landfilled waste materials, and in doing so has dissolved contaminants from them. These contaminants may include organic and inorganic compounds and elements, many of which will have been released by biological degradation of the wastes. The characteristics of a leachate will depend on the composition and nature of the waste materials, and where bio-degradable wastes have been landfilled, on the stage of decomposition that these wastes have achieved. To this extent, leachate is an unusual wastewater stream, in that although day to day strength may be affected by dilution (as are many other wastewaters), its overall quality will also change over timescales of decades, as wastes progressively decompose.

Currently the site has two bunded tanks where leachate is held prior to its transportation by tanker to nearby wastewater works - typically one tanker per day. The proposed tanks would continue to be access via the existing access track for the gas utilisation compound albeit with an extended area for the turning circle for tankers. The leachate tanks themselves are deemed to be temporary moveable structures, works, plant or machinery that do not require planning permission so long as they are required, temporarily, in connection with and for the duration of operations being carried out in, on, under or over that land (The General Permitted Development Order 1995, Part 4).

Whilst the leachate tanks themselves benefit from Permitted Development Rights in the short term, the applicant, Biffa, wishes to secure the tanks within a fenced area by extending the existing gas utilisation compound and erecting a 2.4m high palisade fence, which provides a longer term solution to the siting of the tanks. These works combined with an extension to the existing screen bund which will consist of planting and a wooden fence, to the northern boundary of the site, does require planning permission.

The Site

The wider site is located to the north east of Houghton le Spring and to the west of the A690 Durham Road. To the north and east of the site there is agricultural land. The nearest residential properties are some 400 m away at Over the Hill Farm, Cathedral View Newbottle and Sunderland Street Houghton.

The site falls within the area of the former Houghton Quarry, from where limestone was extracted but which is currently being used as a waste disposal landfill site.

Notification Procedure

The application has been advertised accordingly by way of site notice, press notice and neighbour notification. The final date for the receipt of representations is 23 July as the press notice was published on 2nd July.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
City Services - Network Management
Environment Agency

Final Date for Receipt of Representations: **23.07.2012**

REPRESENTATIONS:

Environment Agency

The EA has no objections to the application as submitted, although they wish draw attention to the following advice:

Advice to LPA/Applicant

Traffic Management

Biffa are required by their Permit to manage their leachate levels at or below 1metre above the base of the site. In the absence of any form of onsite leachate treatment equipment we see tankering off of leachate as the dominant form of leachate control here. Our recent findings based on an audit in summer 2011 suggest 3 tankers were routinely being removed from site, with scope to double the tankering off should leachate levels be elevated.

Biffa do have the option to recirculate leachate, providing levels are below the permitted 1metre, which would reduce the number of tanker movements. However, due to the ongoing groundwater pollution monitoring, we do not currently support leachate recirculation at this site. We therefore require the extracted leachate to be tankered off. This is likely to be our position until the groundwater situation improves.

Leachate Tanks

The tanks used are suitably bunded and represent an improvement in design in comparison to the previous yellow tank, which was not appropriately bunded. Due to the location of these tanks away from the lined area of the site the importance of the bunds is heightened. We are content with the bund and tank design as submitted.

Biffa's Accident Management Plan should be updated accordingly to reflect the new location and mitigate against any spillage from the bunds. We would also

recommend that the turning area proposed is set out so as not to pose a risk of collision with the tanks.

Screening Bund

In light of recent complaints concerning noise from the gas utilisation plant we recommend reviewing the bund (and the associated fencing) in terms of their noise attenuation effectiveness.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

M_14_Location and planning of waste disposal activities acceptable under M12 or M13

HA_23_Allocation of sites for waste disposal

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

CN_2_Purpose of the Green Belt in Sunderland

CN_3_Control of development within the Green Belt

CN_5_Safeguarding the visual amenity of the Green Belt

COMMENTS:

The main issues that need to be considered in the determination of this application are:

1. The principle of development.
2. Impact of the proposal on the openness of the Green Belt.
3. Highway Safety issues.
4. Other Matters.

The Principle of the Development

The National Planning Policy Framework (the NPPF) was published on 27th March 2012. Paragraphs 2, 11, 12, 13 and 196 the NPPF emphasise that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions. Thus, the statutory starting point is the development plan and development that accords with an up to date Local Plan should be permitted without delay, unless material considerations indicate otherwise.

Paragraph 12 of the NPPF confirms that it 'does not change the statutory status of the development plan as the starting point for decision making'. Thus, Paragraph 12 states that 'development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. Accordingly, whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 215 of the NPPF states that where the relevant policies of the development plan were not adopted in accordance with the provisions of the 2004 Act, due weight should be given to the relevant policies according to their degree of consistency with the NPPF.

The application site lies within the area designated for Houghton Quarry Landfill site in the UDP (Policy HA23.1). The site is also broadly subject to the provisions of policy M14 which requires 'proposed' waste disposal sites to be planned in a way which ensures that they will not discharge pollution into the air, ground or surface water and the amenity value of local residents and other sensitive uses is protected.

In this regard, it is considered that the two proposed leachate tanks are a necessary, long term, facility that is required on the site owing to the current landfill operation, in order to prevent the contamination of ground and surface water.

Notwithstanding the above identified need for the tanks on site, the management of leachate on the site, which includes the daily monitoring of leachate levels, means of leachate storage and subsequent removal of leachate, is an essential requirement of the Environmental Permit issued by the Environment Agency.

The impact of the proposal on the openness of the approved Green Belt

Section 9 of the NPPF sets out the Governments aim of preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts.

Paragraph 87 of the abovementioned document states that as with previous Green Belt policy, PPG2, inappropriate development within the Green Belt is, by definition, development which would be harmful to the Green Belt. Only in very special circumstances should such development be approved.

Paragraph 88 goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whilst LPA's are advised to consider the construction of new buildings within the Green Belt as being inappropriate, there are a number of exceptions to this rule. The exceptions include:-

1. buildings for agriculture and forestry,
2. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it,
3. the extension or alteration of a building providing that it does not result in disproportionate additions,
4. the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces,
5. limited infilling in villages and limited affordable housing for local community needs,
6. limited infilling or the partial or complete redevelopment of previously developed sites, 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.

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in Green Belt. These include:-

1. Mineral extraction,
2. Engineering operations,
3. Local transport infrastructure,
4. the re-use of buildings provided that the buildings are of permanent and substantial construction, and
5. Development brought forward under a Community Right to Build Order.

In addition to the above national planning policy considerations, the UDP also sets out local policies which also seek to protect openness of the established Green Belt within the City. In this regard, consideration should also be given to policies CN2, CN3 and CN5. These policies are largely concerned with the maintenance of, and unrestricted sprawl of, the Green Belt with inappropriate development being refused permission where no exceptional circumstances exist.

Having regard to above policy criteria it is considered that whilst the proposed development does not come under one of the above noted exceptions, it is nevertheless considered that, on balance, the proposed leachate tanks whilst appearing visible from various vantage points to the north and west is an acceptable form of development in the Green Belt, largely owing to the fact that the tanks will be screened by natural planting which is proposed along part of the northern boundary of the site. In addition, it is also considered that very exceptional circumstances could exist in this regard due to the fact that such equipment, which is a stipulation of the Environmental Permit issued by the Environment Agency, is required to prevent leachate entering the ground and water supply.

Residential and Visual Amenity

Policy B2 of the City Council's adopted Unitary Development Plan (1998) states that new development must not be detrimental to either the visual and residential amenities of the surrounding area.

In this regard, whilst it is acknowledged that any development of this nature will have some adverse impact on the appearance of the site and the wider locality as it exists, it is not considered that the resulting impact of the proposal on residential amenity will be significant. Furthermore, there are already operational structures installed on this part of the site (installed under Permitted Development Rights), which, to the knowledge of the Local Planning Authority, has not had raised any concerns from local residents with regards to its impact on the amenities of the wider area. Therefore, in the absence of such evidence to prove otherwise, the LPA considers the proposal to be acceptable from a residential amenity perspective.

In addition to the impact of the proposal on residential amenity, regard should also be given to the resulting impact on visual amenity. In this regard, it is not considered that the proposed leachate tanks, compound area, extension to the screen bund or vehicle turning area/access compound will result in a seriously adverse impact upon visual amenity. The proposed equipment are considered to be an essential component of any land fill site and as such will not appear out of keeping with the surrounding landfill site. It is also considered that the resulting visual impact of the proposed leachate tanks and compound areas can be

successfully mitigated against through the provision of an appropriate planting scheme, which also proposed as part of this development.

As such, it is considered that the proposal is acceptable from both a residential and visual amenity perspective, in accordance with policy B2 of the UDP.

Highway Considerations

The Executive Director of City Services (Network Management) has been consulted regarding this application with the proposal being assessed against the requirements of UDP Policy T14 as well as Section 4 of the NPPF.

In this regard, UDP policy T14 states that new development should be readily accessible by pedestrians and cyclists; users of public transport from the localities that the development is intended to serve; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles; and indicate how parking requirements will be accommodated.

Having regard to the information submitted as part of the application, it is considered that, in terms of trip generation (one single two-way vehicles movement per day) and routing, the site will continue to operate within the limits and conditions placed upon it. As such, the proposal is considered to accord with the aforementioned policies of both the NPPF and UDP.

Other Matters

Noise and Air Pollution - As set out in the EA's response to the application, recent complaints have tended to focus on issues of noise which is generated by the gas utilisation plant. In this regard, it is therefore advised that the effectiveness of the proposed screening bund and boundary fence as a noise attenuation measure be reviewed to ensure that adequate screening is provided.

The only other source of pollution likely to occur will be secondary in the form of emissions from the vehicles travelling to and from the site. In this regard it is considered that this impact is unlikely to have a significant effect on the environment.

Archaeology - The site is not one which has been identified as being of archaeological importance and given the extent of previous quarrying on the site it is likely that any heritage deposits in the ground will have been significantly affected already. It is not considered that any further archaeological work is required.

Conclusion

The proposed installation of two leachate tanks, extension to the environmental management compound, extension to the screen bund and provision of a turning area for vehicles accessing the compound, for the reasons set out above, is considered to be an acceptable form of development in accordance with both the National Planning Policy Framework and Unitary Development Plan policies. Therefore, it is recommended that Members delegate the final decision in connection with this application to the Deputy Chief Executive who is minded to approve the application subject to the conditions listed below and no further representation being received by 23 July. Should any representation be made about the application following this meeting then the application and

representations will be reported back to the next available meeting of the Sub Committee.

RECOMMENDATION: Delegate to the Deputy Chief Executive

Draft 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:

Plan Layout, Elevations _ Long Section ref: 2

Final Restoration ref: 82.24.2D

GTE Compound Extension Compound Elevations ref: BF4809/1/03

GTE Compound Expansion Section Through Existing and Proposed Topography ref: BF4809/1/04

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 5 The boundary fence shall be painted in a colour to be agreed in writing with the Local Planning Authority prior to the fence being erected, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 6 Notwithstanding the submitted plans, the leachate tanks and compound areas hereby approved, shall be removed from the site when no longer required and the land reinstated in accordance with a landscape scheme to be submitted to and approved in writing by the Local Planning Authority,

in order to achieve a satisfactory form of development and to comply with policies B2, CN2, CN3 and CN5 of the UDP.

- 7 Notwithstanding the plans hereby approved, a noise assessment shall be undertaken, within 6 months following the installation of the boundary fence and screen bund, in order to determine the effectiveness of the approved boundary treatment. Following the assessment a report shall be submitted to and approved in writing by the Local Planning Authority, detailing the results of the survey and any additional measures that are required in order to ensure that noise from the development does not cause nuisance or disturbance at the nearest noise sensitive receptors, in accordance with Policy EN6 of the Unitary Development Plan.

Reference No.: 12/01005/ADV Advert Application

Proposal: **Retention of 1no. externally illuminated sign to gable end.**

Location: 7 Imperial Buildings Houghton-Le-Spring DH4 4DJ

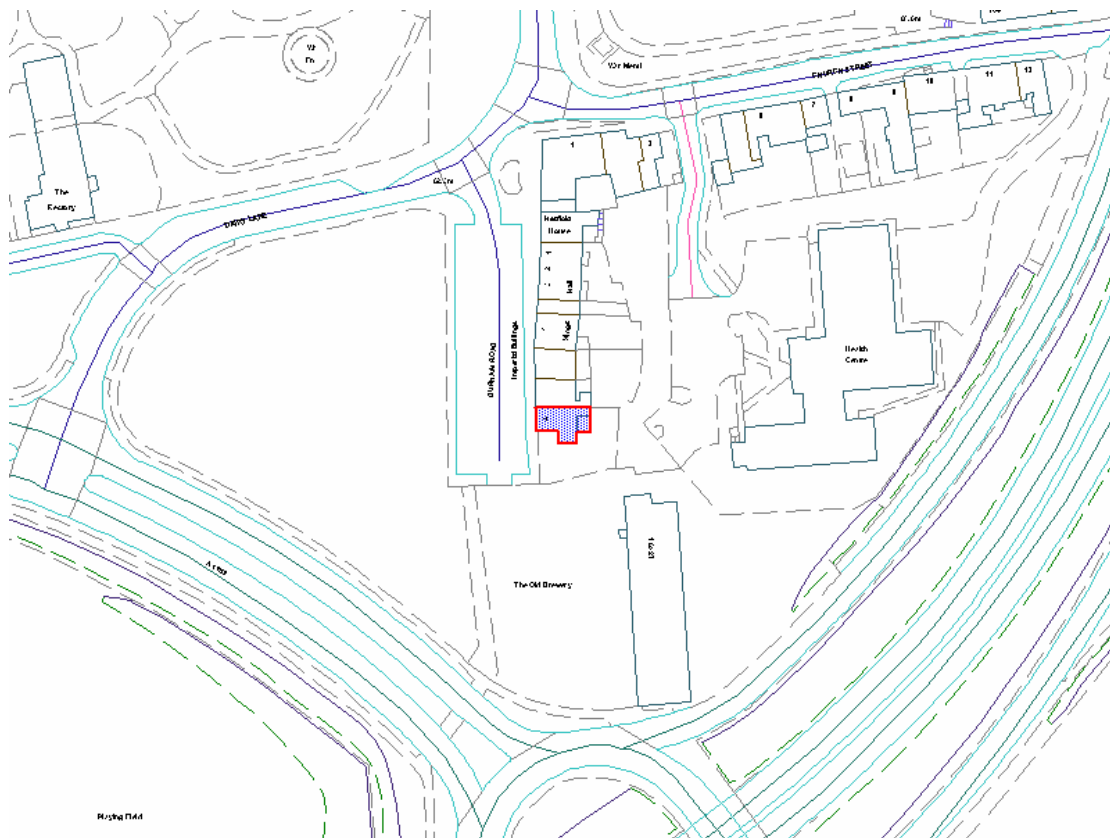
Ward: Houghton

Applicant: Mr Samir Oraby

Date Valid: 24 May 2012

Target Date: 19 July 2012

Location Plan



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PROPOSAL:

The property to which the application relates is 7 Imperial Buildings, located in Houghton-le-Spring. Imperial Buildings are a terrace of properties with a variety of commercial uses at ground floor level, with number 7 being a shop selling motor spares and accessories. To the south of the Imperial Buildings is The Old Robinson's Brewery, a Grade II Listed Building which has been converted from its former use to provide 27 flats.

Although the application relates to number 7, the proposal is for an externally illuminated sign to the gable end of the building and the sign actually relates to a

hot food takeaway, which operates from numbers 5 and 6 as opposed to within number 7 itself. As set out in the application description, the application is for the retention of a sign, which has already been installed without advertisement consent.

The installed sign is on a black and red background with white lettering reading PIZZA DIAL and logos showing the shop's telephone number and smiling tomato. The sign is illuminated by way of a wall mounted trough site above the sign, which projects 50mm from the gable wall of the building. The sign itself measures 3048mm in length and 1270mm in height.

This application is made in conjunction with a separate application for advertisement consent for the display of a new illuminated shop front sign at number 6. This application, reference 12/01006/ADV is receiving separate consideration as a subsequent item on the agenda report.

These applications would normally be determined under the Council's Delegation Scheme, but have been referred to the Sub-Committee for determination in this instance at the request of Councillor Ellis.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **19.06.2012**

REPRESENTATIONS:

Neighbours

To date, one objection has been received in connection with this application. This is from the occupier of Sancroft House, 6A Church Street. The objection is made on the following basis:

- The site lies within the Houghton Ward Conservation Area and is contrary to Council policy as set out in the Conservation Area Management Strategy, dominating the view into the Conservation Area from Dairy Lane and the roundabout.
- The nearby dental surgery on Dairy Lane was made to remove a non-illuminated sign and if the proposed sign is given permission, every other premises in the Conservation Area would be entitled to upper storey illuminated signs.

Consultees

The Executive Director of City Services (Network Management) has made no observations or recommendations in connection with the application.

POLICIES:

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

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_10_Development affecting the setting of listed buildings

B_21_Advertisement & Control

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) Design, Siting and Appearance of the sign and impact upon the historic environment
- ii) Highway Issues

Design, Siting and Appearance of the sign and impact upon the historic environment

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

Paragraph 131 states that in determining applications, Local Planning Authorities should take account of:

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

Furthermore, paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or:

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

In respect of Local Planning Policy within the Council's Unitary Development Plan (UDP), policy B4 seeks to ensure that all development within and adjacent to conservation areas will be required to preserve or enhance the character of the conservation area.

To this end, policy B6 dictates that the City Council will introduce a variety of measures, relevant to this proposal are:

- Encouragement of the retention of existing buildings and the improvement of features, open spaces, street patterns and plot boundaries.
- Introduction of controls over the display of advertisements.
- Giving special attention to the preservation of important views.
- Promotion of Environmental Improvement and Enhancement programmes.

Policy B10 seeks to ensure that proposals which affect the setting of listed buildings do not harm their special character.

Policy B21 dictates that applications for advertisement consent will be determined on the basis of their effect on amenity and public safety.

Additionally, the Houghton Conservation Area Management Strategy (CAMS) contains under Management Proposal 3b (page 41) specific guidance on the types of signage that will be accepted in the Conservation Area. Therein, it states that special attention will be given to the size, form and location of adverts in the Conservation Area in the interests of conserving and improving its character and appearance. Furthermore, Proposal 6a (page 47) states that the Council will resist developments within and near to the Conservation Area that will adversely affect views into, out of and within the Conservation Area, particularly views to St Michael's and All Angels Church.

In this regard, as set out above, the sign has been installed to the southern gable elevation of the Imperial Buildings and is in a consistent design with the new signage installed to the shop front, for which a separate application for Advertisement Consent has been submitted. With due regard to the policy guidance set out above, it is noted that the sign faces The Old Robinson's Brewery and the views past the Imperial Buildings from Dairy Lane are seen as a key view into the Conservation Area and to the Grade I Listed St Michael's and All Angels Church.

Given the prominence of the sign on the gable end of the building, it is considered that the proposal fails to accord with UDP policies B4, B6 and B21 and proposals 3b and 6a of the Houghton CAMS being highly prominent to the detriment of the visual amenity of the conservation area and also being within one of the direct views towards St Michael's and All Angels Church, which is specifically identified for protection in the CAMS. Additionally, given the proximity of the sign to the adjacent Old Robinson's Brewery, it is considered that the proposal fails to accord with UDP policy B10 being considered to be detrimental to the setting of this Grade II Listed Building.

For the reasons set out above, it is considered that the sign for which Advertisement Consent is sought is harmful to the character and appearance of the St Michael's Conservation Area and also the setting of the adjacent Listed Building - Robinson's Brewery and as such, is considered to be contrary to

paragraphs 17 and 131-133 of the NPPF, UDP policies B4, B6, B10 and B21 and Proposals 3b and 6a of the Houghton CAMS.

For these reasons, the design, siting and appearance of the sign and impact upon the historic environment is considered to be unacceptable.

Highway Issues

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

In this regard, the Executive Director of City Services (Network Management) has made no observations or recommendations in connection with the application and as such, it is not considered that the proposal would cause unacceptable detriment to highway safety and therefore it is considered to accord with UDP policy T14 as set out above.

Conclusion

For the reasons set out above, it is considered that the proposal is unacceptable, being harmful to the character and appearance of the St Michael's Conservation Area and also the setting of the adjacent Listed Building - The Old Robinson's Brewery and as such, the proposal is considered to be contrary to paragraphs 17 and 131-133 of the NPPF, UDP policies B4, B6, B10 and B21 and Proposals 3b and 6a of the Houghton CAMS.

It is not considered that the potential economic benefits to the business owner through the attraction of additional customers to the business due to the prominence of the sign or the acceptability of the proposal in highway safety terms are sufficient to outweigh the detrimental impacts set out above. Members are therefore recommended to refuse the application for the reasons set out below:

RECOMMENDATION: Refuse

Reasons:

- 1 The siting and design of the sign are considered to cause unacceptable detriment to the character and appearance of the St Michael's Conservation Area, the setting of the adjacent Grade II Listed Building - The Old Robinson's Brewery and also views into the St Michael's Conservation Area, specifically those towards the Grade I Listed St Michael's and All Angels Church. For these reasons, the sign is considered to be contrary to paragraphs 17 and 131-133 of the National Planning Policy Framework, policies B4, B6, B10 and B21 of the adopted Unitary Development Plan and Proposals 3b and 6a of the adopted Houghton Conservation Area Appraisal and Management Strategy.

Reference No.: 12/01006/ADV Advert Application

Proposal: **Retention of 1no. externally illuminated fascia sign.**

Location: 6 Imperial Buildings Houghton-Le-Spring DH4 4DJ

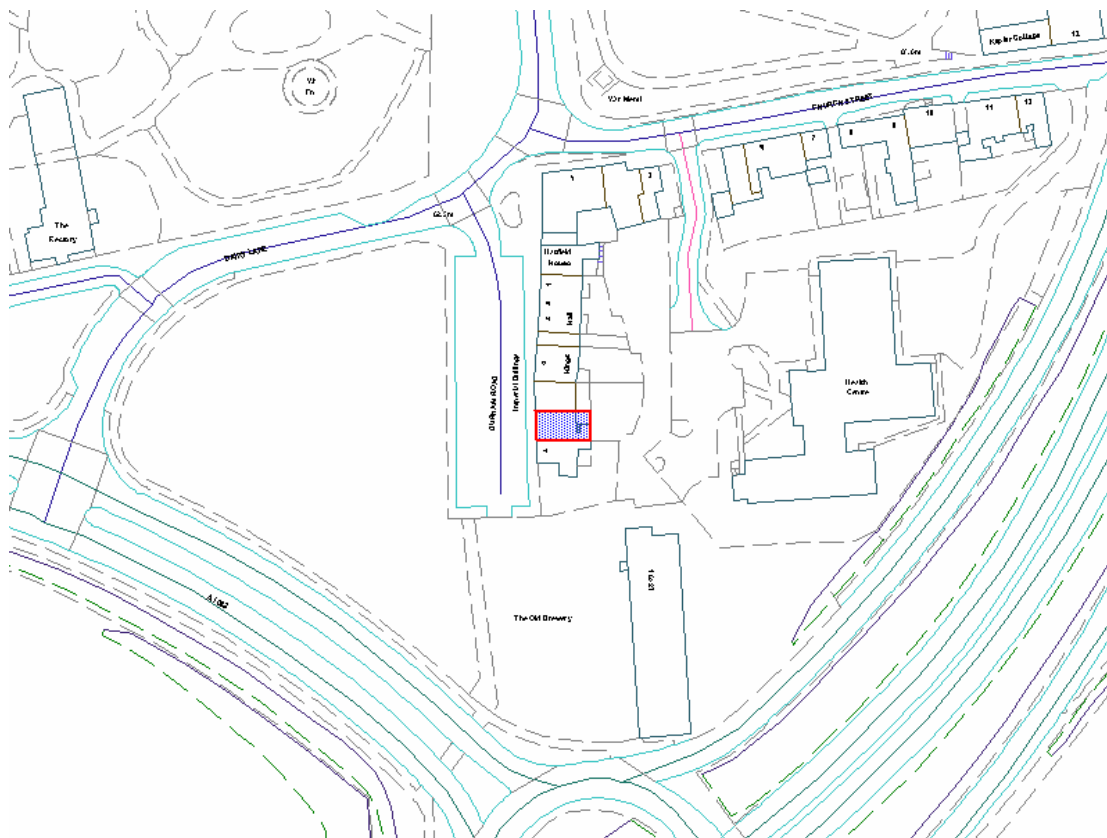
Ward: Houghton

Applicant: Mr Samir Oraby

Date Valid: 24 May 2012

Target Date: 19 July 2012

Location Plan



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PROPOSAL:

The property to which the application relates is 6 Imperial Buildings, located in Houghton-le-Spring. Imperial Buildings are a terrace of properties with a variety of commercial uses at ground floor level, with number 6 being used in conjunction with the adjoining property, number 5 as a hot food takeaway. Enquiries with the applicant have determined that whilst in the present use as a takeaway, number 5 has always been the publicly accessible shop, whilst the application premises, number 6 are used as the food preparation area. Until recently, no signage was installed to the front of number 6. To the south of the

Imperial Buildings is The Old Robinson's Brewery, a Grade II Listed Building which has been converted from its former use to provide 27 flats.

The proposal is for an internally illuminated shop front sign. As set out in the application description, the application is for the retention of a sign, which has already been installed without advertisement consent.

The installed sign is on a black and red background with white lettering reading PIZZA DIAL and logos showing the shop's telephone number and smiling tomato. The sign measures 4950mm in length and 690mm in height.

This application is made in conjunction with a separate application for advertisement consent for the display of a new illuminated sign, advertising the pizza business on the gable end of number 7. This application, reference 12/01005/ADV is receiving separate consideration as a previous item on the agenda report.

These applications would normally be determined under the Council's Delegation Scheme, but have been referred to the Sub-Committee for determination in this instance at the request of Councillor Ellis.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **19.06.2012**

REPRESENTATIONS:

Neighbours

To date, one objection has been received in connection with this application. This is from the occupier of Sancroft House, 6A Church Street. The objection is made on the following basis:

- The site lies within the Houghton Ward Conservation Area and is contrary to Council policy as set out in the Conservation Area Management Strategy, dominating the view into the Conservation Area from Dairy Lane and the roundabout.
- The nearby dental surgery on Dairy Lane was made to remove a non-illuminated sign and if the proposed sign is given permission, every other premises in the Conservation Area would be entitled to upper storey illuminated signs.

Consultees

The Executive Director of City Services (Network Management) has made no observations or recommendations in connection with the application.

POLICIES:

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

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_21_Advertisement & Control

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) Design, Siting and Appearance of the sign and impact upon the historic environment
- ii) Highway Issues

Design, Siting and Appearance of the sign and impact upon the historic environment

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

Paragraph 131 states that in determining applications, Local Planning Authorities should take account of:

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

Furthermore, paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or:

- The nature of the heritage asset prevents all reasonable uses of the site; and

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

In respect of Local Planning Policy within the Council's Unitary Development Plan (UDP), policy B4 seeks to ensure that all development within and adjacent to conservation areas will be required to preserve or enhance the character of the conservation area.

To this end, policy B6 dictates that the City Council will introduce a variety of measures, relevant to this proposal are:

- Encouragement of the retention of existing buildings and the improvement of features, open spaces, street patterns and plot boundaries.
- Introduction of controls over the display of advertisements.
- Giving special attention to the preservation of important views.
- Promotion of Environmental Improvement and Enhancement programmes.

Policy B10 seeks to ensure that proposals which affect the setting of listed buildings do not harm their special character.

Policy B21 dictates that applications for advertisement consent will be determined on the basis of their effect on amenity and public safety.

Additionally, the Houghton Conservation Area Management Strategy (CAMS) contains under Management Proposal 3b (page 41) specific guidance on the types of signage that will be accepted in the Conservation Area. Therein, it states that special attention will be given to the size, form and location of adverts in the Conservation Area in the interests of conserving and improving its character and appearance.

It is recommended in the CAMS that in respect of fascia signs, the main name sign of business premises should be restricted to the shop front and should be well proportioned in relation to the length and depth of the fascia and its position within it. The CAMS identifies that two types of sign will normally be considered to be appropriate in the conservation area, these being painted lettering or individual cut out freestanding metal or wood letters fixed individually to the fascia. It is further advised that the height of the lettering should normally be no more than two thirds of the height of the fascia and should normally be centred about its horizontal and vertical axis. Whole fascias of plastic, whether illuminated or not will not normally be permitted. Illumination, where necessary, should be low key and any lighting carefully integrated into the design of the shop front.

With due regard to the above, a key element of the assessment of any application for planning permission is that all applications should be considered on their individual merits. In this instance, the sign installed is in the form of 3mm folded aluminium letters and telephone numbers with an opal acrylic logo on an internally illuminated clear acrylic panel and as such, not one of the two recommended signage designs identified as being appropriate within the conservation area. However, having assessed the proposal, the property on

which the new sign is proposed previously had a blank fascia, being unmarked due to it being only the food preparation area for the takeaway as opposed to an area open to the public. Furthermore, within the row of properties, there are a wide variety of fascia signs including other signs which do not meet with the criteria set out in the CAMS. Given that the sign is in the form of a black background on which the main letters are white, it would only be on detailed close inspection that it can be seen that the sign is not in the form of painted letters added to the previously existing blank black fascia board of the shop. For these reasons, with due regard to the style of signage installed and the existence of other signs in the parade of shops, which do not accord with the requirements of the CAMS, it is not considered that a refusal of Advertisement Consent could be sustained in an appeal situation, were Members minded to refuse the application.

For these reasons, the design, siting and appearance of the shop front fascia sign and its impact upon the historic environment are considered to be acceptable on balance with due regard to relevant planning policies.

Highway Issues

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

In this regard, the Executive Director of City Services (Network Management) has made no observations or recommendations in connection with the application and as such, it is not considered that the proposal would cause unacceptable detriment to highway safety and therefore it is considered to accord with UDP policy T14 as set out above.

Conclusion

In light of the above, it is considered that the proposal accords acceptably with the relevant UDP policies and that none of those policies have been outdated by policy statements contained in the NPPF.

Accordingly the recommendation is that Members grant Advertisement Consent for the shop fascia sign, subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2 No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (Civil or Military)
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair the visual amenity.
- 6 The consent hereby granted shall be for a period of 5 years from the date hereof in the interests of visual amenity and to comply with policy B21 of the Unitary Development Plan.

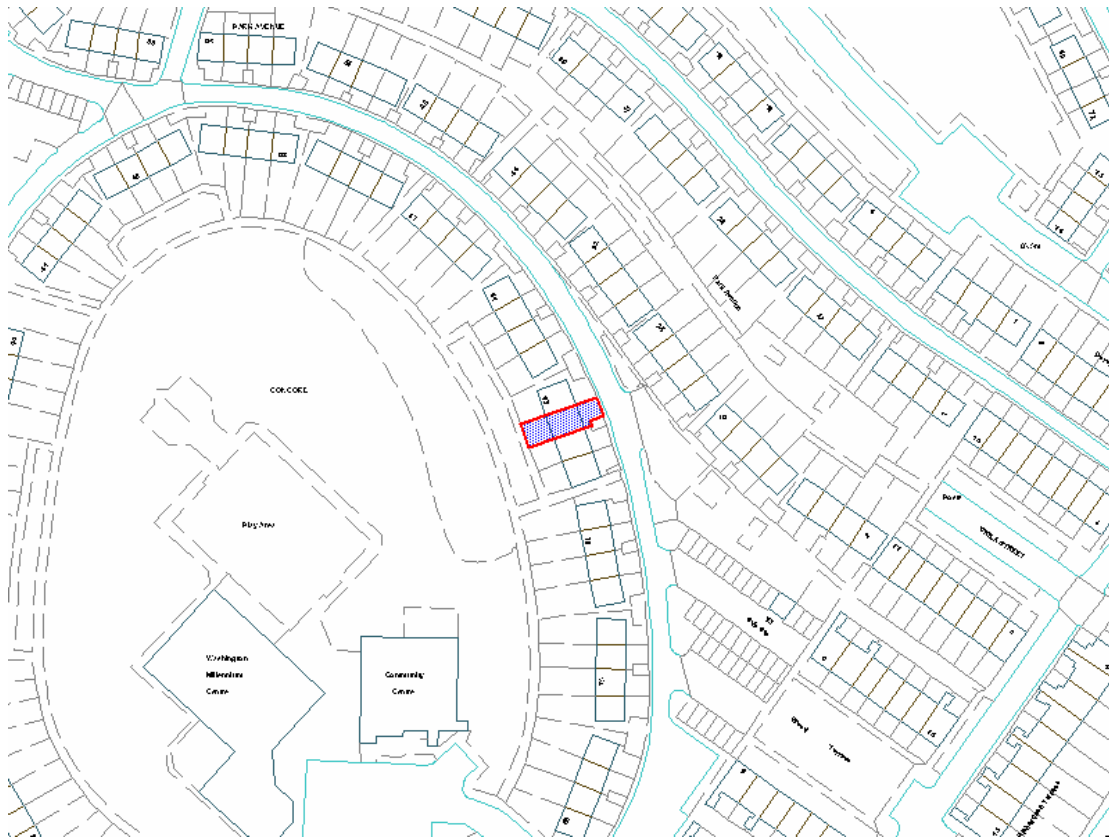
Reference No.: 12/00804/FUL Full Application

Proposal: **Erection of rear kitchen extension and sunroom to front**

Location: 66 The Oval Concord Washington NE37 2QR

Ward: Washington North
Applicant: Mr Stephen Hobkirk
Date Valid: 26 April 2012
Target Date: 21 June 2012

Location Plan



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PROPOSAL:

The application relates to the erection of a kitchen extension to the rear and a sunroom extension to the front of 66 The Oval, Concord, Washington.

The host property is a two storey mid terraced dwelling located within a predominantly residential area of Concord. The host and surrounding properties are somewhat unusual in their orientation as there may be some room for debate as to which elevation constitutes the front and which elevation constitutes the rear of the dwelling.

Within the planning submission the agent has made an interpretation as to what they believe constitutes the front and rear elevation of the property. In this respect they consider that the kitchen extension would sit to the “rear” of the property and thus would be accessed from the vehicular highway, whilst the sunroom extension would sit to the “front” of the dwelling and would look out onto the open grassed oval and the Washington Millennium Centre.

During an officer’s site visit conducted on 20 June 2012, it was noted that the street facing elevation had more of a rear yard feel and that access to the property from this elevation was directly into the kitchen. In contrast, the opposing elevation offered more characteristics associated with fronting elevations such as cills and lintels over and above the windows and small canopies over the doorways. In this respect, the planning officers would concur with the agent over the nature of the established elevations.

The proposal involves the erection of two separate extensions to the host property. The pitched roofed kitchen extension would project out from the rear elevation of the host property by 2.7m and would provide a maximum width of 3.75. The extension would have a maximum height of 3.4m (ground to ridge) reducing to 2.4m (ground to eaves). The extension would be inset from the shared boundaries with No.65 and 67 by 250mm and 2m respectively.

Based on the dimensions provided above, the rear extension would constitute permitted development as outlined by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008 and thus does not require planning permission on the proviso that materials used in the construction are of a similar appearance to those used in the existing dwelling house.

This is because:

- The extension would not extend beyond the rear wall of the property by more than 3m.
- The extension would not exceed 4m in height.

In respect of the above, it is not considered to be necessary to discuss the merits of the rear extension any further.

The agent initially proposed to erect a sunroom extension projecting 3m from the front elevation of the property and running 4.5m across the width of the property. The proposed sunroom was to have a maximum height of 3.55m (ground to ridge) reducing to 2.4m (ground to eaves). The extension would have been inset from the shared boundaries with No.65 and 67 by 150mm and 1.4m respectively.

In giving due regard to the merits of the proposed sunroom it was considered that the size, scale and massing of the development was unduly excessive and directly conflicted with the Local Planning Authority’s Supplementary Planning Document for residential extensions to the front of dwellings. As such, the agents were informed that this element of the proposed development would not be looked upon favourably and that an amendment would be required. The agent has subsequently submitted a revised proposal for consideration.

The amended proposal would be set in 460mm from the shared boundary with No.65 and 1.4m from the shared boundary with No.67. The sunroom would now

project to an initial distance of 1.5m before being splayed at a 45 degree angle to provide an overall projection of 2.4. The revised sunroom would be notably lower than was previously proposed providing a maximum height of 3.2m (ground to ridge) reducing to 2.2m (ground to eaves).

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **11.06.2012**

REPRESENTATIONS:

One letter of representation has been received from the neighbouring property at No.67. This objection was made in relation to the original scheme and raised the following issues.

- The extensions would look out of place
- The extension to the front would result in a loss of privacy
- The front extension would block light into the garden in the late afternoon
- The kitchen extension to the rear would create a wind trap.
- The development would create dust which could impact on the health of the neighbour.

However, as the agents have now submitted amended plans it will be necessary to re-consult the neighbour in order to allow additional time for them to consider the implications of the revised scheme.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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

- 1) Principle of the development.
- 2) Exceptional circumstances
- 3) The impact of the development of residential amenity
- 4) Impact on the streetscene

1) Principle of the development

The site is not allocated for any specific land use in the adopted Unitary Development Plan (UDP). Consequently, the proposal needs to be considered against policy EN10 which envisages that the existing land uses will remain but also seeks to ensure that all proposals for new development are compatible with the principle land use of the neighbouring area.

As the proposal relates to a residential extension on a residential property, the development is considered to accord with the principle of policy EN10 subject to compliance with all other relevant policies.

2) Exceptional circumstances

The occupant of the property is understood to have significant health concerns and the extent of these health issues have left her highly vulnerable to injury. Whilst the nature of the applicant's condition has been expressed within a letter submitted by her case officer, the specific details are considered to be confidential have not been attached to the planning file in order to protect the applicant's privacy. The applicant's case officer does consider however that the changes to the layout of the property would be extremely beneficial and are urgently required in order to provide a safe and dignified environment for the occupant.

Generally, advice provided by central government indicates the personal circumstances of an applicant should only be given limited weight in the determination of a planning application. However, notwithstanding this, it is evident that a series of court cases have given such matters due consideration particularly where other issues are considered to be finely balanced.

With regard to the above the conventional citation is *Great Portland Estates v Westminster City Council* [1985] where it was stated that 'the personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present of course indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance.'

In assessing the implications of the "human factor", the key consideration for planning authorities is whether the potential benefits of the proposal in terms of the health and wellbeing of the applicant outweighs the degree of harm caused by the impact the development on the residential amenity of the neighbouring properties and the visual qualities of the streetscene.

Summary

As amendments to the sunroom have just been received, it would be premature to discuss the potential impacts the development would have on the residential amenity of neighbouring occupiers and the wider streetscene without first re-consulting the objector who made representations on the initial proposal. As such any further representations received in relation to the development will be made in a supplementary report to committee along with the consideration of the developments impact on residential amenity and the streetscene and a recommendation on the proposal.

RECOMMENDATION: Deputy Chief Executive to Report

