

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

AGENDA

**Extraordinary Meeting to be held in Committee Room No. 2 on
Wednesday 31st May, 2017 at 4.45p.m.**

ITEM	PAGE
1. Receipt of Declarations of Interest (if any)	
2. Apologies for Absence	
3. Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
Report of the Executive Director of Economy and Place (copy herewith).	

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

Civic Centre,
SUNDERLAND.

22nd May, 2017

Item 3

Development Control (South Sunderland) Sub-Committee

31st May 2017

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 17/00435/FUL
38 Athol Road Hendon Sunderland SR2 8LQ
2. 17/00651/FU4
82 Barnes Park Road Sunderland SR4 7PY

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 17/00435/FUL Full Application

Proposal: **Conversion of residential property (Class C3) to a four bedroom house in multiple occupation (Class C4) (4 people in total).**

Location: 38 Athol Road Hendon Sunderland SR2 8LQ

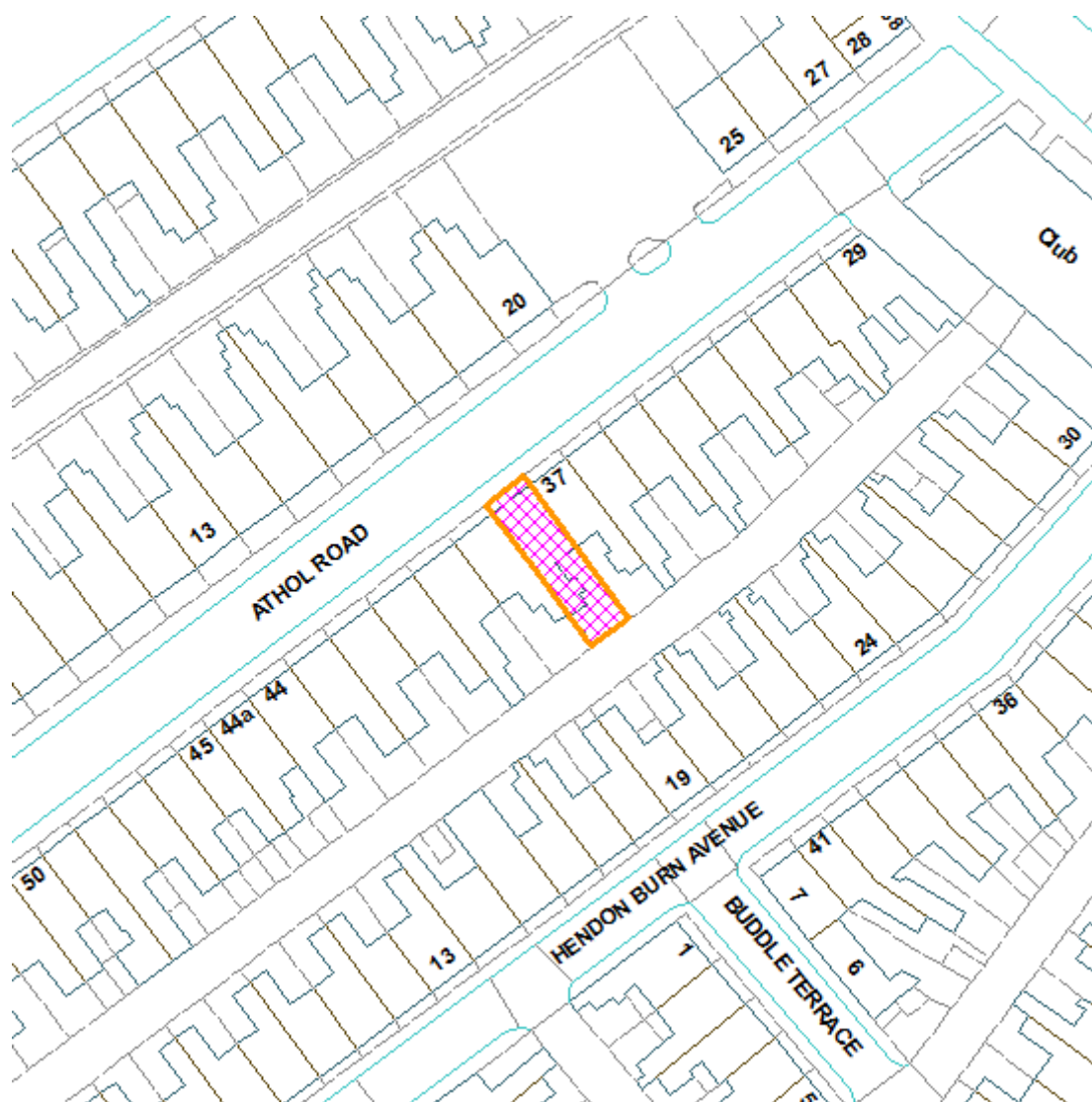
Ward: Hendon

Applicant: NMBC Properties Ltd

Date Valid: 16 March 2017

Target Date: 11 May 2017

Location Plan



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PROPOSAL:

Planning permission is sought for a change of use from a residential dwelling (Use Class C3) to a House in Multiple Occupancy (HMO) (Use Class C4) at 38 Athol Road, Hendon, Sunderland.

The application site comprises a two-storey mid-terrace dwelling situated within a street of like properties in the Hendon area of the city.

The property currently presents as a typical family dwelling with a lounge, dining room and kitchen at ground floor and three bedrooms and a bathroom at first floor.

The property, in keeping with others on the street, has a small front garden/paved area which is bound by a dwarf wall/pillars and low railings. The facades of the dwellings on the street are largely of uniform appearance with large bay windows; stone doorway surrounds and stone cill's and headers providing a defined character to Athol Terrace. It is understood that a wider revitalisation of the façades and the front boundary treatment within Athol Terrace was facilitated by Back on the Map, an organisation charged with managing the Government-funded New Deal for the Communities (NDC) regeneration programme in the East End and Hendon areas of the City.

The rear of the property is accessed via a back lane and is bound by a high brick wall. Access to the rear yard is achieved via a single door positioned within a 2m high brick wall. No vehicular access is currently available for off-street parking.

The application property lies within an area of the city which has been afforded a level of protection through the imposition of an Article 4 direction. Within particular areas of the city the Article 4 direction has withdrawn permitted development rights to change the use of any dwellinghouse to a house in multiple occupancy. The background to this is that the Council are acutely aware that HMO development on a large scale has the potential to damage the fabric, sustainability and cohesion of existing communities and its effect, notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended), is that planning permission is now required to change the use of any existing dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), a change which is otherwise currently permitted by the Order.

The application seeks consent to convert the host dwelling into a four bedroomed HMO. At ground floor both the lounge and dining room would be converted into en-suite bedrooms with the existing kitchen extended into what is currently show to be a W.C.

At first floor the existing layout would be altered with the wall currently subdividing bedrooms 2 and 3 removed to create a larger en-suite bedroom. A further en-suite bedroom would be provided behind. The small first floor bathroom would be removed and replaced by what is annotated on the plans to be a lounge.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health

REPRESENTATIONS:

Ward Councillors - Cllr Mordey has raised concerns over the proposal and the potential for it to have a negative effect on the character of a residential street that is predominantly made up of single family dwellings. Cllr Mordey has further noted that there has been a lot of hard work and investment put into Athol Road and the surrounding area by the Council and Back on the Map in recent years and that the incremental addition of HMO's would will negate the much of the work that has been carried out. On this basis Cllr Mordey has requested that the application be referred to the Development Control (South Sunderland) Sub-committee for determination.

Public Health

The building should be capable of meeting both internal and external requirements of BS8223:2014 and WHO guidelines on community noise 1999.

In view of the close proximity of the proposed development to nearby residential premises it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Highway Engineers

The proposal would represent a more intensive use than the current use. Based on the recommended parking guidelines for HMO's, one parking space would be required to serve the proposal. It is noted that no parking can currently be accommodated within the rear yard although it is evident that one space could be provided.

Public representation

Two representations have been received from local organisations that own and manage properties within the ward, Back on the Map and a local housing co-operative. The objections are largely corresponding in their content and raise the following concerns;

1. Athol Road is a close-knit community with strong neighbourhood ties. All of the properties in the street are occupied by families, most of whom are long standing, multi-generational families or residents with family ties to the street.
2. There are concerns for the safety of the occupants of the HMO and that the property could become the focus of anti-social behaviour, vandalism and arson.
3. As a responsible landlord and manager, we are deeply anxious that the proposed change of use may set a precedent in Athol Road leading to further HMO developments which would serve to undermine the work that that has been carried out to stabilise the community by buying vacant properties, refurbishing them, vetting tenants carefully, bringing homes back into use for local families, restoring old fashioned neighbourliness and creating a stronger community.
4. Any number of HMO's in a small and family orientated area would make it increasingly difficult to let properties to local families and serve to reverse the stabilisation of a community which as historically suffered from a transient population.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

COMMENTS:

Policy Considerations -

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and the Council's Supplementary Planning Guidance (SPG) both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. The UDP policies and SPG guidance referred to below in the assessment of this application are not considered to be in conflict with the policy guidance or general aims and objectives of the NPPF and so remain pertinent.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Consideration -

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

1. the principle of the proposed development;

2. the impact of the proposal on residential amenity and the character of the area
3. the impact of the proposed development on highway and pedestrian safety;

1. Principle -

The site is not allocated for any specific land use by the Council's adopted Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where there is no indication of any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood, which in this instance is residential. In this respect as the proposal use would see the property retained for residential purposes, broadly speaking, the proposal would maintain the established pattern of land use in the locality and would not conflict with the objectives of policy EN10.

2. Residential amenity and character of the area -

In determining an application of this nature, a key matter for assessment is whether the proposed change of use of the property to an HMO is compatible with the prevailing character and amenity of the locality. The policies and adopted guidance outlined below are therefore considered to be relevant;

Policy B2 of the UDP states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities the locality.

Policy H18 of the UDP states that proposals for the provision or conversion of dwellings into bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where the intensity of the use will not adversely affect the character and amenity of the locality and appropriate arrangements are made to secure maintenance of gardens and external spaces.

As an expansion of policy H18, topic 4 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) indicates that proposals for the conversion of dwellings to apartments and HMO's will not be acceptable where they are overly intensive or in areas where single family dwellings prevail. Specifically, Topic 4.1(b) states that 'proposals must reflect and respect the general character and amenity of the area. Those which represent an over intensive form of development will normally be resisted', whilst 4.1(c) enhances this point by stating that 'planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area'.

It is noted that representations received from the Ward Cllr Mordey, Back on the Map and the Housing Co-operative have all qualified that the properties on Athol Road are predominantly occupied by single families. In this respect and in assessing the proposal against the above policies it has been necessary to gain an insight into the prevailing character of Athol Road.

An officer site visit was carried out on 6 April 2017 whereupon views of the property and wider street were experienced. The street appeared to be largely well maintained with the previous renovation works to the facades and boundary treatment presenting a level of uniformity that has elevated the visual appearance of the Athol Road considerably.

Records have been sourced from the City Council's Housing and Neighbourhood Renewal team in an attempt to ascertain the level of non-licensable HMO properties (i.e. below the threshold of

three storeys and more than 5 people) on Athol Road. In cross-referencing the records with the City Council's Council Tax Section, out of the 56 properties on the Athol Road there is understood to be only one long standing HMO use at No.54. It is further understood that three of the properties within the street, No's 20, 44 and 56 are in use as flats.

With regard to the above it is apparent that the overriding character of the Athol Road is retained as single family households (approximately 93%). These figures would appear to back up the assertion made by the objectors who have made similar claims. Within such a context, it is considered that the proposed use of the property, which will essentially afford short-term accommodation, will be alien and uncharacteristic to a street which almost wholly provides single family homes.

In addition, the proposed layout of the HMO, which involves the loss of the principal shared areas such as the lounge and dining room whilst serving to provide en-suite bathrooms in all of the bedrooms, is not considered to be conducive to offering a communal sense of living that would be associated with family homes or even in many HMO's. It is therefore inevitable that the proposed HMO would be occupied by four individuals leading largely independent lives on a transient basis. In this respect it is not considered that the tenancy of the property would be consistent with the prevailing character and nature of the street.

Typically the properties on Athol Road present three bedrooms and the proposal would intensify the use of the property by providing a further single bedroom. In this respect there is concern that the use would give rise to an increase in the amount of activity surrounding the property not just through comings and goings of individual tenants at varying hours of the day, but over prolonged periods due to the propensity for such occupiers to be transient in nature.

In a recent decision which dismissed an appeal for a similar development on Percy Terrace, Hendon (Planning ref: 14/00072/FUL), the Inspector made a number of pertinent observations which very much mirror the concerns expressed above.

The quote below is taken from the inspectors report;

'The great majority of the properties appear to be occupied as single family dwellings, an impression reinforced by the representations from a number of local residents who value the character of the area. The essential character of the terrace derives from its occupation by single households, generally residing in their dwellings over a period of years, bringing up children and creating a sense of community cohesion. In contrast, future occupants of the large HMO would tend to be more transient, less settled and younger with contrasting lifestyles. There is no evidence before me that the property in question would not be suitable for continued occupation as a single family dwelling.'

In addition to the above, in assessing the proposal the inspector also observed that each bedroom had the potential to act as a focus for a separate household with different groups socialising and adopting varying patterns and times of movement. In respect of this application and given the degree of self-containment proposed within the bedrooms and the loss of shared areas, the same principles could be argued in this case and that general noise and disturbance emanating from the property is likely to be increased as a result.

In summing up, the Inspector determined that the overall use of the property as an HMO would give rise to a higher frequency of movement to and from the property and a greater intensity of activity within it by both residents and their visitors, some at anti-social hours. In this respect it was concluded that the use would likely result in a significant increase in levels of noise, activity and disturbance.

With regard to the above comments, it is considered that the proposal would introduce a use of the property which is uncharacteristic within a street of family homes and would be of detriment to the character and amenity of the area. The proposal therefore fails to accord with the requirements of the core principles of the NPPF, policies H18 and B2 of the UDP and the direction outlined within the Councils SPG for House Conversions.

In reaching this view, it has been taken into account that in the event the application was approved, it would potentially set a precedent for similar proposals which come forward in the future. Whilst it is recognised that any future such applications would ultimately have to be considered and determined with regard to their particular merits, granting planning permission for this proposal at this juncture would essentially establish the principle of converting further properties going forward.

In addition to the above, it is also be recognised that whilst its adoption does not constitute a reason to refuse planning permission in its own right, the aforementioned Article 4 Direction has been made to give the City Council, as Local Planning Authority, a greater opportunity to manage the conversion of dwellings into HMOs, especially in cases such as this where streets of family homes may be under pressure from such changes of use. To this end, for the reasons detailed above, it is considered that in this instance, the proposed change of use of the property to an HMO is inappropriate.

3. Implications of proposal in respect of highway and pedestrian safety

In response to consultation, the Council's Highways team has not objected to the application, but have provided the following observations in respect of the proposed development:

- The change of use from dwelling to HMO could set a precedent for similar development in the new street and estate;
- The recommended level of parking for an HMO (as set out in section 13 of the SPG) is 1 no. parking space per 5 no. beds for student accommodation and 1 no. space per 3 no. beds for other types of occupancy. As such, were the proposed accommodation to be occupied by young workers, 1-2 parking spaces would be required for the 4-bedroom HMO;
- Secure sheltered cycle parking should be provided within the curtilage of the property;
- All waste bins should be stored within the curtilage of the property;

Unlike many of the other properties on the street, the property does not currently benefit from an accessible in-curtilage parking space within the rear yard. However, in theory the property would be able to accommodate the parking of a car within the rear yard subject to the creation of a vehicular access within the rear boundary wall. In this respect and were the proposal considered to be acceptable it would be relatively straightforward to ensure that access be provided to the rear via an appropriately worded condition. This would represent an improvement on the existing scenario and would meet the lower threshold set out within the SPG. In this respect there are no grounds to suggest that the residual cumulative impacts of the development would be severe/cause detriment to highway and pedestrian safety. The implications of proposal in relation to and parking are, in this case, considered to be satisfactory. The proposal is therefore considered to comply with the requirements of paragraph 32 of the NPPF and policy T14 of the UDP

Conclusion

For the reasons outlined above, it is considered that the proposal would introduce a use of the property which would be uncharacteristic of a street of predominantly family homes to the detriment of the character and amenity of the area. The proposal therefore fails to accord with the requirements of policies H18 and B2 of the UDP, the guidance set out by section 4 of the Council's 'Development Control Guidelines' SPG and the core principles of the NPPF. It is consequently recommended that the application is refused planning permission.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

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

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

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed house in multiple occupation would introduce an uncharacteristic use to an area of predominantly single-family dwellings and would set an undesirable precedent for similar developments within the area, to the detriment of the established character and amenity of the locality and contrary to policies B2 and H18 of the adopted Unitary Development Plan and Topic 4 of the adopted Development Control Supplementary Planning Guidance.

Reference No.: 17/00651/FU4 Full Application (Reg 4)

Proposal: **Creation of a new driveway including dropped kerb to public highway.**

Location: 82 Barnes Park Road Sunderland SR4 7PY

Ward: Barnes
Applicant: Mr David Punshon
Date Valid: 5 April 2017
Target Date: 31 May 2017

Location Plan



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PROPOSAL:

The proposal is to insert a driveway within the existing front boundary wall and a crossing over the footpath for vehicular access with a dropped kerb. The width of the footpath crossing would be 2.4 metres wide and 2.7 metres length and constructed of concrete by the Councils Highway Maintenance Team with a drive length of approximately 8.9 metres which would be constructed of gravel.

SITE

The site relates to a residential property on the corner of the cross road with Barnes Park Road and Mount Road. The property is a semi detached dwelling within a predominantly area of residential properties of various property types and designs and fronts Barnes Park Road which is a classified road.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Barnes - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **11.05.2017**

REPRESENTATIONS:

No representations have been received following the neighbour consultation or wider publicity processes.

NETWORK MANAGEMENT COMMENTS

Comments from the Council's Network Management Team state that the proposed footway crossing is in close proximity of the Barnes Park Road / Mount Road cross roads and approximately 6m from the Mount Road junction. There has been 3 slight incidents at the cross roads, however the incidents would appear to be driver error. Should the application be approved the applicant should be advised of the following:-

HIGHWAY SAFETY / VISIBILITY

It is advised that the access onto the drive measures a minimum of 4m wide; this will allow ease of access / greater manoeuvrability for drivers to reverse into the incurtilage parking space. In addition the front boundary features could be splayed to achieve better visibility.

NOTES FOR INFORMATION:

1. It would appear that the applicant has existing incurtilage parking.
2. It would appear that the site plan is not to scale.
3. It is acknowledged that the applicant has already spoken to Highway Asset Management with regard to the footway crossing.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

B_2_Scale, massing layout and setting of new developments

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

T_22_Parking standards in new developments

COMMENTS:

PLANNING POLICY BACKGROUND

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Household Alterations and Extensions Supplementary Planning Document (SPD), which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The Council's UDP was adopted in September 1998. In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed "saved" policies was submitted to the SoS - via Government Office for the North East (GONE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4 September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

The Council has produced a Supplementary Planning Document (SPD) entitled 'Household Alterations and Extensions' as part of its emerging Local Development Framework, which aims to further expand upon the City's adopted UDP policy B2 and provides detailed guidance for home owners on the design of household extensions and/or alterations. The SPD was adopted as guidance with effect from 21 July 2010 and will form part of the Council's Local Plan in due course and currently supplements the UDP.

Paragraph 10.28 of the UDP states that the degree to which a development conforms with supplementary design guidance will be a material consideration in the determination of the planning application. As such this SPD should be accorded significant weight under Section 38(6) of the Planning and Compulsory Purchase Act, 2004.

Subsequently, Annex 1: Implementation of the NPPF, particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

- The principle of the development
- Design and amenity issues
- Highway issues

These considerations are made against relevant national and local planning policies, including those within the National Planning Policy Framework (NPPF) the Council's Unitary Development Plan (UDP) and Supplementary Planning Documents as detailed below.

PRINCIPLE OF DEVELOPMENT

The site in question is not allocated for any specific land use within the UDP and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

As required, all saved UDP policies have been considered with regard to their compliance with the NPPF. Policy EN10 is considered to be broadly compliant and can continue to be used.

Insofar as no change is proposed to the pattern of land use within the area, the proposal is considered to accord satisfactorily with UDP policy EN10.

DESIGN AND AMENITY ISSUES

Paragraph 17 of the 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 a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

HIGHWAY ISSUES

Section 7.0 of the SPD relates to hard surfacing and states that careful consideration should be given to minimising the effect of hard surfacing/hard standing upon the appearance of the property. As such the Local Planning Authority strongly encourages the retention of garden space and landscaped area. There should be adequate driveway/in-curtilage parking space and gates to open inwards and not on to the highway.

Policy T14 and T22 of the UDP state that proposed development should retain off street parking in the interests of highway safety which the proposal adheres to and as therefore complies with policy T14 of the UDP.

The Council's Network Management Team has offered comments but have no objections to the proposed scheme. It would not be considered to minimise the soft landscaping within the curtilage of the property nor would it affect the character or appearance of the host property due to the remaining garden space within the curtilage. It would provide off street parking on a busy public highway and as such would not be considered to create not create conditions prejudicial to highway safety in compliance with UDP policies T14 and T22.

CONCLUSION

The proposed would not be considered to lead to any prejudicial highway safety conditions, it would comply with policies T14 and T22 of the adopted Unitary Development Plan and as such would be acceptable and recommended for approval subject to the following conditions.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

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

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

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

RECOMMENDATION: Members are recommended to Grant Consent under the Town and Country General Regulation 1992 and subject to the conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Site plan received on 29.3.17
 - Location plan received on 29.3.17

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.