

## **DEVELOPMENT PLAN**

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

### **Unitary Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 13/03180/LP4 LP4 (Regulation 4) 3rd Party Developer

**Proposal:** **New Four Bedroom Detached Dwelling on land at rear of Hetton House.**

**Location:** Land To Rear Hetton House Front Street/Office Place  
Hetton-le-Hole Houghton-le-Spring DH5 9JH

**Ward:** Hetton

**Applicant:** Mr P Greenwood

**Date Valid:** 11 December 2013

**Target Date:** 5 February 2014

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## **PROPOSAL:**

The site to which the application relates is that of Hetton House and the associated outbuildings to the rear which are known as Westgarth House. The main buildings are two storeys high, predominantly of pitched roof construction, but incorporating a two storey flat roofed extension to the side.

The outbuildings - Westgarth House are part two storey, part single storey in construction and run on a north to south alignment whereas the main building sits on the alignment of Park View, which is east to west. To the rear, a grassed lawn area separates the rear of Hetton House from The Lodge, a detached residential dwelling to the rear of the site. The side boundaries of the site are shared with a dwelling, Mill Hayes to one side, whilst the other side boundary is formed in part with the adjacent dwelling Nu-Holme and in part with the rear garden area of an existing care home at number 14 Park View.

Vehicular access to the site is via Office Place to the rear of the buildings. Office Place hosts a variety of uses with community buildings evident, as well as a block of garages, a care home - Meadow Rise and the aforementioned dwelling, The Lodge, which stands at the head of the cul-de-sac.

Planning permission is sought for the erection of a detached dwelling on the lawn to the rear of Hetton House. The dwelling would be designed so as to comprise a main body of the building 9.5 metres by 7.6 metres with an offshoot projecting 7.7 metres beyond the rear of the main dwelling with a width of 6 metres. The main dwelling would be 8.2 metres high to its ridge line and 6.4 metres high to the top of the offshoot.

Planning permission and listed building consent have recently been granted for the conversion of Hetton House to provide a total of four new dwellings by applications 13/03177/FUL and 13/03178/LBC. The overall effect of the previous planning permission and the application under consideration for the new dwelling would see the provision of a total of five residential properties on the site.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Hetton - Ward Councillor Consultation  
Hetton Town Council  
County Archaeologist  
Network Management  
Durham Bat Group  
Parks

Final Date for Receipt of Representations: **13.06.2014**

## **REPRESENTATIONS:**

Neighbours

The occupier of The Lodge, Office Place has objected to this proposal for the following reasons:

- The proposal will have a serious impact upon standard of living. The occupier of The Lodge is in the process of registering an adverse possession claim for the land to the rear off Hetton House (where the proposed new build dwelling would be located) on the basis that it has been used as the family's garden for 46 years.
- The walled garden has been used as a garden for as long as Hetton House has stood on the site and as such, lends character to the surrounding buildings. The proposed development would see this land split into portions which would not be in keeping with the existing residential properties, all of which are set in considerable plots.
- The building of a four bedroom property on the garden would affect the setting of Hetton House which is one of the most historically important buildings remaining in Hetton-le-Hole.
- The proposed new dwelling would be of a very modern design, not in keeping with the listed building or Westgarth House.
- As the total development would result in five separate properties, each with four bedrooms, there would be an impact upon the already busy street with the potential for two cars per unit with additional service vehicles, leading to more congestion.
- The Council run residential home - Meadow Rise regularly uses the land outside Westgarth House as an overflow car park as the home has between 8 and 12 staff cars parked daily and three people carriers to transport the residents throughout the day. The service and maintenance vehicles visit this property on a daily basis meaning that parking around the area is at a premium.
- There are traffic issues most days and evenings all the way up Office Place due to inadequate parking facilities for the Hetton and Eppleton Community

Centre, users of the centre tend to park on both sides of the road, further restricting access to Office Place. Further congestion is caused when the Hetton Airforce Cadets meet in the building next to the community centre and cars are parallel parked all the way up the street, which combined with regular drill practice leaves the occupants of The Lodge stuck when trying to reach their property.

- Whilst the buildings are in need of rescue, the proposals would as a whole be detrimental to the area due to the impact caused to an already under pressure site.

The issues raised in this representation are considered in detail in the main body of this report. Notwithstanding this, the claims over land ownership and adverse possession are not considered relevant to the planning process. The applicant has served an appropriate ownership certificate to the Council as land owner and has confirmed that this notice was served prior to the submission of the application. The claims of the objector in respect of adverse possession are civil issues falling outside of the remit of the planning system.

The application has been subject to a further period of neighbour consultation and the deadline for receipt of comments is 13 June 2014, which is after the deadline for the preparation of this report. Should any further representations be received, these will be reported to the Sub-Committee by way of a Supplement Report or a Report for Circulation.

## Consultees

### Network Management

The Network Management Team has been consulted and has advised that vehicular access to the development is from the rear of the property via a shared private access of Office Place. It is noted that there is no footway or lighting provision to the rear of the site.

It is noted that the hardstanding is 5.45 metres in length. The Network Management Team recommended that a roller shutter garage door is used as opposed to an up and over garage door as the minimum length that the hardstanding/driveway should be is 5.5 metres with an up and over garage door or 5 metres with a roller shutter garage door.

No visitor car parking should take place to the front of Westgarth House and the adjoining building as this would obstruct two way traffic.

### County Archaeologist

The Tyne and Wear Archaeology Officer has advised that the site lies within the presumed extent of Hetton medieval village, which dates back to the 14th century.

The site lies within the grounds of Hetton House. The original house appears on a plan of 1776 showing the land owned by the Hon. Thomas Lyon, MP for Montrose and Forfarshire. It was larger than Hetton Hall, which was the Lyon family's main home. Thomas' son John Lyon lived in the house after his father's death. He began Hetton Colliery in 1810.

By 1839 (the date of the tithe map) the building had additions at either end and a range of buildings at the rear. The grounds included a small building on the west boundary and a formal garden close to the house. By 1839 Hetton House had been sold by the Lyons family to Archibald Cochrane & Partners (Hetton Coal Company).

Hetton House served as Hetton's first rectory when the parish was created in 1838. When a new rectory was built in 1885, the house was rented out to doctors, later St. John's Ambulance Brigade. From 1911 it was the offices of Hetton Urban District Council. The council widened the 19th century part of the building and added a plain rectangular block and council chamber at the eastern end.

Durham University describe the grounds in their archaeological report of 2011. There is a tarmac car parking area flanked by outbuildings and then a brick and stone wall, separating the car park from a raised lawn bounded by walls and trees. The stone wall is built of tufa. A short flight of steps links the two parts of the garden. There is a second flight of steps at the south end of the garden.

It would be a great pity to build in the garden of the grade 2 listed house as the house will effectively lose half of its grounds. Hetton House is unique in Hetton - an 18th century mansion house in its own garden. The second house owned by the Lyons family (Hetton Hall was the main house and that has long gone). The Council's Heritage Protection Team should be consulted on the impact on the setting of the listed building. The listed building should ideally be brought into a sympathetic new use and the garden retained and restored to something of its former glory.

It is noted however that Durham University do not rule out new build within the grounds because the garden has been altered and does not retain its original layout but say that new build should be restricted to the south end of the garden, which is where the proposed new house is located.

The construction of the house could damage or destroy buried archaeological remains (medieval or post medieval). Information about the former layout of the garden may survive - the line of a former path is visible as a slight earthwork.

An archaeological trench should be excavated on the site of the proposed house.

If archaeological remains are found and if those remains are at threat by the development, further archaeological excavation will be required before development can proceed, to fully record the remains.

The archaeologist can provide a specification for the archaeological evaluation when required. A series of conditions should be imposed to any planning permission as follows:

#### Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any

archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraphs 128 and 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

#### Archaeological Post Excavation Report Condition

The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of the previous condition has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraphs 128 and 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

#### Archaeological Publication Report Condition

The building shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and paragraph 135 of the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide March 2010.

### **POLICIES:**

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

B2 -Scale, massing layout and setting of new developments

B5 -Designation of new conservation areas

B8 -Demolition of listed buildings

B10 - Development affecting the setting of listed buildings

B11 - Measures to protect the archaeological heritage of Sunderland (general)

B13 - Sites and monuments of local importance affected by development

B14 -Development in areas of potential archaeological importance

CN18 - Promotion of nature conservation (general)

CN22 - Developments affecting protected wildlife species and habitats

CN23 - Measures to conserve/ improve wildlife corridors

EN10 -Proposals for unallocated sites to be compatible with the neighbourhood

HA16 -Appraisal of potential conservation areas

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

## COMMENTS:

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Heritage Issues
- iv) Highway Issues
- v) Wildlife Considerations

### Principle of the development

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

In this regard, consideration has been given to the surrounding land uses, which are predominantly residential as set out above. The proposal to erect a new dwelling is considered to be appropriate on this basis as it reflects this existing land use pattern.

Whilst concern was raised in the objection letter received over the proposed plot sizes for the dwellings to be created by subdividing Hetton House, based on the submitted site plan, the dwelling would sit on a plot totalling approximately 580 square metres. Whilst the subdivision of the land and the creation of individual plots will naturally create a number of smaller plots, considering these against the plots sizes of properties in the area, there are a mix of property and plot sizes with some fairly large curtilages evident, but also some smaller ones. Smaller plots than that which would be created exist at Nu-Holme which is approximately 360 square metres, The Lodge, approximately 375 square metres and at the terraced properties to the east on Park View (number 10 for example is approximately 167 square metres) and the north-west on Park Place (number 2 being approximately 101 square metres). These measurements are based on plot sizes and measurements taken from the Council's electronic mapping system. On this basis, the plot size on which the new dwelling would stand is considered to adequately reflect the character of the surrounding area.

For the reasons set out above, the proposed new dwelling is considered to be acceptable in principle and in accordance with UDP policy EN10.

### Design and amenity issues

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

With regard to the siting of the proposed dwelling in relation to surrounding buildings, due regard has been given not only to the requirements of UDP policy B2 as detailed above but also section 10C of the Sunderland City Council Residential Design Guide Supplementary Planning Document (SPD).

Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential

development. In this regard a minimum distance of 21 metres is recommended to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows). These figures alter for buildings of differing storey heights and where land levels differ between sites. It should be noted that these figures are guidelines and are not intended to be rigorously enforced, with each case being assessed on its individual merits.

In the case of this site, there are a number of properties which surround its curtilage where the relationship with the new dwelling must be considered. The distance by which the proposed dwelling would be offset from the rear elevation of Hetton House, where three new dwellings are proposed to be created is 25 metres. This is considered to be a sufficient separation distance in order to ensure that occupiers of Hetton House would not be adversely affected due to the presence of the new dwelling as proposed. Similarly, Nu-Holme to the north is offset by 28 metres and is not directly aligned with the new dwelling. It is noted that both Nu-Holme and Hetton House stand at a lower level than the garden area on which the dwelling is proposed to be built, but the separation distances are such that this is not considered likely to be to the detriment of the amenity of occupiers of these, or any other properties to the north of the site.

To the east, the front elevation of the new dwelling faces Westgarth House, which is also to be converted to a dwelling as approved by application 13/03177/FUL. The separation distance between the buildings is 14 metres. This is considered to be acceptable on the basis that both the new dwelling and the conversion of Westgarth House are part of the same scheme albeit proposed by different applications and whilst Westgarth House as converted would incorporate all of its main windows facing towards the plot of the new dwelling, only one primary window in the new build (a first floor bedroom) directly faces Westgarth House.

The closest property to the south is The Lodge. This property is set back in comparison to the proposed new dwelling when viewed from Office Place and is broadly aligned with the offshoot element of the new dwelling, with the main body of the new house standing forward of The Lodge. The Lodge is a relatively modern house of individual design where the north elevation (facing the new dwelling) contains only two windows, which based on the most recent available plans of the property (approved when an extension was proposed in 2006), these both serve bathroom areas. On this basis, no windows serving main living accommodation directly face the application site. The east elevation of The Lodge (facing Office Place) is staggered and contains four windows, which based on the room layout identified on the plans approved in 2006, appear to serve a kitchen and W.C. at ground floor and a bedroom and ensuite at first floor level, although not all of these windows are shown on the plans approved in 2006. The Lodge stands on a higher level than the proposed dwelling.

Based on the proposed layout, the key issues are considered to be the inter-relationship between the proposed dwelling and the north elevation of The Lodge which directly faces the application site and the eastern elevation, which faces Office Place. The northern elevation of The Lodge is offset from the main part of the new dwelling by 8.4 metres and is not directly aligned, whilst the separation distance to the offshoot is 12.4 metres. As set out above, only two secondary windows are contained in the north elevation of The Lodge facing the application



site and the land on which the proposed new dwelling would be erected is lower than The Lodge. The separation distance between the offshoot and the side elevation of The Lodge is considered to be key in this regard, as the main body of the new dwelling is not directly aligned as set out above. In this regard, the distance of 12.4 metres is considered to be acceptable. The new dwelling contains two windows and a set of doors in its side elevation facing The Lodge, but given the relative lack of windows in The Lodge and the fact that the new dwelling is set at a lower level than The Lodge, a distance of 12.4 metres between the properties side elevations is considered to be acceptable.

In respect of the relationship between the main body of the dwelling and The Lodge, a key assessment is considered to be with regard to the presence of a number of windows in the east elevation of The Lodge and how these would be affected by the proposed development. This can be considered through use of the 45 degree test, which involves drawing a line on plan at 45 degrees from the centre point of the nearest affected window in an existing property towards a proposed development. If the line intersects with any part of the proposed development, there may be unacceptable impact in respect of outlook. In this case, the line drawn from the centre point of the closest window in The Lodge clears the corner of the proposed new dwelling by some distance and on this basis, there is no demonstrable harm to the amenities of occupiers of The Lodge by virtue of the positioning of the proposed dwelling so as to warrant a refusal of planning permission.

The closest property to the west is a care home at 14 Park View. The rear of the proposed dwelling's offshoot is 31 metres away from the existing buildings at 14 Park View and this is considered to be an acceptable separation distance. Notwithstanding this, Members may recall that planning permission was granted in 2012 (application 12/00901/FUL) for the erection of a new accommodation block in the rear garden of 14 Park View. It is understood that preparatory works to erect this new building have begun and as the planning permission is extant, it is a material consideration in the assessment of this application. The proposed new dwelling is offset from the boundary shared with 14 Park View by 8.2 metres and based on the plans submitted in connection with application 12/00901/FUL, the new accommodation block would be set away from the shared boundary by 3.6 metres at ground floor level and 6.3 metres at its closest point at first floor level. The proposed development at 14 Park View would involve excavating the garden in order that the new building is to be erected on a similar level to the existing buildings on that site, as opposed to the higher garden level which is more comparable with the land level of the current application site. Sections accompanying planning application 12/00901/FUL indicate that only a very small portion of the upper floor of the new building would be visible over the existing wall surrounding the garden land on which the new dwelling is proposed to be erected.

The closest part of the new dwelling to 14 Park View is the offshoot element, wherein fenestration is contained in the west elevation by way of a set of patio doors and a window above. The window does not serve a first floor room as there is no first floor accommodation contained in this part of the dwelling, but would serve to provide additional light to the ground floor kitchen, living room and dining room. The closest first floor windows in the rear elevation are contained in the main part of the dwelling and are 15.9 metres away from the shared boundary. By virtue of the distances between the proposed buildings, the presence of the high garden wall on the shared boundary and the layout and

design of the building proposed at 14 Park View, it is considered that the distance by which the proposed dwelling will be set away from the proposed new building on the adjacent site is adequate to avoid harm to the amenities of future residents of the new building.

For the reasons set out above, the siting of the new dwelling is considered to be acceptable in order to ensure that the amenities of occupiers of adjacent properties as existing and proposed are not compromised so as to warrant a refusal of planning permission. Notwithstanding this, it is recommended that should Members be minded to grant consent for the proposal that a condition be imposed removing rights of future permitted development for occupiers of the proposed dwelling as certain types of extension or detached building which may ordinarily be permitted could prove harmful to neighbouring properties. Imposing such a condition will allow the Council to ensure that such detriment does not occur in future. Such a condition would also serve to ensure that the setting of the adjacent listed buildings is not harmed as a result of future additions and/or alterations to the new dwelling.

### Heritage Issues

It should be noted that the application site lies within the extent of the proposed Hetton Conservation Area as designated by UDP policies B5 and HA16. These policies aim to preserve and enhance the amenities of the proposed conservation area and as such, the proposal should be considered in this regard.

As the building is listed, UDP policy B8 states that there will be a presumption in favour of retaining listed buildings. Additionally, policy B10 of the UDP seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

Applications for relating to listed buildings must be considered against the policy found in paragraphs 131 and 132 of the National Planning Policy Framework (NPPF). Paragraph 131 requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets (such as Listed buildings), whilst paragraph 132 states that 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 and any harm or loss should therefore be clearly and convincingly justified.

In respect of archaeology, policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by UDP policies B13 and B14.

This proposal to develop the bottom half of the existing lawned garden to Hetton House for a single house is acceptable in principle as combined with the works proposed by the other previously approved planning application - 13/03177/FUL, it will allow for the sympathetic restoration of the listed building.

The manner of subdivision of the lawned garden to provide the development plot will leave a good-sized garden for the proposed conversion of the original 18th century part of Hetton House into a single large house. It will also provide an

appropriate separation distance between Hetton House and the proposed new dwelling, preserving in part the traditional character of Hetton House as an 18th century manor house in large grounds and reducing the impact of the new house on the listed building's setting.

The positioning and general form of the new house is considered to be acceptable, although full details (including drawings where necessary) and samples of all external materials - brick, stone, slate, render, windows, rooflights, doors, garage door, boundary treatment, entrance gates, paving should be submitted and approved by the Local Planning Authority prior to the commencement of development. In addition, detailed drawings, including cross-sections, should be provided for the boundary wall /fence and entrance gates. These issues can be adequately controlled through the imposition of planning conditions should Members be minded to grant consent for the proposed development.

In addition, should Members be minded to grant consent, it is recommended that the conditions requested by the County Archaeologist as set out above should also be applied to the planning permission.

During the application process, information has been requested from the applicant in respect of the phasing of the two corresponding developments (i.e. conversion of listed buildings which has already been approved and the construction of new dwelling for which planning permission is now sought). Whilst the applicant provided verbal assurances that the repair and restoration of the listed buildings will be given priority in the development, it was considered desirable to acquire precise details of the phasing of the construction works.

The reason for this is that the proposed development of the bottom half of the garden for a new house is only considered to be acceptable on the basis it is needed to enable the repair and conversion of the listed building. For this reason, the applicant was requested to give consideration to entering into a Section 106 Agreement precluding the occupation of the dwelling proposed by this application until such time that the works approved by the corresponding application for works to the listed buildings have been completed. This enables the Council to have an assurance that the works to the listed building will take place in a timely manner and is considered to be reasonable as it allows the applicant to progress both applications concurrently given that the restriction would be on the eventual occupation of the new dwelling rather than its construction. The applicant has agreed to this request and the process of drafting the Section 106 Agreement is currently ongoing.

Subject to the completion of the Section 106 Agreement, the heritage implications of the proposed development are considered to be satisfactorily addressed as the proposed new dwelling is ultimately considered to be necessary to make it financially viable for the developer to restore the listed buildings. The restoration of the listed buildings is considered to be highly desirable and for this reason, the proposed development is considered to accord satisfactorily with UDP policies B5, B8, B10, B11, B13, B14 and HA16.

#### 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.

The Network Management Team has raised no objections in principle to the proposed development, but have recommended that a roller shutter door be used in the garage of the proposed new dwelling in order to ensure that a hardstanding of adequate length is retained to the front of the garage to allow for in-curtilage car parking. This can be ensured through the imposition of a condition requiring the submission of details of the proposed garage door for approval prior to the commencement of development should Members be minded to grant consent. Subject to such a condition and a separate condition requiring the provision of the driveway prior to the occupation of the dwelling and its retention thereafter, the proposed development is considered to be acceptable in highway terms.

Whilst a number of concerns were raised in objection to the proposal pertaining to traffic issues in the area, a number of the issues raised - i.e. obstructive parking are policing issues and fall outside of the control of the planning system. The proposal considered under this application are considered capable of functioning satisfactorily without causing demonstrable harm to the highway network. For the reasons set out above, the proposal is considered to be acceptable in respect of its impact upon the highway network and accords with UDP policy T14.

#### Wildlife Considerations

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

Policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

Furthermore, policy CN23 identifies a number of wildlife corridors as illustrated on the proposals map, wherein measures will be taken to conserve and improve the environment through use of suitable designs to overcome any potential user conflicts, whilst development which would adversely affect the continuity of corridors will normally be refused. Where on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

The application is accompanied by a bat survey, risk assessment and report. Having considered this document, certain additional information/clarification was requested from the applicant in respect of the proposed development.

The submitted bat survey, risk assessment and report mentions that there is potential for foraging opportunities within the grounds and there was initially

concern as to how the loss of these opportunities would be compensated for. The impact of the loss of these opportunities could be exacerbated by any new lighting in connection with the proposed residential uses. It was noted that compensation could perhaps be given by way of maintaining certain dark areas on site or through the incorporation of suitable plants to encourage foraging within the site around the proposed development. This is on the basis that there is a known bat maternity roost in the property next door (Nu-Holme) and there is evidence of bats using the application site for foraging.

A mitigation/compensation statement was requested from the applicant in connection with the loss of foraging opportunities. A lighting plan was also required to show certain areas which would not be completely illuminated. Consideration was also requested to be given to any lighting required during the construction phase.

In response, the applicant took advice from an ecologist and has advised that there will not be loss of foraging opportunities within the grounds as the proposal would only see the removal of one small tree to create the entrance to the proposed new dwelling. All other trees would remain.

It can be ensured that the scheme is satisfactory in respect of ecology subject to the imposition of conditions requiring the submission and approval of all external lighting prior to the commencement of development and also a condition requiring that all works are carried out in accordance with the mitigation measures set out in the bat survey. Subject to this, the proposal is considered to accord with policies CN18, CN22 and CN23.

## Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 and subject to the completion of the Section 106 Agreement relating to the phasing of this development and the previously approved application relating to the conversion of the adjacent listed buildings.

This recommendation is made on the basis that no further representations are received in advance of the expiration of the consultation period on 13 June 2014. Should any further representations be received in advance of this date, the contents and implications will be reported to Members by way of a report circulated at the meeting and the recommendation may be re-appraised if necessary.

**Recommendation:** Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992

## **RECOMMENDATION: GRANT PP Under Regulation 4**

### **Conditions:**

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

The Proposed Floor Plans - Drawing Number 1255 AL (0) 0110 Revision A, received 19 March 2014;

The Proposed Elevations - Drawing Number 1255 AL (0) 0120 Revision A, received 19 March 2014;

The Proposed Elevations - Drawing Number 1255 AL (0) 0125 Revision A, received 19 March 2014;

The Proposed Roof Plan - Drawing Number 1255 AL (0) 0180 Revision A, received 19 March 2014;

The Existing Site Plan - Drawing Number 1255 AL (90) 0100, received 8 November 2013;

The Proposed Site Plan - Drawing Number 1255 AL (90) 0300 Revision A, received 19 March 2014 and

The Site Location Plan - Drawing Number 1255 AL(90) 1000, received 8 November 2013.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full written schedule and samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order or any subsequent Statutory Instrument revoking, replacing or amending that order, no extensions or alterations shall be undertaken to the dwelling hereby approved or its roof, and no detached buildings or enclosures shall be erected within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the Unitary Development Plan.

- 5 Notwithstanding any details which may have been given in the application, no development shall take place until full details, including cross-section drawings, of all proposed boundary enclosures to be erected in association with the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless any variation is first approved in writing by the Local Planning Authority; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 No development shall commence until full details of the garage door to be fitted to the proposed dwelling have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall incorporate a manufacturer's specification and colour detail. Once details have been approved, the development shall not be carried out other than in accordance with the approved details unless any variation is first approved in writing by the Local Planning Authority; in the interests of visual amenity and highway safety and to comply with policies B2 and T14 of the Unitary Development Plan.
- 7 The area indicated on the submitted plans for the parking of vehicles (the hardstanding area to the front of the proposed dwelling) as shown on drawing number 1255 AL (90) 0300 Revision A, received 19 March 2014) shall be laid out in accordance with the approved plans before the dwelling hereby approved is brought into use. The area shall then be available for the parking of vehicles associated with the dwelling hereby approved at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.
- 8 No construction works required for the development hereby approved shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 9 Throughout the construction period, no deliveries of materials or equipment required in connection with the development shall be made to the site except between the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays and no such deliveries shall be made to the site on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN10 and T14 of the Unitary Development Plan.

- 11 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest and the investigation is required in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraphs 128 and 141 of the NPPF and policies B11, B13 and B14 of the Unitary Development Plan.
- 12 The dwelling hereby approved shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 10 has been submitted to and approved in writing by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraphs 128 and 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.
- 13 The dwelling hereby approved shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken as required by conditions 10 and 11 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.
- 14 No development shall commence until a plan and full written schedule detailing all external lighting proposed to be installed in connection with the new dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Once approved, development shall not proceed other than in complete accordance with the agreed details unless the Local Planning Authority first agrees any variation in writing, in the interests of residential amenity and biodiversity and to accord with policies B2 and CN22 of the Unitary Development Plan.
- 15 The development shall be carried out in complete accordance with the Mitigation Section (Section 4) of the Bat Survey and Risk Assessment Report produced by Veronica Howard, dated August 2013, which shall be adopted and delivered in full in the carrying out of the development hereby approved unless any variation is first agreed in writing by the Local Planning Authority and in order to ensure a satisfactory form of



development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

- 16 Prior to the commencement of development, complete copies of the method statement provided within the Bat Survey and Risk Assessment produced by Veronica Howard, dated August 2013, shall be made available to the developer and to the contractors working on site. Thereafter a copy of the aforementioned document shall be available at all times on site for reference by the developer and contractors working on site. Furthermore the development hereby approved shall be carried out in complete accordance with the contents of the report unless otherwise first agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

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**Reference No.:** 13/03740/LP4 LP4 (Regulation 4) 3rd Party Developer

**Proposal:** **Change of use of open land to form part of museum site, to include erection of 2.4 metre high palisade fencing.**

**Location:** Land North And West Of North East Aircraft Museum  
Washington Road Usworth Sunderland SR5 3HZ

**Ward:** Washington North

**Applicant:** NE Sea Land And Air Museum

**Date Valid:** 19 December 2013

**Target Date:** 13 February 2014

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### **PROPOSAL:**

The site to which the application relates is land adjacent to the North East Aircraft Museum, which is located on the site of the former RAF Usworth/Sunderland Aerodrome on Washington Road, Usworth. The submitted information suggests that the museum is undergoing re-branding as the North East Land, Sea and Air Museum. Part of the land is presently playing field to the north of the existing museum site, adjacent to the rear of existing dwellings at 1-5 Usworth Cottages and the side boundary of The Chalet. The remainder of the land subject to the application is presently grassed land to the west of the museum, adjoining the side and rear boundaries of the adjacent Air Cadets premises.

Planning permission is sought for the change of use of open land to form part of museum site, to include erection of 2.4 metre high palisade fencing.

The applicant has advised that the main purpose is to allow the museum an extended area to be used when there are special days being held at the museum. These days take place approximately eight times per year. For example, a transport day is due to be held in August, where there will be a number of old buses, commercial vehicles and vintage cars on display, whilst two of the on-site trams will be pulled out of the shed for display. As these days grow in popularity, more display place is required and the proposed enclosure will allow for more exhibits to be displayed and more room for the visitors to see the exhibits.

The land will not be used for any permanent display save a display just inside the new entrance. If at some point in the future, the trustees wish to place exhibits on the land, this would be subject to discussion with the Council and adjacent residents. There will be some times when the local cadet unit will camp on the field. This will be at a point away from the houses behind the existing hedge row and there should be no impact to the residents during this time. This currently takes place on the land once or twice a year.

A new entrance, car and coach park is proposed to be provided at the south-west of the site, relocating the access so as to be opposite the now closed Three Horse Shoes Public House. A suitable item will be displayed in this area to

welcome visitors to the museum. This change is proposed on the basis that visitor numbers to the museum are increasing and an easily accessible entrance with an associated display will enhance the visitor experience. This will allow for easy access for car and coach parking and will allow school groups safe access to the museum. There is an existing access opposite the public house although this is presently unused by the public and the only change apart from bringing it into use would be the replacement of the gates with new gates with the Museum's name inscribed.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Sport England  
Network Management  
County Archaeologist  
Washington North - Ward Councillor Consultation  
Environment Agency  
Sport England  
Network Management  
Washington North - Ward Councillor Consultation

Final Date for Receipt of Representations: **18.06.2014**

#### **REPRESENTATIONS:**

Neighbours

One letter of representation has been received. This representation is made on behalf of the occupiers of numbers 1, 2, 3 and 5 Usworth Cottages and The Chalet, Washington Road. The letter identifies that the contributors have several objections with regard to the granting of planning permission without at least some caveats being incorporated.

- Being the only six residential properties in very close proximity, the proposal will prohibit the residents' fifty one years of free and uninterrupted access to and from the rear of their properties as granted by the War Department at the time of purchase, which is quite some time before the Council acquired the open land and formed a sports field to the rear. Could this be a prescriptive right?
- If fenced in the proposed location, it would also prohibit the occupiers of the houses from being able to clean and maintain the drainage to their houses as the man holes and the drain pipes and lines would be beyond the occupiers' control in the event of a problem, which can and does occur on a regular basis.

- If enclosed as proposed, the proposal could entail the loss of the mature trees, shrubs and bushes which will almost certainly have a detrimental impact on local wildlife coupled with the effect of losing the existing noise barrier to the east (the site of the proposed Advanced Manufacturing Park) as well as the aforesaid vegetation being the only wind break to the north and east.
- The proposed fence would be a mere 6.5 meters away from conservatories etc to the rear of the dwellings.
- The proposal does not seem to accord with the development plan currently in force at this moment in time for this area.
- The residents appreciate the reasons for the museum's proposal and feel that with a small amount of modification, feel that a mutual solution could be achieved by moving the western fence a small way to the east to allow the residents to maintain the drain system, afford privacy, support wildlife and reach the extremity of their properties. These elements could be maintained by covenants, rights of way, licence, leasing or whatever form is acceptable to the Council.

## Consultees

### Network Management

The Network Management Team has advised that the proposal appears to be acceptable in principle, but has noted that Sunderland City Council have proposed a Traffic Regulation Order to address existing parking issues on Washington Road and also that there is no pedestrian provision proposed from Washington Road to the proposed new access point.

### County Archaeologist

The Tyne and Wear Archaeology Officer has advised that the site is of archaeological interest because it is the site of RAF Usworth. However, there is no objection to the land in question becoming part of the museum site.

### Environment Agency

The Environment Agency has advised that it has no objection to the proposal as submitted.

### Sport England

Sport England considered the application in light of its playing fields policy. The aim of the policy is to ensure that an adequate supply of quality pitches to satisfy the current and established future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

The reason for this policy is that development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport

England have recognised the importance of such activities to the social and economic well being of the country.

The application involves the loss of an area of the playing field which is set out as a bowling green and the access leading to it.

The bowling green has not been used for a considerable number of years and Sport England has previously advised the Council that it would be prepared to allow its loss if a Playing Pitch Strategy or similar document was able to show that it was surplus to the needs of bowls.

Sport England has now received a copy of the draft Sunderland Playing Pitch Strategy from the consultants. The document includes bowls within its scope. The initial audit shows that of the 13 operational greens in Sunderland, 12 have spare capacity and only one is operating over-capacity. The audit also identifies four lapsed greens (including the application site) which could be brought back into use should they be required.

In light of the above, Sport England is prepared to accept that the bowling green is genuinely surplus to requirements and that the following exceptional circumstance pertains to this development;

#### Policy Exception E1

A comprehensive assessment of playing pitches, completed and adopted or updated in the last three years, using Sport England's methodology (or an alternative methodology acceptable to Sport England), taking into account the quantity, quality and accessibility of playing pitches, and of current and future community needs has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport.

Beyond the principle issue, the means of enclosure proposed for the museum's use of the additional land seem to block access to the pitches beyond. Sport England presumes that this is an oversight which can be resolved through the imposition of a pre-commencement condition requiring pitch user access details worded as follows:

Prior to the commencement of the development, a parking and access plan for users of the football pitches on Plessy's Sports Field shall be submitted to and approved in writing by the Local Planning Authority (following consultation with Sport England). The approved scheme shall be brought into use upon the commencement of development and shall remain in operation for the duration of the Museum's use of the former bowling green.

The reason for this is to ensure that the use of the retained playing fields is not prejudiced.

#### **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments  
CN2 - Purpose of the Green Belt in Sunderland  
CN3 - Control of development within the Green Belt  
CN5 - Safeguarding the visual amenity of the Green Belt  
EC8 - Support for tourist and visitor attractions.  
EN10 - Proposals for unallocated sites to be compatible with the neighbourhood  
L7 - Protection of recreational and amenity land  
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
WA3 - Provision and / or improvement of tourist and visitor facilities  
WA19 - Maintenance of a Green Belt

## **COMMENTS:**

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

- 1) Principle of the Development.
- 2) Siting, design and amenity issues.
- 3) Impact on playing field land
- 4) Highway Issues.
- 5) Other Issues raised in objection.

- 1) Principle of the Development.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. 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.

Within the adopted Unitary Development Plan (UDP), policy WA3.1 states that the provision and/or improvement of visitor facilities and other works to enhance the North East Aircraft Museum will be encouraged. Proposals which adversely affect the attraction will normally be resisted. This policy is an expansion of policy EC8, which states that the Council will support the expansion of activities catering for tourists and other visitors by:

- Identifying, consolidating and safeguarding attractions;
- Refusing proposals which would have an adverse impact on tourist attractions;
- Actively encouraging opportunities for new tourist initiatives, especially where they are near existing areas of visitor interest;
- Providing cycle and car parking for visitors and footpaths and interpretive facilities at tourist attractions;
- The environmental implications of any proposals will be taken into consideration.

As the site lies within the Tyne and Wear Green Belt, policies CN2, CN3, CN5 and WA19 of the UDP are also to be considered in the assessment of the

proposed development. The aims of these policies are consistent with the aims of the NPPF (paragraphs 79-80 and 87-90) in respect of land within the Green Belt.

Policy CN2 seeks to ensure that a Green Belt will be maintained which will:

- Check the unrestricted sprawl of the built up area of Sunderland.
- Assist in safeguarding the countryside from further encroachment.
- Assist in the regeneration of the urban area of the City.
- Preserve the setting and special character of Springwell Village.
- Prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham.

As an expansion of this, policy WA19 states that a Green Belt will be maintained to the north of Washington between the City boundary with the neighbouring Metropolitan Boroughs of Gateshead and South Tyneside.

Policy CN3 sets out that the construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and Forestry;
- Essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in, or redevelopment of existing major developed sites identified elsewhere in part II of the plan;
- The extraction of minerals provided that high environmental standards are maintained and that the site is well restored;
- The re-use or conversion of an existing building providing that the building is of substantial construction and capable of conversion without major or complete reconstruction and it does not have a materially greater impact than the present use of the openness of the Green Belt.

Policy CN5 dictates that care must be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within or conspicuous from the Green Belt.

In considering the acceptability of the proposal in principle, it is noted that the proposal relates to the realignment of an existing boundary fence to allow additional land to be enclosed into the curtilage of the museum. The applicant has advised that the inclusion of this land will allow the museum greater flexibility on special event days and also will allow the creation of a new, more prominent entrance to the site. Both of these aims are considered to be in accordance with site specific policy WA3.1 as well as policy EC8 which seek to enhance the range of facilities and activities available for tourists.

Whilst the position of the site within the Green Belt is noted, the proposal relates to the expansion of an existing museum, which is identified as to be enhanced by the site specific UDP policies set out above. In respect of the impact upon the Green Belt, physical works proposed by this development are limited, with the main change being the realignment of a fence to allow the land to the north-west of the museum site to be enclosed into its curtilage. The fence would be 2.4 metre high palisade fencing, consistent with the design of the existing fencing which encloses the museum. The fence would run for a total length of 70 metres and would parallel the existing fencing to the rear of Usworth Cottages, although it would stand approximately 65 metres east of this existing fence line.

The impact and acceptability of the proposed enclosure of additional land into the museum site remains under consideration with regard to Green Belt policy. Discussions are also ongoing with the applicant in respect of any measures which could be taken to minimise the impact of the proposed development upon the openness of the Green Belt.

It is anticipated that these considerations will be concluded in order that a recommendation can be made by way of a supplementary report.

## 2) Siting, 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.

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.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. Furthermore, UDP policy EN10 states that all proposals for new development in areas where the proposals map does not identify any proposals for change will need to be compatible with the principal use of the neighbourhood.

Consideration of the proposal's impact upon amenity remains under consideration, alongside the issues set out above regarding the proposal's impact upon the Green Belt. Discussions are ongoing with the applicant as to the precise proposed nature of the use of the land and how this will impact upon neighbouring residents.

It is anticipated that these considerations will be concluded in order that a recommendation can be made by way of a supplementary report.

## 3) Impact on playing field land

Given its previous use as a bowling green, the part of the application site to the north-west of the museum site is subject to policy L7 of the adopted UDP, which dictates that land allocated for open space or outdoor recreation will be retained in its existing use. Permission for other uses on these sites will only be granted if:

- a) alternative provision, of an equivalent scale, quality and accessibility is made...or,
- b) the development is for educational purposes; and,



c) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

As set out above, Sport England has been consulted and has advised that the application involves the loss of an area of the playing field which is set out as a bowling green and the access leading to it.

The bowling green has not been used for a considerable number of years and Sport England has previously advised the Council that it would be prepared to allow its loss if a Playing Pitch Strategy or similar document was able to show that it was surplus to the needs of bowls.

Sport England has now received a copy of the draft Sunderland Playing Pitch Strategy from the consultants. The document includes bowls within its scope. The initial audit shows that of the 13 operational greens in Sunderland, 12 have spare capacity and only one is operating over-capacity. The audit also identifies four lapsed greens (including the application site) which could be brought back into use should they be required.

In light of the above, Sport England is prepared to accept that the bowling green is genuinely surplus to requirements and that the following exceptional circumstance pertains to this development;

#### Policy Exception E1

A comprehensive assessment of playing pitches, completed and adopted or updated in the last three years, using Sport England's methodology (or an alternative methodology acceptable to Sport England), taking into account the quantity, quality and accessibility of playing pitches, and of current and future community needs has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport.

Beyond the principle issue, the means of enclosure proposed for the museum's use of the additional land seem to block access to the pitches beyond. Sport England presumes that this is an oversight which can be resolved through the imposition of a pre-commencement condition requiring pitch user access details worded as follows:

Prior to the commencement of the development, a parking and access plan for users of the football pitches on Plessy's Sports Field shall be submitted to and approved in writing by the Local Planning Authority (following consultation with Sport England). The approved scheme shall be brought into use upon the commencement of development and shall remain in operation for the duration of the Museum's use of the former bowling green.

The reason for this is to ensure that the use of the retained playing fields is not prejudiced.

In light of the comments received from Sport England and subject to the imposition of the condition which has been recommended above, it is not considered that the loss of the bowling green would adversely affect outdoor play and recreation provision in the area and as such, the proposal is considered to be acceptable with due regard to UDP policy L7.

#### 4) 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 addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

As set out above, the Network Management Team has been consulted and has advised that the proposal appears to be acceptable in principle in highway safety terms. The proposal provides a new, more prominently positioned entrance to the site for visitors and although direct pedestrian access is not provided on the side of the road directly adjacent to the museum, a footpath does run alongside the road from which access is proposed to be taken on the other side of the road adjacent to the Three Horse Shoes Public House.

It is considered that the proposal accords satisfactorily with UDP policy T14 in respect of highway safety.

#### 5) Other Issues raised in objection.

Although a number of the issues raised in objection to the proposal are not material planning considerations, i.e. right of access across the land and the ability of residents to maintain their property should a fence be erected, there appears to be some confusion in respect of the proposal in respect of the nature of the fencing proposed to be erected.

The objection letter raises concern that the proposed new fence would be only 6.5 metres away from residential dwellings, whereas it actually appears to be 65 metres away from the rear boundaries of Usworth Cottages and in the region of 72 metres away from the dwellings themselves. The writer of the objection letter will be contacted to allow this matter to be further discussed in advance of the Sub-Committee meeting and it is anticipated that the outcome of these discussions will be reported by way of a supplementary report.

#### Conclusion

The acceptability of the proposal is currently being given further consideration in respect of the principle and amenity issues. Further discussions are ongoing with the applicant and the writer of the objection letter in respect of the detail of the proposal.

It is anticipated that a recommendation will be made through the preparation of a supplementary report.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 13/04024/FUL Full Application

**Proposal:** Extensions to front, rear and sides of existing school comprising new classroom, nursery, office, administration and reception areas. Reconfiguration and extension of church car park including new tarmac hardstanding area to allow the provision of a total of 54 spaces incorporating pupil drop off area. Alterations to existing vehicular access to church car park and creation of new separate vehicular access to the presbytery from Station Road. (Amended Description)

**Location:** Our Lady Queen Of Peace R C School, Church And Presbytery Station Road Penshaw Houghton-le-Spring DH4 7JZ

**Ward:** Shiney Row

**Applicant:** The Trustees Of RC Diocese Of Hexham And Newcastle

**Date Valid:** 13 December 2013

**Target Date:** 7 February 2014

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## **PROPOSAL:**

The application relates to Our Lady Queen of Peace School, Church and the Presbytery on Station Road in Penshaw.

Planning permission is sought for extensions to the front, rear and sides of the existing school comprising new classroom, nursery, office, administration and reception areas.

The extensions to the school building are in three distinct areas. The first of these is proposed a new extension to the side/rear (south-east and south-west) elevations. This would allow for the creation of a new class room for Year 3 and 4 pupils and the widening of an existing classroom used by Year 5 pupils. The extension would project 8.3 metres beyond the rear of the existing building at the point which it would adjoin and would be 10.4 metres wide. The element of the extension which wraps around the side of the existing Year 5 classroom to increase its width would be 1.4 metres wide. The extension would be erected with a monopitch roof, 3.2 metres high at its lowest point and 4.2 metres high at its highest point. The proposed extension would be set in from the rear boundary of the site, shared with residential properties in Redlands by approximately 8.4 metres.

The second extension is proposed to the front/side (north-west) elevation of the school. The new accommodation would allow the provision of a new Year 6 classroom, two new group work rooms, as well as office, administration and

reception facilities. The proposed extension would also allow for the widening of an existing classroom used by Year 5 and 6 pupils. The extension would project 17 metres forward of the existing building at the point it would adjoin and would have a cumulative width of 15 metres at its widest point. In common with the proposed extension to the rear of the school, this extension would have a monopitch roof which would be 3.6 metres high at its lowest point and 5 metres high at its highest.

The third area of the school to be extended is to the other side elevation adjacent to the north-east boundary of the site. The extension proposed here would allow the creation of a new Year 1 classroom and the extension of the existing nursery and reception classroom. The extension would be 25.6 metres long and 6.6 metres wide. It would replicate the monopitch design of the existing building which it would adjoin being 3.7 metres high at its lowest point and 5.5 metres high at its highest point. The extended building would be set in by approximately 6 metres from the eastern boundary of the site.

The proposal also comprises the reconfiguration and extension of church car park including new tarmac hardstanding area to allow the provision of a total of 54 spaces incorporating pupil drop off area.

Alterations are also proposed to the existing vehicular access to the church and the creation of new separate vehicular access to the presbytery from Station Road.

When initially submitted, the planning application also included a proposal to create a 25 space car park within the school grounds on part of the playing field. This element of the proposed development has now been omitted from the application.

This application would normally have been determined under the Council's Scheme of Delegation, but has been referred to the Sub-Committee for determination at the request of Councillor Speding. Members visited the site on 21 March 2014.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Northumbrian Water  
Environmental Health  
Sport England  
Shiney Row - Ward Councillors Consultation  
Network Management

Final Date for Receipt of Representations: **14.04.2014**

## REPRESENTATIONS:

There have been two separate consultation periods in respect of this application. The first of these was in respect of the original planning application and the second upon receipt of amended plans omitting the originally proposed car park on the playing field and additional information in respect of highway and drainage matters.

### Neighbours

In response to the initial consultation period in connection with the application, a number of representations have been received from nearby residents raising objections to the proposals as follows:

- The proposal would detrimentally affect views from the rear of 9 Redlands.
- The documentation states that the existing soakaway will be used to disperse water. This soakaway is wholly inadequate in dispersing the water at present and as a result, properties in Frederick Gardens are experiencing flooding. The proposed development will exacerbate this issue through increased levels of hardsurfacing on the site. The matter has previously been communicated to the school, but to date remains unresolved.
- The drainage section of Sunderland Council and Northumbrian Water have previously advised residents of Frederick Gardens that the water is coming from the school grounds.
- The proposed extensions to the car parks will not solve the problem of parking on the main road. With the school intake increasing by 50%, the parking problem will get worse. Station Road is a busy road. Frequent buses and motorists travelling to Shiney Row are forced to overtake parked cars on a blind bend. Improved arrangements for entering and exiting the school and church grounds and also for drop off and pick up are essential.

Further to the second consultation period, a further letter has been received in objection to the proposal from residents of five properties in Frederick Gardens. The letter raises the following reasons for objecting:

- Over the last few years, the residents have all experienced problems with excess water draining into their properties from the adjoining school field. The residents have tried unsuccessfully to speak with the Chair of Governors and the Headteachers of the school since 2001 to the present date to resolve the issue.
- Using the existing, inadequate soakaway to disperse the surface water will exacerbate the problem of flooding which is currently seriously affecting the residents' properties which lie below the bottom of the soakaway.
- The extension of the car park will not solve the problem of parking on the main road.
- In addition, the Site Drainage Statement is extremely subjective without substantive fact.
- There are no dimensions of the current soakaway and the school claim not to know it existed and have no records of it.
- The agent states that there is no evidence that the soakaway is not being fit for purpose. This is not true and the residents have provided correspondence dating back to 2001 highlighting the problems they have been experiencing. A factual statement cannot be made in respect of the downstream impact of the drainage system as the topography of the adjacent dwellings was not

inspected when the soakaway was replaced in 2001 and the agent has not taken up residents' offers to see the problems in the intervening time.

- The drainage statement states that water is discharged deep underground close to the south-western boundary and also implies leakage from the soakaway which is 2 metres below ground level would become apparent below this level. The residents have evidence that this is happening, but the agent has chosen to ignore this.
- The exact location of the soakaway is unclear as the plans suggest it is further from the fence than it actually is.
- The existing soakaway was constructed in 2001 and the residents would like answers and evidence that the following were carried out by a drainage expert; percolation tests, testing on the soil type i.e. filtration rates, the clay cap and underlying geology, the water table, were tests carried out and if so were they shared with a qualified drainage expert, topography of the ground and consultation with neighbouring properties.
- In the drainage statement, the agent states that he has inspected the playing field regularly over the years and every couple of weeks over the past five months. Are there records of these purported inspections and more importantly, what inspections were made of the soakaway, the residents can see no evidence of this in the statement.
- The residents are not opposed to the growth and development of the school, however they do want to see that all drainage systems are not only fit for purpose for the school and neighbouring properties i.e. to stop the water leakage into neighbouring properties and to have the infrastructure and capacity not only for the proposed future developments in 2014 and 2019/20 but also to take into account changes in the climate and consequent water levels. Why can excess water not simply be directed into a main drain?

## Consultees

### Network Management

In commenting on the application as initially received, the Network Management Team advised as follows:

It is understood that pupil numbers will increase by 105 pupils from 210 to 315. This will take place over the next six years with classes increasing from 30 pupils to 45.

The application form states that an additional four full time staff are proposed (24 in total). It is noted that a 25 space staff/visitor car park is proposed within the school grounds.

It is noted that the proposal will generate a significant increase in vehicular movements.

A transport statement is required to provide the following:

- It is apparent that no parent parking is to take place within the grounds of the school. It is assumed that parent parking is proposed within the church car park and the adjacent club car park. Clarification of these parking arrangements is required - a plan identifying the proposed 73 parking spaces as stated in the application form is required.
- There is a proposed drop off area within the church car park, however this area is likely to be used for parking and not just a drop off point.

- Clarification is required as to how the operation of the church services will be affected by parents using the church car park.

The creation of a new vehicular access to the Presbytery may be acceptable on the basis of a low level of use.

At present, there is no school crossing patrol operating at this school, however the increase in pupil numbers in the future would increase vehicular and pedestrian movements and a school crossing patrol may be required.

It is understood that the school has an existing school travel plan, a revised and updated travel plan and travel survey would be required for this proposal.

With reference to the amended plans in respect of the church car park layout, the Network Management Team advised that it is acknowledged that the applicant has provided parent parking and a drop off / pick up area within the church grounds with 27 new spaces proposed and 27 of the existing spaces retained on the new alignment giving a total of 54 spaces. The loss of the proposed additional staff parking within the school grounds would mean staff would have to share these proposed spaces within the church car park. Whilst this is not ideal, on balance, with appropriate soft mitigation measures in place, refusal on highway grounds alone would likely be un-sustainable in an appeal situation.

In terms of mitigation measures; it is strongly recommended that the applicant be required to submit and implement a robust School Travel Plan. The content, targets, incentives and penalties of this document shall be agreed in writing prior to occupation of the extension or increasing pupil numbers. The document shall be reviewed at least annually by an appropriately competent individual, the results of this review shall be submitted in writing.

#### Sport England

In response to consultation on the proposal as first submitted, Sport England advised that the location of the initially proposed extended north-westwards onto the playing field which aerial photos suggest has been used to accommodate a football pitch of differing dimensions over the years. It was not demonstrated that the car park extension would not conflict with the playing field's sporting use and as such this aspect of the proposal would be in conflict with Sport England's playing field policy. For this reason, Sport England objected to the proposal as first submitted as it was not considered to accord with any of the exceptions in Sport England's playing fields policy.

Thus, in accordance with Circular 02/09, Sport England objected on the following grounds:

- There is a deficiency in the provision of playing fields in the area of the local authority concerned;
- The proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned.

Upon receipt of amended plans, it was evident that the car park which had been the reason for Sport England's initial objection to the scheme had been omitted. Sport England were reconsulted and have advised that the parking area which encroached onto the playing field land has been deleted with additional car

parking instead located in the adjacent church. Sport England's statutory objection is therefore withdrawn and as such no further comments were offered.

#### Northumbrian Water

Northumbrian Water considered the development and assessed the impact of the proposed development on their assets and assessed the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposal development against the context outlined above, Northumbrian Water confirmed that there are no comments to be made in respect of the proposed development as the applicant intends to dispose of surface water via a soakaway.

#### Northern Powergrid

Northern Powergrid has confirmed that it has no objections to the proposal providing that its rights are not affected and that any such rights will continue to be enjoyed to allow access to their apparatus for maintenance, replacement or renewal works as necessary.

### **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

CF4 - Provision for Nursery Education

CF5 - Provision for primary and secondary schools

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

EN12 - Conflicts between new development and flood risk / water resources

L7 - Protection of recreational and amenity land

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

T22 - Parking standards in new developments

### **COMMENTS:**

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

- 1) Principle of the Development.
- 2) Impact upon Residential Amenity.
- 3) Impact upon Visual Amenity.
- 4) Highway Issues.
- 5) Drainage Issues.

- 1) Principle of the Development.

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to 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.

Policy CF4 states that provision for nursery education will be made, so far as possible, within surplus accommodation at existing schools, or in new premises on existing school sites where sufficient land is available. Policy CF5 of the UDP



requires that where possible, the requirements for the provision of education shall be met on existing sites

The school playing fields are identified to be protected from development under UDP policy L7.

In light of the above, it is considered that, the proposed extensions and alterations accord with policies EN10, CF4 and CF5 of the Unitary Development Plan in providing additional teaching and ancillary facilities for the existing school. Furthermore, following the amendment to the proposal to omit the car parking provision which would have encroached onto the school playing field from the proposal, the playing field is unaffected by the development and as such, the proposal is considered to accord with policy L7.

The use of the existing church car park by parents of children attending the school as a pick up and drop off facility is a longstanding arrangement. The provision of drop off facilities along with improved car parking and site access arrangements is considered to be to the benefit of both the school and the church and serves to formalise and reinforce the existing shared use arrangement.

The impact of the proposed new access to the Presbytery is considered to be acceptable in principle in that it allows for the creation of a dedicated vehicular access to this residential property.

For the reasons set out above, as the proposal relates to the expansion of a the school on its existing site with associated improvements to the adjacent church and presbytery, the proposed development is considered to be acceptable in principle with due regard to the UDP policies set out above.

## 2) Impact upon Residential Amenity

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

The proposed extensions are in various locations around the site as set out above. The proposed nursery and year 1 classroom extension would be offset from the closest dwellings on Dalton Way, which stand in an elevated position by approximately 22 metres. This distance, combined with the difference in levels is considered to be such that the amenities of occupiers of these properties would not be compromised by the proposed extension.

The proposed new extension for the year 3 and 4 pupils is offset from the rear elevation of the closest property in Redlands by approximately 18 metres and the school is set down from the ground level of Redlands. The separation distance between the properties combined with the setting of the school at a lower level is such that the impact of the proposed extension upon occupiers of the dwellings in Redlands is acceptable. The impact of the proposed extension upon the amenities of occupiers of dwellings in Redlands is further reduced by the proposed roof design, which is a monopitch roof which is at its lowest height where it is closest to the boundary with Redlands.

Whilst it is noted that The Presbytery stands at a lower level than the school site, the separation distance of 22 metres between the nearest extension to the school

and the rear elevation of The Presbytery is considered to be sufficient in order to avoid unacceptable harm to occupiers of The Presbytery.

The closest residential property in Frederick Gardens is offset from the closest part of the extended school by approximately 95 metres which is considered to be sufficient in order that the amenities of occupiers of these properties will not be compromised as a result of the proposed extensions. The concerns raised by residents of Frederick Gardens in respect of flooding are to be given separate consideration - see below.

The proposed new access to The Presbytery stands between the church and the boundary shared with 14 Station Road. It is considered that the proposed new access is set away from the shared boundary by a distance significant enough to avoid harm to the amenities of occupiers of this property as a result of its use.

For the reasons set out above, it is not considered that the works proposed by this application would be harmful to the amenities of any adjacent resident in order to warrant refusal of the planning application.

### 3) Impact upon Visual Amenity

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

The school site is of limited visibility from Station Road, being set at the head of a long driveway with a good amount of screening in between. The extensions to the front would be still be visible from vantage points along Station Road, but given that the extensions are designed to reflect the contemporary appearance of the previous extensions to the original school, it is considered that the proposal adequately reflects the design and character of the street scene so as not to be detrimental to visual amenity. The same can be said in respect of views from the footpath of Dalton Way to the east of the site, where the extensions will be visible in the context of the previously erected extensions to the school, to which they appear similar.

The proposed expansion of the church car park to facilitate the additional parking and drop off facilities will result in the creation of a new tarmac hardstanding area on part of the existing grassland between the school access and the existing church car park. Whilst the loss of part of this grassed area is unfortunate, a strip of grassland 13 metres wide is shown as to be retained on the submitted site plan and on balance, it is considered that the benefit of extending the car park and improving the pick up and drop off arrangements at the school outweigh the loss of a small area of grassed open space, particularly given that a relatively large area of open space would remain after the works are carried out.

For the reasons set out above, the impact of the proposal on visual amenity and the street scene is considered to be acceptable.

### 4) Highway Issues

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

With reference to the amended plans in respect of the church car park layout, the Network Management Team acknowledged that the applicant has provided parent parking and a drop off / pick up area within the church grounds with 27 new spaces proposed and 27 of the existing spaces retained on the new alignment giving a total of 54 spaces. The loss of the proposed additional staff parking within the school grounds would mean staff would have to share these proposed spaces within the church car park. Whilst this is not ideal, on balance, with appropriate soft mitigation measures in place, refusal on highway grounds alone would likely be un-sustainable in an appeal situation.

In terms of mitigation measures; it is strongly recommended that the applicant be required to submit and implement a robust School Travel Plan. The content, targets, incentives and penalties of this document shall be agreed in writing prior to occupation of the extension or increasing pupil numbers. The document shall be reviewed at least annually by an appropriately competent individual, the results of this review shall be submitted in writing.

Subject to the imposition of a condition requiring the School Travel Plan to be updated as specified above, it is considered that it can be ensured that the proposed development does not create highway safety problems sufficient to warrant a refusal of planning permission on that basis. The proposal is considered to accord satisfactorily with UDP policies T14 and T22.

#### 5) Drainage Issues

Policy EN12 of the UDP states that in assessing proposals for new development, the Council will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding.

The issues raised by residents in Frederick Gardens in respect of flooding and water run off issues remain under consideration. The outcome of these considerations will be presented to the Sub-Committee by way of a supplementary report.

#### Conclusion

The acceptability of the proposal is currently being given further consideration in respect of the associated highway and drainage issues and it is anticipated that a recommendation will be made through the preparation of a supplementary report.

**RECOMMENDATION: Deputy Chief Executive to Report**

**Reference No.:** 13/04444/FUL Full Application

**Proposal:** **Residential development comprising 43no. dwellings and associated access, infrastructure and landscaping.**

**Location:** Land South East Of Pattinson Road Pattinson Industrial Estate Washington

**Ward:** Washington East

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

**Date Valid:** 23 December 2013

**Target Date:** 24 March 2014

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## **PROPOSAL:**

Full planning permission is sought for a residential development comprising 43. units and associated access, infrastructure and landscaping works on an area of land on the southeast side of Pattinson Road which would be known as Phase 3 of Teal Farm Village.

The site has an area of 2 hectares and forms part of the defined Tyne and Wear Green Belt. The density of the proposed development equates to approximately 21.5 dwellings per hectare.

The site would be accessed from the ongoing adjacent residential development known as Teal Farm Village via a roundabout from Pattinson Road to the northeast, so the proposal would effectively form an extension of this development. The proposed estate road would run approximately parallel with Pattinson Road centrally through the site to form a continuation of the road to run through approved Phase 2. Some properties would front directly onto this road whilst others would be laid out in a series of culs-de-sac. Pedestrian links are to be provided to the southeast and southwest.

The majority of the properties would be detached, although 6no. of the units would be semis, and the plot sizes vary considerably. Of the proposed dwellings, 11no. would be 5-bedroom, 23no, would be 4-bedroom, 8no, would be 3-bedroom and 1no. would be 1-bedroom. Each unit would have either two or two-and-a-half (i.e. with dormers providing habitable roof space) with eaves heights ranging from 5m-5.6m and ridge heights of between 7.1m-9.9m. Common features would be incorporated including gabled roofs and flat-roofed bays, canopies and dormers. A series of detached garage blocks would be provided with a mix of gabled and hipped roofs. The site would be surrounded by landscaping on all sides, including the retention of the tree belt along Pattinson Road, and it is set out in the submitted Planning Statement that 0.075 hectares of amenity open space would be provided on site.

The Planning Statement also sets out that the applicant is willing to provide financial contributions for open space (taking into account that to be provided on site and including future maintenance costs) and education, should the Local

Planning Authority (the 'LPA') demonstrate that this is required. The applicant has indicated that no on-site affordable housing would be provided for viability reasons and, whilst 6no. off-site affordable dwellings would be provided, the applicant is not prepared to enter into a Section 106 agreement (under the Town and Country Planning Act 1990 (as amended)), citing the terms of funding secured from the Homes and Communities Agency.

The application has been accompanied by the following documentation:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Archaeological Desk-based Assessment
- Preliminary Geotechnical and Ground Contamination Desk Top Review
- Ecological Assessment
- Flood Risk Assessment
- Landscape Appraisal
- Noise Impact Assessment
- Low or Zero Carbon Technology Feasibility Study
- Transport Assessment
- Planning Summary Statement

Given that the application site is allocated as Green Belt Land by the adopted UDP, the proposal constitutes a departure from the adopted plan. The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This includes 'development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- (a) the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.

The proposal is considered to meet both of these criteria (the floorspace to be created equates to 6238 square metres) and, as such, as set out by the Direction, unless Members are minded to refuse planning permission, the application must be referred to the Secretary of State.

### Site Description and History

The application site is situated approximately 2km to the southeast of Washington centre, immediately to the southeast of Pattinson Road on an area of land identified by policy WA19.2 of the adopted Unitary Development Plan (the 'UDP') as forming part of the Tyne and Wear Green Belt. The site exists as an area of open space and surrounded on all sides by a dense tree belt and is bound to the northwest with Pattinson Road and the northeast with Phases 1 and 2 of Teal Farm Village, predominantly residential developments which also include a Sainsbury's and other shops and local services adjacent to the entrance to the site off the roundabout. There is a deeper area of woodland to the southeast with part of the C2C cycle route and the River Wear beyond. To the southwest is an industrial unit operated by Faurecia Engineering, beyond

which on the opposite side of Staithes Road is an ASDA distribution centre which operates 24 hours each day.

Members may recall that the adjacent land to the northeast which is currently under development was originally subject to planning approval 10/03726/HYB for a mixed use development comprising business and industry units falling into Use Classes B1, B2 and B8 of the Town and Country (Use Classes) Order 1995 (as amended), commercial units falling into Classes A1, A2 and A5 of the Order and 95 dwellinghouses.

Subsequently, consents to substitute house types in connection with this planning approval 10/03726/HYB have been granted, as has an application to vary condition 5 of that permission to, essentially, remove the requirement for the units falling into the 'B' Use Classes to be built on the site, instead requiring them to be constructed nearby.

The area of land which would have been used for the Class 'B' units, immediately adjacent to the current site, was subsequently subject to planning application 12/03113/FUL comprising 39no. dwellings, which was approved in May 2013 and is now known as Phase 2 of Teal Farm Village.

There is a current residential development taking place immediately opposite Pattinson Road by Bellway homes known as Teal Farm Gardens and the ongoing Teal Park Farm development by Barratt Homes exists to the north and east of this which, in part, was formerly occupied by the CAPE Insulation Factory and the former Pattinson Township.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

The Woodland Trust  
English Heritage  
County Archaeologist  
Nexus  
The Highways Agency  
Environmental Health  
Washington East - Ward Councillor Consultation  
Network Management  
Director Of Children's Services  
Environmental Health  
Environment Agency  
Nexus  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Force Planning And Police Architectural Liaison Officer  
Northumbrian Water  
Natural England  
Durham Wildlife Trust

Final Date for Receipt of Representations: **06.03.2014**

## **REPRESENTATIONS:**

### Neighbours

Further to the publication of the application by way of letters to neighbouring properties and site and press notices, one representation has been received from a nearby occupant wherein concerns are raised over the level of development which has taken place in the area in recent times, that the proposed dwellings could overlook their property (no. 1 Staithes House), that residents would be subjected to additional noise during construction works and that no letter of notification was sent directly to this property.

Members are advised that the potential for overlooking is addressed in this report in the sections below whilst in response to the other points raised, the LPA does not consider that the potential for additional development should, in itself, prejudice the planning merits of the proposal in lieu of any identified harm, whilst any noise which is generated would be temporary, being limited to construction works, whilst planning conditions and environmental health legislation would ensure that any such noise would be minimised where possible. In response to the latter point, the LPA is satisfied with level of notification of the application, which exceeded statutory requirements, and, given that this resident was afforded the opportunity, and indeed did, make representation, he was not prejudiced in any way.

### External Consultees

The County Archaeologist inspected the submitted archaeological desk-based assessment and confirmed that no further archaeological work is required.

English Heritage confirmed that it does not wish to offer any comments in this instance.

The Environment Agency (EA) has advised that it has no objections to the proposals but made reference to a number of nearby waste facilities, advising that consideration be given to the impact of these on the proposal and that the provision of additional housing may lead to an increase in the number of complaints to the EA brought about by such uses near to residential areas, which has already occurred as a result of the housing which has been provided in this area. This, in turn, may lead to the waste facilities reducing their operations or relocating. It is also recommended that Northumbrian Water (NWL) be consulted in respect of drainage and confirmed that no substantive comments are offered in respect of flood risk (on the basis that surface water would be discharged to the NWL sewer network) or contaminated land in respect of any impact on controlled waters given that they are considered to be of low environmental sensitivity at this particular site.

The Highways Agency confirmed that it has no objections in this instance.

Natural England confirmed that it has no objections, made reference to its standing advice on protected species, noted that the site includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities Act 2006 (the "NERC Act"), and provided general guidance in respect of the ecological impact of proposed developments and biodiversity and landscaping enhancements.

Nexus offered no objections and noted that, whilst public transport provision to the site is poor, given the scale of the proposal a more comprehensive scheme could not be justified. It was also noted that the lack of a footway along Pattinson Road adjacent to the site would further discourage residents to use public transport and it is recommended that lighting be provided along the proposed pedestrian access to the southeast.

Northumbrian Water raised concerns that, given the close proximity of the site to its Washington Sewerage Treatment Works, the proposed dwellings would be subjected to unpleasant odours dispelled by this facility, which could give rise to complaints.

#### Internal Consultees

Children's Services has requested a financial contribution of £ £71,334 to provide additional primary school places to accommodate the additional demand which would be generated by the proposed development, given that all schools in this area are currently fully subscribed and projected to remain so.

Environmental Health offer no objections to the scheme to date, although the contaminated land issues are still being considered. As regards noise, it is advised that the recommendations within the submitted noise assessment be reflected as conditions of any consent issued. Further, it is recommended that conditions be imposed in respect of the hours of operation of the site, the method of working including the suppression/amelioration of noise, dust and vibration from works and /or machinery on the site as well as general dust suppression measures.

Planning Policy has advised that the proposal is acceptable in principle, the reasons for which are elaborated upon subsequently in this report.

Natural Environment has confirmed that the proposal is acceptable in terms of its ecological impact.

Network Management has reviewed the amended plans and confirmed its satisfaction of the scheme in its revised form.

Sport and Leisure has advised that a financial contribution of £30,143 is required in this instance, which would be spent at either the new development site or Teal Farm, Barmston, Princess Ann or Glebe play areas to support the ongoing maintenance of the play park.

#### **POLICIES:**



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

B2 -Scale, massing layout and setting of new developments  
B24 -Appropriate provision for utility services in building development  
CN2 -Purpose of the Green Belt in Sunderland  
CN3 -Control of development within the Green Belt  
CN15 -Creation of the Great North Forest  
CN17 -Tree Preservation Orders and replacement of trees  
CN18 -Promotion of nature conservation (general)  
CN22 -Developments affecting protected wildlife species and habitats  
CN23 -Measures to conserve/ improve wildlife corridors  
EN1 -Improvement of the environment  
EN6 -Limit exposure of new noise/vibration sensitive developments to existing sources  
EN7 -Proposals for residential development in the vicinity of railway tracks  
EN9 -Conflicts between proposed sensitive developments and existing non compatible uses  
EN12 -Conflicts between new development and flood risk / water resources  
EN14 -Development on unstable or contaminated land or land at risk from landfill/mine gas  
H1 -Provision for new housing  
H16 -Negotiation for affordable housing in major developments  
H21 -Open space requirements in new residential developments (over 40 bed spaces)  
R1 -Working towards environmentally sustainable development  
R3 -Infrastructure provision, etc. in association with developments  
R4 -Incorporation of energy saving measures  
T8 -The needs of pedestrians will be given a high priority throughout the city.  
T9 -Specific provision will be made for cyclists on existing/new roads and off road  
T10 -Protect footpaths; identify new ones & adapt some as multi-user routes  
T14 -Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 -Parking standards in new developments  
WA19 -Maintenance of a Green Belt

## **COMMENTS:**

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

- Principle of Development
- Highway Access, Car Parking and Sustainability
- Education
- Play Space
- Affordable Housing
- Design, Scale, Massing, Layout and Appearance, including Landscaping
- Impact upon Residential Amenity
- Ground Contamination
- Noise and vibration
- Odour
- Ecology and Wildlife

## Principle of Development

Paragraphs 2, 11, 12, 13 and 196 of the National Planning Policy Framework (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.

Consequently, when the Local Planning Authority (the "LPA") considers development proposals it must take into account the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004), which provides that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Nevertheless, it is also important to recognise that, as of the 27 March 2013, an LPA which does not have an up to date development plan will be subject to the full effect of the NPPF, especially in those instances where there is conflict between the Development Plan and the NPPF.

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether any conflict is considered to exist between the Council's adopted Unitary Development Plan (the "UDP") and the NPPF. In this regard, given that the development proposal site is located within the adopted Tyne and Wear Green Belt, it is not considered that the NPPF and UDP are in conflict. Significant weight must therefore be afforded to Section 9 of the NPPF and the relevant Green Belt UDP policies.

Paragraph 80 of the NPPF sets out five purposes of including land within Green Belts, which are reflective of policy CN2 of the UDP. Those which are relevant to the current proposal require the Green Belt to be maintained to:

- check the unrestricted sprawl of the built up area of Sunderland;
- safeguard the City's countryside from encroachment;
- assist in the regeneration of the urban area of the City; and
- prevent the merging of Sunderland with surrounding urban areas and neighbouring town with one another.

The essential characteristic of Green Belts is permanence and their protection must be maintained as far as can be seen ahead. In order to safeguard the Green Belt, paragraph 87 of the NPPF considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in 'Very Special Circumstances'. Paragraph 88 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations'.

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

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

This is echoed by policy CN3 of the UDP, which also states that the construction of new buildings in the Green Belt is inappropriate unless it is for a range of purposes including agriculture and forestry; essential facilities for outdoor sport and recreation and for other uses of land which preserve the openness of the Green Belt.

The current proposal clearly does not fall within any of these criteria. Therefore, in order for the proposal to be considered any further, 'very special circumstances' must be demonstrated (the onus for which lies with the applicant) in order for the proposal to be considered any further. Where such very special circumstances cannot be provided, the proposal represents an inappropriate form of development within the Green Belt and is therefore unacceptable in principle.

The submitted Planning Update Statement (June 2014 revision) has detailed how the character of the immediate vicinity of the site has changed since the adoption of the Green Belt boundary through the UDP and that the area has become increasingly 'urbanised' over recent years. This Statement details that there would be little or no harm to the openness of the Green Belt and the purposes of including the site within it as a result of the proposal and that the proposed development carries sustainability and economic benefits whilst meeting a particular housing need in an area of limited housing land availability.

Upon consultation with the LPA's Planning Policy section, it is considered that, in this case, these matters constitute 'very special circumstances' which relate uniquely to this site and are sufficient to outweigh the harm to the Green Belt by

inappropriateness without setting a precedent for future similar development of Green Belt sites.

In addition, UDP policy H1 sets out that sufficient new housing be provided which will maximise locational choice, caters for reduced out migration and increasing household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land whilst policy H2 advises that high priority will be given to the conservation, maintenance and improvement of the existing housing stock, and where necessary to the improvement of its environment. Housing which cannot be improved to provide satisfactory living conditions (at a reasonable cost) could be cleared". Measures aimed at improving the existing housing stock and environmental improvements will be given high priority. The proposed development would assist in the regeneration and renewal of the area and would improve the availability of housing stock whilst providing environmental improvement to the area and community as a whole.

For such reasons, the principle of the proposed development is, on balance, considered to be acceptable.

### Highway Access, Car Parking and Sustainability

#### Access and Car Parking

Paragraph 75 of the NPPF 75 states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

UDP policies T8, T9 and T10 promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes. Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met whilst policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

The site is to be accessed from an existing roundabout on Pattinson Road through Phases 1 and 2 of Teal Farm Village. The revised layout has addressed previous concerns raised by Network Management over the original submission in relation to the proposed highway layout, visitor parking and footway/cycleway provision. The scheme demonstrates a range of parking solutions throughout the development, achieving an acceptable number of spaces required for occupants and visitors. The overall concept and layout of the roads and footpaths throughout the development is generally considered to be acceptable in principle and it is considered that details of traffic calming measures, visitor parking and footway/cycleway provision can be resolved through the imposition of suitably worded conditions.

Therefore, having regard to the above and considering the proposal against the abovementioned policies it is not considered that the proposal would be detrimental to highway safety or the free passage of traffic.

## Sustainability

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

Reflective of this policy R2 of the UDP states that, in considering proposals for new development, the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure, minimises the need for travel and makes use of vacant and derelict land.

The site is not particularly sustainable in terms of access to key facilities such as schools, chemists and doctors surgeries, all of which are over 1 kilometre away from the site. Although there exists a bus stop adjacent to the site on Pattinson Road, which would be 800m from the furthest property, only one service currently operates at this location, namely the no. 73 which runs from Concord to Sunderland City Centre on a half-hourly basis, and there is no evening or Sunday service or any link to Washington Town Centre. Similar concerns have also been raised by Nexus in their consultation response, as summarised in the main report to the Sub-Committee, however Nexus have advised that, given the scale of the proposed development, it would be unrealistic to insist upon a more comprehensive provision.

However, it is noted that Condition 7 of planning permission ref. 10/03726/HYB, for the adjacent mixed-use development, requires the introduction of a series of highway measures on Pattinson Road, including the provision of 2no. new bus stops prior to the development being brought into use, thereby improving the sustainability of the site. A similarly worded condition may be imposed in this instance to ensure that access to public transport is improved, should Members be minded to approve the application. It is also considered that, should sufficient demand from residents be forthcoming, it is likely that a bus provider will expand its service in the future to better serve the estate.

In addition, a number of retail units and services, including a Sainsbury's shop, have been provided adjacent to the roundabout at the entrance of the Teal Farm Village estate which are within walking distance from the application site and a multi-use games area and pub/restaurant are also to be provided as part of the adjacent mixed-use development.

## Education

Paragraph 72 of the NPPF states that, 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted'.

In addition, UDP policy R3 states that, where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning

conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made.

It is evident that there is already real pressure on school places in this part of the Washington area and any new residential development will therefore pose further strain on the availability of school places in the area. Based on the number of dwellings proposed, the Council's Children's Services section has set out the requirement for a financial contribution of £71,334 to accommodate the additional primary school places which are estimated to be generated by the proposed development, using the Department for Children Schools and Families basic need cost multipliers.

The above will be secured by way of a financial contribution made under S106 of the Town and Country Planning Act.

### Play Space

Paragraph 73 of the NPPF indicates that 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.

Policy H21 of the UDP reflects this, setting out the Council's requirements for open space provision within new developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment.

The Council's Sport and Leisure section has advised that a financial contribution of £30,143 is required in this instance, which would be spent at either the new development site or Teal Farm, Barmston, Princess Anne or Glebe play areas to support the ongoing maintenance of the play park. However, the applicant has sought to address this matter within the development, the detail of which will be agreed by way of planning condition to ensure that the play provision provided on site is commensurate with the scale of the development proposed. As such no financial contribution is required in this regard.

### Affordable Housing

Policy H16 of the UDP states that the Council will negotiate with developers, on the basis of local needs and site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. However, more recently paragraph 159 of the NPPF requires Local Planning Authorities (LPAs) to understand the housing needs of their area, including affordable housing, by undertaking and preparing a Strategic Housing Market Assessment (SHMA).

The Council's SHMA, and recent Economic Viability of Affordable Housing Requirement Study, identify a need for 10% affordable dwellings on schemes of 15 dwellings or more, of which 75% should be social rented and 25% intermediate, which is reflected by policy CS4.3 of the emerging Sunderland Local Plan. Table 6.4 of the SHMA identifies a need for a greater proportion of 3-4 bed affordable properties and a need for properties for older people. Affordable housing will be required on-site, unless the applicant has robust justification for why this is not feasible, only then will off-site or contributions in lieu be considered.

No on-site affordable housing would be provided in this instance and, whilst reference is made to the provision of 6no. affordable units on an adjacent site, the submitted Planning Statement sets out that a Section 106 agreement would not be considered to secure this due to the terms of the funding from the Homes and Communities Agency. Therefore, in this regard the LPA consider it reasonable on this occasion to impose a suitably worded planning condition which will secure the provision of the aforementioned units.

#### Design, Scale, Massing, Layout and Appearance, including Landscaping

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state 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 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

Section 10C of the Residential Design Guide SPD recommends a minimum distance of 21m be provided between main facing windows and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in the above standard may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above matters are achieved. The proposal largely adheres to the above minimum requirements and it is not considered that any property would be afforded an unsatisfactory level of amenity.

In design terms, for this particular scheme it is considered imperative that the current proposal provides a comprehensive form of development reflective of the adjacent ongoing housing development. The proposal is considered to be appropriate in terms of density and scale relative to the local context which creates a robust, logical and meaningful design solution in response to the constraints of the site. The massing of development is considered appropriate within the context of the site and the use of a range of house types of varying designs, footprints and height adds interest and quality to the overall scheme. The relatively simple, modern architectural style of the units reflects the design ethos of the adjacent scheme.

In terms of landscaping, the application has been accompanied by a suitable and comprehensive scheme which would contribute to creating a high quality and well

connected public realm. However, the final details of landscape planting, species mix and layout must still be agreed and it is therefore suggested that, should Members be minded to approve the application, a suitably worded conditions should be imposed on the permission.

#### Impact upon Residential Amenity

Having regard to UDP policy B2 as detailed above, the nearest dwellings to the application site would be those of the approved adjacent residential development to the east by David Wilson Homes which are not currently occupied. A distance of at least 23m would be afforded between the dwellings of these and the currently proposed scheme, which accords with the spacing standards set out by the Residential Design Guide SPD. In addition, a landscaped buffer would be retained between these developments. Accordingly, it is not considered that the proposal would compromise the amenity afforded to adjacent units as existing or prospective.

In respect of construction practices, it is advised that a suitably worded planning condition be imposed on any grant of consent which requires further information to be provided in respect of construction and delivery hours, plant/machinery, suppression of dust, noise etc.

#### Ground Contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would:

- (i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- (ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

In this regard the application is accompanied by a Desk Top Study which is currently under review. However it is not envisaged that the evidence within the report will give rise to any significant or insurmountable issues and as such it is recommended that this matter be dealt with by way of condition.



## Noise and Vibration

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Policy EN6 of the UDP states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development, if necessary. Where such measures are not practical, permission will normally be refused.

In respect of this matter the application and accompanying information has been reviewed by Environmental Health Officers and the following advice is offered. The development shall be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate level of protection conducive to good sleeping or resting conditions. The supporting information suggests that the above is achievable, a view which is not disputed by the LPA, and as such it is recommended that conditions be imposed on any grant of consent that requires the specific of the sound attenuation scheme to be adhered to.

## Odour

In keeping with the core principle of the NPPF cited in the previous section of this report, wherein a good standard of amenity for existing and future occupants of buildings is promoted, policy EN9 dictates that the relationship between proposed residential development and existing nearby uses giving rise to air pollution, dust or smell will be a material consideration.

As raised in the main report to the Sub-Committee, Northumbrian Water (NWL) has raised concerns that the proposed dwellings would be subjected to unpleasant odours dispelled by the Washington Sewerage Treatment Works, situated on the opposite side of Pattinson Road to the east of the site, which could give rise to complaints.

The Council's Environmental Health section has been consulted on this issue and concludes that, historically, it has received complaints from existing residents within the area surrounding the application site with regards to odours from the treatment works. A breakdown of the number of complaints received year on year is detailed as follows:

Year	No. of complaints
2005	1
2006	6
2007	3
2008	0
2009	1
2010	1
2011	2

The majority of these complaints were received as a result of equipment failure or breakdown as opposed to an odour associated with the day to day operation of the site and, in this regard, a notice under Section 80 of the Environmental Protection Act 1990, relating to statutory nuisances, has never been served. As such, on the basis of the evidence available it is not considered, on balance, that this issue is sufficient to warrant refusal of planning permission.

## Ecology and Wildlife

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

In this regard the application is accompanied by an addendum to the Penn Associates report 'Land South of Pattinson Road, Ecology, Issue 27 September 2010' which is currently being reviewed by the Council's Countryside Officer and the conclusions drawn from the submitted information will be detailed in a report to be circulated to Members.

## Conclusion

The above demonstrates that the proposed development is considered, on balance, to be acceptable in principle and it is anticipated that a further report concluding the outstanding matters will be presented to Members at the meeting.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 14/00768/LP4 Full Application

**Proposal:** **Change of use from community centre to single family dwelling with associated garden area, external alterations and erection of a single storey extension to create garden room. (Amended description 04.07.2014)**

**Location:** Hetton Community Centre Summerson Street Hetton-le-Hole Houghton-le-Spring DH5 9DL

**Ward:** Hetton

**Applicant:** Ms Angela Benkinson

**Date Valid:** 21 May 2014

**Target Date:** 16 July 2014

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## **PROPOSAL:**

The proposal relates to the change of use of Hetton Community Centre to a single family dwelling with associated garden areas. The change of use would include external alterations to the elevations of the building and the erection of a single storey extension to create a new garden room.

The host property has historically operated as a community centre however in 2008 The Hetton Community Association dissolved and the building has since remained vacant. The building is positioned between the southern most point of South Market Street and the northern most point of Summerson Street in a predominantly residential area of Hetton-le-Hole.

The existing building presents a predominantly bricked single storey structure of limited architectural detailing set within a wider plot of approximately 2100m<sup>2</sup>. The building is currently served by high level windows on three elevations with existing access points on the northern and western elevations. Beyond the confines of the host plot the land to the south and east currently appears to be used for grazing and forms part of a wider area of open space which also includes allotments. To the immediate east of the building is the residential terrace of Summerson Street.

The submitted plans indicate that the building is to be internally modified to provide for three bedrooms, a kitchen/dining room, a study, a store room, two W.C's, a utility room, a plant room and a large garaging area.

External modifications are to include a single extension to the western elevation in order to provide a garden room whilst new windows and doors are to be inserted on the northern and western elevations. Two large roller shutter doors are to be installed on the eastern elevation to allow for vehicular access in to the garage. The proposed curtilage of the plot is defined on the submitted site plan and this would appear to correspond with the existing curtilage that was observed during the officer site visit.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **13.06.2014**

## **REPRESENTATIONS:**

Consultations -

Neighbour representations - One letter of representation has been received to the application from the occupier of No.1 Summerson Street. Whilst no specific objections have been made and the occupier has stipulated that the change of use to a residential home is desirable, concerns have been expressed that the property and the associated land maybe used for a non residential use such as the storage of commercial/agricultural vehicles and the grazing of livestock/equine.

Network Management - It is observed that the property will have a large garage to house equestrian vehicles and further clarification has been requested as to whether the property is to be used as a commercial business. It has also been noted that the western boundary of the site abuts Summerson Street which is an unmade private street. In this respect the Advanced Payment Code as detailed under S.219 of the Highways Act 1980 would apply.

Northumbrian Water - No observations or recommendations have been received

## **POLICIES:**

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

B2 -Scale, massing layout and setting of new developments  
B3 -Protection of public/ private open space (urban green space)

CF2 -Consideration of alternative community uses when existing sites become surplus

L7 -Protection of recreational and amenity land

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

T22 -Parking standards in new developments

## **COMMENTS:**

The issues to consider in respect of this application are;

- The principle of the change of use
- Impact of development upon residential amenity
- Impact on visual amenity and street scene
- Parking and Traffic Implications -

Principle of use -

The site in question lies within an area designated as open space within the adopted Unitary Development Plan. As such policy L7 and B3 are applicable in this instance.

Policy L7 aims to protect land allocated for open space or outdoor recreation. This policy dictates that planning permission for other uses on such land will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made; or
- (ii) the development is for educational purposes; and
- (ii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

UDP Policy B3 goes on to state that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value and that proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

In respect of policy L7 it is noted that the proposal does not fully comply with the three criteria as laid out above. Nonetheless, other than the addition of a small scale extension it is clear that the works do not involve any substantial development rather within this area rather they relate to the re-use of a vacant building and the use of the existing land within the fenced curtilage for private garden. On this basis, it is considered that the development would have no significant effect on the amenity, recreational and wildlife habitat value of the site.

Similarly in respect of policy B3 it is not considered that the development would have a serious adverse effect on the amenity, recreational or nature conservation value of the land whilst it could conceivably be argued that the re-use of a vacant building would represent sustainable development that would contribute to the urban regeneration of the site.

In addition to the above as the building is currently allocated for a community use it is also necessary to consider the requirements of UDP Policy CF2. This policy requires such a community facility to be available for alternative public/community uses, unless evidence can be provided to demonstrate that there is no need for such a use or that it can be suitably accommodated elsewhere. This is supported by Paragraph 70 of the National Planning Policy Framework which states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should; 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.

With regards to the above the City Council's Estates and Valuation Section has provided a background to the site. As has been discussed, the building has remained dormant since 2008 when the community association dissolved. In 2009 the Council offered a 3 year lease to a number of local community groups who all expressed an interest. One of the groups submitted a business plan for the building (the other 2 did not) but this interest appeared to have ended in late 2009 and this group is now currently located in Hetton Lyons Country Park.

The building thereafter has sat empty with no expressions of interest until it was advertised for sale in August 2013. (as the building was in need of substantial expenditure to bring it back into use the Council were not in a position to lease it).

The sales particulars asked for financial bids and two bids and one application to lease the building to Hetton le Hole and Hetton Town Community Action Group for community uses were received. However with regard to the community use no sustainable business plan was provided and based on the Council's community policy (surplus building policy community benefit) there is no evidence of need for an additional community facility in Hetton. There is currently a large community hub at the Hetton Centre which is operated by Hetton Town Trust and it has been opined that any additional facilities could potentially harm the sustainability of that group who offer premises to the community.

Based on the above reasoning, it is considered that the principle of converting the building to a residential dwellinghouse is acceptable without adversely impacting on the land use or the level of community provision within Hetton-le-Hole. The proposal is therefore considered to comply with policies L7, B3 and CF2 of the UDP and Para 70 of the NPPF.

Impact of development upon residential amenity -

Policy B2 of the UDP requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should generally be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

The closest residential properties to the host building are located to the west on Summerson Street. Spacing of between 20m and 23m exists between the host

building and the front elevations of No's 3 to 6 Summerson Street whilst a 1.5m high fence currently subdivides the host plot from the adjacent private road.

For the most part this pre-existing spacing would not be curtailed as only minor fenestration changes are proposed to the western elevation with the subject windows serving a study and bedroom. It is however noted that a new garden room is also to be located on this elevation which would reduce spacing to approximately 16m to 17m in front of No's 3 and 4 respectively. Whilst this is below the 21m recommended above, this in effect a relatively small scale extension to the building and it is acknowledged that many small scale extensions to properties will generally impinge on spacing standards to some degree. The vast majority of the main building does adhere to these standards and it is further noted that the established spacing within the area is well below the 21m guideline. (Spacing between the front elevations on South Market Street is just 11m)

On the basis of the above, it is not considered that the proposed works to the building would have any significant demonstrable harm to the opposing occupiers on Summerson Street in terms of loss of outlook, loss of privacy or a loss of day/sunlight. Notwithstanding the above, subject to permission being granted it is considered prudent to remove permitted development rights for future residential extensions to the property, given the proximity of the properties on Summerson Street.

To the north of the building spacing of approximately 18m is retained between the side gable wall of the new build dwelling(s) constructed on the site of the former band hall. There are no primary windows located within the side gable of this property therefore no direct overlooking or loss of privacy would occur from the introduction of the new windows proposed on the northern elevation of the host building.

One representation has been received from a nearby resident based on the future use of the premises and concerns have been raised that the occupier would be running a business from the property given the size of the garaging area and the fact that sheep are currently grazing within areas around the plot. The agent has clarified that the property is to be used as a single family dwelling and on the basis of the plans submitted, there are no significant grounds to consider that the applicant is proposing to utilise the property for anything other than a residential dwelling.

Clearly were this is found not to be the case in the future, then additional considerations would need to be given to the extent of the operations that were being carried out from within the site. The basis of whether a material change of use of land or building had occurred would very much depend on factor and degree. For instance the mere garaging of a small number of equestrian vehicles is likely to be simply ancillary to the main residential use of the property as indeed would be the grazing of horses or sheep on the proviso that they were not being grazed in connection with a business operated on the land.

In view of the above, it is considered that the proposed development would not significantly impinge on the living conditions of nearby occupiers therefore the proposal accords with policy B2 of the UDP.

#### Impact on visual amenity and streetscene -

In its current form the building and the surrounding grounds are rather unkempt whilst the building itself is of limited aesthetic value. Whilst the proposed roller shutter doors required to accommodate vehicular access to the garage are large, they are to be positioned on a non prominent elevation of the building and would thus be of little evidence within the fronting street scene. Some additional areas of hardstanding are proposed on the western elevation around the new garden room and around the eastern corner adjacent to the garage access. This aside, the application indicates that the majority of the existing grassed areas and hardstanding areas are to remain. One discrepancy has been observed on the existing and proposed site plans in relation to the southern boundary fence. These plans show a 9m distance between the gable of the existing building and the fence line rather than the approximate 4m distance which is currently evident. The agent has acknowledged this oversight and a revised plan is to be submitted to regularise this matter.

On the whole it is considered that the proposed fenestration alterations and the general works required to upgrade the building and land for residential use can only enhance its visual appearance within the context of the area. In this respect the proposal is considered to accord with the provisions of UDP policy B2.

#### Parking and Traffic Implications -

Policy T14 of the UDP 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 addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided

The proposed plans adequately demonstrate that the site has ample areas of hardstanding and would provide an extremely large garaging area for vehicles. In this respect, the proposal can quite easily provide accessible parking within the curtilage of the site and therefore complies with policies T14 and T22.

#### Conclusion -

For the reasons provided in this report it is considered that the scheme is acceptable in principle and does not have any significant adverse impact on visual or residential amenity whilst providing adequate in-curtilage parking. The proposal therefore complies with policies L7, B3, CF2, B2, T14 and T22 of the UDP.

Accordingly it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended)

**RECOMMENDATION: GRANT PP Under Regulation 4**



## Conditions:

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

The elevations as existing and proposed received 02.04.2014, (Plan refs: SCC/MA0363/100 and SCC/MA0363/200)

The site existing and proposed site plans as amended received  
(.....)

The location plan received 02.04.2014 (Plan refs: SCC/MA063/001).

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, hardstanding, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The construction works for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the saved adopted Unitary Development Plan.
- 5 Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 or any subsequent re-enactment of those Orders, no development shall be undertaken within the curtilage of the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order to retain control over the development, to protect the amenities of adjacent residents and to comply with policies B2 of the adopted Unitary Development Plan.

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**Reference No.:** 14/01205/LAP Development by City(Regulation 3)

**Proposal:** **Creation of a multi-use games area with associated fencing, lighting and ramps.**

**Location:** Easington Lane Primary School High Street Easington Lane  
Houghton-le-Spring DH5 0JT

**Ward:** Hetton  
**Applicant:** Childrens Services  
**Date Valid:** 21 May 2014  
**Target Date:** 16 July 2014

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**PROPOSAL:**

The proposal relates to the creation of multi use sports area (MUGA) with associated fencing, lighting and ramps at Easington Lane Primary School, Easington Lane, Houghton le Spring.

The school, which was constructed in 2006, occupies a 2ha site and is positioned to the north of Easington Lane. Outside the confines of the site the surroundings of the school are primarily residential with dwellings to the north and west. A mixture of further residential dwellings and commercial uses are located on Easington Lane to the south whilst an area of open space sits to the east.

Members may recall that the proposed MUGA was withdrawn from previously approved application 14/00367/LAP as the City Council's Public Health section requested that a noise assessment was undertaken to determine whether the level of noise emanating from the MUGA was likely to give rise to complaints from residents of nearby housing.

The above assessment has now been completed and has been submitted with the application. The proposed development would involve the installation of a multi-user games area (MUGA) enclosed by powder coated mesh fencing to a maximum height of 4.5m. The games area would be located towards the western extent of the schools playing field and is to be accessed via gates and a ramp which are to be erected/installed to the south of the pitch. The MUGA would be lit by 4no. 8m high lighting columns.

The accompanying Design and Access Statement confirms that the principle use of the MUGA would be to allow school pupils to play football, hockey, tennis etc all year round. The secondary purpose for the games area is to hire out the facility to members of the public out of school hours. Further correspondence has been received from the agent confirming that it is the intention of the school to utilise the MUGA between the hours of 9am and 9pm Monday to Friday and 9am and 5pm on Saturdays and Sundays.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Hetton - Ward Councillor Consultation  
Hetton Town Council  
Network Management  
Sport England  
Environmental Health

Final Date for Receipt of Representations: **09.07.2014**

## **REPRESENTATIONS:**

Neighbour representation

To date, no representations have been received in response to the neighbour letters generated or the public site notice posted. However, as the public consultation period does not expire until 9 July 2014, representations could still be received at this time.

Consultation responses

Network Management - Have noted that the proposed extensions would primarily replace existing temporary classrooms and that no additional user numbers are proposed in terms of employees or pupils.

One observation has been made in respect of MUGA wherein it has been recommended that the out of hours use for members of the public be co-ordinated so that the both areas of the schools car park can be used after the staff have left for the day.

Environmental Health -  
Awaiting response

Sport England - Within the previous application Sport England commented that the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

In this respect, Sport England raised no objection to the proposal. It was however requested that the imposition of a community use condition in respect of the MUGA was attached to any approval granted. It is noted that no response has yet been received to this application although it is anticipated that it will remain consistent with the above given that the proposed development has not changed.

Hetton Town Council - Although no response has been received to this submission, members previously commented that the presence of the floodlights could be an issue for local residents by way of an inconvenience, however the facility was welcomed in the village and therefore no objections have been recorded.

## **POLICIES:**

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

B2 -Scale, massing layout and setting of new developments

EN10 -Proposals for unallocated sites to be compatible with the neighbourhood

CF5 -Provision for primary and secondary schools

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

T22 -Parking standards in new developments

## **COMMENTS:**

Issues to consider

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

- the principle of the proposed development;
- the impact of the development on visual amenity;
- the impact of the development on residential amenity;
- the impact of the development on highway safety
- any issues raised by Sport England

### **1. Principle of development**

The application site is not allocated for a specific use by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such, policy EN10 therein is applicable. This states that where there is no specific land use allocation, new development should respect and complement the existing pattern of land use. In this case, the development additional facilities for the existing educational establishment and will be primarily used for purposes associated with the educational use. As such, the proposed development is considered to be appropriate and consistent with the prevailing pattern of land use, in accordance with the requirements of policy EN10.

Given the nature of the site, the proposals are also subject to policy CF5. Policy CF5 states that primary and secondary education needs will be accommodated primarily on existing sites and on other sites provided that the impact on the amenity of the neighbourhood is acceptable and the traffic generated can be safely accommodated. Such matters will be considered below.

### **2. Impact of development on visual amenity**

Policy B2 of the UDP requires new development proposals to respect visual amenity. The MUGA is to be erected within the confines of the school grounds

and is to be bound by mesh fencing to a maximum height of 4.5m. The fencing would be powder coated dark green to help assimilate into the back drop provided by the wider playing field. The 4no lighting columns would be erected to a height of 8m and positioned approximately 40m away from the nearest residential property. Such distances should ensure that the structures do not appear incongruous or visually harmful within the locality.

The school building is set well back from Easington Lane and the proposed development is positioned in such a manner that it would have no demonstrable visual impact within the context of the surrounding area. In respect of 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 policy B2 and CF5 of the UDP.

### 3. Impact of development on residential amenity

The main issue to consider is the perceived impact the use of the MUGA would have on the living conditions of surrounding residential occupiers. The site is bound, in part, by residential properties with the closest dwelling on North View sitting approximately 70m away and closest property on The Poplars sitting approximately 40m away. Clearly the pre-existing situation for these properties is that they are located within relative proximity to the school and that a level of noise and disturbance would therefore be expected within school term time and particularly during break times when pupils are playing outside. In this respect any potential noise and disturbance associated with the MUGA during these periods is unlikely to be unreasonable and consistent with the pre-existing situation.

Nonetheless, the secondary purpose for the games area is to hire out the facility to members of the public (out of school hours) between the times of 9am and 9pm Monday to Friday and 9am and 5pm on Saturdays and Sundays.

Whilst it is noted that no objections have been received from any surrounding occupiers to date, it is wholly reasonable to consider the potential implications the MUGA would have on the living conditions of nearby residential occupiers during these periods outside of school hours. The content of the submitted noise assessment is still being considered by Public Health and it is expected that such issues relating to noise, disturbance and the potential impacts of the flood lighting will be addressed therein. As such it is anticipated that these matters will be considered in a supplementary report to committee.

### 4. Impact on highway safety

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

In response to consultation, the Council's Network Management team have noted that the proposed development would not result in significant changes to user numbers and that there would be no change to existing employee numbers.

The application form states that there are 35 parking bays within the curtilage of the school and the existing provision is considered to be adequate to cater for

any additional users the MUGA may generate. However one observation has been made on the basis that the MUGA would be hired out to the community out of school hours. It is suggested that the staff car park should be made available to members of the public after school hours in order to ensure that all parking would be retained within the site. A planning condition can be placed on the application to ensure that the staff parking area would be available to users of the MUGA outside of school hours.

#### 5. Sport England

Sport England are currently considering the proposal in light of its playing field policy, the aim of which is to ensure an adequate supply of sports fields and seeks to protect sports pitches from development. Clarification on the response from Sport England will be provided within a supplementary report to committee.

#### Conclusion

Whilst matters pertaining to principle, visual amenity and highways have been all been considered and deemed acceptable, outstanding matters relating to the impact of the development on residential amenity and the school playing field are still subject to consultation whilst the public consultation period does not expire until 7 July 2014. It is therefore anticipated that these outstanding issues will be considered and presented to members in a supplementary report to committee.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 14/01269/LP4 LP4 (Regulation 4) 3rd Party Developer

**Proposal:** **Removal of the existing external glazed lobby and construction of a new lobby with access ramp.**

**Location:** TRW Transportation Electronics Ltd Mercantile Road  
Rainton Bridge Industrial Estate Houghton-le-Spring DH4 5PH

**Ward:** Hetton  
**Applicant:** Mrs Janet Snaith  
**Date Valid:** 3 June 2014  
**Target Date:** 29 July 2014

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**PROPOSAL:**

The proposal relates to the removal of the existing glazed lobby and construction of a new lobby with access ramp at TRW Transportation Electronics Ltd, Mercantile Road, Rainton Bridge Industrial Estate, Houghton-le-Spring.

The replacement lobby seeks to improve the overall access and appearance of the main entrance to the factory unit.

Measuring an overall width of 7.64 metres which comprises a canopy supported above two steel columns that projects 2.58 metres from the front building line of the unit, with a smaller curtain glazed lobby area of width 5.76 metres with a projection of 1.51 metres contained below the structure that has a maximum of height of 5.1 metres.

The lobby structure provides a pair of double sliding doors in the south west facing elevation, whilst a secondary door in the south east facing elevation leads to the shallow gradient entrance ramp with associated handrail.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Hetton - Ward Councillor Consultation  
Hetton Town Council

Final Date for Receipt of Representations: **09.07.2014**

## **REPRESENTATIONS:**

No representations received

## **POLICIES:**

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

EC4 -Retention and improvement of existing business and industrial land  
B2 -Scale, massing layout and setting of new developments  
T14 -Accessibility of new developments, need to avoid congestion and safety problems arising  
HA1 -Retention and improvement of established industrial / business areas

## **COMMENTS:**

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

- Principle of development.
- Design and external appearance.
- Highway implications.

Principle of development.

The application site is located within Rainton Bridge Industrial Estate, which is an allocated industrial/business area on the approved Unitary Development Plan (UDP) and as such is covered by policies HA1.5 and EC4. The use of the building within the curtilage of the site is considered to be acceptable and in accordance with the aforementioned policies of the approved UDP. The principle of the scheme is therefore considered to be acceptable.

Design and external appearance.

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

With this in mind, it is considered that the size and form of the proposal will not detract from the appearance of the host unit or wider area. The proposed development is to match the materials and treatment of the existing building while the limited scale of the proposal when read against the backdrop of the original building is likely to be acceptable.

As such it is considered that the design and external appearance of the proposed lobby is satisfactory and complies with the requirements of Policy B2 of the UDP.



Highway Implications.

UDP policy T14 aims to ensure that new developments do not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. The proposal has been submitted in order to create more inclusive accessibility and in this regard the Network Management Team has not raised any highway safety concerns.

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

## Conclusion

For the reasons given in this report it is considered that the lobby redevelopment is acceptable in principle and does not have any significant adverse impact upon visual amenity or highway safety. The scheme therefore complies with policies B2 and T14 of the UDP. It is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) and subject to the conditions below.

## **RECOMMENDATION: GRANT PP Under Regulation 4**

### **Conditions:**

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

Drawing No. AL(0)400 Site Plan as Existing received 30.05.2014.

Drawing No. AL(0)401 Ground Floor Plan as Existing received 30.05.2014.

Drawing No. AL(0)402 Front Elevation as Existing received 30.05.2014.

Drawing No. AL(0)LP03 Location Plan received 30.05.2014.

Drawing No. AL(0)403 Side Elevations as Existing received 30.05.2014.

Drawing No. AL(0)404 Site Plan as Proposed received 30.05.2014.

Drawing No. AL(0)405 Ground Floor Plan as Proposed received 30.05.2014.

Drawing No. AL(0)406 Front Elevations as Proposed received 30.05.2014.

Drawing No. AL(0)407 Side Elevations as Proposed received 30.05.2014.

Drawing No. AL(0)408 Section A-A as Proposed received 30.05.2014.

Drawing No. AL(0)409 Section B-B as Proposed received 30.05.2014.

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

- 3 Notwithstanding 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.